

**Domestic Relations Recodification**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

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

This bill recodifies and amends statutes related to domestic relations.

**Highlighted Provisions:**

This bill:

- clarifies the jurisdiction of the juvenile and district courts with regard to adoptions;
- clarifies and coordinates definitions related to domestic relations, including the terms,

"parent" and "child";

- recodifies and amends Title 78B, Chapter 15, Utah Uniform Parentage Act, to Title 81, Chapter 5, Uniform Parentage Act, including:

- changing the term, "support-enforcement agency" to "child support services agency," in Title 81, Chapter 5, Uniform Parentage Act;

- revising gender-specific terminology to be gender neutral; and

- clarifying the establishment of a parent-child relationship;

- recodifies and amends Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act, to Title 81, Chapter 8, Uniform Interstate Family Support Act, including:

- defining terms to coordinate with changes to Title 81, Chapter 5, Uniform Parentage Act; and

- changing the term, "support-enforcement agency" to "child support services agency," in Title 81, Chapter 8, Uniform Interstate Family Support Act;

- recodifies Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and Visitation Act, to Title 81, Chapter 10, Uniform Deployed Parents Custody, Parent-time, and Visitation Act;

- recodifies Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act, to Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act;

- recodifies Title 78B, Chapter 6, Part 1, Utah Adoption Act, to Title 81, Chapter 13, Adoption;

- clarifies provisions regarding adoption, including:

- 32           • the definitions for adoption, adoptee, birth mother, birth parent, and pre-existing  
33 parent;
- 34           • access to adoption records by a potential birth father that is allowed to intervene in an  
35 adoption proceeding;
- 36           • that a petitioner's home includes a temporary place of abode in regards to the  
37 requirement that a child-placing agency may delegate the responsibility for the care,  
38 maintenance, and support of a minor child once the petitioner has received the minor  
39 child into the petitioner's home for the purpose of adoption;
- 40           • clarifying the time periods associated with adoption; and
- 41           • the requirements for adopting an adult;
- 42         ▸ allows an adoption proceeding to be brought in a judicial district rather than a county;
- 43         ▸ repeals a requirement requiring a petition for adoption of a minor child to be filed within  
44 30 days of the minor child being placed in the home of the prospective adoptive parents;
- 45         ▸ repeals a statute requiring a person filing a petition for the adoption of an alien child to  
46 include written evidence of lawful admission of the alien child;
- 47         ▸ recodifies Title 78B, Chapter 24, Uniform Unregulated Child Custody Transfer Act, to  
48 Title 81, Chapter 14, Uniform Unregulated Child Custody Transfer Act; and
- 49         ▸ makes technical and conforming changes.

50 **Money Appropriated in this Bill:**

51         None

52 **Other Special Clauses:**

53         None

54 **Utah Code Sections Affected:**

55 AMENDS:

56         **10-3-1103**, as last amended by Laws of Utah 2022, Chapters 166, 177

57         **17-33-5**, as last amended by Laws of Utah 2022, Chapters 166, 177

58         **26B-1-202**, as last amended by Laws of Utah 2024, Chapter 506

59         **26B-2-104**, as last amended by Laws of Utah 2024, Chapters 240, 307

60         **26B-2-127**, as last amended by Laws of Utah 2023, Chapter 466 and renumbered and  
61 amended by Laws of Utah 2023, Chapter 305

62         **26B-3-108**, as last amended by Laws of Utah 2024, Chapter 284

63         **26B-5-316**, as last amended by Laws of Utah 2024, Chapter 366

64         **26B-6-411**, as last amended by Laws of Utah 2024, Chapter 366

65         **26B-8-101**, as last amended by Laws of Utah 2024, Chapter 366

- 66 **26B-8-102**, as renumbered and amended by Laws of Utah 2023, Chapter 306  
67 **26B-8-104**, as last amended by Laws of Utah 2024, Chapter 295  
68 **26B-8-110**, as renumbered and amended by Laws of Utah 2023, Chapter 306  
69 **26B-8-119**, as renumbered and amended by Laws of Utah 2023, Chapter 306  
70 **26B-8-125**, as renumbered and amended by Laws of Utah 2023, Chapter 306  
71 **26B-8-128**, as last amended by Laws of Utah 2023, Chapter 289 and renumbered and  
72 amended by Laws of Utah 2023, Chapter 306  
73 **26B-8-131**, as renumbered and amended by Laws of Utah 2023, Chapter 306  
74 **26B-9-101**, as last amended by Laws of Utah 2024, Chapter 366  
75 **26B-9-104**, as last amended by Laws of Utah 2024, Chapter 366  
76 **26B-9-108**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
77 **26B-9-205**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
78 **26B-9-206**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
79 **26B-9-207**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
80 **26B-9-209**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
81 **26B-9-212**, as last amended by Laws of Utah 2024, Chapter 366  
82 **26B-9-213**, as last amended by Laws of Utah 2024, Chapter 366  
83 **26B-9-230**, as last amended by Laws of Utah 2024, Chapter 366  
84 **35A-3-308**, as last amended by Laws of Utah 2023, Chapter 328  
85 **53-10-108**, as last amended by Laws of Utah 2023, Chapter 328  
86 **53B-1-119**, as enacted by Laws of Utah 2024, Chapter 378  
87 **53G-11-209**, as enacted by Laws of Utah 2024, Chapter 48  
88 **58-60-112**, as last amended by Laws of Utah 2024, Chapter 366  
89 **63A-17-106**, as last amended by Laws of Utah 2024, Chapter 397  
90 **63J-1-602.1**, as last amended by Laws of Utah 2024, Chapters 88, 501  
91 **63J-1-602.2**, as last amended by Laws of Utah 2024, Chapters 241, 285, 425, and 467  
92 **75-2-114**, as last amended by Laws of Utah 2014, Chapter 142  
93 **75-5-209**, as last amended by Laws of Utah 2021, Chapter 262  
94 **76-5-301.2**, as enacted by Laws of Utah 2023, Chapter 125  
95 **76-7-102**, as last amended by Laws of Utah 2022, Chapter 217  
96 **77-38b-102**, as last amended by Laws of Utah 2024, Chapter 330  
97 **78A-5-102**, as last amended by Laws of Utah 2024, Chapter 158  
98 **78A-5a-103**, as last amended by Laws of Utah 2024, Chapters 158, 366  
99 **78A-6-103**, as last amended by Laws of Utah 2024, Chapter 366

100 **78A-6-104**, as last amended by Laws of Utah 2024, Chapter 366  
101 **78A-6-356**, as last amended by Laws of Utah 2024, Chapter 366  
102 **78A-6-358**, as last amended by Laws of Utah 2023, Chapter 115  
103 **78A-6-359**, as last amended by Laws of Utah 2022, Chapter 442  
104 **78B-3-205**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
105 **78B-3-416**, as last amended by Laws of Utah 2024, Chapter 366  
106 **78B-22-201**, as last amended by Laws of Utah 2022, Chapter 281  
107 **78B-22-901**, as last amended by Laws of Utah 2023, Chapter 229  
108 **78B-22-903**, as last amended by Laws of Utah 2023, Chapter 229  
109 **80-1-102**, as last amended by Laws of Utah 2024, Chapter 256  
110 **80-2-503.5**, as last amended by Laws of Utah 2024, Chapter 276  
111 **80-2-702**, as last amended by Laws of Utah 2022, Chapter 308 and renumbered and  
112 amended by Laws of Utah 2022, Chapter 334 and last amended by Coordination Clause, Laws  
113 of Utah 2022, Chapter 334  
114 **80-2-802**, as last amended by Laws of Utah 2023, Chapter 330  
115 **80-2-803**, as last amended by Laws of Utah 2023, Chapter 330  
116 **80-2-906**, as last amended by Laws of Utah 2024, Chapter 366  
117 **80-2-909**, as last amended by Laws of Utah 2024, Chapter 267  
118 **80-2-1005**, as last amended by Laws of Utah 2023, Chapter 330  
119 **80-2a-101**, as enacted by Laws of Utah 2022, Chapter 334 and last amended by  
120 Coordination Clause, Laws of Utah 2022, Chapter 334  
121 **80-2a-201**, as last amended by Laws of Utah 2023, Chapter 320  
122 **80-2a-304**, as last amended by Laws of Utah 2022, Chapter 287 and renumbered and  
123 amended by Laws of Utah 2022, Chapter 334  
124 **80-3-102**, as last amended by Laws of Utah 2022, Chapters 287, 334  
125 **80-3-107**, as last amended by Laws of Utah 2022, Chapter 335  
126 **80-3-204**, as last amended by Laws of Utah 2023, Chapter 330  
127 **80-3-301**, as last amended by Laws of Utah 2023, Chapter 309  
128 **80-3-302**, as last amended by Laws of Utah 2023, Chapters 309, 330  
129 **80-3-307**, as last amended by Laws of Utah 2023, Chapters 309, 320  
130 **80-3-405**, as last amended by Laws of Utah 2023, Chapters 309, 320 and 330  
131 **80-3-409**, as last amended by Laws of Utah 2024, Chapter 240  
132 **80-3-502**, as renumbered and amended by Laws of Utah 2021, Chapter 261  
133 **80-4-104**, as last amended by Laws of Utah 2024, Chapter 293

- 134 **80-4-106**, as last amended by Laws of Utah 2022, Chapter 334  
 135 **80-4-203**, as last amended by Laws of Utah 2022, Chapter 335  
 136 **80-4-302**, as last amended by Laws of Utah 2023, Chapter 330  
 137 **80-4-307**, as last amended by Laws of Utah 2024, Chapter 98  
 138 **80-4-502**, as last amended by Laws of Utah 2023, Chapter 139  
 139 **80-7-102**, as renumbered and amended by Laws of Utah 2021, Chapter 261  
 140 **81-1-101**, as enacted by Laws of Utah 2024, Chapter 366  
 141 **81-1-202**, as enacted by Laws of Utah 2024, Chapter 366  
 142 **81-4-404**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 143 **81-9-202**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 144 **81-9-203**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 145 **81-9-204**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 146 **81-9-208**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 147 **81-9-303**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 148 **81-9-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
 149 **81-9-402**, as renumbered and amended by Laws of Utah 2024, Chapter 366

## 150 ENACTS:

- 151 **81-5-105**, Utah Code Annotated 1953  
 152 **81-13-201**, Utah Code Annotated 1953  
 153 **81-13-204**, Utah Code Annotated 1953  
 154 **81-13-301**, Utah Code Annotated 1953  
 155 **81-13-304**, Utah Code Annotated 1953  
 156 **81-13-305**, Utah Code Annotated 1953  
 157 **81-13-306**, Utah Code Annotated 1953  
 158 **81-13-401**, Utah Code Annotated 1953  
 159 **81-13-501**, Utah Code Annotated 1953

## 160 RENUMBERS AND AMENDS:

- 161 **81-5-102**, (Renumbered from 78B-15-102, as last amended by Laws of Utah 2024,  
 162 Chapter 366)  
 163 **81-5-103**, (Renumbered from 78B-15-103, as renumbered and amended by Laws  
 164 of Utah 2008, Chapter 3)  
 165 **81-5-104**, (Renumbered from 78B-15-104, as last amended by Laws of Utah 2023,  
 166 Chapter 330)  
 167 **81-5-201**, (Renumbered from 78B-15-201, as last amended by Laws of Utah 2017,

168 Chapter 156)  
169 **81-5-202**, (Renumbered from 78B-15-202, as renumbered and amended by Laws  
170 of Utah 2008, Chapter 3)  
171 **81-5-203**, (Renumbered from 78B-15-203, as renumbered and amended by Laws  
172 of Utah 2008, Chapter 3)  
173 **81-5-204**, (Renumbered from 78B-15-204, as renumbered and amended by Laws  
174 of Utah 2008, Chapter 3)  
175 **81-5-301**, (Renumbered from 78B-15-301, as renumbered and amended by Laws  
176 of Utah 2008, Chapter 3)  
177 **81-5-302**, (Renumbered from 78B-15-302, as renumbered and amended by Laws  
178 of Utah 2008, Chapter 3)  
179 **81-5-303**, (Renumbered from 78B-15-303, as renumbered and amended by Laws  
180 of Utah 2008, Chapter 3)  
181 **81-5-304**, (Renumbered from 78B-15-304, as renumbered and amended by Laws  
182 of Utah 2008, Chapter 3)  
183 **81-5-305**, (Renumbered from 78B-15-305, as renumbered and amended by Laws  
184 of Utah 2008, Chapter 3)  
185 **81-5-306**, (Renumbered from 78B-15-306, as renumbered and amended by Laws  
186 of Utah 2008, Chapter 3)  
187 **81-5-307**, (Renumbered from 78B-15-307, as renumbered and amended by Laws  
188 of Utah 2008, Chapter 3)  
189 **81-5-308**, (Renumbered from 78B-15-308, as renumbered and amended by Laws  
190 of Utah 2008, Chapter 3)  
191 **81-5-309**, (Renumbered from 78B-15-309, as renumbered and amended by Laws  
192 of Utah 2008, Chapter 3)  
193 **81-5-310**, (Renumbered from 78B-15-310, as renumbered and amended by Laws  
194 of Utah 2008, Chapter 3)  
195 **81-5-311**, (Renumbered from 78B-15-311, as renumbered and amended by Laws  
196 of Utah 2008, Chapter 3)  
197 **81-5-312**, (Renumbered from 78B-15-312, as renumbered and amended by Laws  
198 of Utah 2008, Chapter 3)  
199 **81-5-313**, (Renumbered from 78B-15-313, as renumbered and amended by Laws  
200 of Utah 2008, Chapter 3)  
201 **81-5-401**, (Renumbered from 78B-15-401, as renumbered and amended by Laws

202 of Utah 2008, Chapter 3)  
203 **81-5-402**, (Renumbered from 78B-15-402, as renumbered and amended by Laws  
204 of Utah 2008, Chapter 3)  
205 **81-5-403**, (Renumbered from 78B-15-403, as renumbered and amended by Laws  
206 of Utah 2008, Chapter 3)  
207 **81-5-404**, (Renumbered from 78B-15-404, as renumbered and amended by Laws  
208 of Utah 2008, Chapter 3)  
209 **81-5-405**, (Renumbered from 78B-15-405, as renumbered and amended by Laws  
210 of Utah 2008, Chapter 3)  
211 **81-5-406**, (Renumbered from 78B-15-406, as renumbered and amended by Laws  
212 of Utah 2008, Chapter 3)  
213 **81-5-407**, (Renumbered from 78B-15-407, as renumbered and amended by Laws  
214 of Utah 2008, Chapter 3)  
215 **81-5-408**, (Renumbered from 78B-15-408, as renumbered and amended by Laws  
216 of Utah 2008, Chapter 3)  
217 **81-5-409**, (Renumbered from 78B-15-409, as renumbered and amended by Laws  
218 of Utah 2008, Chapter 3)  
219 **81-5-410**, (Renumbered from 78B-15-410, as renumbered and amended by Laws  
220 of Utah 2008, Chapter 3)  
221 **81-5-501**, (Renumbered from 78B-15-501, as renumbered and amended by Laws  
222 of Utah 2008, Chapter 3)  
223 **81-5-502**, (Renumbered from 78B-15-502, as renumbered and amended by Laws  
224 of Utah 2008, Chapter 3)  
225 **81-5-503**, (Renumbered from 78B-15-503, as renumbered and amended by Laws  
226 of Utah 2008, Chapter 3)  
227 **81-5-504**, (Renumbered from 78B-15-504, as renumbered and amended by Laws  
228 of Utah 2008, Chapter 3)  
229 **81-5-505**, (Renumbered from 78B-15-505, as renumbered and amended by Laws  
230 of Utah 2008, Chapter 3)  
231 **81-5-506**, (Renumbered from 78B-15-506, as renumbered and amended by Laws  
232 of Utah 2008, Chapter 3)  
233 **81-5-507**, (Renumbered from 78B-15-507, as renumbered and amended by Laws  
234 of Utah 2008, Chapter 3)  
235 **81-5-508**, (Renumbered from 78B-15-508, as renumbered and amended by Laws

236 of Utah 2008, Chapter 3)  
237 **81-5-509**, (Renumbered from 78B-15-509, as renumbered and amended by Laws  
238 of Utah 2008, Chapter 3)  
239 **81-5-510**, (Renumbered from 78B-15-510, as renumbered and amended by Laws  
240 of Utah 2008, Chapter 3)  
241 **81-5-511**, (Renumbered from 78B-15-511, as renumbered and amended by Laws  
242 of Utah 2008, Chapter 3)  
243 **81-5-601**, (Renumbered from 78B-15-601, as renumbered and amended by Laws  
244 of Utah 2008, Chapter 3)  
245 **81-5-602**, (Renumbered from 78B-15-602, as renumbered and amended by Laws  
246 of Utah 2008, Chapter 3)  
247 **81-5-603**, (Renumbered from 78B-15-603, as last amended by Laws of Utah 2024,  
248 Chapter 366)  
249 **81-5-604**, (Renumbered from 78B-15-604, as renumbered and amended by Laws  
250 of Utah 2008, Chapter 3)  
251 **81-5-605**, (Renumbered from 78B-15-605, as renumbered and amended by Laws  
252 of Utah 2008, Chapter 3)  
253 **81-5-606**, (Renumbered from 78B-15-606, as renumbered and amended by Laws  
254 of Utah 2008, Chapter 3)  
255 **81-5-607**, (Renumbered from 78B-15-607, as last amended by Laws of Utah 2017,  
256 Chapter 156)  
257 **81-5-608**, (Renumbered from 78B-15-608, as renumbered and amended by Laws  
258 of Utah 2008, Chapter 3)  
259 **81-5-609**, (Renumbered from 78B-15-609, as renumbered and amended by Laws  
260 of Utah 2008, Chapter 3)  
261 **81-5-610**, (Renumbered from 78B-15-610, as last amended by Laws of Utah 2024,  
262 Chapter 366)  
263 **81-5-611**, (Renumbered from 78B-15-611, as renumbered and amended by Laws  
264 of Utah 2008, Chapter 3)  
265 **81-5-612**, (Renumbered from 78B-15-612, as last amended by Laws of Utah 2021,  
266 Chapter 262)  
267 **81-5-613**, (Renumbered from 78B-15-613, as renumbered and amended by Laws  
268 of Utah 2008, Chapter 3)  
269 **81-5-614**, (Renumbered from 78B-15-614, as renumbered and amended by Laws



270 of Utah 2008, Chapter 3)  
271 **81-5-615**, (Renumbered from 78B-15-615, as renumbered and amended by Laws  
272 of Utah 2008, Chapter 3)  
273 **81-5-616**, (Renumbered from 78B-15-616, as renumbered and amended by Laws  
274 of Utah 2008, Chapter 3)  
275 **81-5-617**, (Renumbered from 78B-15-617, as renumbered and amended by Laws  
276 of Utah 2008, Chapter 3)  
277 **81-5-618**, (Renumbered from 78B-15-618, as renumbered and amended by Laws  
278 of Utah 2008, Chapter 3)  
279 **81-5-619**, (Renumbered from 78B-15-619, as renumbered and amended by Laws  
280 of Utah 2008, Chapter 3)  
281 **81-5-620**, (Renumbered from 78B-15-620, as renumbered and amended by Laws  
282 of Utah 2008, Chapter 3)  
283 **81-5-621**, (Renumbered from 78B-15-621, as renumbered and amended by Laws  
284 of Utah 2008, Chapter 3)  
285 **81-5-622**, (Renumbered from 78B-15-622, as renumbered and amended by Laws  
286 of Utah 2008, Chapter 3)  
287 **81-5-623**, (Renumbered from 78B-15-623, as last amended by Laws of Utah 2024,  
288 Chapter 366)  
289 **81-5-701**, (Renumbered from 78B-15-701, as renumbered and amended by Laws  
290 of Utah 2008, Chapter 3)  
291 **81-5-702**, (Renumbered from 78B-15-702, as renumbered and amended by Laws  
292 of Utah 2008, Chapter 3)  
293 **81-5-703**, (Renumbered from 78B-15-703, as renumbered and amended by Laws  
294 of Utah 2008, Chapter 3)  
295 **81-5-704**, (Renumbered from 78B-15-704, as renumbered and amended by Laws  
296 of Utah 2008, Chapter 3)  
297 **81-5-705**, (Renumbered from 78B-15-705, as renumbered and amended by Laws  
298 of Utah 2008, Chapter 3)  
299 **81-5-706**, (Renumbered from 78B-15-706, as renumbered and amended by Laws  
300 of Utah 2008, Chapter 3)  
301 **81-5-707**, (Renumbered from 78B-15-707, as renumbered and amended by Laws  
302 of Utah 2008, Chapter 3)  
303 **81-5-708**, (Renumbered from 78B-15-708, as enacted by Laws of Utah 2015,

304 Chapter 159)  
305 **81-5-801**, (Renumbered from 78B-15-801, as last amended by Laws of Utah 2024,  
306 Chapter 367)  
307 **81-5-802**, (Renumbered from 78B-15-802, as last amended by Laws of Utah 2024,  
308 Chapter 367)  
309 **81-5-803**, (Renumbered from 78B-15-803, as last amended by Laws of Utah 2024,  
310 Chapter 367)  
311 **81-5-804**, (Renumbered from 78B-15-804, as renumbered and amended by Laws  
312 of Utah 2008, Chapter 3)  
313 **81-5-805**, (Renumbered from 78B-15-805, as renumbered and amended by Laws  
314 of Utah 2008, Chapter 3)  
315 **81-5-806**, (Renumbered from 78B-15-806, as last amended by Laws of Utah 2024,  
316 Chapter 367)  
317 **81-5-807**, (Renumbered from 78B-15-807, as renumbered and amended by Laws  
318 of Utah 2008, Chapter 3)  
319 **81-5-808**, (Renumbered from 78B-15-808, as last amended by Laws of Utah 2024,  
320 Chapter 367)  
321 **81-5-809**, (Renumbered from 78B-15-809, as renumbered and amended by Laws  
322 of Utah 2008, Chapter 3)  
323 **81-5-901**, (Renumbered from 78B-15-901, as renumbered and amended by Laws  
324 of Utah 2008, Chapter 3)  
325 **81-5-902**, (Renumbered from 78B-15-902, as renumbered and amended by Laws  
326 of Utah 2008, Chapter 3)  
327 **81-8-102**, (Renumbered from 78B-14-102, as last amended by Laws of Utah 2024,  
328 Chapter 381)  
329 **81-8-103**, (Renumbered from 78B-14-103, as last amended by Laws of Utah 2023,  
330 Chapter 330)  
331 **81-8-104**, (Renumbered from 78B-14-104, as and further amended by Revisor  
332 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
333 Chapter 412)  
334 **81-8-105**, (Renumbered from 78B-14-105, as and further amended by Revisor  
335 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)  
336 **81-8-201**, (Renumbered from 78B-14-201, as last amended by Laws of Utah 2015,  
337 Chapter 45)

338 **81-8-202**, (Renumbered from 78B-14-202, as renumbered and amended by Laws  
339 of Utah 2008, Chapter 3)  
340 **81-8-203**, (Renumbered from 78B-14-203, as and further amended by Revisor  
341 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
342 Chapter 412)  
343 **81-8-204**, (Renumbered from 78B-14-204, as last amended by Laws of Utah 2015,  
344 Chapter 45)  
345 **81-8-205**, (Renumbered from 78B-14-205, as last amended by Laws of Utah 2015,  
346 Chapter 45)  
347 **81-8-206**, (Renumbered from 78B-14-206, as and further amended by Revisor  
348 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
349 Chapter 412)  
350 **81-8-207**, (Renumbered from 78B-14-207, as and further amended by Revisor  
351 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
352 Chapter 412)  
353 **81-8-208**, (Renumbered from 78B-14-208, as and further amended by Revisor  
354 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
355 Chapter 412)  
356 **81-8-209**, (Renumbered from 78B-14-209, as and further amended by Revisor  
357 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
358 Chapter 412)  
359 **81-8-210**, (Renumbered from 78B-14-210, as and further amended by Revisor  
360 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
361 Chapter 412)  
362 **81-8-211**, (Renumbered from 78B-14-211, as and further amended by Revisor  
363 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
364 Chapter 412)  
365 **81-8-301**, (Renumbered from 78B-14-301, as and further amended by Revisor  
366 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
367 Chapter 412)  
368 **81-8-302**, (Renumbered from 78B-14-302, as renumbered and amended by Laws  
369 of Utah 2008, Chapter 3)  
370 **81-8-303**, (Renumbered from 78B-14-303, as renumbered and amended by Laws  
371 of Utah 2008, Chapter 3)

- 372 **81-8-304**, (Renumbered from 78B-14-304, as and further amended by Revisor  
373 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
374 Chapter 412)
- 375 **81-8-305**, (Renumbered from 78B-14-305, as and further amended by Revisor  
376 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
377 Chapter 412)
- 378 **81-8-306**, (Renumbered from 78B-14-306, as renumbered and amended by Laws  
379 of Utah 2008, Chapter 3)
- 380 **81-8-307**, (Renumbered from 78B-14-307, as last amended by Laws of Utah 2015,  
381 Chapter 45)
- 382 **81-8-308**, (Renumbered from 78B-14-308, as and further amended by Revisor  
383 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
384 Chapter 412)
- 385 **81-8-309**, (Renumbered from 78B-14-309, as renumbered and amended by Laws  
386 of Utah 2008, Chapter 3)
- 387 **81-8-310**, (Renumbered from 78B-14-310, as last amended by Laws of Utah 2015,  
388 Chapter 45)
- 389 **81-8-311**, (Renumbered from 78B-14-311, as and further amended by Revisor  
390 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
391 Chapter 412)
- 392 **81-8-312**, (Renumbered from 78B-14-312, as renumbered and amended by Laws  
393 of Utah 2008, Chapter 3)
- 394 **81-8-313**, (Renumbered from 78B-14-313, as and further amended by Revisor  
395 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
396 Chapter 412)
- 397 **81-8-314**, (Renumbered from 78B-14-314, as renumbered and amended by Laws  
398 of Utah 2008, Chapter 3)
- 399 **81-8-315**, (Renumbered from 78B-14-315, as renumbered and amended by Laws  
400 of Utah 2008, Chapter 3)
- 401 **81-8-316**, (Renumbered from 78B-14-316, as last amended by Laws of Utah 2015,  
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- 403 **81-8-317**, (Renumbered from 78B-14-317, as last amended by Laws of Utah 2015,  
404 Chapter 45)
- 405 **81-8-318**, (Renumbered from 78B-14-318, as and further amended by Revisor

406 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
407 Chapter 412)  
408 **81-8-319**, (Renumbered from 78B-14-319, as and further amended by Revisor  
409 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
410 Chapter 412)  
411 **81-8-401**, (Renumbered from 78B-14-401, as and further amended by Revisor  
412 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
413 Chapter 412)  
414 **81-8-402**, (Renumbered from 78B-14-402, as and further amended by Revisor  
415 Instructions, Laws of Utah 2013, Chapter 245 and renumbered and amended by Laws of Utah  
416 2011, Chapter 412)  
417 **81-8-501**, (Renumbered from 78B-14-501, as last amended by Laws of Utah 2023,  
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419 **81-8-502**, (Renumbered from 78B-14-502, as last amended by Laws of Utah 2015,  
420 Chapter 45)  
421 **81-8-503**, (Renumbered from 78B-14-503, as last amended by Laws of Utah 2015,  
422 Chapter 45)  
423 **81-8-504**, (Renumbered from 78B-14-504, as and further amended by Revisor  
424 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
425 Chapter 412)  
426 **81-8-505**, (Renumbered from 78B-14-505, as and further amended by Revisor  
427 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
428 Chapter 412)  
429 **81-8-506**, (Renumbered from 78B-14-506, as renumbered and amended by Laws  
430 of Utah 2008, Chapter 3)  
431 **81-8-507**, (Renumbered from 78B-14-507, as last amended by Laws of Utah 2015,  
432 Chapter 45)  
433 **81-8-601**, (Renumbered from 78B-14-601, as last amended by Laws of Utah 2015,  
434 Chapter 45)  
435 **81-8-602**, (Renumbered from 78B-14-602, as last amended by Laws of Utah 2015,  
436 Chapter 45)  
437 **81-8-603**, (Renumbered from 78B-14-603, as last amended by Laws of Utah 2015,  
438 Chapter 45)  
439 **81-8-604**, (Renumbered from 78B-14-604, as and further amended by Revisor

440 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
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442 **81-8-605**, (Renumbered from 78B-14-605, as last amended by Laws of Utah 2023,  
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444 **81-8-606**, (Renumbered from 78B-14-606, as last amended by Laws of Utah 2015,  
445 Chapter 45)  
446 **81-8-607**, (Renumbered from 78B-14-607, as and further amended by Revisor  
447 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
448 Chapter 412)  
449 **81-8-608**, (Renumbered from 78B-14-608, as and further amended by Revisor  
450 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
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452 **81-8-609**, (Renumbered from 78B-14-609, as and further amended by Revisor  
453 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
454 Chapter 412)  
455 **81-8-610**, (Renumbered from 78B-14-610, as and further amended by Revisor  
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457 Chapter 412)  
458 **81-8-611**, (Renumbered from 78B-14-611, as and further amended by Revisor  
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461 **81-8-612**, (Renumbered from 78B-14-612, as last amended by Laws of Utah 2015,  
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463 **81-8-613**, (Renumbered from 78B-14-613, as last amended by Laws of Utah 2016,  
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465 **81-8-614**, (Renumbered from 78B-14-614, as renumbered and amended by Laws  
466 of Utah 2008, Chapter 3)  
467 **81-8-615**, (Renumbered from 78B-14-615, as and further amended by Revisor  
468 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,  
469 Chapter 412)  
470 **81-8-616**, (Renumbered from 78B-14-616, as and further amended by Revisor  
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472 **81-8-701**, (Renumbered from 78B-14-701.5, as and further amended by Revisor  
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474 **81-8-702**, (Renumbered from 78B-14-702, as and further amended by Revisor  
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476 **81-8-703**, (Renumbered from 78B-14-703, as last amended by Laws of Utah 2023,  
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478 **81-8-704**, (Renumbered from 78B-14-704, as last amended by Laws of Utah 2023,  
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480 **81-8-705**, (Renumbered from 78B-14-705, as and further amended by Revisor  
481 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)  
482 **81-8-706**, (Renumbered from 78B-14-706, as and further amended by Revisor  
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484 **81-8-707**, (Renumbered from 78B-14-707, as and further amended by Revisor  
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496 **81-8-713**, (Renumbered from 78B-14-713, as and further amended by Revisor  
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498 **81-8-801**, (Renumbered from 78B-14-801, as renumbered and amended by Laws  
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509 **81-10-102**, (Renumbered from 78B-20-103, as enacted by Laws of Utah 2016,  
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511 **81-10-103**, (Renumbered from 78B-20-104, as enacted by Laws of Utah 2016,  
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513 **81-10-104**, (Renumbered from 78B-20-105, as enacted by Laws of Utah 2016,  
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515 **81-10-105**, (Renumbered from 78B-20-106, as enacted by Laws of Utah 2016,  
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517 **81-10-106**, (Renumbered from 78B-20-107, as last amended by Laws of Utah 2023,  
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519 **81-10-201**, (Renumbered from 78B-20-201, as last amended by Laws of Utah 2017,  
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521 **81-10-202**, (Renumbered from 78B-20-202, as enacted by Laws of Utah 2016,  
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523 **81-10-203**, (Renumbered from 78B-20-203, as enacted by Laws of Utah 2016,  
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525 **81-10-204**, (Renumbered from 78B-20-204, as enacted by Laws of Utah 2016,  
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527 **81-10-205**, (Renumbered from 78B-20-205, as last amended by Laws of Utah 2017,  
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531 **81-10-302**, (Renumbered from 78B-20-302, as last amended by Laws of Utah 2022,  
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533 **81-10-303**, (Renumbered from 78B-20-303, as enacted by Laws of Utah 2016,  
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535 **81-10-304**, (Renumbered from 78B-20-304, as enacted by Laws of Utah 2016,  
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537 **81-10-305**, (Renumbered from 78B-20-305, as enacted by Laws of Utah 2016,  
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539 **81-10-306**, (Renumbered from 78B-20-306, as enacted by Laws of Utah 2016,  
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541 **81-10-307**, (Renumbered from 78B-20-307, as enacted by Laws of Utah 2016,



542 Chapter 292)  
543 **81-10-308**, (Renumbered from 78B-20-308, as enacted by Laws of Utah 2016,  
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545 **81-10-309**, (Renumbered from 78B-20-309, as enacted by Laws of Utah 2016,  
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547 **81-10-310**, (Renumbered from 78B-20-310, as enacted by Laws of Utah 2016,  
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561 **81-10-502**, (Renumbered from 78B-20-502, as enacted by Laws of Utah 2016,  
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563 **81-10-503**, (Renumbered from 78B-20-503, as enacted by Laws of Utah 2016,  
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565 **81-11-101**, (Renumbered from 78B-13-102, as renumbered and amended by Laws  
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567 **81-11-102**, (Renumbered from 78B-13-103, as renumbered and amended by Laws  
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569 **81-11-103**, (Renumbered from 78B-13-104, as renumbered and amended by Laws  
570 of Utah 2008, Chapter 3)  
571 **81-11-104**, (Renumbered from 78B-13-105, as renumbered and amended by Laws  
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573 **81-11-105**, (Renumbered from 78B-13-106, as renumbered and amended by Laws  
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575 **81-11-106**, (Renumbered from 78B-13-107, as renumbered and amended by Laws

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577 **81-11-107**, (Renumbered from 78B-13-108, as renumbered and amended by Laws  
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579 **81-11-108**, (Renumbered from 78B-13-109, as renumbered and amended by Laws  
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581 **81-11-109**, (Renumbered from 78B-13-110, as renumbered and amended by Laws  
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583 **81-11-110**, (Renumbered from 78B-13-111, as renumbered and amended by Laws  
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585 **81-11-111**, (Renumbered from 78B-13-112, as renumbered and amended by Laws  
586 of Utah 2008, Chapter 3)  
587 **81-11-201**, (Renumbered from 78B-13-201, as renumbered and amended by Laws  
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589 **81-11-202**, (Renumbered from 78B-13-202, as renumbered and amended by Laws  
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593 **81-11-204**, (Renumbered from 78B-13-204, as renumbered and amended by Laws  
594 of Utah 2008, Chapter 3)  
595 **81-11-205**, (Renumbered from 78B-13-205, as renumbered and amended by Laws  
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597 **81-11-206**, (Renumbered from 78B-13-206, as renumbered and amended by Laws  
598 of Utah 2008, Chapter 3)  
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607 **81-11-301**, (Renumbered from 78B-13-301, as renumbered and amended by Laws  
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611 **81-11-303**, (Renumbered from 78B-13-303, as renumbered and amended by Laws  
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613 **81-11-304**, (Renumbered from 78B-13-304, as renumbered and amended by Laws  
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615 **81-11-305**, (Renumbered from 78B-13-305, as renumbered and amended by Laws  
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619 **81-11-307**, (Renumbered from 78B-13-307, as renumbered and amended by Laws  
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621 **81-11-308**, (Renumbered from 78B-13-308, as renumbered and amended by Laws  
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623 **81-11-309**, (Renumbered from 78B-13-309, as renumbered and amended by Laws  
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625 **81-11-310**, (Renumbered from 78B-13-310, as renumbered and amended by Laws  
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627 **81-11-311**, (Renumbered from 78B-13-311, as renumbered and amended by Laws  
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629 **81-11-312**, (Renumbered from 78B-13-312, as renumbered and amended by Laws  
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631 **81-11-313**, (Renumbered from 78B-13-313, as renumbered and amended by Laws  
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633 **81-11-314**, (Renumbered from 78B-13-314, as renumbered and amended by Laws  
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635 **81-11-315**, (Renumbered from 78B-13-315, as renumbered and amended by Laws  
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637 **81-11-316**, (Renumbered from 78B-13-316, as renumbered and amended by Laws  
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639 **81-11-317**, (Renumbered from 78B-13-317, as renumbered and amended by Laws  
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647 **81-12-103**, (Renumbered from 78B-16-104, as renumbered and amended by Laws  
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659 **81-12-109**, (Renumbered from 78B-16-110, as renumbered and amended by Laws  
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 791 **78B-14-101**, as last amended by Laws of Utah 2015, Chapter 45  
 792 **78B-15-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 793 **78B-15-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 794 **78B-15-106**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 795 **78B-15-107**, as last amended by Laws of Utah 2023, Chapter 330  
 796 **78B-15-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 797 **78B-15-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 798 **78B-15-110**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 799 **78B-15-111**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 800 **78B-15-112**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 801 **78B-15-113**, as last amended by Laws of Utah 2024, Chapter 366  
 802 **78B-15-114**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 803 **78B-15-115**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 804 **78B-16-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 805 **78B-20-101**, as enacted by Laws of Utah 2016, Chapter 292

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

808 Section 1. Section **10-3-1103** is amended to read:

809 **10-3-1103 . Sickness, disability, and death benefits.**

- 810 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a  
 811 fetus, regardless of the gestational age or the duration of the pregnancy.  
 812 (2) The governing body of each municipality may maintain as to all elective or appointive  
 813 officers and employees, including heads of departments, a system for the payment of



- 814 health, dental, hospital, medical, disability and death benefits to be financed and  
 815 administered in a manner and payable upon the terms and conditions as the governing  
 816 body of the municipality may by ordinance or resolution prescribe.
- 817 (3) The governing bodies of the municipalities may create and administer personnel benefit  
 818 programs separately or jointly with other municipalities or other political subdivisions of  
 819 the State of Utah or associations thereof.
- 820 (4) The governing body of each municipality shall, by ordinance or resolution, provide for  
 821 at least three work days of paid bereavement leave for an employee:
- 822 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or  
 823 (b) following the end of another individual's pregnancy by way of a miscarriage or  
 824 stillbirth, if:
- 825 (i) the employee is the individual's spouse or partner;  
 826 (ii)(A) the employee is the individual's former spouse or partner; and  
 827 (B) the employee would have been a biological parent of a child born as a result of  
 828 the pregnancy;
- 829 (iii) the employee provides documentation to show that the individual intended for  
 830 the employee to be an adoptive parent, as that term is defined in Section [  
 831 ~~78B-6-103~~ 81-13-101], of a child born as a result of the pregnancy; or  
 832 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~  
 833 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,  
 834 the employee would have been a parent of a child born as a result of the  
 835 pregnancy.

836 Section 2. Section **17-33-5** is amended to read:

837 **17-33-5 . Office of personnel management -- Director -- Appointment and**  
 838 **responsibilities -- Personnel rules.**

- 839 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a  
 840 fetus, regardless of gestational age or the duration of the pregnancy.
- 841 (2)(a)(i) Each county executive shall:
- 842 (A) create an office of personnel management, administered by a director of  
 843 personnel management; and  
 844 (B) ensure that the director is a person with proven experience in personnel  
 845 management.
- 846 (ii) Except as provided in Subsection (2)(b), the position of director of personnel  
 847 management shall be:

- 848 (A) a merit position; and  
849 (B) filled as provided in Subsection (2)(a)(iii).
- 850 (iii) Except as provided in Subsection (2)(b), the career service council shall:  
851 (A) advertise and recruit for the director position in the same manner as for merit  
852 positions;  
853 (B) select three names from a register; and  
854 (C) submit those names as recommendations to the county legislative body.
- 855 (iv) Except as provided in Subsection (2)(b), the county legislative body shall select a  
856 person to serve as director of the office of personnel management from the names  
857 submitted to it by the career service council.
- 858 (b)(i) Effective for appointments made after May 1, 2006, and as an alternative to the  
859 procedure under Subsections (2)(a)(ii), (iii), and (iv) and at the county executive's  
860 discretion, the county executive may appoint a director of personnel management  
861 with the advice and consent of the county legislative body.
- 862 (ii) The position of each director of personnel management appointed under this  
863 Subsection (2)(b) shall be a merit exempt position.
- 864 (iii) A director of personnel management appointed under this Subsection (2)(b) may  
865 be terminated by the county executive with the consent of the county legislative  
866 body.
- 867 (3) The director of personnel management shall:  
868 (a) encourage and exercise leadership in the development of expertise in personnel  
869 administration within the several departments, offices, and agencies in the county  
870 service and make available the facilities of the office of personnel management to  
871 this end;  
872 (b) advise the county legislative and executive bodies on the use of human resources;  
873 (c) develop and implement programs for the improvement of employee effectiveness,  
874 such as training, safety, health, counseling, and welfare;  
875 (d) investigate periodically the operation and effect of this law and of the policies made  
876 under it and report findings and recommendations to the county legislative body;  
877 (e) establish and maintain records of all employees in the county service, setting forth as  
878 to each employee class, title, pay or status, and other relevant data;  
879 (f) make an annual report to the county legislative body and county executive regarding  
880 the work of the department; and  
881 (g) apply and carry out this law and the policies under it and perform any other lawful

- 882 acts that are necessary to carry out the provisions of this law.
- 883 (4)(a)(i) The director shall recommend personnel rules for the county.
- 884 (ii) The county legislative body may:
- 885 (A) recommend personnel rules for the county; and
- 886 (B) approve, amend, or reject personnel rules before they are adopted.
- 887 (b) The rules shall provide for:
- 888 (i) recruiting efforts to be planned and carried out in a manner that assures open
- 889 competition, with special emphasis to be placed on recruiting efforts to attract
- 890 minorities, women, persons with a disability as defined by and covered under the
- 891 Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that
- 892 are substantially underrepresented in the county work force to help assure they
- 893 will be among the candidates from whom appointments are made;
- 894 (ii) the establishment of job related minimum requirements wherever practical, that
- 895 all successful candidates shall be required to meet in order to be eligible for
- 896 consideration for appointment or promotion;
- 897 (iii) selection procedures that include consideration of the relative merit of each
- 898 applicant for employment, a job related method of determining the eligibility or
- 899 ineligibility of each applicant, and a valid, reliable, and objective system of
- 900 ranking eligible applicants according to their qualifications and merit;
- 901 (iv) certification procedures that insure equitable consideration of an appropriate
- 902 number of the most qualified eligible applicants based on the ranking system;
- 903 (v) appointments to positions in the career service by selection from the most
- 904 qualified eligible applicants certified on eligible lists established in accordance
- 905 with Subsections (4)(b)(iii) and (iv);
- 906 (vi) noncompetitive appointments in the occasional instance where there is evidence
- 907 that open or limited competition is not practical, such as for unskilled positions
- 908 that have no minimum job requirements;
- 909 (vii) limitation of competitions at the discretion of the director for appropriate
- 910 positions to facilitate employment of qualified applicants with a substantial
- 911 physical or mental impairment, or other groups protected by Title VII of the Civil
- 912 Rights Act;
- 913 (viii) permanent appointment for entry to the career service that shall be contingent
- 914 upon satisfactory performance by the employee during a period of six months,
- 915 with the probationary period extendable for a period not to exceed six months for

- 916 good cause, but with the condition that the probationary employee may appeal  
917 directly to the council any undue prolongation of the period designed to thwart  
918 merit principles;
- 919 (ix) temporary, provisional, or other noncareer service appointments, which may not  
920 be used as a way of defeating the purpose of the career service and may not  
921 exceed 270 days;
- 922 (x) lists of eligible applicants normally to be used, if available, for filling temporary  
923 positions, and short term emergency appointments to be made without regard to  
924 the other provisions of law to provide for maintenance of essential services in an  
925 emergency situation where normal procedures are not practical, these emergency  
926 appointments not to exceed 270 days;
- 927 (xi) promotion and career ladder advancement of employees to higher level positions  
928 and assurance that all persons promoted are qualified for the position;
- 929 (xii) recognition of the equivalency of other merit processes by waiving, at the  
930 discretion of the director, the open competitive examination for placement in the  
931 career service positions of those who were originally selected through a  
932 competitive examination process in another governmental entity, the individual in  
933 those cases, to serve a probationary period;
- 934 (xiii) preparation, maintenance, and revision of a position classification plan for all  
935 positions in the career service, based upon similarity of duties performed and  
936 responsibilities assumed, so that the same qualifications may reasonably be  
937 required for, and the same schedule of pay may be equitably applied to, all  
938 positions in the same class, the compensation plan, in order to maintain a high  
939 quality public work force, to take into account the responsibility and difficulty of  
940 the work, the comparative pay and benefits needed to compete in the labor market  
941 and to stay in proper alignment with other similar governmental units, and other  
942 factors;
- 943 (xiv) keeping records of performance on all employees in the career service and  
944 requiring consideration of performance records in determining salary increases,  
945 any benefits for meritorious service, promotions, the order of layoffs and  
946 reinstatements, demotions, discharges, and transfers;
- 947 (xv) establishment of a plan governing layoffs resulting from lack of funds or work,  
948 abolition of positions, or material changes in duties or organization, and governing  
949 reemployment of persons so laid off, taking into account with regard to layoffs

- 950 and reemployment the relative ability, seniority, and merit of each employee;
- 951 (xvi) establishment of a plan for resolving employee grievances and complaints with
- 952 final and binding decisions;
- 953 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
- 954 grade, or discharge, measures to provide for presentation of charges, hearing
- 955 rights, and appeals for all permanent employees in the career service to the career
- 956 service council;
- 957 (xviii) establishment of a procedure for employee development and improvement of
- 958 poor performance;
- 959 (xix) establishment of hours of work, holidays, and attendance requirements in
- 960 various classes of positions in the career service;
- 961 (xx) establishment and publicizing of fringe benefits such as insurance, retirement,
- 962 and leave programs; and
- 963 (xxi) any other requirements not inconsistent with this law that are proper for its
- 964 enforcement.
- 965 (5) Rules adopted pursuant to Subsection (4)(b)(xx) shall provide for at least three work
- 966 days of paid bereavement leave for an employee:
- 967 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
- 968 (b) following the end of another individual's pregnancy by way of a miscarriage or
- 969 stillbirth, if:
- 970 (i) the employee is the individual's spouse or partner;
- 971 (ii)(A) the employee is the individual's former spouse or partner; and
- 972 (B) the employee would have been a biological parent of a child born as a result of
- 973 the pregnancy;
- 974 (iii) the employee provides documentation to show that the individual intended for
- 975 the employee to be an adoptive parent, as that term is defined in Section [
- 976 ~~78B-6-103~~ 81-13-101, of a child born as a result of the pregnancy; or
- 977 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
- 978 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
- 979 the employee would have been a parent of a child born as a result of the
- 980 pregnancy.

981 Section 3. Section **26B-1-202** is amended to read:

982 **26B-1-202 . Department authority and duties.**

983 The department may, subject to applicable restrictions in state law and in addition to all

- 984 other authority and responsibility granted to the department by law:
- 985 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
986 Act, and not inconsistent with law, as the department may consider necessary or  
987 desirable for providing health and social services to the people of this state;
- 988 (2) establish and manage client trust accounts in the department's institutions and  
989 community programs, at the request of the client or the client's legal guardian or  
990 representative, or in accordance with federal law;
- 991 (3) purchase, as authorized or required by law, services that the department is responsible to  
992 provide for legally eligible persons;
- 993 (4) conduct adjudicative proceedings for clients and providers in accordance with the  
994 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 995 (5) establish eligibility standards for the department's programs, not inconsistent with state  
996 or federal law or regulations;
- 997 (6) take necessary steps, including legal action, to recover money or the monetary value of  
998 services provided to a recipient who was not eligible;
- 999 (7) set and collect fees for the department's services;
- 1000 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or  
1001 limited by law;
- 1002 (9) acquire, manage, and dispose of any real or personal property needed or owned by the  
1003 department, not inconsistent with state law;
- 1004 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the  
1005 proceeds thereof, may be credited to the program designated by the donor, and may be  
1006 used for the purposes requested by the donor, as long as the request conforms to state  
1007 and federal policy; all donated funds shall be considered private, nonlapsing funds and  
1008 may be invested under guidelines established by the state treasurer;
- 1009 (11) accept and employ volunteer labor or services; the department is authorized to  
1010 reimburse volunteers for necessary expenses, when the department considers that  
1011 reimbursement to be appropriate;
- 1012 (12) carry out the responsibility assigned in the workforce services plan by the State  
1013 Workforce Development Board;
- 1014 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to  
1015 coordination of services for students with a disability;
- 1016 (14) provide training and educational opportunities for the department's staff;
- 1017 (15) collect child support payments and any other money due to the department;

- 1018 (16) apply the provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7,  
1019 Payment and Enforcement of Spousal and Child Support, to parents whose child lives  
1020 out of the home in a department licensed or certified setting;
- 1021 (17) establish policy and procedures, within appropriations authorized by the Legislature, in  
1022 cases where the Division of Child and Family Services or the Division of Juvenile  
1023 Justice and Youth Services is given custody of a minor by the juvenile court under Title  
1024 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a  
1025 minor found not competent to proceed under Section 80-6-403, including:
- 1026 (a) designation of interagency teams for each juvenile court district in the state;  
1027 (b) delineation of assessment criteria and procedures;  
1028 (c) minimum requirements, and timeframes, for the development and implementation of  
1029 a collaborative service plan for each minor placed in department custody; and  
1030 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 1031 (18) carry out the responsibilities assigned to the department by statute;
- 1032 (19) examine and audit the expenditures of any public funds provided to a local substance  
1033 abuse authority, a local mental health authority, a local area agency on aging, and any  
1034 person, agency, or organization that contracts with or receives funds from those  
1035 authorities or agencies. Those local authorities, area agencies, and any person or entity  
1036 that contracts with or receives funds from those authorities or area agencies, shall  
1037 provide the department with any information the department considers necessary. The  
1038 department is further authorized to issue directives resulting from any examination or  
1039 audit to a local authority, an area agency, and persons or entities that contract with or  
1040 receive funds from those authorities with regard to any public funds. If the department  
1041 determines that it is necessary to withhold funds from a local mental health authority or  
1042 local substance abuse authority based on failure to comply with state or federal law,  
1043 policy, or contract provisions, the department may take steps necessary to ensure  
1044 continuity of services. For purposes of this Subsection (19) "public funds" means the  
1045 same as that term is defined in Section 26B-5-101;
- 1046 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and  
1047 persons to provide intercountry adoption services;
- 1048 (21) within legislative appropriations, promote and develop a system of care and  
1049 stabilization services:
- 1050 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and  
1051 (b) that encompasses the department, department contractors, and the divisions, offices,

- 1052 or institutions within the department, to:
- 1053 (i) navigate services, funding resources, and relationships to the benefit of the
- 1054 children and families whom the department serves;
- 1055 (ii) centralize department operations, including procurement and contracting;
- 1056 (iii) develop policies that govern business operations and that facilitate a system of
- 1057 care approach to service delivery;
- 1058 (iv) allocate resources that may be used for the children and families served by the
- 1059 department or the divisions, offices, or institutions within the department, subject
- 1060 to the restrictions in Section 63J-1-206;
- 1061 (v) create performance-based measures for the provision of services; and
- 1062 (vi) centralize other business operations, including data matching and sharing among
- 1063 the department's divisions, offices, and institutions;
- 1064 (22) ensure that any training or certification required of a public official or public
- 1065 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
- 1066 Chapter 22, State Training and Certification Requirements, if the training or certification
- 1067 is required:
- 1068 (a) under this title;
- 1069 (b) by the department; or
- 1070 (c) by an agency or division within the department;
- 1071 (23) enter into cooperative agreements with the Department of Environmental Quality to
- 1072 delineate specific responsibilities to assure that assessment and management of risk to
- 1073 human health from the environment are properly administered;
- 1074 (24) consult with the Department of Environmental Quality and enter into cooperative
- 1075 agreements, as needed, to ensure efficient use of resources and effective response to
- 1076 potential health and safety threats from the environment, and to prevent gaps in
- 1077 protection from potential risks from the environment to specific individuals or
- 1078 population groups;
- 1079 (25) to the extent authorized under state law or required by federal law, promote and protect
- 1080 the health and wellness of the people within the state;
- 1081 (26) establish, maintain, and enforce rules authorized under state law or required by federal
- 1082 law to promote and protect the public health or to prevent disease and illness;
- 1083 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
- 1084 affecting the public health;
- 1085 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or



- 1086 any other disease or health hazard which the department considers to be dangerous,  
1087 important, or likely to affect the public health;
- 1088 (29) collect and report information on causes of injury, sickness, death, and disability and  
1089 the risk factors that contribute to the causes of injury, sickness, death, and disability  
1090 within the state;
- 1091 (30) collect, prepare, publish, and disseminate information to inform the public concerning  
1092 the health and wellness of the population, specific hazards, and risks that may affect the  
1093 health and wellness of the population and specific activities which may promote and  
1094 protect the health and wellness of the population;
- 1095 (31) abate nuisances when necessary to eliminate sources of filth and infectious and  
1096 communicable diseases affecting the public health;
- 1097 (32) make necessary sanitary and health investigations and inspections in cooperation with  
1098 local health departments as to any matters affecting the public health;
- 1099 (33) establish laboratory services necessary to support public health programs and medical  
1100 services in the state;
- 1101 (34) establish and enforce standards for laboratory services which are provided by any  
1102 laboratory in the state when the purpose of the services is to protect the public health;
- 1103 (35) cooperate with the Labor Commission to conduct studies of occupational health  
1104 hazards and occupational diseases arising in and out of employment in industry, and  
1105 make recommendations for elimination or reduction of the hazards;
- 1106 (36) cooperate with the local health departments, the Department of Corrections, the  
1107 Administrative Office of the Courts, the Division of Juvenile Justice and Youth  
1108 Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection  
1109 of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual  
1110 offense;
- 1111 (37) investigate the causes of maternal and infant mortality;
- 1112 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians  
1113 and drivers of motor vehicles killed in highway accidents be examined for the presence  
1114 and concentration of alcohol, and provide the Commissioner of Public Safety with  
1115 monthly statistics reflecting the results of these examinations, with necessary safeguards  
1116 so that information derived from the examinations is not used for a purpose other than  
1117 the compilation of these statistics;
- 1118 (39) establish qualifications for individuals permitted to draw blood under Subsection  
1119 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),

- 1120 and to issue permits to individuals the department finds qualified, which permits may be  
1121 terminated or revoked by the department;
- 1122 (40) establish a uniform public health program throughout the state which includes  
1123 continuous service, employment of qualified employees, and a basic program of disease  
1124 control, vital and health statistics, sanitation, public health nursing, and other preventive  
1125 health programs necessary or desirable for the protection of public health;
- 1126 (41) conduct health planning for the state;
- 1127 (42) monitor the costs of health care in the state and foster price competition in the health  
1128 care delivery system;
- 1129 (43) establish methods or measures for health care providers, public health entities, and  
1130 health care insurers to coordinate among themselves to verify the identity of the  
1131 individuals the providers serve;
- 1132 (44) designate Alzheimer's disease and related dementia as a public health issue and, within  
1133 budgetary limitations, implement a state plan for Alzheimer's disease and related  
1134 dementia by incorporating the plan into the department's strategic planning and  
1135 budgetary process;
- 1136 (45) coordinate with other state agencies and other organizations to implement the state  
1137 plan for Alzheimer's disease and related dementia;
- 1138 (46) ensure that any training or certification required of a public official or public  
1139 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,  
1140 Chapter 22, State Training and Certification Requirements, if the training or certification  
1141 is required by the agency or under this Title 26B, Utah Health and Human Services Code;
- 1142 (47) oversee public education vision screening as described in Section 53G-9-404;
- 1143 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue  
1144 Alert; and
- 1145 (49) as allowed by state and federal law, share data with the Office of Families that is  
1146 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the  
1147 extent available:
- 1148 (a) demographic data concerning family structures in the state; and  
1149 (b) data regarding the family structure associated with:
- 1150 (i) suicide, depression, or anxiety; and  
1151 (ii) various health outcomes.
- 1152 Section 4. Section **26B-2-104** is amended to read:  
1153 **26B-2-104 . Division responsibilities.**

- 1154 (1) Subject to the requirements of federal and state law, the office shall:
- 1155 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 1156 Rulemaking Act, to establish:
- 1157 (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for
- 1158 licensees, that shall be limited to:
- 1159 (A) fire safety;
- 1160 (B) food safety;
- 1161 (C) sanitation;
- 1162 (D) infectious disease control;
- 1163 (E) safety of the:
- 1164 (I) physical facility and grounds; and
- 1165 (II) area and community surrounding the physical facility;
- 1166 (F) transportation safety;
- 1167 (G) emergency preparedness and response;
- 1168 (H) the administration of medical standards and procedures, consistent with the
- 1169 related provisions of this title;
- 1170 (I) staff and client safety and protection;
- 1171 (J) the administration and maintenance of client and service records;
- 1172 (K) staff qualifications and training, including standards for permitting experience
- 1173 to be substituted for education, unless prohibited by law;
- 1174 (L) staff to client ratios;
- 1175 (M) access to firearms; and
- 1176 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 1177 (ii) basic health and safety standards for therapeutic schools, that shall be limited to:
- 1178 (A) fire safety, except that the standards are limited to those required by law or
- 1179 rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
- 1180 (B) food safety;
- 1181 (C) sanitation;
- 1182 (D) infectious disease control, except that the standards are limited to:
- 1183 (I) those required by law or rule under this title, or Title 26A, Local Health
- 1184 Authorities; and
- 1185 (II) requiring a separate room for clients who are sick;
- 1186 (E) safety of the physical facility and grounds, except that the standards are
- 1187 limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire

- 1188 Prevention and Fireworks Act;
- 1189 (F) transportation safety;
- 1190 (G) emergency preparedness and response;
- 1191 (H) access to appropriate medical care, including:
- 1192 (I) subject to the requirements of law, designation of a person who is
- 1193 authorized to dispense medication; and
- 1194 (II) storing, tracking, and securing medication;
- 1195 (I) staff and client safety and protection that permits the school to provide for the
- 1196 direct supervision of clients at all times;
- 1197 (J) the administration and maintenance of client and service records;
- 1198 (K) staff qualifications and training, including standards for permitting experience
- 1199 to be substituted for education, unless prohibited by law;
- 1200 (L) staff to client ratios;
- 1201 (M) access to firearms; and
- 1202 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 1203 (iii) procedures and standards for permitting a licensee to:
- 1204 (A) provide in the same facility and under the same conditions as children,
- 1205 residential treatment services to a person 18 years old or older who:
- 1206 (I) begins to reside at the licensee's residential treatment facility before the
- 1207 person's 18th birthday;
- 1208 (II) has resided at the licensee's residential treatment facility continuously since
- 1209 the time described in Subsection (1)(a)(iii)(A)(I);
- 1210 (III) has not completed the course of treatment for which the person began
- 1211 residing at the licensee's residential treatment facility; and
- 1212 (IV) voluntarily consents to complete the course of treatment described in
- 1213 Subsection (1)(a)(iii)(A)(III); or
- 1214 (B)(I) provide residential treatment services to a child who is:
- 1215 (Aa) at least 12 years old or, as approved by the office, younger than 12
- 1216 years old; and
- 1217 (Bb) under the custody of the department, or one of its divisions; and
- 1218 (II) provide, in the same facility as a child described in Subsection
- 1219 (1)(a)(iii)(B)(I), residential treatment services to a person who is:
- 1220 (Aa) at least 18 years old, but younger than 21 years old; and
- 1221 (Bb) under the custody of the department, or one of its divisions;

- 1222 (iv) minimum administration and financial requirements for licensees;
- 1223 (v) guidelines for variances from rules established under this Subsection (1);
- 1224 (vi) ethical standards, as described in Subsection [~~78B-6-106(3)~~] 81-13-104(3), and
- 1225 minimum responsibilities of a child-placing agency that provides adoption
- 1226 services and that is licensed under this part;
- 1227 (vii) what constitutes an "outpatient treatment program" for purposes of this part;
- 1228 (viii) a procedure requiring a licensee to provide an insurer the licensee's records
- 1229 related to any services or supplies billed to the insurer, and a procedure allowing
- 1230 the licensee and the insurer to contact the Insurance Department to resolve any
- 1231 disputes;
- 1232 (ix) a protocol for the office to investigate and process complaints about licensees;
- 1233 (x) a procedure for a licensee to:
- 1234 (A) report the use of a restraint or seclusion within one business day after the day
- 1235 on which the use of the restraint or seclusion occurs; and
- 1236 (B) report a critical incident within one business day after the day on which the
- 1237 incident occurs;
- 1238 (xi) guidelines for the policies and procedures described in Sections 26B-2-109 and
- 1239 26B-2-123;
- 1240 (xii) a procedure for the office to review and approve the policies and procedures
- 1241 described in Sections 26B-2-109 and 26B-2-123; and
- 1242 (xiii) a requirement that each human services program publicly post information that
- 1243 informs an individual how to submit a complaint about a human services program
- 1244 to the office;
- 1245 (b) enforce rules relating to the office;
- 1246 (c) issue licenses in accordance with this part;
- 1247 (d) if the United States Department of State executes an agreement with the office that
- 1248 designates the office to act as an accrediting entity in accordance with the
- 1249 Intercountry Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more
- 1250 agencies and persons to provide intercountry adoption services pursuant to:
- 1251 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and
- 1252 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L.
- 1253 No. 106-279;
- 1254 (e) make rules to implement the provisions of Subsection (1)(d);
- 1255 (f) conduct surveys and inspections of licensees and facilities in accordance with Section

- 1256 26B-2-107;
- 1257 (g) collect licensure fees;
- 1258 (h) notify licensees of the name of a person within the department to contact when filing  
1259 a complaint;
- 1260 (i) investigate complaints regarding any licensee or human services program;
- 1261 (j) have access to all records, correspondence, and financial data required to be  
1262 maintained by a licensee;
- 1263 (k) have authority to interview any client, family member of a client, employee, or  
1264 officer of a licensee;
- 1265 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by  
1266 the department under this part by following the procedures and requirements of Title  
1267 63G, Chapter 4, Administrative Procedures Act;
- 1268 (m) cooperate with the Division of Child and Family Services to condition, revoke, or  
1269 suspend the license of a foster home when a child welfare caseworker from the  
1270 Division of Child and Family Services identifies a safety concern with the foster  
1271 home;
- 1272 (n) electronically post notices of agency action issued to a human services program, with  
1273 the exception of a foster home, on the office's website, in accordance with Title 63G,  
1274 Chapter 2, Government Records Access and Management Act; and
- 1275 (o) upon receiving a local government's request under Section 26B-2-118, notify the  
1276 local government of new human services program license applications, except for  
1277 foster homes, for human services programs located within the local government's  
1278 jurisdiction.
- 1279 (2) In establishing rules under Subsection (1)(a)(ii)(G), the office shall require a licensee to  
1280 establish and comply with an emergency response plan that requires clients and staff to:
- 1281 (a) immediately report to law enforcement any significant criminal activity, as defined  
1282 by rule, committed:
- 1283 (i) on the premises where the licensee operates its human services program;
- 1284 (ii) by or against its clients; or
- 1285 (iii) by or against a staff member while the staff member is on duty;
- 1286 (b) immediately report to emergency medical services any medical emergency, as  
1287 defined by rule:
- 1288 (i) on the premises where the licensee operates its human services program;
- 1289 (ii) involving its clients; or

1290 (iii) involving a staff member while the staff member is on duty; and  
 1291 (c) immediately report other emergencies that occur on the premises where the licensee  
 1292 operates its human services program to the appropriate emergency services agency.

1293 Section 5. Section **26B-2-127** is amended to read:

1294 **26B-2-127 . Child placing licensure requirements -- Prohibited acts --**

1295 **Consortium.**

1296 (1) As used in this section:

1297 (a)(i) "Advertisement" means any written, oral, or graphic statement or  
 1298 representation made in connection with a solicitation of business.

1299 (ii) "Advertisement" includes a statement or representation described in Subsection  
 1300 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper,  
 1301 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.

1302 (b) "Birth parent" means the same as that term is defined in Section [~~78B-6-103~~]  
 1303 81-13-101.

1304 (c) "Clearly and conspicuously disclose" means the same as that term is defined in  
 1305 Section 13-11a-2.

1306 (d)(i) "Matching advertisement" means any written, oral, or graphic statement or  
 1307 representation made in connection with a solicitation of business to provide the  
 1308 assistance described in Subsection (3)(a)(i), regardless of whether there is or will  
 1309 be an exchange described in Subsection (3)(a)(ii).

1310 (ii) "Matching advertisement" includes a statement or representation described in  
 1311 Subsection (1)(d)(i) by a noncable television system, radio, printed brochure,  
 1312 newspaper, leaflet, flyer, circular, billboard, banner, Internet website, social  
 1313 media, or sign.

1314 (2)(a) Subject to Section [~~78B-24-205~~] 81-14-205, a person may not engage in child  
 1315 placing, or solicit money or other assistance for child placing, without a valid license  
 1316 issued by the office in accordance with this part.

1317 (b) If a child-placing agency's license is suspended or revoked in accordance with this  
 1318 part, the care, control, or custody of any child who is in the care, control, or custody  
 1319 of the child-placing agency shall be transferred to the Division of Child and Family  
 1320 Services.

1321 (3)(a)(i) An attorney, physician, or other person may assist:

1322 (A) a birth parent to identify or locate a prospective adoptive parent who is  
 1323 interested in adopting the birth parent's child; or

- 1324 (B) a prospective adoptive parent to identify or locate a child to be adopted.
- 1325 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any  
1326 kind, or promise or agreement to make the same, may not be made for the  
1327 assistance described in Subsection (3)(a)(i).
- 1328 (b) An attorney, physician, or other person may not:
- 1329 (i) issue or cause to be issued to any person a card, sign, or device indicating that the  
1330 attorney, physician, or other person is available to provide the assistance described  
1331 in Subsection (3)(a)(i);
- 1332 (ii) cause, permit, or allow any sign or marking indicating that the attorney,  
1333 physician, or other person is available to provide the assistance described in  
1334 Subsection (3)(a)(i), on or in any building or structure;
- 1335 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,  
1336 physician, or other person is available to provide the assistance described in  
1337 Subsection (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or  
1338 television, or an Internet website relating to a business;
- 1339 (iv) announce, cause, permit, or allow a matching advertisement; or
- 1340 (v) announce, cause, permit, or allow an advertisement that indicates or implies the  
1341 attorney, physician, or other person is available to provide the assistance described  
1342 in Subsection (3)(a)(i) as part of, or related to, other adoption-related services by  
1343 using any of the following terms:
- 1344 (A) "comprehensive";
- 1345 (B) "complete";
- 1346 (C) "one-stop";
- 1347 (D) "all-inclusive"; or
- 1348 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)  
1349 through (D).
- 1350 (c) An attorney, physician, or other person who is not licensed by the office shall clearly  
1351 and conspicuously disclose in any print media advertisement or written contract  
1352 regarding adoption services or adoption-related services that the attorney, physician,  
1353 or other person is not licensed to provide adoption services by the office.
- 1354 (4) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of a  
1355 third degree felony.
- 1356 (5) This section does not preclude payment of fees for medical, legal, or other lawful  
1357 services rendered in connection with the care of a mother, delivery and care of a child,



- 1358 or lawful adoption proceedings, except that a child-placing agency may not:
- 1359 (a) charge or accept payment for services that were not actually rendered; or
- 1360 (b) charge or accept payment from a prospective adoptive parent for medical or hospital
- 1361 expenses that were paid for by public funds.
- 1362 (6) In accordance with federal law, only an agent or employee of the Division of Child and
- 1363 Family Services or of a licensed child-placing agency may certify to United States
- 1364 Citizenship and Immigration Services that a family meets the preadoption requirements
- 1365 of the Division of Child and Family Services.
- 1366 (7) A licensed child-placing agency or an attorney practicing in this state may not place a
- 1367 child for adoption, either temporarily or permanently, with an individual who would not
- 1368 be qualified for adoptive placement under Sections [~~78B-6-102, 78B-6-117, and~~
- 1369 ~~78B-6-137~~] 81-13-202, 81-13-203, and 81-13-402.
- 1370 (8)(a) A child-placing agency, as that term is defined in Section 63G-20-102, that serves
- 1371 a resident of the state who is a birth mother or a prospective adoptive parent must be
- 1372 a member of a statewide consortium of licensed child-placing agencies that, together,
- 1373 serve all birth mothers lawfully seeking to place a child for adoption and all qualified
- 1374 prospective adoptive parents.
- 1375 (b) The department shall receive and investigate any complaint against a consortium of
- 1376 licensed child-placing agencies.
- 1377 Section 6. Section **26B-3-108** is amended to read:
- 1378 **26B-3-108 . Administration of Medicaid program by department -- Reporting to**
- 1379 **the Legislature -- Disciplinary measures and sanctions -- Funds collected -- Eligibility**
- 1380 **standards -- Optional dental services costs and delivery -- Internal audits -- Health**
- 1381 **opportunity accounts.**
- 1382 (1) The department shall be the single state agency responsible for the administration of the
- 1383 Medicaid program in connection with the United States Department of Health and
- 1384 Human Services pursuant to Title XIX of the Social Security Act.
- 1385 (2)(a) The department shall implement the Medicaid program through administrative
- 1386 rules in conformity with this chapter, Title 63G, Chapter 3, Utah Administrative
- 1387 Rulemaking Act, the requirements of Title XIX, and applicable federal regulations.
- 1388 (b) The rules adopted under Subsection (2)(a) shall include, in addition to other rules
- 1389 necessary to implement the program:
- 1390 (i) the standards used by the department for determining eligibility for Medicaid
- 1391 services;

- 1392 (ii) the services and benefits to be covered by the Medicaid program;
- 1393 (iii) reimbursement methodologies for providers under the Medicaid program; and
- 1394 (iv) a requirement that:
- 1395 (A) a person receiving Medicaid services shall participate in the electronic
- 1396 exchange of clinical health records established in accordance with Section
- 1397 26B-8-411 unless the individual opts out of participation;
- 1398 (B) prior to enrollment in the electronic exchange of clinical health records the
- 1399 enrollee shall receive notice of enrollment in the electronic exchange of clinical
- 1400 health records and the right to opt out of participation at any time; and
- 1401 (C) when the program sends enrollment or renewal information to the enrollee and
- 1402 when the enrollee logs onto the program's website, the enrollee shall receive
- 1403 notice of the right to opt out of the electronic exchange of clinical health
- 1404 records.
- 1405 (3)(a) The department shall, in accordance with Subsection (3)(b), report to the Social
- 1406 Services Appropriations Subcommittee when the department:
- 1407 (i) implements a change in the Medicaid State Plan;
- 1408 (ii) initiates a new Medicaid waiver;
- 1409 (iii) initiates an amendment to an existing Medicaid waiver;
- 1410 (iv) applies for an extension of an application for a waiver or an existing Medicaid
- 1411 waiver;
- 1412 (v) applies for or receives approval for a change in any capitation rate within the
- 1413 Medicaid program; or
- 1414 (vi) initiates a rate change that requires public notice under state or federal law.
- 1415 (b) The report required by Subsection (3)(a) shall:
- 1416 (i) be submitted to the Social Services Appropriations Subcommittee prior to the
- 1417 department implementing the proposed change; and
- 1418 (ii) include:
- 1419 (A) a description of the department's current practice or policy that the department
- 1420 is proposing to change;
- 1421 (B) an explanation of why the department is proposing the change;
- 1422 (C) the proposed change in services or reimbursement, including a description of
- 1423 the effect of the change;
- 1424 (D) the effect of an increase or decrease in services or benefits on individuals and
- 1425 families;

- 1426 (E) the degree to which any proposed cut may result in cost-shifting to more  
1427 expensive services in health or human service programs; and
- 1428 (F) the fiscal impact of the proposed change, including:
- 1429 (I) the effect of the proposed change on current or future appropriations from  
1430 the Legislature to the department;
- 1431 (II) the effect the proposed change may have on federal matching dollars  
1432 received by the state Medicaid program;
- 1433 (III) any cost shifting or cost savings within the department's budget that may  
1434 result from the proposed change; and
- 1435 (IV) identification of the funds that will be used for the proposed change,  
1436 including any transfer of funds within the department's budget.
- 1437 (4) Any rules adopted by the department under Subsection (2) are subject to review and  
1438 reauthorization by the Legislature in accordance with Section 63G-3-502.
- 1439 (5) The department may, in its discretion, contract with other qualified agencies for services  
1440 in connection with the administration of the Medicaid program, including:
- 1441 (a) the determination of the eligibility of individuals for the program;
- 1442 (b) recovery of overpayments; and
- 1443 (c) consistent with Section 26B-3-1113, and to the extent permitted by law and quality  
1444 control services, enforcement of fraud and abuse laws.
- 1445 (6) The department shall provide, by rule, disciplinary measures and sanctions for Medicaid  
1446 providers who fail to comply with the rules and procedures of the program, provided  
1447 that sanctions imposed administratively may not extend beyond:
- 1448 (a) termination from the program;
- 1449 (b) recovery of claim reimbursements incorrectly paid; and
- 1450 (c) those specified in Section 1919 of Title XIX of the federal Social Security Act.
- 1451 (7)(a) Funds collected as a result of a sanction imposed under Section 1919 of Title XIX  
1452 of the federal Social Security Act shall be deposited into the General Fund as  
1453 dedicated credits to be used by the division in accordance with the requirements of  
1454 Section 1919 of Title XIX of the federal Social Security Act.
- 1455 (b) In accordance with Section 63J-1-602.2, sanctions collected under this Subsection (7)  
1456 are nonlapsing.
- 1457 (8)(a) In determining whether an applicant or recipient is eligible for a service or benefit  
1458 under this part or Part 9, Utah Children's Health Insurance Program, the department  
1459 shall, if Subsection (8)(b) is satisfied, exclude from consideration one passenger

- 1460 vehicle designated by the applicant or recipient.
- 1461 (b) Before Subsection (8)(a) may be applied:
- 1462 (i) the federal government shall:
- 1463 (A) determine that Subsection (8)(a) may be implemented within the state's
- 1464 existing public assistance-related waivers as of January 1, 1999;
- 1465 (B) extend a waiver to the state permitting the implementation of Subsection (8)(a);
- 1466 or
- 1467 (C) determine that the state's waivers that permit dual eligibility determinations
- 1468 for cash assistance and Medicaid are no longer valid; and
- 1469 (ii) the department shall determine that Subsection (8)(a) can be implemented within
- 1470 existing funding.
- 1471 (9)(a) As used in this Subsection (9):
- 1472 (i) "aged, blind, or has a disability" means an aged, blind, or disabled individual, as
- 1473 defined in 42 U.S.C. Sec. 1382c(a)(1); and
- 1474 (ii) "spend down" means an amount of income in excess of the allowable income
- 1475 standard that shall be paid in cash to the department or incurred through the
- 1476 medical services not paid by Medicaid.
- 1477 (b) In determining whether an applicant or recipient who is aged, blind, or has a
- 1478 disability is eligible for a service or benefit under this chapter, the department shall
- 1479 use 100% of the federal poverty level as:
- 1480 (i) the allowable income standard for eligibility for services or benefits; and
- 1481 (ii) the allowable income standard for eligibility as a result of spend down.
- 1482 (10) The department shall conduct internal audits of the Medicaid program.
- 1483 (11)(a)(i) The department shall apply for, and if approved, implement an
- 1484 amendment to the state plan under this Subsection (11) for benefits for:
- 1485 (A) medically needy pregnant women;
- 1486 (B) medically needy children; and
- 1487 (C) medically needy parents and caretaker relatives.
- 1488 (ii) The department may implement the eligibility standards of Subsection (11)(b) for
- 1489 eligibility determinations made on or after the date of the approval of the
- 1490 amendment to the state plan.
- 1491 (b) In determining whether an applicant is eligible for benefits described in Subsection
- 1492 (11)(a)(i), the department shall:
- 1493 (i) disregard resources held in an account in a savings plan created under Title 53B,

1494 Chapter 8a, Utah Educational Savings Plan, if the beneficiary of the account is:  
 1495 (A) under the age of 26; and  
 1496 (B) living with the account owner, as that term is defined in Section 53B-8a-102,  
 1497 or temporarily absent from the residence of the account owner; and  
 1498 (ii) include withdrawals from an account in the Utah Educational Savings Plan as  
 1499 resources for a benefit determination, if the withdrawals were not used for  
 1500 qualified higher education costs as that term is defined in Section 53B-8a-102.5.

1501 (12)(a) The department may not deny or terminate eligibility for Medicaid solely  
 1502 because an individual is:

1503 (i) incarcerated; and

1504 (ii) not an inmate as defined in Section 64-13-1.

1505 (b) Subsection (12)(a) does not require the Medicaid program to provide coverage for  
 1506 any services for an individual while the individual is incarcerated.

1507 (13) The department is a party to, and may intervene at any time in, any judicial or  
 1508 administrative action:

1509 (a) to which the Department of Workforce Services is a party; and

1510 (b) that involves medical assistance under this chapter.

1511 (14)(a) The department may not deny or terminate eligibility for Medicaid solely

1512 because a birth mother, as that term is defined in Section ~~[78B-6-103]~~ 81-13-101,

1513 considers an adoptive placement for the child or proceeds with an adoptive placement  
 1514 of the child.

1515 (b) A health care provider, as that term is defined in Section 26B-3-126, may not decline  
 1516 payment by Medicaid for covered health and medical services provided to a birth  
 1517 mother, as that term is defined in Section ~~[78B-6-103]~~ 81-13-101, who is enrolled in  
 1518 Utah's Medicaid program and who considers an adoptive placement for the child or  
 1519 proceeds with an adoptive placement of the child.

1520 Section 7. Section **26B-5-316** is amended to read:

1521 **26B-5-316 . Responsibility for cost of care.**

1522 (1) The division shall estimate and determine, as nearly as possible, the actual expense per  
 1523 annum of caring for and maintaining a patient in the state hospital, and that amount or  
 1524 portion of that amount shall be assessed to and paid by the applicant, patient, spouse,  
 1525 parents, child or children who are of sufficient financial ability to do so, or by the  
 1526 guardian of the patient who has funds of the patient that may be used for that purpose.

1527 (2) In addition to the expenses described in Subsection (1), parents are responsible for the

1528 support of their child while the child is in the care of the state hospital in accordance  
 1529 with [~~Title 26B,~~]Chapter 9, Recovery Services and Administration of Child Support, [  
 1530 ~~and~~]Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and  
 1531 Enforcement of Spousal and Child Support.

1532 Section 8. Section **26B-6-411** is amended to read:

1533 **26B-6-411 . Parent liable for cost and support of minor -- Guardian liable for**  
 1534 **costs.**

1535 (1) Parents of a person who receives services or support from the division, who are  
 1536 financially responsible, are liable for the cost of the actual care and maintenance of that  
 1537 person and for the support of the child in accordance with [~~Title 81, Chapter 6, Child~~  
 1538 ~~Support, and~~]Chapter 9, Part 1, Office of Recovery Services, Title 81, Chapter 6, Child  
 1539 Support, and Title 81, Chapter 7, Payment and Enforcement of Spousal and Child  
 1540 Support, until the person reaches 18 years old.

1541 (2) A guardian of a person who receives services or support from the division is liable for  
 1542 the cost of actual care and maintenance of that person, regardless of his age, where funds  
 1543 are available in the guardianship estate established on his behalf for that purpose.  
 1544 However, if the person who receives services is a beneficiary of a trust created in  
 1545 accordance with Section 26B-6-412, or if the guardianship estate meets the requirements  
 1546 of a trust described in that section, the trust income prior to distribution to the  
 1547 beneficiary, and the trust principal are not subject to payment for services or support for  
 1548 that person.

1549 (3) If, at the time a person who receives services or support from the division is discharged  
 1550 from a facility or program owned or operated by or under contract with the division, or  
 1551 after the death and burial of a resident of the developmental center, there remains in the  
 1552 custody of the division or the superintendent any money paid by a parent or guardian for  
 1553 the support or maintenance of that person, it shall be repaid upon demand.

1554 Section 9. Section **26B-8-101** is amended to read:

1555 **26B-8-101 . Definitions.**

1556 As used in this part:

1557 (1) "Adoption document" means [~~an adoption-related document filed with the office, a~~  
 1558 ~~petition for adoption, a decree of adoption, an original birth certificate, or evidence~~  
 1559 ~~submitted in support of a supplementary birth certificate] the same as that term is defined  
 1560 in Section 81-13-101.~~

1561 (2) "Alien child" means an individual:

- 1562 (a) who is younger than 16 years old; and
- 1563 (b) who is not considered a citizen or national of the United States by the United States
- 1564 Citizenship and Immigration Services.
- 1565 [(2)] (3) "Biological sex at birth" means an individual's sex, as being male or female,
- 1566 according to distinct reproductive roles as manifested by sex and reproductive organ
- 1567 anatomy, chromosomal makeup, and endogenous hormone profiles.
- 1568 [(3)] (4) "Certified nurse midwife" means an individual who:
- 1569 (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a, Nurse
- 1570 Midwife Practice Act; and
- 1571 (b) has completed an education program regarding the completion of a certificate of
- 1572 death developed by the department by rule made in accordance with Title 63G,
- 1573 Chapter 3, Utah Administrative Rulemaking Act.
- 1574 [(4)] (5) "Custodial funeral service director" means a funeral service director who:
- 1575 (a) is employed by a licensed funeral establishment; and
- 1576 (b) has custody of a dead body.
- 1577 [(5)] (6) "Dead body" means a human body or parts of a human body from the condition of
- 1578 which it reasonably may be concluded that death occurred.
- 1579 [(6)] (7) "Decedent" means the same as a dead body.
- 1580 [(7)] (8) "Dead fetus" means a product of human conception, other than those circumstances
- 1581 described in Subsection 76-7-301(1):
- 1582 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
- 1583 period began to the date of delivery; and
- 1584 (b) that was not born alive.
- 1585 [(8) "~~Declarant father~~" means a male who claims to be the genetic father of a child, and,
- 1586 ~~along with the biological mother, signs a voluntary declaration of paternity to establish~~
- 1587 ~~the child's paternity.]~~
- 1588 (9) "Declarant father" means the same as that term is defined in Section 81-5-102.
- 1589 [(9)] (10) "Dispositioner" means:
- 1590 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as having
- 1591 the right and duty to control the disposition of the decedent, if the person voluntarily
- 1592 acts as the dispositioner; or
- 1593 (b) the next of kin of the decedent, if:
- 1594 (i)(A) a person has not been designated as described in Subsection [(9)(a)] (10)(a);
- 1595 or

- 1596 (B) the person described in Subsection [~~(9)(a)~~] (10)(a) is unable or unwilling to  
1597 exercise the right and duty described in Subsection [~~(9)(a)~~] (10)(a); and  
1598 (ii) the next of kin voluntarily acts as the disposer.
- 1599 [~~(10)~~] (11) "Fetal remains" means:  
1600 (a) an aborted fetus as that term is defined in Section 26B-2-232; or  
1601 (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- 1602 [~~(11)~~] (12) "File" means the submission of a completed certificate or other similar  
1603 document, record, or report as provided under this part for registration by the state  
1604 registrar or a local registrar.
- 1605 [~~(12)~~] (13) "Funeral service director" means the same as that term is defined in Section  
1606 58-9-102.
- 1607 [~~(13)~~] (14) "Health care facility" means the same as that term is defined in Section  
1608 26B-2-201.
- 1609 [~~(14)~~] (15) "Health care professional" means a physician, physician assistant, nurse  
1610 practitioner, or certified nurse midwife.
- 1611 [~~(15)~~] (16) "Intersex individual" means an individual who:  
1612 (a) is born with external biological sex characteristics that are irresolvably ambiguous;  
1613 (b) is born with 46, XX chromosomes with virilization;  
1614 (c) is born with 46, XY chromosomes with undervirilization;  
1615 (d) has both ovarian and testicular tissue; or  
1616 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with  
1617 abnormal:  
1618 (i) sex chromosome structure;  
1619 (ii) sex steroid hormone production; or  
1620 (iii) sex steroid hormone action for a male or female.
- 1621 [~~(16)~~] (17) "Licensed funeral establishment" means:  
1622 (a) if located in Utah, a funeral service establishment, as that term is defined in Section  
1623 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act;  
1624 or  
1625 (b) if located in a state, district, or territory of the United States other than Utah, a  
1626 funeral service establishment that complies with the licensing laws of the jurisdiction  
1627 where the establishment is located.
- 1628 [~~(17)~~] (18) "Live birth" means the birth of a child who shows evidence of life after the child  
1629 is entirely outside of the mother.



- 1630 [(18)] (19) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).  
 1631 [(19)] (20) "Nurse practitioner" means an individual who:
- 1632 (a) is licensed to practice as an advanced practice registered nurse under Title 58,
  - 1633 Chapter 31b, Nurse Practice Act; and
  - 1634 (b) has completed an education program regarding the completion of a certificate of
  - 1635 death developed by the department by administrative rule made in accordance with
  - 1636 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1637 [(20)] (21) "Office" means the Office of Vital Records and Statistics within the department.  
 1638 [(21)] (22) "Physician" means a person licensed to practice as a physician or osteopath in  
 1639 this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68,  
 1640 Utah Osteopathic Medical Practice Act.
- 1641 [(22)] (23) "Physician assistant" means an individual who:
- 1642 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah
  - 1643 Physician Assistant Act; and
  - 1644 (b) has completed an education program regarding the completion of a certificate of
  - 1645 death developed by the department by administrative rule made in accordance with
  - 1646 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1647 [(23)] (24) "Presumed [~~father~~] parent" means the same as that term is defined in Section [  
 1648 ~~78B-15-102~~] 81-5-102.
- 1649 [(24)] (25) "Registration" or "register" means acceptance by the local or state registrar of a  
 1650 certificate and incorporation of the certificate into the permanent records of the state.
- 1651 [(25)] (26) "State registrar" means the state registrar of vital records appointed under Section  
 1652 26B-8-102.
- 1653 [(26)] (27) "Vital records" means:
- 1654 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
  - 1655 dissolution of marriage, or annulment;
  - 1656 (b) amendments to any of the registered certificates or reports described in Subsection [  
 1657 ~~(26)(a)~~] (27)(a);
  - 1658 (c) an adoption document; and
  - 1659 (d) other similar documents.
- 1660 [(27)] (28) "Vital statistics" means the data derived from registered certificates and reports  
 1661 of birth, death, fetal death, induced termination of pregnancy, marriage, divorce,  
 1662 dissolution of marriage, or annulment.
- 1663 Section 10. Section **26B-8-102** is amended to read:

1664           **26B-8-102 . Department duties and authority.**

1665       (1) As used in this section:

1666           (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry  
1667           Information created in Section [~~78B-6-121.5~~] 81-13-106, effective on May 10, 2016.

1668           (b) "Putative father":

1669           (i) means the same as that term is as defined in Section [~~78B-6-121.5~~] 81-13-106; and

1670           (ii) includes an unmarried biological father.

1671           (c) "State registrar" means the state registrar of vital records appointed under Subsection

1672           (2)(e).

1673           (d) "Unmarried biological father" means the same as that term is defined in Section [

1674           ~~78B-6-103~~] 81-13-101.

1675       (2) The department shall:

1676           (a) provide offices properly equipped for the preservation of vital records made or  
1677           received under this part;1678           (b) establish a statewide vital records system for the registration, collection,  
1679           preservation, amendment, and certification of vital records and other similar  
1680           documents required by this part and activities related to them, including the  
1681           tabulation, analysis, and publication of vital statistics;1682           (c) prescribe forms for certificates, certification, reports, and other documents and  
1683           records necessary to establish and maintain a statewide system of vital records;1684           (d) prepare an annual compilation, analysis, and publication of statistics derived from  
1685           vital records; and

1686           (e) appoint a state registrar to direct the statewide system of vital records.

1687       (3) The department may:

1688           (a) divide the state from time to time into registration districts; and

1689           (b) appoint local registrars for registration districts who under the direction and  
1690           supervision of the state registrar shall perform all duties required of them by this part  
1691           and department rules.1692       (4) The state registrar appointed under Subsection (2)(e) shall, with the input of Utah  
1693           stakeholders and the Uniform Law Commission, study the following items for the state's  
1694           implementation of the compact:1695           (a) the feasibility of using systems developed by the National Association for Public  
1696           Health Statistics and Information Systems, including the State and Territorial  
1697           Exchange of Vital Events (STEVE) system and the Electronic Verification of Vital

- 1698 Events (EVVE) system, or similar systems, to exchange putative father registry  
 1699 information with states that are parties to the compact;
- 1700 (b) procedures necessary to share putative father information, located in the confidential  
 1701 registry maintained by the state registrar, upon request from the state registrar of  
 1702 another state that is a party to the compact;
- 1703 (c) procedures necessary for the state registrar to access putative father information  
 1704 located in a state that is a party to the compact, and share that information with  
 1705 persons who request a certificate from the state registrar;
- 1706 (d) procedures necessary to ensure that the name of the mother of the child who is the  
 1707 subject of a putative father's notice of commencement, filed pursuant to Section [  
 1708 ~~78B-6-121~~] 81-13-213, is kept confidential when a state that is a party to the compact  
 1709 accesses this state's confidential registry through the state registrar; and
- 1710 (e) procedures necessary to ensure that a putative father's registration with a state that is  
 1711 a party to the compact is given the same effect as a putative father's notice of  
 1712 commencement filed pursuant to Section [~~78B-6-121~~] 81-13-213.

1713 Section 11. Section **26B-8-104** is amended to read:

1714 **26B-8-104 . Birth registrations -- Execution and registration requirements.**

- 1715 (1) As used in this section:
- 1716 (a) "Birthing facility" means a:
- 1717 (i) general acute hospital as defined in Section 26B-2-201; or
- 1718 (ii) birthing center as defined in Section 26B-2-201.
- 1719 (b) "Designated administrator" means an individual who has been designated by a  
 1720 birthing facility to submit a birth registration on behalf of the birthing facility.
- 1721 (2)(a) The office shall register a birth if a birth registration is completed and filed in  
 1722 accordance with this section.
- 1723 (b) Once a birth is registered, the office shall provide a birth certificate upon request in  
 1724 accordance with all state laws.
- 1725 (3)(a) For each live birth that occurs in a birthing facility, the designated administrator,  
 1726 attending physician, or nurse midwife shall:
- 1727 (i) obtain and enter the information required under this part in the electronic birth  
 1728 registration system no later than 10 days from the day on which the birth occurred;
- 1729 (ii) provide the parent the opportunity to review the information to ensure accuracy;
- 1730 and
- 1731 (iii) submit the birth registration.

- 1732 (b)(i) The date, time, place of birth, and required medical information shall be  
1733 certified by the designated administrator.
- 1734 (ii) The designated administrator shall enter the attending physician's, physician  
1735 assistant's, or nurse midwife's name and transmit the birth registration to the local  
1736 registrar for each birth that occurs in a birth facility.
- 1737 (iii) The information contained in the birth registration about the parents shall be  
1738 provided and certified by the mother or father or, in their incapacity or absence, by  
1739 a person with knowledge of the facts.
- 1740 (4)(a)(i) For a live birth that occurs outside a birthing facility, the birth registration  
1741 shall be completed and filed by the physician, physician assistant, nurse, nurse  
1742 practitioner, certified nurse midwife, or other person primarily responsible for  
1743 providing assistance to the mother at the birth no later than 10 days from the day  
1744 on which the birth occurred.
- 1745 (ii) If the birth occurred without assistance from an individual described in  
1746 Subsection (4)(a)(i), the presumed parent or declarant father or the mother of the  
1747 child shall complete and file the birth registration.
- 1748 (b) The birth registration shall be completed as fully as possible and shall include the  
1749 date, time, and place of birth, and the mother's name.
- 1750 (5)(a) For each live birth to an unmarried mother that occurs in a birthing facility, the  
1751 designated administrator shall:
- 1752 (i) provide the birth mother and declarant father, if present, with:
- 1753 (A) a voluntary declaration of paternity form published by the state registrar;  
1754 (B) oral and written notice to the birth mother and declarant father of the  
1755 alternatives to, the legal consequences of, and the rights and responsibilities  
1756 that arise from signing the declaration; and  
1757 (C) the opportunity to sign the declaration;
- 1758 (ii) witness the signature of a birth mother or declarant father in accordance with  
1759 Section ~~[78B-15-302]~~ 81-5-302 if the signature occurs at the facility;
- 1760 (iii) enter the declarant father's information on the original birth certificate, but only  
1761 if the mother and declarant father have signed a voluntary declaration of paternity  
1762 or a court or administrative agency has issued an adjudication of paternity; and  
1763 (iv) file the completed declaration with the original birth certificate.
- 1764 (b) If there is a presumed ~~[father]~~ parent, the voluntary declaration will only be valid if  
1765 the presumed ~~[father]~~ parent also signs the voluntary declaration.

1766 (c) The state registrar shall file the information provided on the voluntary declaration of  
 1767 paternity form with the original birth certificate and may provide certified copies of  
 1768 the declaration of paternity as otherwise provided under [~~Title 78B, Chapter 15, Utah~~  
 1769 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act.

1770 (6)(a) The state registrar shall publish a form for the voluntary declaration of paternity,  
 1771 a description of the process for filing a voluntary declaration of paternity, and of the  
 1772 rights and responsibilities established or effected by that filing, in accordance with [  
 1773 ~~Title 78B, Chapter 15, Utah Uniform Parentage Act~~] Title 81, Chapter 5, Uniform  
 1774 Parentage Act.

1775 (b) Information regarding the form and services related to voluntary paternity  
 1776 establishment shall be made available to birthing facilities and to any other entity or  
 1777 individual upon request.

1778 (7) The name of a declarant father may only be included on the birth certificate of a child of  
 1779 unmarried parents if:

1780 (a) the mother and declarant father have signed a voluntary declaration of paternity; or  
 1781 (b) a court or administrative agency has issued an adjudication of paternity.

1782 (8) Voluntary declarations of paternity, adjudications of paternity by judicial or  
 1783 administrative agencies, and voluntary rescissions of paternity shall be filed with and  
 1784 maintained by the state registrar for the purpose of comparing information with the state  
 1785 case registry maintained by the Office of Recovery Services pursuant to Section  
 1786 26B-9-104.

1787 (9) The department may notify the Division of Professional Licensing that an individual  
 1788 who is required to complete a birth registration under Subsection (4)(a)(i) has failed to  
 1789 register a birth if:

1790 (a) the department has notified the individual that the individual is required by state law  
 1791 to complete the birth registration; and

1792 (b) the individual is a physician, physician assistant, nurse, nurse practitioner, or  
 1793 certified nurse midwife.

1794 Section 12. Section **26B-8-110** is amended to read:

1795 **26B-8-110 . Supplementary certificate of birth.**

1796 (1) An individual born in this state may request the state registrar to register a  
 1797 supplementary birth certificate for the individual if:

1798 (a) the individual is legally recognized as a child of the individual's [~~natural~~]parents  
 1799 when the individual's [~~natural~~]parents are subsequently married;

- 1800 (b) the individual's parentage has been determined by a state court of the United States  
1801 or a Canadian provincial court with jurisdiction; or
- 1802 (c) the individual has been legally adopted, as a child or as an adult, under the law of this  
1803 state, any other state, or any province of Canada.
- 1804 (2) The application for registration of a supplementary birth certificate may be made by:
- 1805 (a) the individual requesting registration under Subsection (1) if the individual is of legal  
1806 age;
- 1807 (b) a legal representative; or
- 1808 (c) any agency authorized to receive children for placement or adoption under the laws  
1809 of this or any other state.
- 1810 (3)(a) The state registrar shall require that an applicant submit identification and proof  
1811 according to department rules.
- 1812 (b) In the case of an adopted individual, that proof may be established by order of the  
1813 court in which the adoption proceedings were held.
- 1814 (4)(a) After the supplementary birth certificate is registered, any information disclosed  
1815 from the record shall be from the supplementary birth certificate.
- 1816 (b) Access to the original birth certificate and to the evidence submitted in support of the  
1817 supplementary birth certificate are not open to inspection except upon the order of a  
1818 Utah district court or as described in Section [~~78B-6-141 or Section 78B-6-144~~  
1819 81-13-103 or 81-13-504].
- 1820 Section 13. Section **26B-8-119** is amended to read:
- 1821 **26B-8-119 . Petition for establishment of unregistered birth or death -- Court**  
1822 **procedure.**
- 1823 (1) A person holding a direct, tangible, and legitimate interest as described in Subsection  
1824 26B-8-125(3)(a) or (b) may petition for a court order establishing the fact, time, and  
1825 place of a birth or death that is not registered or for which a certified copy of the  
1826 registered birth or death certificate is not obtainable. The person shall verify the petition  
1827 and file the petition in the Utah court for the county where:
- 1828 (a) the birth or death is alleged to have occurred;
- 1829 (b) the person resides whose birth is to be established; or
- 1830 (c) the decedent named in the petition resided at the date of death.
- 1831 (2) In order for the court to have jurisdiction, the petition shall:
- 1832 (a) allege the date, time, and place of the birth or death; and
- 1833 (b) state either that no certificate of birth or death has been registered or that a copy of

- 1834 the registered certificate cannot be obtained.
- 1835 (3) The court shall set a hearing for five to 10 days after the day on which the petition is  
1836 filed.
- 1837 (4)(a) If the time and place of birth or death are in question, the court shall hear  
1838 available evidence and determine the time and place of the birth or death.
- 1839 (b) If the time and place of birth or death are not in question, the court shall determine  
1840 the time and place of birth or death to be those alleged in the petition.
- 1841 (5) A court order under this section shall be made on a form prescribed and furnished by the  
1842 department and is effective upon the filing of a certified copy of the order with the state  
1843 registrar.
- 1844 (6)(a) For purposes of this section, the birth certificate of an adopted alien child[~~as~~  
1845 ~~defined in Section 78B-6-108,~~] is considered to be unobtainable if the alien child was  
1846 born in a country that is not recognized by department rule as having an established  
1847 vital records registration system.
- 1848 (b) If the adopted alien child was born in a country recognized by department rule, but a  
1849 person described in Subsection (1) is unable to obtain a certified copy of the birth  
1850 certificate, the state registrar shall authorize the preparation of a birth certificate if the  
1851 state registrar receives a written statement signed by the registrar of the alien child's  
1852 birth country stating a certified copy of the birth certificate is not available.
- 1853 Section 14. Section **26B-8-125** is amended to read:
- 1854 **26B-8-125 . Inspection of vital records.**
- 1855 (1) As used in this section:
- 1856 (a) "Designated legal representative" means an attorney, physician, funeral service  
1857 director, genealogist, or other agent of the subject, or an immediate family member of  
1858 the subject, who has been delegated the authority to access vital records.
- 1859 (b) "Drug use intervention or suicide prevention effort" means a program that studies or  
1860 promotes the prevention of drug overdose deaths or suicides in the state.
- 1861 (c) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or  
1862 grandchild.
- 1863 (d) "Pre-existing parent" means the same as that term is defined in Section 81-13-101.
- 1864 (2)(a) The vital records shall be open to inspection, but only in compliance with the  
1865 provisions of this part, department rules, and Sections [~~78B-6-141 and 78B-6-144]~~  
1866 81-13-103 and 81-13-504.
- 1867 (b) It is unlawful for any state or local officer or employee to disclose data contained in

1868 vital records contrary to this part, department rule, [~~Section 78B-6-141, or Section~~  
 1869 ~~78B-6-144~~] Section 81-13-103, or Section 81-13-504.

1870 (c)[~~(f)~~] An adoption document is open to inspection as provided in Section [  
 1871 ~~78B-6-141 or Section 78B-6-144~~] 81-13-103 or 81-13-504.

1872 [~~(ii) A birth parent may not access an adoption document under Subsection~~  
 1873 ~~78B-6-141(3).~~]

1874 (d) A custodian of vital records may permit inspection of a vital record or issue a  
 1875 certified copy of a record or a part of a record when the custodian is satisfied that the  
 1876 applicant has demonstrated a direct, tangible, and legitimate interest.

1877 (3) Except as provided in Subsection (4), a direct, tangible, and legitimate interest in a vital  
 1878 record is present only if:

1879 (a) the request is from:

1880 (i) the subject;

1881 (ii) an immediate family member of the subject;

1882 (iii) the guardian of the subject;

1883 (iv) a designated legal representative of the subject; or

1884 (v) a person, including a child-placing agency as defined in Section [~~78B-6-103~~]

1885 81-13-101, with whom a child has been placed pending finalization of an adoption  
 1886 of the child;

1887 (b) the request involves a personal or property right of the subject of the record;

1888 (c) the request is for official purposes of a public health authority or a state, local, or  
 1889 federal governmental agency;

1890 (d) the request is for a drug use intervention or suicide prevention effort or a statistical or  
 1891 medical research program and prior consent has been obtained from the state  
 1892 registrar; or

1893 (e) the request is a certified copy of an order of a court of record specifying the record to  
 1894 be examined or copied.

1895 (4)(a) Except as provided in [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Title 81,

1896 Chapter 13, Adoption, a parent, or an immediate family member of a parent[~~, who~~]

1897 may not be considered as having a direct, tangible, and legitimate interest under this

1898 section in a vital record for which the subject is a child if the parent or family member

1899 does not have legal or physical custody of, or visitation or parent-time rights for[~~-a~~],

1900 the child:

1901 (i) because of the termination of parental rights under Title 80, Chapter 4,



1902 Termination and Restoration of Parental Rights~~[-or] ; or~~  
 1903 (ii) by virtue of consenting to or relinquishing a child for adoption [pursuant to Title  
 1904 78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a  
 1905 direct, tangible, and legitimate interest under this section] as described in Title 81,  
 1906 Chapter 13, Adoption.

1907 (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting  
 1908 names, addresses, or similar information may not be considered as having a direct,  
 1909 tangible, and legitimate interest under this section.

1910 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office  
 1911 shall make the following records available to the public:

1912 (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding  
 1913 confidential information collected for medical and health use, if 100 years or more  
 1914 have passed since the date of birth;

1915 (b) a death record if 50 years or more have passed since the date of death; and

1916 (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed  
 1917 since the date of the event upon which the record is based.

1918 (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office  
 1919 shall make an adoption document available as provided in Sections ~~[78B-6-141 and~~  
 1920 ~~78B-6-144]~~ 81-13-103 and 81-13-504.

1921 (7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah  
 1922 Administrative Rulemaking Act, establishing procedures and the content of forms as  
 1923 follows:

1924 (a) for the inspection of adoption documents under Subsection ~~[78B-6-141(4)]~~  
 1925 81-13-103(6);

1926 (b) for a ~~[birth]~~ pre-existing parent's election to permit identifying information about the [  
 1927 ~~birth]~~ pre-existing parent to be made available~~[-under Section 78B-6-141]~~ as  
 1928 described in Section 81-13-103;

1929 (c) for the release of information by the mutual-consent, voluntary adoption registry~~[-~~  
 1930 ~~under Section 78B-6-144]~~ as described in Section 81-13-504;

1931 (d) for collecting fees and donations under Section ~~[78B-6-144.5]~~ 81-13-505; and

1932 (e) for the review and approval of a request described in Subsection (3)(d).

1933 Section 15. Section **26B-8-128** is amended to read:

1934 **26B-8-128 . Divorce or adoption -- Duty of court clerk to file certificates or**  
 1935 **reports.**

- 1936 (1) For each adoption, annulment of adoption, divorce, and annulment of marriage ordered  
1937 or decreed in this state, the clerk of the court shall prepare a divorce certificate or report  
1938 of adoption on a form furnished by the state registrar or, for a report of adoption, the  
1939 state of the child's birth.
- 1940 (2) The petitioner shall provide the clerk of the court with the information necessary to  
1941 prepare the certificate or report under Subsection (1), including the form furnished by  
1942 the child's state of birth if the child was born in another state.
- 1943 (3) The clerk shall:
- 1944 (a) prepare the certificate or report under Subsection (1); and
- 1945 (b) complete the remaining entries for the certificate or report immediately after the  
1946 decree or order becomes final.
- 1947 (4) On or before the 15th day of each month, the clerk shall forward the divorce certificates  
1948 and reports of adoption under Subsection (1) completed by the clerk during the  
1949 preceding month to the state registrar, except for reports of adoption provided to an  
1950 attorney or child-placing agency under Subsection (5)(b).
- 1951 (5)(a) In addition to the report of adoption that the clerk forwards to the state registrar  
1952 under Subsection (4), the clerk shall also provide an original report of adoption under  
1953 Subsection (1), upon request, to the attorney who is providing representation of a  
1954 party to the adoption, or the child-placing agency, as defined in Section ~~[78B-6-103]~~  
1955 81-13-101, that is placing the child.
- 1956 (b) If the child was born in another state, the clerk of court shall prepare and provide one  
1957 original report of adoption, upon request, to the attorney who is providing  
1958 representation of a party to the adoption, or the child-placing agency that is placing  
1959 the child, and the attorney or child-placing agency shall be responsible for submitting  
1960 the report to the state of the child's birth.
- 1961 (c) If the attorney or child-placing agency does not request an original report of adoption  
1962 under Subsection (5)(a) or (b), the clerk shall forward the report of adoption to the  
1963 state registrar pursuant to Subsection (4).
- 1964 (d) If, pursuant to Subsection (5)(a), an original report of adoption is provided to the  
1965 attorney or the child-placing agency, as defined in Section ~~[78B-6-103]~~ 81-13-101,  
1966 the attorney or the child-placing agency shall immediately provide the report of  
1967 adoption to the state registrar.
- 1968 Section 16. Section **26B-8-131** is amended to read:
- 1969 **26B-8-131 . Birth certificate for foreign adoptees.**

1970 Upon presentation of a court order of adoption and an order establishing the fact, time,  
 1971 and place of birth under Section 26B-8-119, the department shall prepare a birth certificate for  
 1972 an individual who:

- 1973 (1) was adopted under the laws of this state; and  
 1974 (2) was at the time of adoption, as a child or as an adult, considered an alien child or ~~[adult~~  
 1975 ~~for whom the court received documentary evidence of lawful admission under Section~~  
 1976 ~~78B-6-108]~~ an adult born in another country.

1977 Section 17. Section **26B-9-101** is amended to read:

1978 **26B-9-101 . Definitions.**

1979 As used in this part:

- 1980 (1) "Account" means a demand deposit account, checking or negotiable withdrawal order  
 1981 account, savings account, time deposit account, or money-market mutual fund account.  
 1982 (2) "Alleged genetic parent" means the same as that term is defined in Section 81-5-102.  
 1983 ~~[(2)]~~ (3) "Assistance" means public assistance.  
 1984 (4) "Birth mother" means the same as that term is defined in Section 81-5-102.  
 1985 ~~[(3)]~~ (5) "Child" means the same as that term is defined in Section 81-6-101.  
 1986 ~~[(4)]~~ (6)(a) "Child support" means a base child support award as defined in Section  
 1987 81-6-101, or a financial award for uninsured monthly medical expenses, ordered by a  
 1988 tribunal for the support of a child, including current periodic payments, all arrearages  
 1989 that accrue under an order for current periodic payments, and sum certain judgments  
 1990 awarded for arrearages, medical expenses, and child care costs.  
 1991 (b) "Child support" includes obligations ordered by a tribunal for the support of a spouse  
 1992 or former spouse with whom the child resides if the spousal support is collected with  
 1993 the child support.  
 1994 ~~[(5)]~~ (7) "Child support services" means services provided pursuant to Part D of Title IV of  
 1995 the Social Security Act, 42 U.S.C. Sec. 651, et seq.  
 1996 ~~[(6)]~~ (8) "Director" means the director of the Office of Recovery Services.  
 1997 ~~[(7)]~~ (9) "Financial institution" means:  
 1998 (a) a depository institution as defined in Section 7-1-103 or the Federal Deposit  
 1999 Insurance Act, 12 U.S.C. Sec. 1813(c);  
 2000 (b) an institution-affiliated party as defined in the Federal Deposit Insurance Act, 12  
 2001 U.S.C. Sec. 1813(u);  
 2002 (c) any federal credit union or state credit union as defined in the Federal Credit Union  
 2003 Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit

2004 union as defined in 12 U.S.C. Sec. 1786(r);

2005 (d) a broker-dealer as defined in Section 61-1-13; or

2006 (e) any benefit association, insurance company, safe deposit company, money-market

2007 mutual fund, or similar entity authorized to do business in the state.

2008 ~~[(8)]~~ (10) "Financial record" means the same as that term is defined in the Right to Financial

2009 Privacy Act of 1978, 12 U.S.C. Sec. 3401.

2010 ~~[(9)]~~ (11)(a) "Income" means earnings, compensation, or other payment due to an

2011 individual, regardless of source, whether denominated as wages, salary, commission,

2012 bonus, pay, or contract payment, or denominated as advances on future wages, salary,

2013 commission, bonus, pay, allowances, contract payment, or otherwise, including

2014 severance pay, sick pay, and incentive pay.

2015 (b) "Income" includes:

2016 (i) all gain derived from capital assets, labor, or both, including profit gained through

2017 sale or conversion of capital assets;

2018 (ii) interest and dividends;

2019 (iii) periodic payments made under pension or retirement programs or insurance

2020 policies of any type;

2021 (iv) unemployment compensation benefits;

2022 (v) workers' compensation benefits; and

2023 (vi) disability benefits.

2024 ~~[(10)]~~ (12) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651

2025 et seq.

2026 ~~[(11)]~~ (13) "IV-D child support services" means child support services.

2027 ~~[(12)]~~ (14) "New hire registry" means the centralized new hire registry created in Section

2028 35A-7-103.

2029 ~~[(13)]~~ (15) "Obligee" means an individual, this state, another state, or other comparable

2030 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support

2031 or public assistance.

2032 ~~[(14)]~~ (16) "Obligor" means a person, firm, corporation, or the estate of a decedent owing

2033 money to this state, to an individual, to another state, or other comparable jurisdiction in

2034 whose behalf this state is acting.

2035 ~~[(15)]~~ (17) "Office" means the Office of Recovery Services.

2036 (18) "Parentage" means the same as that term is defined in Section 81-5-102.

2037 ~~[(16)]~~ (19) "Public assistance" means:

- 2038 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;  
 2039 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;  
 2040 (c) foster care maintenance payments under Part E of Title IV of the Social Security Act,  
 2041 42 U.S.C. Sec. 670, et seq.;
- 2042 (d) SNAP benefits as defined in Section 35A-1-102; or  
 2043 (e) any other public funds expended for the benefit of a person in need of financial,  
 2044 medical, food, housing, or related assistance.

2045 [(17)] (20) "State case registry" means the central, automated record system maintained by  
 2046 the office and the central, automated district court record system maintained by the  
 2047 Administrative Office of the Courts, that contains records which use standardized data  
 2048 elements, such as names, Social Security numbers and other uniform identification  
 2049 numbers, dates of birth, and case identification numbers, with respect to:

- 2050 (a) each case in which services are being provided by the office under the state IV-D  
 2051 child support services plan; and  
 2052 (b) each support order established or modified in the state on or after October 1, 1998.

2053 Section 18. Section **26B-9-104** is amended to read:

2054 **26B-9-104 . Duties of the Office of Recovery Services.**

2055 (1) The office has the following duties:

- 2056 (a) except as provided in Subsection (2), to provide child support services if:  
 2057 (i) the office has received an application for child support services;  
 2058 (ii) the state has provided public assistance; or  
 2059 (iii) a child lives out of the home in the protective custody, temporary custody, or  
 2060 custody or care of the state;
- 2061 (b) for the purpose of collecting child support, to carry out the obligations of the  
 2062 department contained in:  
 2063 (i) this chapter;  
 2064 [(ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;]  
 2065 [(iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and]  
 2066 (ii) Title 81, Chapter 5, Uniform Parentage Act;  
 2067 [(iv)] (iii) Title 81, Chapter 6, Child Support;  
 2068 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and  
 2069 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;  
 2070 (c) to collect money due the department which could act to offset expenditures by the  
 2071 state;

- 2072 (d) to cooperate with the federal government in programs designed to recover health and  
2073 social service funds;
- 2074 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,  
2075 and reimbursable expenses owed to the state or any of its political subdivisions, if the  
2076 office has contracted to provide collection services;
- 2077 (f) to implement income withholding for collection of child support in accordance with  
2078 Part 3, Income Withholding in IV-D Cases;
- 2079 (g) to enter into agreements with financial institutions doing business in the state to  
2080 develop and operate, in coordination with such financial institutions, a data match  
2081 system in the manner provided for in Section 26B-9-208;
- 2082 (h) to establish and maintain the state case registry in the manner required by the Social  
2083 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:
- 2084 (i) the amount of monthly or other periodic support owed under the order, and other  
2085 amounts, including arrearages, interest, late payment penalties, or fees, due or  
2086 overdue under the order;
- 2087 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 2088 (iii) the distribution of collected amounts;
- 2089 (iv) the birth date of any child for whom the order requires the provision of support;  
2090 and
- 2091 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 2092 (i) to contract with the Department of Workforce Services to establish and maintain the  
2093 new hire registry created under Section 35A-7-103;
- 2094 (j) to determine whether an individual who has applied for or is receiving cash assistance  
2095 or Medicaid is cooperating in good faith with the office as required by Section  
2096 26B-9-213;
- 2097 (k) to finance any costs incurred from collections, fees, General Fund appropriation,  
2098 contracts, and federal financial participation; and
- 2099 (l) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of  
2100 the opportunity to contest the accuracy of allegations by a custodial parent of  
2101 nonpayment of past-due child support, prior to taking action against a noncustodial  
2102 parent to collect the alleged past-due support.
- 2103 (2) The office may not provide child support services to the Division of Child and Family  
2104 Services for a calendar month when the child to whom the child support services relate  
2105 is:

- 2106 (a) in the custody of the Division of Child and Family Services; and  
 2107 (b) lives in the home of a custodial parent of the child for more than seven consecutive  
 2108 days, regardless of whether:  
 2109 (i) the greater than seven consecutive day period starts during one month and ends in  
 2110 the next month; and  
 2111 (ii) the child is living in the home on a trial basis.

- 2112 (3) The Division of Child and Family Services is not entitled to child support, for a child to  
 2113 whom the child support relates, for a calendar month when child support services may  
 2114 not be provided under Subsection (2).

2115 Section 19. Section **26B-9-108** is amended to read:

2116 **26B-9-108 . Director -- Powers of office -- Representation by county attorney or**  
 2117 **attorney general -- Receipt of grants -- Rulemaking and enforcement.**

- 2118 (1) The director of the office shall be appointed by the executive director.  
 2119 (2) The office has power to administer oaths, certify to official acts, issue subpoenas, and to  
 2120 compel witnesses and the production of books, accounts, documents, and evidence.  
 2121 (3) The office has the power to seek administrative and judicial orders to require an obligor  
 2122 who owes past-due support and is obligated to support a child receiving public  
 2123 assistance to participate in appropriate work activities if the obligor is unemployed and  
 2124 is not otherwise incapacitated.  
 2125 (4) The office has the power to enter into reciprocal child support enforcement agreements  
 2126 with foreign countries consistent with federal law and cooperative enforcement  
 2127 agreements with Indian Tribes.  
 2128 (5) The office has the power to pursue through court action the withholding, suspension,  
 2129 and revocation of driver's licenses, professional and occupational licenses, and  
 2130 recreational licenses of individuals owing overdue support or failing, after receiving  
 2131 appropriate notice, to comply with subpoenas or orders relating to [paternity] parentage  
 2132 or child support proceedings pursuant to Section 78B-6-315.  
 2133 (6)(a) It is the duty of the attorney general or the county attorney of any county in which  
 2134 a cause of action can be filed, to represent the office.  
 2135 (b) Neither the attorney general nor the county attorney represents or has an  
 2136 attorney-client relationship with the obligee or the obligor in carrying out the duties  
 2137 arising under this chapter.  
 2138 (7) The office, with department approval, is authorized to receive any grants or stipends  
 2139 from the federal government or other public or private source designed to aid the

2140 efficient and effective operation of the recovery program.

2141 (8) The office may adopt, amend, and enforce rules as may be necessary to carry out the  
2142 provisions of this chapter.

2143 Section 20. Section **26B-9-205** is amended to read:

2144 **26B-9-205 . Expedited procedures for establishing parentage or establishing,**  
2145 **modifying, or enforcing a support order.**

2146 (1) The office may, without the necessity of initiating an adjudicative proceeding or  
2147 obtaining an order from any other judicial or administrative tribunal, take the following  
2148 actions related to the establishment of [paternity] parentage or the establishment,  
2149 modification, or enforcement of a support order, and to recognize and enforce the  
2150 authority of state agencies of other states to take the following actions:

2151 (a) require a child, a birth mother, and an alleged [father] genetic parent to submit to  
2152 genetic testing;

2153 (b) subpoena financial or other information needed to establish, modify, or enforce a  
2154 support order, including:

2155 (i) the name, address, and employer of a person who owes or is owed support that  
2156 appears on the customer records of public utilities and cable television companies;  
2157 and

2158 (ii) information held by financial institutions on such things as the assets and  
2159 liabilities of a person who owes or is owed support;

2160 (c) require a public or private employer to promptly disclose information to the office on  
2161 the name, address, date of birth, social security number, employment status,  
2162 compensation, and benefits, including health insurance, of any person employed as  
2163 an employee or contractor by the employer;

2164 (d) require an insurance organization subject to Title 31A, Insurance Code, or an  
2165 insurance administrator of a self-insured employer to promptly disclose to the office  
2166 health insurance information pertaining to an insured or an insured's dependents, if  
2167 known;

2168 (e) obtain access to information in the records and automated databases of other state  
2169 and local government agencies, including:

2170 (i) marriage, birth, and divorce records;

2171 (ii) state and local tax and revenue records providing information on such things as  
2172 residential and mailing addresses, employers, income, and assets;

2173 (iii) real and titled personal property records;



- 2174 (iv) records concerning occupational and professional licenses and the ownership and  
 2175 control of corporations, partnerships, and other business entities;
- 2176 (v) employment security records;
- 2177 (vi) records of agencies administering public assistance programs;
- 2178 (vii) motor vehicle department records; and
- 2179 (viii) corrections records;
- 2180 (f) upon providing notice to the obligor and obligee, direct an obligor or other payor to  
 2181 change the payee to the office if support has been assigned to the office under Section  
 2182 35A-7-108 or if support is paid through the office pursuant to the Social Security Act,  
 2183 42 U.S.C. Sec. 654B;
- 2184 (g) order income withholding in accordance with Part 3, Income Withholding in IV-D  
 2185 Cases;
- 2186 (h) secure assets to satisfy past-due support by:
- 2187 (i) intercepting or seizing periodic or lump-sum payments from:
- 2188 (A) a state or local government agency, including unemployment compensation,  
 2189 workers' compensation, and other benefits; and
- 2190 (B) judgments, settlements, and lotteries;
- 2191 (ii) attaching and seizing assets of an obligor held in financial institutions;
- 2192 (iii) attaching public and private retirement funds, if the obligor presently:
- 2193 (A) receives periodic payments; or
- 2194 (B) has the authority to withdraw some or all of the funds; and
- 2195 (iv) imposing liens against real and personal property in accordance with this section  
 2196 and Section 26B-9-214; and
- 2197 (i) increase monthly payments in accordance with Section 26B-9-219.
- 2198 (2)(a) When taking action under Subsection (1), the office shall send notice under this  
 2199 Subsection (2)(a) to the person or entity who is required to comply with the action if  
 2200 not a party to a case receiving IV-D services.
- 2201 (b) The notice described in Subsection (2)(a) shall include:
- 2202 (i) the authority of the office to take the action;
- 2203 (ii) the response required by the recipient;
- 2204 (iii) the opportunity to provide clarifying information to the office under Subsection  
 2205 (2)(c);
- 2206 (iv) the name and telephone number of a person in the office who can respond to  
 2207 inquiries; and

- 2208 (v) the protection from criminal and civil liability extended under Subsection (7).
- 2209 (c) The recipient of a notice sent under this Subsection (2) shall promptly comply with
- 2210 the terms of the notice and may, if the recipient believes the office's request is in
- 2211 error, send clarifying information to the office setting forth the basis for the
- 2212 recipient's belief.
- 2213 (3) The office shall in any case in which it requires genetic testing under Subsection (1)(a):
- 2214 (a) consider clarifying information if submitted by the obligee and alleged father;
- 2215 (b) proceed with testing as the office considers appropriate;
- 2216 (c) pay the cost of the tests, subject to recoupment from the alleged father if [paternity]
- 2217 parentage is established;
- 2218 (d) order a second test if the original test result is challenged, and the challenger pays the
- 2219 cost of the second test in advance; and
- 2220 (e) require that the genetic test is:
- 2221 (i) of a type generally acknowledged as reliable by accreditation bodies designated by
- 2222 the Secretary of the United States Department of Health and Human Services; and
- 2223 (ii) performed by a laboratory approved by such an accreditation body.
- 2224 (4) The office may impose a penalty against an entity for failing to provide information
- 2225 requested in a subpoena issued under Subsection (1) as follows:
- 2226 (a) \$25 for each failure to provide requested information; or
- 2227 (b) \$500 if the failure to provide requested information is the result of a conspiracy
- 2228 between the entity and the obligor to not supply the requested information or to
- 2229 supply false or incomplete information.
- 2230 (5)(a) Unless a court or administrative agency has reduced past-due support to a sum
- 2231 certain judgment, the office shall provide concurrent notice to an obligor in
- 2232 accordance with Section 26B-9-207 of:
- 2233 (i) any action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or
- 2234 Subsection 26B-9-208(1)(b) if Subsection (5)(b)(iii) does not apply; and
- 2235 (ii) the opportunity of the obligor to contest the action and the amount claimed to be
- 2236 past-due by filing a written request for an adjudicative proceeding with the office
- 2237 within 15 days of notice being sent.
- 2238 (b)(i) Upon receipt of a notice of levy from the office for an action taken pursuant to
- 2239 Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection 26B-9-208(1)(b), a
- 2240 person in possession of personal property of the obligor shall:
- 2241 (A) secure the property from unauthorized transfer or disposition as required by

- 2242 Section 26B-9-215; and
- 2243 (B) surrender the property to the office after 21 days of receiving the notice unless
- 2244 the office has notified the person to release all or part of the property to the
- 2245 obligor.
- 2246 (ii) Unless released by the office, a notice of levy upon personal property shall be:
- 2247 (A) valid for 60 days; and
- 2248 (B) effective against any additional property which the obligor may deposit or
- 2249 transfer into the possession of the person up to the amount of the levy.
- 2250 (iii) If the property upon which the office imposes a levy is insufficient to satisfy the
- 2251 specified amount of past-due support and the obligor fails to contest that amount
- 2252 under Subsection (5)(a)(ii), the office may proceed under Subsections (1)(h)(i)(B),
- 2253 (1)(h)(ii), (1)(h)(iii), or Subsection 26B-9-208(1)(b) against additional property of
- 2254 the obligor until the amount specified and the reasonable costs of collection are
- 2255 fully paid.
- 2256 (c) Except as provided in Subsection (5)(b)(iii), the office may not disburse funds
- 2257 resulting from action requiring notice under Subsection (5)(a)(i) until:
- 2258 (i) 21 days after notice was sent to the obligor; and
- 2259 (ii) the obligor, if the obligor contests the action under Subsection (5)(a)(ii), has
- 2260 exhausted the obligor's administrative remedies and, if appealed to a district court,
- 2261 the district court has rendered a final decision.
- 2262 (d) Before intercepting or seizing any periodic or lump-sum payment under Subsection
- 2263 (1)(h)(i)(A), the office shall:
- 2264 (i) comply with Subsection 59-10-529(4)(a); and
- 2265 (ii) include in the notice required by Subsection 59-10-529(4)(a) reference to
- 2266 Subsection (1)(h)(i)(A).
- 2267 (e) If Subsection (5)(a) or (5)(d) does not apply, an action against the real or personal
- 2268 property of the obligor shall be in accordance with Section 26B-9-214.
- 2269 (6) All information received under this section is subject to Title 63G, Chapter 2,
- 2270 Government Records Access and Management Act.
- 2271 (7) No employer, financial institution, public utility, cable company, insurance
- 2272 organization, its agent or employee, or related entity may be civilly or criminally liable
- 2273 for providing information to the office or taking any other action requested by the office
- 2274 pursuant to this section.
- 2275 (8) The actions the office may take under Subsection (1) are in addition to the actions the

2276 office may take pursuant to Part 3, Income Withholding in IV-D Cases.

2277 Section 21. Section **26B-9-206** is amended to read:

2278 **26B-9-206 . Issuance or modification of administrative order -- Compliance with**  
2279 **court order -- Authority of office -- Stipulated agreements -- Notification requirements.**

2280 (1) Through an adjudicative proceeding the office may issue or modify an administrative  
2281 order that:

2282 (a) determines [paternity] parentage;

2283 (b) determines whether an obligor owes support;

2284 (c) determines temporary orders of child support upon clear and convincing evidence of [  
2285 paternity] parentage in the form of genetic test results or other evidence;

2286 (d) requires an obligor to pay a specific or determinable amount of present and future  
2287 support;

2288 (e) determines the amount of past-due support;

2289 (f) orders an obligor who owes past-due support and is obligated to support a child  
2290 receiving public assistance to participate in appropriate work activities if the obligor  
2291 is unemployed and is not otherwise incapacitated;

2292 (g) imposes a penalty authorized under this chapter;

2293 (h) determines an issue that may be specifically contested under this chapter by a party  
2294 who timely files a written request for an adjudicative proceeding with the office; and

2295 (i) renews an administrative judgment.

2296 (2)(a) An abstract of a final administrative order issued under this section or a notice of  
2297 judgment-lien under Section 26B-9-214 may be filed with the clerk of any district  
2298 court.

2299 (b) Upon a filing under Subsection (2)(a), the clerk of the court shall:

2300 (i) docket the abstract or notice in the judgment docket of the court and note the time  
2301 of receipt on the abstract or notice and in the judgment docket; and

2302 (ii) at the request of the office, place a copy of the abstract or notice in the file of a  
2303 child support action involving the same parties.

2304 (3) If a judicial order has been issued, the office may not issue an order under Subsection (1)  
2305 that is not based on the judicial order, except:

2306 (a) the office may establish a new obligation in those cases in which the juvenile court  
2307 has ordered the parties to meet with the office to determine the support pursuant to  
2308 Section 78A-6-356; or

2309 (b) the office may issue an order of current support in accordance with the child support

2310 guidelines if the conditions of Subsection [~~78B-14-207(2)(e)~~] 81-8-207(2)(c) are met.

2311 (4) The office may proceed under this section in the name of this state, another state under  
2312 Section 26B-9-209, any department of this state, the office, or the obligee.

2313 (5) The office may accept voluntary acknowledgment of a support obligation and enter into  
2314 stipulated agreements providing for the issuance of an administrative order under this  
2315 part.

2316 (6) The office may act in the name of the obligee in endorsing and cashing any drafts,  
2317 checks, money orders, or other negotiable instruments received by the office for support.

2318 (7) The obligor shall, after a notice of agency action has been served on the obligor in  
2319 accordance with Section 63G-4-201, keep the office informed of:

2320 (a) the obligor's current address;

2321 (b) the name and address of current payors of income;

2322 (c) availability of or access to health insurance coverage; and

2323 (d) applicable health insurance policy information.

2324 Section 22. Section **26B-9-207** is amended to read:

2325 **26B-9-207 . Filing of location information -- Service of process.**

2326 (1)(a) Upon the entry of an order in a proceeding to establish [~~paternity~~] parentage or to  
2327 establish, modify, or enforce a support order, each party shall file identifying  
2328 information and shall update that information as changes occur:

2329 (i) with the court or administrative agency that conducted the proceeding; and

2330 (ii) after October 1, 1998, with the state case registry.

2331 (b) The identifying information required under Subsection (1)(a) shall include the  
2332 person's Social Security number, driver's license number, residential and mailing  
2333 addresses, telephone numbers, the name, address, and telephone number of  
2334 employers, and any other data required by the Secretary of the United States  
2335 Department of Health and Human Services.

2336 (c) In any subsequent child support action involving the office or between the parties,  
2337 state due process requirements for notice and service of process shall be satisfied as  
2338 to a party upon:

2339 (i) a sufficient showing that diligent effort has been made to ascertain the location of  
2340 the party; and

2341 (ii) delivery of notice to the most recent residential or employer address filed with the  
2342 court, administrative agency, or state case registry under Subsection (1)(a).

2343 (2)(a) The office shall provide individuals who are applying for or receiving services

- 2344 under this chapter or who are parties to cases in which services are being provided  
2345 under this chapter:
- 2346 (i) with notice of all proceedings in which support obligations might be established or  
2347 modified; and
- 2348 (ii) with a copy of any order establishing or modifying a child support obligation, or  
2349 in the case of a petition for modification, a notice of determination that there  
2350 should be no change in the amount of the child support award, within 14 days  
2351 after issuance of such order or determination.
- 2352 (b) Notwithstanding Subsection (2)(a)(ii), notice in the case of an interstate order shall  
2353 be provided in accordance with Section [~~78B-14-614~~] 81-8-614.
- 2354 (3) Service of all notices and orders under this part shall be made in accordance with Title  
2355 63G, Chapter 4, Administrative Procedures Act, the Utah Rules of Civil Procedure, or  
2356 this section.
- 2357 (4) Consistent with Title 63G, Chapter 2, Government Records Access and Management  
2358 Act, the office shall adopt procedures to classify records to prohibit the unauthorized use  
2359 or disclosure of information relating to a proceeding to:
- 2360 (a) establish [~~paternity~~] parentage; or  
2361 (b) establish or enforce support.
- 2362 (5)(a) The office shall, upon written request, provide location information available in  
2363 its files on a custodial or noncustodial parent to the other party or the other party's  
2364 legal counsel provided that:
- 2365 (i) the party seeking the information produces a copy of the parent-time order signed  
2366 by the court;
- 2367 (ii) the information has not been safeguarded in accordance with Section 454 of the  
2368 Social Security Act;
- 2369 (iii) the party whose location is being sought has been afforded notice in accordance  
2370 with this section of the opportunity to contest release of the information;
- 2371 (iv) the party whose location is being sought has not provided the office with a copy  
2372 of a protective order, a current court order prohibiting disclosure, a current court  
2373 order limiting or prohibiting the requesting person's contact with the party or child  
2374 whose location is being sought, a criminal order, an administrative order pursuant  
2375 to Section 80-2-707, or documentation of a pending proceeding for any of the  
2376 above; and
- 2377 (v) there is no other state or federal law that would prohibit disclosure.

2378 (b) "Location information" shall consist of the current residential address of the  
 2379 custodial or noncustodial parent and, if different and known to the office, the current  
 2380 residence of any children who are the subject of the parent-time order. If there is no  
 2381 current residential address available, the person's place of employment and any other  
 2382 location information shall be disclosed.

2383 (c) For the purposes of this section, "reason to believe" under Section 454 of the Social  
 2384 Security Act means that the person seeking to safeguard information has provided to  
 2385 the office a copy of a protective order, current court order prohibiting disclosure,  
 2386 current court order prohibiting or limiting the requesting person's contact with the  
 2387 party or child whose location is being sought, criminal order signed by a court of  
 2388 competent jurisdiction, an administrative order pursuant to Section 80-2-707, or  
 2389 documentation of a pending proceeding for any of the above.

2390 (d) Neither the state, the department, the office nor its employees shall be liable for any  
 2391 information released in accordance with this section.

2392 (6) Custodial or noncustodial parents or their legal representatives who are denied location  
 2393 information in accordance with Subsection (5) may serve the Office of Recovery  
 2394 Services to initiate an action to obtain the information.

2395 Section 23. Section **26B-9-209** is amended to read:

2396 **26B-9-209 . Support collection services requested by agency of another state.**

2397 (1) In accordance with [~~Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act~~]  
 2398 Title 81, Chapter 8, Uniform Interstate Family Support Act, the office may proceed to  
 2399 issue or modify an order under Section 26B-9-206 to collect under this part from an  
 2400 obligor who is located in or is a resident of this state regardless of the presence or  
 2401 residence of the obligee if:

2402 (a) support collection services are requested by an agency of another state that is  
 2403 operating under Part IV-D of the Social Security Act; or

2404 (b) an individual applies for services.

2405 (2) The office shall use high-volume automated administrative enforcement, to the same  
 2406 extent it is used for intrastate cases, in response to a request made by another state's  
 2407 IV-D child support agency to enforce support orders.

2408 (3) A request by another state shall constitute a certification by the requesting state:

2409 (a) of the amount of support under the order of payment of which is in arrears; and

2410 (b) that the requesting state has complied with procedural due process requirements  
 2411 applicable to the case.

- 2412 (4) The office shall give automated administrative interstate enforcement requests the same  
 2413 priority as a two-state referral received from another state to enforce a support order.
- 2414 (5) The office shall promptly report the results of the enforcement procedures to the  
 2415 requesting state.
- 2416 (6) As required by the Social Security Act, 42 U.S.C. Sec. 666(a)(14), the office shall  
 2417 maintain records of:
- 2418 (a) the number of requests for enforcement assistance received by the office under this  
 2419 section;
- 2420 (b) the number of cases for which the state collected support in response to those  
 2421 requests; and
- 2422 (c) the amount of support collected.

2423 Section 24. Section **26B-9-212** is amended to read:

2424 **26B-9-212 . Collection directly from responsible parent.**

- 2425 (1)(a) The office may issue or modify an order under Section 26B-9-206 and collect  
 2426 under this part directly from a responsible parent if the procedural requirements of  
 2427 applicable law have been met and if public assistance is provided on behalf of that  
 2428 parent's child.
- 2429 (b) The direct right to issue an order under this Subsection (1) is independent of and in  
 2430 addition to the right derived from that assigned under Section 35A-3-108.
- 2431 (2) An order issuing or modifying a support obligation under Subsection (1), issued while  
 2432 public assistance was being provided for a child, remains in effect and may be enforced  
 2433 by the office under Section 26B-9-210 after provision of public assistance ceases.
- 2434 (3)(a) The office may issue or modify an administrative order, subject to the procedural  
 2435 requirements of applicable law, that requires that obligee to pay to the office assigned  
 2436 support that an obligee receives and retains in violation of Subsection 26B-9-213(4)  
 2437 and may reduce to judgment any unpaid balance due.
- 2438 (b) The office may collect the judgment debt in the same manner as it collects any  
 2439 judgment for past-due support owed by an obligor.
- 2440 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall have  
 2441 full standing and authority to establish and enforce child support obligations against an  
 2442 alleged genetic parent currently or formerly in a same-sex marriage on the same terms as  
 2443 the Office of Recovery Services' authority against other [~~mothers and fathers~~] parents.

2444 Section 25. Section **26B-9-213** is amended to read:

2445 **26B-9-213 . Duties of obligee after assignment of support rights.**



- 2446 (1) An obligee whose rights to support have been assigned under Section 35A-3-108 as a  
2447 condition of eligibility for public assistance has the following duties:
- 2448 (a) Unless a good cause or other exception applies, the obligee shall, at the request of the  
2449 office:
- 2450 (i) cooperate in good faith with the office by providing the name and other  
2451 identifying information of the other parent of the obligee's child for the purpose of:
- 2452 (A) establishing [~~paternity~~] parentage; or  
2453 (B) establishing, modifying, or enforcing a child support order;
- 2454 (ii) supply additional necessary information and appear at interviews, hearings, and  
2455 legal proceedings; and
- 2456 (iii) submit the obligee's child and [~~himself~~] the obligee to judicially or  
2457 administratively ordered genetic testing.
- 2458 (b) The obligee may not commence an action against an obligor or file a pleading to  
2459 collect or modify support without the office's written consent.
- 2460 (c) The obligee may not do anything to prejudice the rights of the office to establish [  
2461 ~~paternity~~] parentage, enforce provisions requiring health insurance, or to establish and  
2462 collect support.
- 2463 (d) The obligee may not agree to allow the obligor to change the court or  
2464 administratively ordered manner or amount of payment of past, present, or future  
2465 support without the office's written consent.
- 2466 (2)(a) The office shall determine and redetermine, when appropriate, whether an obligee  
2467 has cooperated with the office as required by Subsection (1)(a).
- 2468 (b) If the office determines that an obligee has not cooperated as required by Subsection  
2469 (1)(a), the office shall:
- 2470 (i) forward the determination and the basis for it to the Department of Workforce  
2471 Services, which shall inform the department of the determination, for a  
2472 determination of whether compliance by the obligee should be excused on the  
2473 basis of good cause or other exception; and
- 2474 (ii) send to the obligee:
- 2475 (A) a copy of the notice; and  
2476 (B) information that the obligee may, within 15 days of notice being sent:
- 2477 (I) contest the office's determination of noncooperation by filing a written  
2478 request for an adjudicative proceeding with the office; or  
2479 (II) assert that compliance should be excused on the basis of good cause or

2480 other exception by filing a written request for a good cause exception with  
2481 the Department of Workforce Services.

2482 (3) The office's right to recover is not reduced or terminated if an obligee agrees to allow  
2483 the obligor to change the court or administratively ordered manner or amount of  
2484 payment of support regardless of whether that agreement is entered into before or after  
2485 public assistance is furnished on behalf of a child.

2486 (4)(a) If an obligee receives direct payment of assigned support from an obligor, the  
2487 obligee shall immediately deliver that payment to the office.

2488 (b)(i) If an obligee agrees with an obligor to receive payment of support other than in  
2489 the court or administratively ordered manner and receives payment as agreed with  
2490 the obligor, the obligee shall immediately deliver the cash equivalent of the  
2491 payment to the office.

2492 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)  
2493 exceeds the amount of the court or administratively ordered support due, the  
2494 office shall return the excess to the obligee.

2495 (5)(a) If public assistance furnished on behalf of a child is terminated, the office may  
2496 continue to provide [~~paternity~~] parentage establishment and support collection  
2497 services.

2498 (b) Unless the obligee notifies the office to discontinue these services, the obligee is  
2499 considered to have accepted and is bound by the rights, duties, and liabilities of an  
2500 obligee who has applied for those services.

2501 Section 26. Section **26B-9-230** is amended to read:

2502 **26B-9-230 . Right to judicial review.**

2503 (1)(a) Within 30 days of notice of any administrative action on the part of the office to  
2504 establish [~~paternity~~] parentage or establish, modify or enforce a child support order,  
2505 the obligor may file a petition for de novo review with the district court.

2506 (b) For purposes of Subsection (1)(a), notice includes:

2507 (i) notice actually received by the obligor in accordance with Section 26B-9-207;

2508 (ii) participation by the obligor in the proceedings related to the establishment of the [  
2509 ~~paternity~~] parentage or the modification or enforcement of child support; or

2510 (iii) receiving a paycheck in which a reduction has been made for child support.

2511 (2) The petition shall name the office and all other appropriate parties as respondents and  
2512 meet the form requirements specified in Section 63G-4-402.

2513 (3) A copy of the petition shall be served upon the Child and Family Support Division of

- 2514 the Office of Attorney General.
- 2515 (4)(a) If the petition is regarding the amount of the child support obligation established  
2516 in accordance with Title 81, Chapter 6, Child Support, the court may issue a  
2517 temporary order for child support until a final order is issued.
- 2518 (b) The petitioner may file an affidavit stating the amount of child support reasonably  
2519 believed to be due and the court may issue a temporary order for that amount. The  
2520 temporary order shall be valid for 60 days, unless extended by the court while the  
2521 action is being pursued.
- 2522 (c) If the court upholds the amount of support established in Subsection (4)(a), the  
2523 petitioner shall be ordered to make up the difference between the amount originally  
2524 ordered in Subsection (4)(a) and the amount temporarily ordered under Subsection  
2525 (4)(b).
- 2526 (d) This Subsection (4) does not apply to an action for the court-ordered modification of  
2527 a judicial child support order.
- 2528 (5)(a) The court may, on its own initiative and based on the evidence before it,  
2529 determine whether the petitioner violated Rule 11 of the Utah Rules of Civil  
2530 Procedure by filing the action.
- 2531 (b) If the court determines that Rule 11 of the Utah Rules of Civil Procedure was  
2532 violated, it shall, at a minimum, award to the office attorney fees and costs for the  
2533 action.
- 2534 (6) Nothing in this section precludes the obligor from seeking administrative remedies as  
2535 provided in this chapter.
- 2536 Section 27. Section **35A-3-308** is amended to read:
- 2537 **35A-3-308 . Adoption services -- Printed information -- Supports provided.**
- 2538 (1) The department may provide assistance under this section to an applicant who is  
2539 pregnant and is not receiving cash assistance at the beginning of the third trimester of  
2540 pregnancy.
- 2541 (2) For a pregnant applicant, the department shall:
- 2542 (a) refer the applicant for appropriate prenatal medical care, including maternal health  
2543 services provided under Title 26B, Chapter 7, Part 1, Health Promotion and Risk  
2544 Reduction;
- 2545 (b) inform the applicant of free counseling about adoption from licensed child placement  
2546 agencies and licensed attorneys; and
- 2547 (c) offer the applicant the adoption information packet described in Subsection (3).

- 2548 (3) The department shall publish an adoption information packet that:
- 2549 (a) is easy to understand;
- 2550 (b) contains geographically indexed materials on the public and private organizations
- 2551 that provide adoption assistance;
- 2552 (c) lists the names, addresses, and telephone numbers of licensed child placement
- 2553 agencies and licensed attorneys who place children for adoption;
- 2554 (d) explains that private adoption is legal and that the law permits adoptive parents to
- 2555 reimburse the costs of prenatal care, childbirth, neonatal care, and other expenses
- 2556 related to pregnancy; and
- 2557 (e) describes the services available to the applicant under this section.
- 2558 (4)(a) A recipient remains eligible for assistance under this section, even though the
- 2559 recipient relinquishes a child for adoption, if the adoption is in accordance with
- 2560 Sections ~~[78B-6-120 through 78B-6-122]~~ 81-13-212 and 81-13-213.
- 2561 (b) The assistance provided under this section may include:
- 2562 (i) reimbursement for expenses associated with care and confinement during
- 2563 pregnancy as provided in Subsection (5); and
- 2564 (ii) for a maximum of 12 months from the date of relinquishment, coordination of
- 2565 services to assist the recipient in:
- 2566 (A) receiving appropriate educational and occupational assessment and planning;
- 2567 (B) enrolling in appropriate education or training programs, including high school
- 2568 completion and adult education programs;
- 2569 (C) enrolling in programs that provide assistance with job readiness, employment
- 2570 counseling, finding employment, and work skills;
- 2571 (D) finding suitable housing;
- 2572 (E) receiving medical assistance, under Title 26B, Chapter 3, Health Care -
- 2573 Administration and Assistance, if the recipient is otherwise eligible; and
- 2574 (F) receiving counseling and other mental health services.
- 2575 (5)(a) Except as provided in Subsection (5)(b), a recipient under this section is eligible
- 2576 to receive an amount equal to the maximum monthly amount of cash assistance paid
- 2577 under this part to one person for up to 12 consecutive months from the date of
- 2578 relinquishment.
- 2579 (b) If a recipient is otherwise eligible to receive cash assistance under this part, the
- 2580 recipient is eligible to receive an amount equal to the increase in cash assistance the
- 2581 recipient would have received but for the relinquishment for up to 12 consecutive

- 2582 months from the date of relinquishment.
- 2583 (6)(a) To remain eligible for assistance under this section, a recipient shall:
- 2584 (i) with the cooperation of the department, develop and implement an employment
- 2585 plan that includes goals for achieving self-sufficiency and that describes the action
- 2586 the recipient will take concerning education and training to achieve full-time
- 2587 employment;
- 2588 (ii) if the recipient does not have a high school diploma, enroll in high school or an
- 2589 alternative to high school and demonstrate progress toward graduation; and
- 2590 (iii) make a good faith effort to meet the goals of the employment plan as described
- 2591 in Section 35A-3-304.
- 2592 (b) Cash assistance provided to a recipient before the recipient relinquishes a child for
- 2593 adoption is part of the state plan.
- 2594 (c) Assistance provided under Subsection (5):
- 2595 (i) shall be provided for with state funds; and
- 2596 (ii) may not be counted when determining subsequent eligibility for cash assistance
- 2597 under this chapter.
- 2598 (d) The time limit provisions of Section 35A-3-306 apply to cash assistance provided
- 2599 under the state plan.
- 2600 (e) The department shall monitor a recipient's compliance with this section.
- 2601 (f) Except for Subsection (6)(b), Subsections (2) through (6) are excluded from the state
- 2602 plan.

2603 Section 28. Section **53-10-108** is amended to read:

2604 **53-10-108 . Restrictions on access, use, and contents of division records --**

2605 **Limited use of records for employment purposes -- Challenging accuracy of records --**

2606 **Usage fees -- Missing children records -- Penalty for misuse of records.**

2607 (1) As used in this section:

- 2608 (a) "Clone" means to copy a subscription or subscription data from a rap back system,
- 2609 including associated criminal history record information, from a qualified entity to
- 2610 another qualified entity.
- 2611 (b) "FBI Rap Back System" means the rap back system maintained by the Federal
- 2612 Bureau of Investigation.
- 2613 (c) "Rap back system" means a system that enables authorized entities to receive
- 2614 ongoing status notifications of any criminal history reported on individuals whose
- 2615 fingerprints are registered in the system.

- 2616 (d) "Volunteer Employee Criminal History System" or "VECHS" means a system that  
2617 allows the bureau and the Federal Bureau of Investigation to provide criminal history  
2618 record information to a qualifying entity, including a non-governmental qualifying  
2619 entity.
- 2620 (e) "WIN Database" means the Western Identification Network Database that consists of  
2621 eight western states sharing one electronic fingerprint database.
- 2622 (2) Except as provided in Subsection (17), dissemination of information from a criminal  
2623 history record, including information obtained from a fingerprint background check,  
2624 name check, warrant of arrest information, or information from division files, is limited  
2625 to:
- 2626 (a) criminal justice agencies for purposes of administration of criminal justice and for  
2627 employment screening by criminal justice agencies;
- 2628 (b)(i) agencies or individuals pursuant to a specific agreement with a criminal justice  
2629 agency to provide services required for the administration of criminal justice; and  
2630 (ii) the agreement shall specifically authorize access to data, limit the use of the data  
2631 to purposes for which given, and ensure the security and confidentiality of the  
2632 data;
- 2633 (c) a qualifying entity for employment background checks for the qualifying entity's own  
2634 employees or volunteers and individuals who have applied for employment with or to  
2635 serve as a volunteer for the qualifying entity;
- 2636 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,  
2637 executive order, court rule, court order, or local ordinance;
- 2638 (e) agencies or individuals for the purpose of obtaining required clearances connected  
2639 with foreign travel or obtaining citizenship;
- 2640 (f) agencies or individuals for the purpose of a preplacement adoptive study, in  
2641 accordance with the requirements of Sections [~~78B-6-128 and 78B-6-130~~] 81-13-403  
2642 and 81-13-405;
- 2643 (g) private security agencies through guidelines established by the commissioner for  
2644 employment background checks for their own employees and prospective employees;
- 2645 (h) state agencies for the purpose of conducting a background check for the following  
2646 individuals:
- 2647 (i) employees;
- 2648 (ii) applicants for employment;
- 2649 (iii) volunteers; and

- 2650 (iv) contract employees;
- 2651 (i) governor's office for the purpose of conducting a background check on the following  
2652 individuals:
- 2653 (i) cabinet members;
- 2654 (ii) judicial applicants; and
- 2655 (iii) members of boards, committees, and commissions appointed by the governor;
- 2656 (j) the office of the lieutenant governor for the purpose of conducting a background  
2657 check on an individual applying to be a notary public under Section 46-1-3;
- 2658 (k) agencies and individuals as the commissioner authorizes for the express purpose of  
2659 research, evaluative, or statistical activities pursuant to an agreement with a criminal  
2660 justice agency; and
- 2661 (l) other agencies and individuals as the commissioner authorizes and finds necessary for  
2662 protection of life and property and for offender identification, apprehension, and  
2663 prosecution pursuant to an agreement.
- 2664 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data, limit  
2665 the use of data to research, evaluative, or statistical purposes, preserve the anonymity of  
2666 individuals to whom the information relates, and ensure the confidentiality and security  
2667 of the data.
- 2668 (4)(a) Before requesting information, a qualifying entity under Subsection (2)(c), state  
2669 agency, or other agency or individual described in Subsections (2)(d) through (j) shall  
2670 obtain a signed waiver from the person whose information is requested.
- 2671 (b) The waiver shall notify the signee:
- 2672 (i) that a criminal history background check will be conducted;
- 2673 (ii) who will see the information; and
- 2674 (iii) how the information will be used.
- 2675 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
2676 individual described in Subsections (2)(d) through (g) that submits a request for a  
2677 noncriminal justice name based background check of local databases to the bureau  
2678 shall provide to the bureau:
- 2679 (i) personal identifying information for the subject of the background check; and  
2680 (ii) the fee required by Subsection (15).
- 2681 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
2682 individual described in Subsections (2)(d) through (g) that submits a request for a  
2683 WIN database check and a nationwide background check shall provide to the bureau:

- 2684 (i) personal identifying information for the subject of the background check;  
2685 (ii) a fingerprint card for the subject of the background check; and  
2686 (iii) the fee required by Subsection (15).
- 2687 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or  
2688 other agency or individual described in Subsections (2)(d) through (j) may only be:  
2689 (i) available to individuals involved in the hiring or background investigation of the  
2690 job applicant, employee, notary applicant, or as authorized under federal or state  
2691 law;  
2692 (ii) used for the purpose of assisting in making an employment appointment,  
2693 selection, or promotion decision or for considering a notary applicant under  
2694 Section 46-1-3; and  
2695 (iii) used for the purposes disclosed in the waiver signed in accordance with  
2696 Subsection (4)(b).
- 2697 (f) An individual who disseminates or uses information obtained from the division under  
2698 Subsections (2)(c) through (j) for purposes other than those specified under  
2699 Subsection (4)(e), in addition to any penalties provided under this section, is subject  
2700 to civil liability.
- 2701 (g)(i) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
2702 individual described in Subsections (2)(d) through (j) that obtains background  
2703 check information shall provide the subject of the background check an  
2704 opportunity to:  
2705 (A) request a copy of the information received; and  
2706 (B) respond to and challenge the accuracy of any information received.
- 2707 (ii) An individual who is the subject of a background check and who receives a copy  
2708 of the information described in Subsection (4)(g)(i) may use the information only  
2709 for the purpose of reviewing, responding to, or challenging the accuracy of the  
2710 information.
- 2711 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2712 division may make rules to implement this Subsection (4).
- 2713 (i) The division or the division's employees are not liable for defamation, invasion of  
2714 privacy, negligence, or any other claim in connection with the contents of  
2715 information disseminated under Subsections (2)(c) through (j).
- 2716 (5)(a) Except as provided in Subsection (5)(b), (c), (d), or (e), or as otherwise  
2717 authorized under state law, criminal history record information obtained from



- 2718 division files may be used only for the purposes for which the information was  
2719 provided.
- 2720 (b) A criminal history provided to an agency under Subsection (2)(f) may be provided  
2721 by the agency to the individual who is the subject of the history, another licensed  
2722 child-placing agency, or the attorney for the adoptive parents for the purpose of  
2723 facilitating an adoption.
- 2724 (c) A criminal history of a defendant provided to a criminal justice agency under  
2725 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense  
2726 counsel, upon request during the discovery process, for the purpose of establishing a  
2727 defense in a criminal case.
- 2728 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit  
2729 District Act, that is under contract with a state agency to provide services may, for  
2730 the purposes of complying with Subsection 26B-6-410(5), provide a criminal history  
2731 record to the state agency or the agency's designee.
- 2732 (e) Criminal history record information obtained from a national source may be  
2733 disseminated if the dissemination is authorized by a policy issued by the Criminal  
2734 Justice Information Services Division or other federal law.
- 2735 (6)(a) A qualifying entity under Subsection (2)(c) may submit fingerprints to the bureau  
2736 and the Federal Bureau of Investigation for a local and national background check  
2737 under the provisions of the National Child Protection Act of 1993, 42 U.S.C. Sec.  
2738 5119 et seq.
- 2739 (b) A qualifying entity under Subsection (2)(c) that submits fingerprints under  
2740 Subsection (6)(a):
- 2741 (i) shall meet all VECHS requirements for using VECHS; and  
2742 (ii) may only submit fingerprints for an employee, volunteer, or applicant who has  
2743 resided in Utah for the seven years before the day on which the qualifying entity  
2744 submits the employee's, volunteer's, or applicant's fingerprints.
- 2745 (7)(a) This section does not preclude the use of the division's central computing  
2746 facilities for the storage and retrieval of criminal history record information.
- 2747 (b) This information shall be stored so the information cannot be modified, destroyed, or  
2748 accessed by unauthorized agencies or individuals.
- 2749 (8) Direct access through remote computer terminals to criminal history record information  
2750 in the division's files is limited to those agencies authorized by the commissioner under  
2751 procedures designed to prevent unauthorized access to this information.

- 2752 (9)(a) The commissioner shall establish procedures to allow an individual right of  
2753 access to review and receive a copy of the individual's criminal history report.
- 2754 (b) A processing fee for the right of access service, including obtaining a copy of the  
2755 individual's criminal history report under Subsection (9)(a) shall be set in accordance  
2756 with Section 63J-1-504.
- 2757 (c)(i) The commissioner shall establish procedures for an individual to challenge the  
2758 completeness and accuracy of criminal history record information contained in the  
2759 division's computerized criminal history files regarding that individual.
- 2760 (ii) These procedures shall include provisions for amending any information found to  
2761 be inaccurate or incomplete.
- 2762 (10) The private security agencies as provided in Subsection (2)(g):
- 2763 (a) shall be charged for access; and
- 2764 (b) shall be registered with the division according to rules made by the division under  
2765 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2766 (11) Before providing information requested under this section, the division shall give  
2767 priority to a criminal justice agency's needs.
- 2768 (12)(a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
2769 use, disclose, or disseminate a record created, maintained, or to which access is  
2770 granted by the division or any information contained in a record created, maintained,  
2771 or to which access is granted by the division for a purpose prohibited or not permitted  
2772 by statute, rule, regulation, or policy of a governmental entity.
- 2773 (b) A person who discovers or becomes aware of any unauthorized use of records  
2774 created or maintained, or to which access is granted by the division shall inform the  
2775 commissioner and the director of the bureau of the unauthorized use.
- 2776 (13)(a) Subject to Subsection (13)(b), a qualifying entity or an entity described in  
2777 Subsection (2) may request that the division register fingerprints taken for the  
2778 purpose of conducting current and future criminal background checks under this  
2779 section with:
- 2780 (i) the WIN Database rap back system, or any successor system;
- 2781 (ii) the FBI Rap Back System; or
- 2782 (iii) a system maintained by the division.
- 2783 (b) A qualifying entity or an entity described in Subsection (2) may only make a request  
2784 under Subsection (13)(a) if the entity:
- 2785 (i) has the authority through state or federal statute or federal executive order;

- 2786 (ii) obtains a signed waiver from the individual whose fingerprints are being  
2787 registered; and
- 2788 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only  
2789 receives notifications for individuals with whom the entity maintains an  
2790 authorizing relationship.
- 2791 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to be  
2792 retained in the FBI Rap Back System for the purpose of being searched by future  
2793 submissions to the FBI Rap Back System, including latent fingerprint searches.
- 2794 (15)(a) The division shall impose fees set in accordance with Section 63J-1-504 for the  
2795 applicant fingerprint card, name check, and to register fingerprints under Subsection  
2796 (13)(a).
- 2797 (b) Funds generated under this Subsection (15) shall be deposited into the General Fund  
2798 as a dedicated credit by the department to cover the costs incurred in providing the  
2799 information.
- 2800 (c) The division may collect fees charged by an outside agency for services required  
2801 under this section.
- 2802 (16) For the purposes of conducting a criminal background check authorized under  
2803 Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in  
2804 accordance with Title 63A, Chapter 17, Utah State Personnel Management Act, and the  
2805 governor's office shall have direct access to criminal background information maintained  
2806 under Chapter 10, Part 2, Bureau of Criminal Identification.
- 2807 (17)(a) Except as provided in Subsection (18), if an individual has an active FBI Rap  
2808 Back System subscription with a qualifying entity, the division may, upon request  
2809 from another qualifying entity, clone the subscription to the requesting qualifying  
2810 entity if:
- 2811 (i) the requesting qualifying entity requests the clone:
- 2812 (A) for the purpose of evaluating whether the individual should be permitted to  
2813 obtain or retain a license for, or serve as an employee or volunteer in a position  
2814 in which the individual is responsible for, the care, treatment, training,  
2815 instruction, supervision, or recreation of children, the elderly, or individuals  
2816 with disabilities; or
- 2817 (B) for the same purpose as the purpose for which the original qualifying entity  
2818 requested the criminal history record information;
- 2819 (ii) the requesting qualifying entity is expressly authorized by statute to obtain

- 2820 criminal history record information for the individual who is the subject of the  
2821 request;
- 2822 (iii) before requesting the clone, the requesting qualifying entity obtains a signed  
2823 waiver, containing the information described in Subsection (4)(b), from the  
2824 individual who is the subject of the request;
- 2825 (iv) the requesting qualifying entity or the individual pays any applicable fees set by  
2826 the division in accordance with Section 63J-1-504; and
- 2827 (v) the requesting qualifying entity complies with the requirements described in  
2828 Subsection (4)(g).
- 2829 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2830 division may make rules regulating the process described in this Subsection (17).
- 2831 (18)(a) Subsection (17) does not apply unless the Federal Bureau of Investigation  
2832 approves the use of the FBI Rap Back System for the purpose described in  
2833 Subsection (17)(a)(i) under the conditions described in Subsection (17).
- 2834 (b) Subsection (17) does not apply to the extent that implementation of the provisions of  
2835 Subsection (17) are contrary to the requirements of the Child Care and Development  
2836 Block Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.
- 2837 (19)(a) Information received by a qualifying entity under Subsection (17) may only be  
2838 disclosed and used as described in Subsection (4)(e).
- 2839 (b) A person who disseminates or uses information received under Subsection (17) for a  
2840 purpose other than those described in Subsection (4)(e) is subject to the penalties  
2841 described in this section and is also subject to civil liability.
- 2842 (c) A qualifying entity is not liable for defamation, invasion of privacy, negligence, or  
2843 any other claim in connection with the contents of information disseminated under  
2844 Subsection (17).
- 2845 Section 29. Section **53B-1-119** is amended to read:
- 2846 **53B-1-119 . Bereavement leave for miscarriage and stillbirth.**
- 2847 (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a  
2848 fetus, regardless of gestational age or the duration of the pregnancy.
- 2849 (2) An institution shall adopt policies providing at least three work days of paid  
2850 bereavement leave for an employee following the end of the employee's pregnancy by  
2851 way of miscarriage or stillbirth or following the end of another individual's pregnancy  
2852 by way of a miscarriage or stillbirth, if:
- 2853 (a) the employee is the individual's spouse or partner;

- 2854 (b) the employee is the individual's former spouse or partner and the employee would  
 2855 have been a biological parent of a child born as a result of the pregnancy;  
 2856 (c) the employee provides documentation to show that the individual intended for the  
 2857 employee to be an adoptive parent, as that term is defined in Section [78B-6-103]  
 2858 81-13-101, of a child born as a result of the pregnancy; or  
 2859 (d) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15, Part~~  
 2860 ~~8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement, the  
 2861 employee would have been a parent of a child born as a result of the pregnancy.

2862 Section 30. Section **53G-11-209** is amended to read:

2863 **53G-11-209 . Paid leave -- Parental leave -- Postpartum recovery leave -- Leave**  
 2864 **sharing -- Rulemaking.**

2865 (1) As used in this section:

- 2866 (a)(i) "Paid leave hours" means leave hours an LEA provides to an LEA employee  
 2867 who accrues paid leave benefits in accordance with the LEA's leave policies.  
 2868 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type  
 2869 of leave an employee may take while still receiving compensation.  
 2870 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.  
 2871 (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible  
 2872 employee.  
 2873 (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave  
 2874 benefits in accordance with the LEA's leave policies and is:  
 2875 (i) a birth parent as defined in Section [73B-6-103] 81-13-101;  
 2876 (ii) legally adopting a minor child, unless the individual is the spouse of the  
 2877 pre-existing parent;  
 2878 (iii) the intended parent of a child born under a validated gestational agreement in  
 2879 accordance with [~~Title 78B, Chapter 15, Part 8, Gestational Agreement~~] Title 81,  
 2880 Chapter 5, Part 8, Gestational Agreement; or  
 2881 (iv) appointed the legal guardian of a minor child or incapacitated adult.  
 2882 (d) "Postpartum recovery leave" means leave hours a state employer provides to a  
 2883 postpartum recovery leave eligible employee to recover from childbirth.  
 2884 (e) "Postpartum recovery leave eligible employee" means an employee:  
 2885 (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and  
 2886 (ii) who gives birth to a child.  
 2887 (f) "Qualified employee" means:

- 2888 (i) a parental leave eligible employee; or  
 2889 (ii) a postpartum recovery leave eligible employee.
- 2890 (g) "Retaliatory action" means to do any of the following regarding an employee:  
 2891 (i) dismiss the employee;  
 2892 (ii) reduce the employee's compensation;  
 2893 (iii) fail to increase the employee's compensation by an amount to which the  
 2894 employee is otherwise entitled to or was promised;  
 2895 (iv) fail to promote the employee if the employee would have otherwise been  
 2896 promoted; or  
 2897 (v) threaten to take an action described in Subsections [~~(1)(f)(i)~~] (1)(g)(i) through (iv).
- 2898 (2) Beginning July 1, 2025, an LEA:  
 2899 (a) shall develop leave policies that provide for the use and administration of parental  
 2900 leave and postpartum recovery leave by a qualified employee under this section in a  
 2901 manner that is not more restrictive than the parental and postpartum recovery leave  
 2902 available to state employees under Section 63A-17-511; [and]  
 2903 (b) may develop leave policies that provide a mechanism for leave sharing between  
 2904 employees of the same LEA or school for all types of leave including, sick leave,  
 2905 annual leave, parental leave, and postpartum recovery leave;  
 2906 (c) shall allow a parental leave eligible employee and a postpartum recovery leave  
 2907 eligible employee who is part-time or who works in excess of a 40-hour work week  
 2908 or the equivalent of a 40-hour work week to use the amount of postpartum recovery  
 2909 leave available under this section on a pro rata basis; and  
 2910 (d) shall provide each employee written information regarding:  
 2911 (i) a qualified employee's right to use parental leave or postpartum recovery leave  
 2912 under this section; and  
 2913 (ii) the availability of and process for using or contributing to the leave sharing  
 2914 mechanism described in Subsection (2)(b).
- 2915 (3) An LEA may not take retaliatory action against a qualified employee for using parental  
 2916 leave or postpartum recovery leave in accordance with this section.
- 2917 (4) An LEA may not charge parental leave or postpartum recovery leave against paid leave  
 2918 hours to which a qualified employee is entitled as described in Subsection (6).
- 2919 (5) An LEA or school may use leave bank sharing and other efforts to mitigate incurred  
 2920 costs of compliance with this section including coordinating with other LEAs or schools  
 2921 to share approaches or policies designed to fulfill the requirements of this section in a

2922 cost effective manner.

2923 (6) An LEA may provide leave that exceeds the benefits of the state leave policies  
2924 described in this section.

2925 Section 31. Section **58-60-112** is amended to read:

2926 **58-60-112 . Reporting of unprofessional or unlawful conduct -- Immunity from**  
2927 **liability -- Reporting conduct of court-appointed therapist.**

2928 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section  
2929 58-60-102 by a person licensed under this chapter or an individual not licensed under  
2930 this chapter and engaged in acts or practices regulated under this chapter, that results in  
2931 disciplinary action by a licensed health care facility, professional practice group, or  
2932 professional society, or that results in a significant adverse impact upon the public  
2933 health, safety, or welfare, the following shall report the conduct in writing to the division  
2934 within 10 days after learning of the disciplinary action or the conduct unless the  
2935 individual or person knows it has been reported:

2936 (a) a licensed health care facility or organization in which an individual licensed under  
2937 this chapter engages in practice;

2938 (b) an individual licensed under this chapter; and

2939 (c) a professional society or organization whose membership is individuals licensed  
2940 under this chapter and which has the authority to discipline or expel a member for  
2941 acts of unprofessional or unlawful conduct.

2942 (2) Any individual reporting acts of unprofessional or unlawful conduct by an individual  
2943 licensed under this chapter is immune from liability arising out of the disclosure to the  
2944 extent the individual furnishes the information in good faith and without malice.

2945 (3)(a) As used in this Subsection (3):

2946 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to  
2947 provide psychotherapeutic treatment to an individual, a couple, or a family in a  
2948 domestic case.

2949 (ii) "Domestic case" means a proceeding under:

2950 (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

2951 [~~(B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~  
2952 ~~Enforcement Act;~~]

2953 [~~(C) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~]

2954 [~~(D)~~] (B) Title 81, Chapter 4, Dissolution of Marriage; [~~or~~]

2955 (C) Title 81, Chapter 5, Uniform Parentage Act;

2956                    [~~E~~] (D) Title 81, Chapter 9, Custody, Parent-time, and Visitation[-] ; or  
 2957                    (E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.

- 2958            (b) If a court appoints a court-appointed therapist in a domestic case, a party to the  
 2959            domestic case may not file a report against the court-appointed therapist for unlawful  
 2960            or unprofessional conduct during the pendency of the domestic case, unless:  
 2961            (i) the party has requested that the court release the court-appointed therapist from the  
 2962            appointment; and  
 2963            (ii) the court finds good cause to release the court-appointed therapist from the  
 2964            appointment.

2965            Section 32. Section **63A-17-106** is amended to read:

2966            **63A-17-106 . Responsibilities of the director.**

- 2967            (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a  
 2968            fetus, regardless of gestational age or the duration of the pregnancy.
- 2969            (2) The director shall have full responsibility and accountability for the administration of  
 2970            the statewide human resource management system.
- 2971            (3) Except as provided in Section 63A-17-201, an agency may not perform human resource  
 2972            functions without the consent of the director.
- 2973            (4) Statewide human resource management rules made by the division in accordance with  
 2974            Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take precedence if  
 2975            there is a conflict with agency rules, policies, or practices.
- 2976            (5) The division may operate as an internal service fund agency in accordance with Section  
 2977            63J-1-410 for the human resource functions the division provides.
- 2978            (6) The director shall:
- 2979            (a) develop, implement, and administer a statewide program of human resource  
 2980            management that will:
- 2981            (i) aid in the efficient execution of public policy;
- 2982            (ii) foster careers in public service for qualified employees; and
- 2983            (iii) render assistance to state agencies in performing their missions;
- 2984            (b) design and administer the state pay plan;
- 2985            (c) design and administer the state classification system and procedures for determining  
 2986            schedule assignments;
- 2987            (d) design and administer the state recruitment and selection system;
- 2988            (e) administer agency human resource practices and ensure compliance with federal law,  
 2989            state law, and state human resource rules, including equal employment opportunity;



- 2990 (f) consult with agencies on decisions concerning employee corrective action and  
2991 discipline;
- 2992 (g) maintain central personnel records;
- 2993 (h) perform those functions necessary to implement this chapter unless otherwise  
2994 assigned or prohibited;
- 2995 (i) perform duties assigned by the governor, executive director, or statute;
- 2996 (j) make rules for human resource management, in accordance with Title 63G, Chapter  
2997 3, Utah Administrative Rulemaking Act;
- 2998 (k) establish and maintain a management information system that will furnish the  
2999 governor, the Legislature, and agencies with current information on authorized  
3000 positions, payroll, and related matters concerning state human resources;
- 3001 (l) conduct research and planning activities to:
- 3002 (i) determine and prepare for future state human resource needs;
- 3003 (ii) develop methods for improving public human resource management; and
- 3004 (iii) propose needed policy changes to the governor;
- 3005 (m) study the character, causes, and extent of discrimination in state employment and  
3006 develop plans for its elimination through programs consistent with federal and state  
3007 laws governing equal employment opportunity in employment;
- 3008 (n) establish compensation policies and procedures for early voluntary retirement;
- 3009 (o) confer with the heads of other agencies about human resource policies and  
3010 procedures;
- 3011 (p) submit an annual report to the executive director, the governor, and the Legislature;  
3012 and
- 3013 (q) assist with the development of a vacant position report required under Subsection  
3014 63J-1-201(2)(b)(vi).
- 3015 (7)(a) After consultation with the executive director, the governor, and the heads of  
3016 other agencies, the director shall establish and coordinate statewide training  
3017 programs, including training described in Subsection (7)(e).
- 3018 (b) The programs developed under this Subsection (7) shall have application to more  
3019 than one agency.
- 3020 (c) The division may not establish training programs that train employees to perform  
3021 highly specialized or technical jobs and tasks.
- 3022 (d) The division shall ensure that any training program described in this Subsection (7)  
3023 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

- 3024 (e)(i) As used in this Subsection (7)(e):
- 3025 (A) "Employee" means the same as that term is defined in Section 63A-17-112.
- 3026 (B) "Supervisor" means an individual in a position at an agency, as defined in
- 3027 Section 63A-17-112, that requires the regular supervision and performance
- 3028 evaluation of an employee.
- 3029 (ii) A supervisor shall attend the training:
- 3030 (A) within six months of being promoted or hired to the position of supervisor; and
- 3031 (B) at least annually.
- 3032 (iii) A supervisor's completion of training and effective use of training information
- 3033 and principles shall be considered in an evaluation of the supervisor's job
- 3034 performance.
- 3035 (iv) The training shall include:
- 3036 (A) effective employee management and evaluation methods based on the pay for
- 3037 performance management system described in Section 63A-17-112;
- 3038 (B) instruction to improve supervisor and employee communications;
- 3039 (C) best practices for recognizing and retaining high-performing employees;
- 3040 (D) best practices for addressing poor-performing employees; and
- 3041 (E) any other information and principles identified by the division to improve
- 3042 management or organizational effectiveness.
- 3043 (8)(a)(i) The division may collect fees for training as authorized by this Subsection
- 3044 (8).
- 3045 (ii) Training funded from General Fund appropriations shall be treated as a separate
- 3046 program within the department budget.
- 3047 (iii) All money received from fees under this section will be accounted for by the
- 3048 department as a separate user driven training program.
- 3049 (iv) The user training program includes the costs of developing, procuring, and
- 3050 presenting training and development programs, and other associated costs for
- 3051 these programs.
- 3052 (b)(i) Funds remaining at the end of the fiscal year in the user training program are
- 3053 nonlapsing.
- 3054 (ii) Each year, as part of the appropriations process, the Legislature shall review the
- 3055 amount of nonlapsing funds remaining at the end of the fiscal year and may, by
- 3056 statute, require the department to lapse a portion of the funds.
- 3057 (9) Rules described in Subsection (6)(j) shall provide for at least three work days of paid

3058 bereavement leave for an employee:

3059 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or

3060 (b) following the end of another individual's pregnancy by way of a miscarriage or  
3061 stillbirth, if:

3062 (i) the employee is the individual's spouse or partner;

3063 (ii)(A) the employee is the individual's former spouse or partner; and

3064 (B) the employee would have been a biological parent of a child born as a result of  
3065 the pregnancy;

3066 (iii) the employee provides documentation to show that the individual intended for  
3067 the employee to be an adoptive parent, as that term is defined in Section [  
3068 ~~78B-6-103~~] 81-13-101, of a child born as a result of the pregnancy; or

3069 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~  
3070 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,  
3071 the employee would have been a parent of a child born as a result of the  
3072 pregnancy.

3073 Section 33. Section **63J-1-602.1** is amended to read:

3074 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

3075 Appropriations made from the following accounts or funds are nonlapsing:

3076 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.

3077 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as  
3078 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

3079 (3) Funds collected for directing and administering the C-PACE district created in Section  
3080 11-42a-106.

3081 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

3082 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.

3083 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section  
3084 19-2a-106.

3085 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in  
3086 Section 19-5-126.

3087 (8) State funds for matching federal funds in the Children's Health Insurance Program as  
3088 provided in Section 26B-3-906.

3089 (9) Funds collected from the program fund for local health department expenses incurred in  
3090 responding to a local health emergency under Section 26B-7-111.

3091 (10) The Technology Development Restricted Account created in Section 31A-3-104.

- 3092 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 3093 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the  
3094 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 3095 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 3096 (14) The Health Insurance Actuarial Review Restricted Account created in Section  
3097 31A-30-115.
- 3098 (15) The State Mandated Insurer Payments Restricted Account created in Section  
3099 31A-30-118.
- 3100 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 3101 (17) The Underage Drinking Prevention Media and Education Campaign Restricted  
3102 Account created in Section 32B-2-306.
- 3103 [~~(18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted~~  
3104 ~~Account created in Section 32B-2-308.~~]
- 3105 [~~(19)~~ (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 3106 [~~(20)~~ (19) Money received by the Utah State Office of Rehabilitation for the sale of certain  
3107 products or services, as provided in Section 35A-13-202.
- 3108 [~~(21)~~ (20) The Homeless Shelter Cities Mitigation Restricted Account created in Section  
3109 35A-16-402.
- 3110 [~~(22)~~ (21) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3111 [~~(23)~~ (22) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3112 [~~(24)~~ (23) The Division of Oil, Gas, and Mining Restricted account created in Section  
3113 40-6-23.
- 3114 [~~(25)~~ (24) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to  
3115 the Motor Vehicle Division.
- 3116 [~~(26)~~ (25) The License Plate Restricted Account created by Section 41-1a-122.
- 3117 [~~(27)~~ (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
3118 created by Section 41-3-110 to the State Tax Commission.
- 3119 [~~(28)~~ (27) The State Disaster Recovery Restricted Account to the Division of Emergency  
3120 Management, as provided in Section 53-2a-603.
- 3121 [~~(29)~~ (28) The Response, Recovery, and Post-disaster Mitigation Restricted Account  
3122 created in Section 53-2a-1302.
- 3123 [~~(30)~~ (29) The Department of Public Safety Restricted Account to the Department of Public  
3124 Safety, as provided in Section 53-3-106.
- 3125 [~~(31)~~ (30) The Utah Highway Patrol Aero Bureau Restricted Account created in Section

- 3126 53-8-303.
- 3127 [(32)] (31) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3128 [(33)] (32) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 3129 [(34)] (33) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 3130 [(35)] (34) A certain portion of money collected for administrative costs under the School  
3131 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 3132 [(36)] (35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,  
3133 subject to Subsection 54-5-1.5(4)(d).
- 3134 [(37)] (36) Funds collected from a surcharge fee to provide certain licensees with access to  
3135 an electronic reference library, as provided in Section 58-3a-105.
- 3136 [(38)] (37) Certain fines collected by the Division of Professional Licensing for violation of  
3137 unlawful or unprofessional conduct that are used for education and enforcement  
3138 purposes, as provided in Section 58-17b-505.
- 3139 [(39)] (38) Funds collected from a surcharge fee to provide certain licensees with access to  
3140 an electronic reference library, as provided in Section 58-22-104.
- 3141 [(40)] (39) Funds collected from a surcharge fee to provide certain licensees with access to  
3142 an electronic reference library, as provided in Section 58-55-106.
- 3143 [(41)] (40) Funds collected from a surcharge fee to provide certain licensees with access to  
3144 an electronic reference library, as provided in Section 58-56-3.5.
- 3145 [(42)] (41) Certain fines collected by the Division of Professional Licensing for use in  
3146 education and enforcement of the Security Personnel Licensing Act, as provided in  
3147 Section 58-63-103.
- 3148 [(43)] (42) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3149 [(44)] (43) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3150 [(45)] (44) Funds paid to the Division of Real Estate for the cost of a criminal background  
3151 check for a mortgage loan license, as provided in Section 61-2c-202.
- 3152 [(46)] (45) Funds paid to the Division of Real Estate for the cost of a criminal background  
3153 check for principal broker, associate broker, and sales agent licenses, as provided in  
3154 Section 61-2f-204.
- 3155 [(47)] (46) Certain funds donated to the Department of Health and Human Services, as  
3156 provided in Section 26B-1-202.
- 3157 [(48)] (47) Certain funds donated to the Division of Child and Family Services, as provided  
3158 in Section 80-2-404.
- 3159 [(49)] (48) Funds collected by the Office of Administrative Rules for publishing, as

- 3160 provided in Section 63G-3-402.
- 3161 [~~(50)~~] (49) The Immigration Act Restricted Account created in Section 63G-12-103.
- 3162 [~~(51)~~] (50) Money received by the military installation development authority, as provided
- 3163 in Section 63H-1-504.
- 3164 [~~(52)~~] (51) The Unified Statewide 911 Emergency Service Account created in Section
- 3165 63H-7a-304.
- 3166 [~~(53)~~] (52) The Utah Statewide Radio System Restricted Account created in Section
- 3167 63H-7a-403.
- 3168 [~~(54)~~] (53) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 3169 [~~(55)~~] (54) The Motion Picture Incentive Account created in Section 63N-8-103.
- 3170 [~~(56)~~] (55) Funds collected by the housing of state probationary inmates or state parole
- 3171 inmates, as provided in Subsection 64-13e-104(2).
- 3172 [~~(57)~~] (56) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
- 3173 and State Lands, as provided in Section 65A-8-103.
- 3174 [~~(58)~~] (57) The following funds or accounts created in Section 72-2-124:
- 3175 (a) Transportation Investment Fund of 2005;
- 3176 (b) Transit Transportation Investment Fund;
- 3177 (c) Cottonwood Canyons Transportation Investment Fund;
- 3178 (d) Active Transportation Investment Fund; and
- 3179 (e) Commuter Rail Subaccount.
- 3180 [~~(59)~~] (58) The Amusement Ride Safety Restricted Account, as provided in Section
- 3181 72-16-204.
- 3182 [~~(60)~~] (59) Certain funds received by the Office of the State Engineer for well drilling fines
- 3183 or bonds, as provided in Section 73-3-25.
- 3184 [~~(61)~~] (60) The Water Resources Conservation and Development Fund, as provided in
- 3185 Section 73-23-2.
- 3186 [~~(62)~~] (61) Award money under the State Asset Forfeiture Grant Program, as provided under
- 3187 Section 77-11b-403.
- 3188 [~~(63)~~] (62) Funds donated or paid to a juvenile court by private sources, as provided in
- 3189 Subsection 78A-6-203(1)(c).
- 3190 [~~(64)~~] (63) Fees for certificate of admission created under Section 78A-9-102.
- 3191 [~~(65)~~] (64) Funds collected for adoption document access as provided in Sections [
- 3192 78B-6-141, 78B-6-144, and 78B-6-144.5] 81-13-103, 81-13-504, and 81-13-505.
- 3193 [~~(66)~~] (65) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,

- 3194 Utah Indigent Defense Commission.
- 3195 [(67)] (66) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 3196 [(68)] (67) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
3197 Park, and Green River State Park, as provided under Section 79-4-403.
- 3198 [(69)] (68) Certain funds received by the Division of State Parks from the sale or disposal of  
3199 buffalo, as provided under Section 79-4-1001.
- 3200 Section 34. Section **63J-1-602.2** is amended to read:
- 3201 **63J-1-602.2 . List of nonlapsing appropriations to programs.**
- 3202 Appropriations made to the following programs are nonlapsing:
- 3203 (1) The Legislature and the Legislature's committees.
- 3204 (2) The State Board of Education, including all appropriations to agencies, line items, and  
3205 programs under the jurisdiction of the State Board of Education, in accordance with  
3206 Section 53F-9-103.
- 3207 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 3208 (4) The Percent-for-Art Program created in Section 9-6-404.
- 3209 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- 3210 (6) The Utah Lake Authority created in Section 11-65-201.
- 3211 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under  
3212 Subsection 17-16-21(2)(d)(ii).
- 3213 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 3214 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection  
3215 26B-3-108(7).
- 3216 (10) The primary care grant program created in Section 26B-4-310.
- 3217 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 3218 (12) The Utah Health Care Workforce Financial Assistance Program created in Section  
3219 26B-4-702.
- 3220 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 3221 (14) The Utah Medical Education Council for the:
- 3222 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
- 3223 (b) provision of medical residency grants described in Section 26B-4-711; and
- 3224 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 3225 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 3226 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program  
3227 created in Section 26B-7-122.

- 3228 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with  
3229 Subsection 32B-2-301(8)(a) or (b).
- 3230 (18) The General Assistance program administered by the Department of Workforce  
3231 Services, as provided in Section 35A-3-401.
- 3232 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 3233 (20) The Search and Rescue Financial Assistance Program, as provided in Section  
3234 53-2a-1102.
- 3235 (21) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 3236 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 3237 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in  
3238 Section 53B-6-104.
- 3239 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection [  
3240 53G-10-608(6)] 53G-10-608(3).
- 3241 (25) The Division of Fleet Operations for the purpose of upgrading underground storage  
3242 tanks under Section 63A-9-401.
- 3243 (26) The Division of Technology Services for technology innovation as provided under  
3244 Section 63A-16-903.
- 3245 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 3246 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 3247 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado  
3248 River Authority of Utah Act.
- 3249 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as  
3250 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 3251 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion  
3252 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion  
3253 Program.
- 3254 (32) County correctional facility contracting program for state inmates as described in  
3255 Section 64-13e-103.
- 3256 (33) County correctional facility reimbursement program for state probationary inmates and  
3257 state parole inmates as described in Section 64-13e-104.
- 3258 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 3259 (35) The Division of Human Resource Management user training program, as provided in  
3260 Section 63A-17-106.
- 3261 (36) A public safety answering point's emergency telecommunications service fund, as



- 3262 provided in Section 69-2-301.
- 3263 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 3264 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the  
3265 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
3266 settlement of federal reserved water right claims.
- 3267 (39) The Judicial Council for compensation for special prosecutors, as provided in Section  
3268 77-10a-19.
- 3269 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 3270 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 3271 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 3272 (43) Adoption document access as provided in Sections [~~78B-6-141, 78B-6-144, and~~  
3273 ~~78B-6-144.5~~] 81-13-103, 81-13-504, and 81-13-505.
- 3274 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense  
3275 Commission.
- 3276 (45) The program established by the Division of Facilities Construction and Management  
3277 under Section 63A-5b-703 under which state agencies receive an appropriation and pay  
3278 lease payments for the use and occupancy of buildings owned by the Division of  
3279 Facilities Construction and Management.
- 3280 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with  
3281 Section 59-2-1802.5.
- 3282 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.  
3283 Section 35. Section **75-2-114** is amended to read:  
3284 **75-2-114 . Parent and child relationship.**
- 3285 (1)(a) Except as provided in Subsections (2) and (3), for purposes of intestate  
3286 succession by, through, or from a person, an individual is the child of the individual's  
3287 natural parents, regardless of their marital status.
- 3288 (b) The parent and child relationship may be established as provided in [~~Title 78B,~~  
3289 ~~Chapter 15, Utah Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act.
- 3290 (2) An adopted individual is the child of the adopting parent or parents and not of the  
3291 natural parents, but adoption of a child by the spouse of either natural parent has no  
3292 effect on the relationship between the child and that natural parent.
- 3293 (3) Inheritance from or through a child by either natural parent or the child's kindred is  
3294 precluded unless that natural parent has openly treated the child as the natural parent's,  
3295 and has not refused to support the child.

3296 Section 36. Section **75-5-209** is amended to read:

3297 **75-5-209 . Powers and duties of guardian of minor -- Residual parental rights**  
3298 **and duties -- Adoption of a ward.**

3299 (1) For purposes of this section, "residual parental rights and duties" is as defined in Section  
3300 80-1-102.

3301 (2) Except as provided in Subsection (4)(a), a guardian of a minor has the powers and  
3302 responsibilities of a parent who has not been deprived of custody of the parent's  
3303 unemancipated minor, including the powers and responsibilities described in Subsection  
3304 (3).

3305 (3) A guardian of a minor:

3306 (a) must take reasonable care of the personal effects of the guardian's ward;

3307 (b) must commence protective proceedings if necessary to protect other property of the  
3308 guardian's ward;

3309 (c) subject to Subsection (4)(b), may receive money payable for the support of the ward  
3310 to the ward's parent, guardian, or custodian under the terms of a:

3311 (i) statutory benefit or insurance system;

3312 (ii) private contract;

3313 (iii) devise;

3314 (iv) trust;

3315 (v) conservatorship; or

3316 (vi) custodianship;

3317 (d) subject to Subsection (4)(b), may receive money or property of the ward paid or  
3318 delivered by virtue of Section 75-5-102;

3319 (e) except as provided in Subsection (4)(c), must exercise due care to conserve any  
3320 excess money or property described in Subsection (3)(d) for the ward's future needs;

3321 (f) unless otherwise provided by statute, may institute proceedings to compel the  
3322 performance by any person of a duty to:

3323 (i) support the ward; or

3324 (ii) pay sums for the welfare of the ward;

3325 (g) is empowered to:

3326 (i) facilitate the ward's education, social, or other activities; and

3327 (ii) subject to Subsection (4)(d), authorize medical or other professional care,  
3328 treatment, or advice;

3329 (h) may consent to the:

- 3330 (i) marriage of the guardian's ward, if specifically authorized by a court to give this  
 3331 consent; or
- 3332 (ii) adoption of the guardian's ward if the:
- 3333 (A) guardian of the ward is specifically authorized by a court to give this consent;  
 3334 and
- 3335 (B) parental rights of the ward's parents have been terminated; and
- 3336 (i) must report the condition of the minor and of the minor's estate that has been subject  
 3337 to the guardian's possession or control:
- 3338 (i) as ordered by court on petition of any person interested in the minor's welfare; or  
 3339 (ii) as required by court rule.
- 3340 (4)(a) Notwithstanding Subsection (2), a guardian of a minor is not:
- 3341 (i) legally obligated to provide from the guardian's own funds for the ward; and  
 3342 (ii) liable to third persons by reason of the guardian's relationship for acts of the ward.
- 3343 (b) Sums received under Subsection (3)(c) or (d):
- 3344 (i) may not be used for compensation for the services of a guardian, except as:  
 3345 (A) approved by court order; or  
 3346 (B) determined by a duly appointed conservator other than the guardian; and  
 3347 (ii) shall be applied to the ward's current needs for support, care, and education.
- 3348 (c) Notwithstanding Subsection (3)(e), if a conservator is appointed for the estate of the  
 3349 ward, the excess shall be paid over at least annually to the conservator.
- 3350 (d) A guardian of a minor is not, by reason of giving the authorization described in  
 3351 Subsection (3)(g)(ii), liable for injury to the minor resulting from the negligence or  
 3352 acts of third persons, unless it would have been illegal for a parent to have given the  
 3353 authorization.
- 3354 (5) A parent of a minor for whom a guardian is appointed retains residual parental rights  
 3355 and duties.
- 3356 (6) If a parent of a minor for whom a guardian is appointed consents to the adoption of the  
 3357 minor, the guardian is entitled to:
- 3358 (a) receive notice of the adoption proceeding pursuant to Section ~~[78B-6-110]~~ 81-13-207;  
 3359 (b) intervene in the adoption; and  
 3360 (c) present evidence to the court relevant to the best interest of the ~~[child pursuant to~~  
 3361 ~~Subsection 78B-6-110(11)]~~ minor as described in Subsection 81-13-207(11).
- 3362 (7) If a minor for whom a guardian is appointed is adopted subsequent to the appointment,  
 3363 the guardianship shall terminate when the adoption is finalized.

3364 Section 37. Section **76-5-301.2** is amended to read:

3365 **76-5-301.2 . Parental kidnapping.**

3366 (1)(a) As used in this section:

3367 (i) "Child" means an individual under 18 years old.

3368 (ii) "Custody" means court-ordered physical custody of a child entered by a court.

3369 (iii) "Parent" means an individual:

3370 (A) recognized as a biological parent or adoptive parent; or

3371 (B) that has established a parent-child relationship under Section [~~78B-15-201~~]

3372 81-5-201.

3373 (iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.

3374 (b) Terms defined in Section 76-1-101.5 apply to this section.

3375 (2) A parent commits parental kidnapping of the parent's child if the parent:

3376 (a) takes, entices, conceals, detains, or withholds the child from an individual entitled to  
3377 custody of the child;

3378 (b) intends to interfere with the custody of the child; and

3379 (c)(i) has never had a right to physical custody of the child;

3380 (ii) has never been granted parent-time with the child;

3381 (iii) has had all rights to physical custody of the child terminated by a court; or

3382 (iv) at the time of the parent's action under Subsection (2)(a), had parent-time with  
3383 the child terminated or suspended by a court.

3384 (3)(a) A violation of Subsection (2) is a third degree felony.

3385 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree  
3386 felony if, during the course of parental kidnapping, the parent removes, causes the  
3387 removal, or directs the removal of the child from the state.

3388 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative  
3389 defense to the crime of parental kidnapping that:

3390 (a) the parent acted under a reasonable belief that the action described in Subsection  
3391 (2)(a) was:

3392 (i) necessary to protect the child from imminent serious bodily injury, or death;

3393 (ii) authorized by law; or

3394 (iii) taken with the consent of:

3395 (A) the individual entitled to custody of the child; or

3396 (B) a custodian, guardian, caretaker, or other individual lawfully acting in place of  
3397 the individual entitled to custody of the child; or

- 3398 (b)(i) the parent acted under a reasonable belief that the action described in  
 3399 Subsection (2)(a) was necessary to protect the child from abuse, including sexual  
 3400 abuse; and  
 3401 (ii) before taking the action described in Subsection (2)(a), the parent reports to law  
 3402 enforcement the parent's intention to engage in the action and the basis for the  
 3403 parent's belief described in Subsection (4)(b)(i).

3404 Section 38. Section **76-7-102** is amended to read:

3405 **76-7-102 . Incest -- Definitions -- Penalty.**

3406 (1) As used in this section:

- 3407 (a) "Provider" means a person who provides or makes available his seminal fluid or her  
 3408 human egg.  
 3409 (b) "Related person" means a person related to the provider or actor as an ancestor,  
 3410 descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:  
 3411 (i) blood relationships of the whole or half blood, regardless of whether the  
 3412 relationship is legally recognized;  
 3413 (ii) the relationship of parent and child by adoption; and  
 3414 (iii) the relationship of stepparent and stepchild while the marriage creating the  
 3415 relationship of a stepparent and stepchild exists.

3416 (2)(a) An actor is guilty of incest when, under circumstances not amounting to rape,  
 3417 rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:

- 3418 (i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or  
 3419 (ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).

3420 (b) Conduct referred to under Subsection (2)(a) is:

- 3421 (i) sexual intercourse between the actor and a person the actor knows has kinship to  
 3422 the actor as a related person;  
 3423 (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix,  
 3424 or uterus of a related person by means other than sexual intercourse;  
 3425 (iii) providing or making available his seminal fluid for the purpose of insertion or  
 3426 placement of the fluid into the vagina, cervix, or uterus of a related person by  
 3427 means other than sexual intercourse;  
 3428 (iv) a woman 18 years of age or older who:  
 3429 (A) knowingly allows the insertion of the seminal fluid of a provider into her  
 3430 vagina, cervix, or uterus by means other than sexual intercourse; and  
 3431 (B) knows that the seminal fluid is that of a person with whom she has kinship as

- 3432 a related person; or
- 3433 (v) providing the actor's sperm or human egg that is used to conduct in vitro
- 3434 fertilization, or any other means of fertilization, with the human egg or sperm of a
- 3435 person who is a related person.
- 3436 (c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider
- 3437 of the fertilizing sperm is not a related person regarding the person providing the egg.
- 3438 (3) Incest is a third degree felony.
- 3439 (4) A provider under this section is not a donor under Section [~~78B-15-702~~] 81-5-702.
- 3440 Section 39. Section **77-38b-102** is amended to read:
- 3441 **77-38b-102 . Definitions.**
- 3442 As used in this chapter:
- 3443 (1) "Civil accounts receivable" means the same as that term is defined in Section
- 3444 77-32b-102.
- 3445 (2) "Civil judgment of restitution" means the same as that term is defined in Section
- 3446 77-32b-102.
- 3447 (3)(a) "Conviction" means:
- 3448 (i) a plea of:
- 3449 (A) guilty;
- 3450 (B) guilty with a mental condition; or
- 3451 (C) no contest; or
- 3452 (ii) a judgment of:
- 3453 (A) guilty; or
- 3454 (B) guilty with a mental condition.
- 3455 (b) "Conviction" does not include:
- 3456 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
- 3457 (ii) a diversion agreement; or
- 3458 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 3459 (4) "Criminal accounts receivable" means the same as that term is defined in Section
- 3460 77-32b-102.
- 3461 (5) "Criminal conduct" means:
- 3462 (a) any misdemeanor or felony offense of which the defendant is convicted; or
- 3463 (b) any other criminal behavior for which the defendant admits responsibility to the
- 3464 court with or without an admission of committing the criminal behavior.
- 3465 (6) "Deceased victim" means an individual whose death is proximately caused by the

- 3466 criminal conduct of the defendant.
- 3467 (7)(a) "Defendant" means an individual who has been convicted of, or entered into a  
3468 plea disposition for, criminal conduct.
- 3469 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is  
3470 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80,  
3471 Chapter 6, Juvenile Justice.
- 3472 (8) "Department" means the Department of Corrections.
- 3473 (9)(a) "Dependent" means an individual for whom a deceased victim, or a permanently  
3474 impaired victim, had a legal obligation to provide dependent support at the time of  
3475 the criminal conduct by the defendant.
- 3476 (b) "Dependent" includes:
- 3477 (i) a child:
- 3478 (A) who is younger than 18 years old; and
- 3479 (B) for whom a deceased victim, or a permanently impaired victim, is the [  
3480 ~~adoptive or biological parent or legal~~] legal parent or guardian;
- 3481 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a  
3482 permanently impaired victim, in accordance with [~~Title 78B, Chapter 15, Utah~~  
3483 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act; or
- 3484 (iii) an incapacitated individual for whom a deceased victim, or a permanently  
3485 impaired victim, is the [~~adoptive or biological parent or the legal~~] legal parent or  
3486 guardian.
- 3487 (10) "Dependent support" means the financial obligation of an individual to provide for the  
3488 routine needs of a dependent, including food, clothing, health care, safety, or shelter.
- 3489 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney  
3490 and the defendant that suspends criminal proceedings before conviction on the condition  
3491 that a defendant agree to participate in a rehabilitation program, pay restitution to the  
3492 victim, or fulfill some other condition.
- 3493 (12) "Incapacitated" or "incapacitation" means the individual is:
- 3494 (a) mentally or physically impaired to the extent that the individual is permanently  
3495 unable to gain employment and provide basic necessities, including food, clothing,  
3496 health care, safety, or shelter; and
- 3497 (b) reliant on a parent, legal guardian, or other relative or person to provide basic  
3498 necessities for the individual.
- 3499 (13) "Incapacitated individual" means an individual who is incapacitated.

- 3500 (14) "Legal guardian" means an individual appointed by a court to make decisions  
3501 regarding a child or an incapacitated individual.
- 3502 (15) "Life expectancy" means the number of months an individual is or was expected to  
3503 live considering medical records and experiential data for the individual.
- 3504 (16) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- 3505 (17) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 3506 (18)(a) "Pecuniary damages" means all demonstrable economic injury, losses, and  
3507 expenses regardless of whether the economic injury, losses, and expenses have yet  
3508 been incurred.
- 3509 (b) "Pecuniary damages" does not include punitive damages or pain and suffering  
3510 damages.
- 3511 (19) "Permanently impaired victim" means an incapacitated individual whose  
3512 incapacitation is proximately caused by the criminal conduct of the defendant.
- 3513 (20) "Plea agreement" means an agreement entered between the prosecuting attorney and  
3514 the defendant setting forth the special terms and conditions and criminal charges upon  
3515 which the defendant will enter a plea of guilty or no contest.
- 3516 (21) "Plea disposition" means an agreement entered into between the prosecuting attorney  
3517 and the defendant including a diversion agreement, a plea agreement, a plea in abeyance  
3518 agreement, or any agreement by which the defendant may enter a plea in any other  
3519 jurisdiction or where charges are dismissed without a plea.
- 3520 (22) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney  
3521 and the defendant, accepting a plea of guilty or of no contest from the defendant but not,  
3522 at that time, entering judgment of conviction against the defendant nor imposing  
3523 sentence upon the defendant on condition that the defendant comply with specific  
3524 conditions as set forth in a plea in abeyance agreement.
- 3525 (23) "Plea in abeyance agreement" means an agreement entered into between the  
3526 prosecuting attorney and the defendant setting forth the specific terms and conditions  
3527 upon which, following acceptance of the agreement by the court, a plea may be held in  
3528 abeyance.
- 3529 (24) "Restitution" means the payment of pecuniary damages to a victim.
- 3530 (25) "Unborn child" means a human fetus or embryo in any stage of gestation from  
3531 fertilization until birth.
- 3532 (26)(a) "Victim" means any person who has suffered pecuniary damages that are  
3533 proximately caused by the criminal conduct of the defendant.



- 3534 (b) "Victim" includes:
- 3535 (i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime
- 3536 makes a payment to, or on behalf of, a victim under Section 63M-7-519;
- 3537 (ii) the estate of a deceased victim;
- 3538 (iii) a dependent; or
- 3539 (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or
- 3540 sibling of a victim.
- 3541 (c) "Victim" does not include a codefendant or accomplice.
- 3542 Section 40. Section **78A-5-102** is amended to read:
- 3543 **78A-5-102 . Jurisdiction of the district court -- Appeals.**
- 3544 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
- 3545 has original jurisdiction in all matters civil and criminal.
- 3546 (2) A district court judge may:
- 3547 (a) issue all extraordinary writs and other writs necessary to carry into effect the district
- 3548 court judge's orders, judgments, and decrees; and
- 3549 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
- 3550 (i) the district court judge is designated by the presiding officer of the Judicial
- 3551 Council to preside over an action in the Business and Chancery Court as described
- 3552 in Section 78A-1-103.5; and
- 3553 (ii) a Business and Chancery Court judge is unable to preside over the action due to
- 3554 recusal or disqualification.
- 3555 (3) The district court has jurisdiction:
- 3556 (a) [-]over matters of lawyer discipline consistent with the rules of the Supreme Court;
- 3557 (b) over all matters properly filed in the circuit court prior to July 1, 1996;
- 3558 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
- 3559 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
- 3560 (e) over a petition seeking to terminate parental rights as described in Section [~~78B-6-112~~]
- 3561 81-13-205;
- 3562 (f) except as provided in Subsection [~~78A-6-103(2)(a)(xiv)~~] 78A-6-103(2)(a)(xvi) or (xv),
- 3563 an adoption proceeding; and
- 3564 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
- 3565 Declaratory Judgments.
- 3566 (4) The district court has appellate jurisdiction over judgments and orders of the justice
- 3567 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance

- 3568 with Section 78A-8-106.
- 3569 (5) The district court has jurisdiction to review:
- 3570 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 3571 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
- 3572 Commission as described in Section 59-1-601;
- 3573 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
- 3574 informal adjudicative proceeding as described in Title 63G, Chapter 4,
- 3575 Administrative Procedures Act; and
- 3576 (d) by trial de novo, a final order of the Department of Transportation resulting from
- 3577 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
- 3578 Junkyard Control Act.
- 3579 (6) The district court has original and exclusive jurisdiction over an action brought under
- 3580 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 3581 (7) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
- 3582 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
- 3583 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 3584 (a) there is no justice court with territorial jurisdiction;
- 3585 (b) the offense occurred within the boundaries of the municipality in which the district
- 3586 courthouse is located and that municipality has not formed, or has formed and
- 3587 dissolved, a justice court; or
- 3588 (c) the offense is included in an indictment or information covering a single criminal
- 3589 episode alleging the commission of a felony or a class A misdemeanor by an
- 3590 individual who is 18 years old or older.
- 3591 (8) If a district court has jurisdiction in accordance with Subsection (4), (7)(a), or (7)(b), the
- 3592 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
- 3593 the offense is committed by an individual who is 16 or 17 years old.
- 3594 (9) The district court has subject matter jurisdiction over an action under Title 78B, Chapter
- 3595 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district
- 3596 court.
- 3597 (10)(a) The district court has subject matter jurisdiction over a criminal action that the
- 3598 justice court transfers to the district court.
- 3599 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction
- 3600 over any refiled case of a criminal action transferred to the district court if the district
- 3601 court dismissed the transferred case without prejudice.

3602 (11) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)  
 3603 over a parentage action filed in the district court, the district court may transfer  
 3604 jurisdiction over the parentage action to the juvenile court.

3605 [~~H~~] (12) The Supreme Court and Court of Appeals have jurisdiction over an appeal from  
 3606 a final order, judgment, and decree of the district court as described in Sections  
 3607 78A-3-102 and 78A-4-103.

3608 Section 41. Section **78A-5a-103** is amended to read:

3609 **78A-5a-103 . Concurrent jurisdiction of the Business and Chancery Court --**

3610 **Exceptions.**

3611 (1) The Business and Chancery Court has jurisdiction, concurrent with the district court,  
 3612 over an action:

3613 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and

3614 (b)(i) with a claim arising from:

3615 (A) a breach of a contract;

3616 (B) a breach of a fiduciary duty;

3617 (C) a dispute over the internal affairs or governance of a business organization;

3618 (D) the sale, merger, or dissolution of a business organization;

3619 (E) the sale of substantially all of the assets of a business organization;

3620 (F) the receivership or liquidation of a business organization;

3621 (G) a dispute over liability or indemnity between or among owners of the same  
 3622 business organization;

3623 (H) a dispute over liability or indemnity of an officer or owner of a business  
 3624 organization;

3625 (I) a tortious or unlawful act committed against a business organization, including  
 3626 an act of unfair competition, tortious interference, or misrepresentation or fraud;

3627 (J) a dispute between a business organization and an insurer regarding a  
 3628 commercial insurance policy;

3629 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

3630 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform  
 3631 Trade Secrets Act;

3632 (M) the misappropriation of intellectual property;

3633 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or  
 3634 confidentiality agreement, regardless of whether the agreement is oral or  
 3635 written;

- 3636 (O) a relationship between a franchisor and a franchisee;
- 3637 (P) the purchase or sale of a security or an allegation of security fraud;
- 3638 (Q) a dispute over a blockchain, blockchain technology, or a decentralized
- 3639 autonomous organization;
- 3640 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or
- 3641 (S) a contract with a forum selection clause for a chancery, business, or
- 3642 commercial court of this state or any other state;
- 3643 (ii) with a malpractice claim concerning services that a professional provided to a
- 3644 business organization;
- 3645 (iii) that is a shareholder derivative action; or
- 3646 (iv) seeking a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
- 3647 Declaratory Judgments.
- 3648 (2) Except as provided in Subsection (3), the Business and Chancery Court may exercise
- 3649 supplemental jurisdiction over any claim in an action that is within the jurisdiction of the
- 3650 Business and Chancery Court under Subsection (1) if the claim arises from the same set
- 3651 of facts or circumstances as the action.
- 3652 (3) The Business and Chancery Court may not exercise supplemental jurisdiction over:
- 3653 (a) any claim arising from:
- 3654 (i) a consumer contract;
- 3655 (ii) a personal injury, including a personal injury relating to or arising out of health
- 3656 care rendered or which should have been rendered by the health care provider;
- 3657 (iii) a violation of Title 13, Chapter 7, Civil Rights;
- 3658 (iv) Title 20A, Election Code;
- 3659 (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 3660 [~~(vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;~~]
- 3661 [~~(vii)~~ (vi) Title 78B, Chapter 6, Part 5, Eminent Domain;
- 3662 [~~(viii)~~ (vii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, unless the claim
- 3663 is brought against a commercial tenant;
- 3664 [~~(ix)~~ (viii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions; and
- 3665 [~~(x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
- 3666 ~~Enforcement Act;~~]
- 3667 [~~(xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;~~]
- 3668 [~~(xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~]
- 3669 [~~(xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act;~~]

- 3670            [~~(xiv)~~ Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and  
3671            Visitation Act;]
- 3672            [~~(xv)~~] (ix) Title 81, Utah Domestic Relations Code; [~~or~~]
- 3673            (b) any action in which a governmental entity is a party; or
- 3674            (c) any criminal matter, unless the criminal matter is an act or omission of contempt that  
3675            occurs in an action before the Business and Chancery Court.
- 3676            (4) Notwithstanding Subsection (3), the Business and Chancery Court may exercise  
3677            supplemental jurisdiction over a claim that is barred under Subsection (3):
- 3678            (a) if the claim is a compulsory counterclaim;
- 3679            (b) if there would be a material risk of inconsistent outcomes if the claim were tried in a  
3680            separate action; or
- 3681            (c) solely to resolve a request for a provisional remedy related to the claim before the  
3682            Business and Chancery Court transfers the claim as described in Subsection (5).
- 3683            (5) If an action contains a claim for which the Business and Chancery Court may not  
3684            exercise supplemental jurisdiction under this section, the Business and Chancery Court  
3685            shall bifurcate the action and transfer any claim for which the Business and Chancery  
3686            Court does not have jurisdiction to a court with jurisdiction under Title 78A, Judiciary  
3687            and Judicial Administration.
- 3688            (6) Before the Business and Chancery Court transfers a claim as described in Subsection (5),  
3689            the Business and Chancery Court may resolve:
- 3690            (a) all claims for which the Business and Chancery Court has jurisdiction; and
- 3691            (b) any request for a provisional remedy related to a claim that is being transferred.
- 3692            Section 42. Section **78A-6-103** is amended to read:
- 3693            **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**  
3694            **Findings -- Transfer of a case from another court.**
- 3695            (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
- 3696            (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
3697            state, or federal law, that was committed by a child;
- 3698            (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
3699            state, or federal law, that was committed by an individual:
- 3700            (i) who is under 21 years old at the time of all court proceedings; and
- 3701            (ii) who was under 18 years old at the time the offense was committed; and
- 3702            (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,  
3703            that was committed:

- 3704 (i) by an individual:
- 3705 (A) who was 18 years old and enrolled in high school at the time of the offense;
- 3706 and
- 3707 (B) who is under 21 years old at the time of all court proceedings; and
- 3708 (ii) on school property where the individual was enrolled:
- 3709 (A) when school was in session; or
- 3710 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 3711 (2) The juvenile court has original jurisdiction over:
- 3712 (a) any proceeding concerning:
- 3713 (i) a child who is an abused child, neglected child, or dependent child;
- 3714 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
- 3715 Child Protective Orders;
- 3716 (iii) the appointment of a guardian of the individual or other guardian of a minor who
- 3717 comes within the court's jurisdiction under other provisions of this section;
- 3718 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
- 3719 Emancipation;
- 3720 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
- 3721 Termination and Restoration of Parental Rights, including termination of residual
- 3722 parental rights and duties;
- 3723 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 3724 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
- 3725 accordance with Section 81-2-304;
- 3726 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 3727 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 3728 (x) the treatment or commitment of a child with a mental illness;
- 3729 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
- 3730 Section 26B-5-204;
- 3731 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
- 3732 Part 4, Competency;
- 3733 (xiii) de novo review of final agency actions resulting from an informal adjudicative
- 3734 proceeding as provided in Section 63G-4-402;
- 3735 (xiv) ~~[adoptions conducted in accordance with the procedures described in Title 78B,~~
- 3736 ~~Chapter 6, Part 1, Utah Adoption Act,]~~ an adoption of a child under Title 81,
- 3737 Chapter 13, Adoption, if the juvenile court has previously entered an order

- 3738 terminating the rights of a parent and finds that adoption is in the best interest of  
 3739 the child;
- 3740 (xv) an adoption of an adult if the adoption arises from a case where the juvenile  
 3741 court has continuing jurisdiction over the adult;
- 3742 [~~xv~~] (xvi) an ungovernable or runaway child who is referred to the juvenile court by  
 3743 the Division of Juvenile Justice and Youth Services if, despite earnest and  
 3744 persistent efforts by the Division of Juvenile Justice and Youth Services, the child  
 3745 has demonstrated that the child:
- 3746 (A) is beyond the control of the child's parent, guardian, or custodian to the extent  
 3747 that the child's behavior or condition endangers the child's own welfare or the  
 3748 welfare of others; or
- 3749 (B) has run away from home; and
- 3750 [~~xvi~~] (xvii) a criminal information filed under Part 4a, Adult Criminal Proceedings,  
 3751 for an adult alleged to have committed an offense under Subsection 78A-6-352  
 3752 (4)(b) for failure to comply with a promise to appear and bring a child to the  
 3753 juvenile court;
- 3754 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and  
 3755 Expungement;
- 3756 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 3757 (d) a petition for special findings under Section 80-3-305; and
- 3758 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- 3759 (3) The juvenile court does not have original jurisdiction over an offense committed by a  
 3760 minor as described in Subsection (1) if:
- 3761 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 3762 (b) the district court has original jurisdiction over the offense under Subsection  
 3763 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense  
 3764 under Section 78A-6-103.5; or
- 3765 (c) the justice court has original jurisdiction over the offense under Subsection  
 3766 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense  
 3767 under Section 78A-6-103.5.
- 3768 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law  
 3769 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection [  
 3770 ~~(2)(a)(xvi)~~] (2)(a)(xvii), (b), or (c).
- 3771 (5) This section does not restrict the right of access to the juvenile court by private agencies

3772 or other persons.

3773 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising  
3774 under [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5,  
3775 Minor Tried as an Adult.

3776 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,  
3777 or without merit, in accordance with Section 80-3-404.

3778 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by  
3779 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.

3780 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in  
3781 Subsection 78B-7-303(8).

3782 Section 43. Section **78A-6-104** is amended to read:

3783 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**  
3784 **protective order.**

3785 (1)(a) The juvenile court has jurisdiction, concurrent with the district court:

3786 (i) to establish [~~paternity~~] parentage, or to order testing for purposes of establishing [~~paternity~~]  
3787 parentage, for a child in accordance with [~~Title 78B, Chapter 15, Utah~~  
3788 Uniform Parentage Act] Title 81, Chapter 5, Uniform Parentage Act, when a  
3789 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency  
3790 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental  
3791 Rights, that involves the child;

3792 (ii) over a petition to modify a minor's birth certificate if the juvenile court has  
3793 jurisdiction over the minor's case under Section 78A-6-103; and

3794 (iii) over questions of custody, support, and parent-time of a minor if the juvenile  
3795 court has jurisdiction over the minor's case under Section 78A-6-103.

3796 (b) If the juvenile court obtains jurisdiction over a [~~paternity~~] parentage action under  
3797 Subsection (1)(a)(i), the juvenile court may:

3798 (i) retain jurisdiction over the [~~paternity~~] parentage action until [~~paternity~~] parentage of  
3799 the child is adjudicated; or

3800 (ii) transfer jurisdiction over the [~~paternity~~] parentage action to the district court.

3801 (2)(a) The juvenile court has jurisdiction, concurrent with the district court or the justice  
3802 court otherwise having jurisdiction, over a criminal information filed under Part 4a,  
3803 Adult Criminal Proceedings, for an adult alleged to have committed:

3804 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to  
3805 a minor;



- 3806 (ii) an offense under Section 53G-6-202, failure to comply with compulsory  
3807 education requirements;
- 3808 (iii) an offense under Section 80-2-609, failure to report;
- 3809 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
- 3810 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or
- 3811 (vi) an offense under Section 80-5-601, harboring a runaway.
- 3812 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law  
3813 under Section 80-6-701 for the juvenile court to exercise jurisdiction under  
3814 Subsection (2)(a).
- 3815 (3)(a) When a support, custody, or parent-time award has been made by a district court  
3816 in a divorce action or other proceeding, and the jurisdiction of the district court in the  
3817 case is continuing, the juvenile court may acquire jurisdiction in a case involving the  
3818 same child if the child comes within the jurisdiction of the juvenile court under  
3819 Section 78A-6-103.
- 3820 (b)(i) The juvenile court may, by order, change the custody subject to Subsection [  
3821 ~~81-9-204(5)~~] 81-9-204(4), support, parent-time, and visitation rights previously  
3822 ordered in the district court as necessary to implement the order of the juvenile  
3823 court for the safety and welfare of the child.
- 3824 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so  
3825 long as the juvenile court continues to exercise jurisdiction.
- 3826 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are  
3827 filed with the district court, the findings and order of the juvenile court are binding on  
3828 the parties to the divorce action as though entered in the district court.
- 3829 (4) This section does not deprive the district court of jurisdiction to:
- 3830 (a) appoint a guardian for a child;
- 3831 (b) determine the support, custody, and parent-time of a child upon writ of habeas  
3832 corpus; or
- 3833 (c) determine a question of support, custody, and parent-time that is incidental to the  
3834 determination of an action in the district court.
- 3835 (5) A juvenile court may transfer a petition for a protective order for a child to the district  
3836 court if the juvenile court has entered an ex parte protective order and finds that:
- 3837 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step  
3838 parent of the child who is the object of the petition;
- 3839 (b) the district court has a petition pending or an order related to custody or parent-time

3840 entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, [  
 3841 Title 78B, Chapter 15, Utah Uniform Parentage Act, or ]Title 81, Chapter 4, Part 4,  
 3842 Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in which the petitioner and  
 3843 the respondent are parties; and

3844 (c) the best interests of the child will be better served in the district court.

3845 Section 44. Section **78A-6-356** is amended to read:

3846 **78A-6-356 . Child support obligation when custody of a child is vested in an**  
 3847 **individual or institution.**

3848 (1) As used in this section:

3849 (a) "Office" means the Office of Recovery Services.

3850 (b) "State custody" means that a child is in the custody of a state department, division, or  
 3851 agency, including secure care.

3852 (2) Under this section, a juvenile court may not issue a child support order against an  
 3853 individual unless:

3854 (a) the individual is served with notice that specifies the date and time of a hearing to  
 3855 determine the financial support of a specified child;

3856 (b) the individual makes a voluntary appearance; or

3857 (c) the individual submits a waiver of service.

3858 (3) Except as provided in Subsection (11), when a juvenile court places a child in state  
 3859 custody or if the guardianship of the child has been granted to another party and an  
 3860 agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:

3861 (a) shall order the child's parent, guardian, or other obligated individual to pay child  
 3862 support for each month the child is in state custody or cared for under a grant of  
 3863 guardianship;

3864 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and  
 3865 in writing, of the requirement to pay child support in accordance with Title 81,  
 3866 Chapter 6, Child Support, and Title 81, Chapter 7, Payment and Enforcement of  
 3867 Spousal and Child Support; and

3868 (c) may refer the establishment of a child support order to the office.

3869 (4) When a juvenile court chooses to refer a case to the office to determine support  
 3870 obligation amounts in accordance with Title 81, Chapter 6, Child Support, the juvenile  
 3871 court shall:

3872 (a) make the referral within three working days after the day on which the juvenile court  
 3873 holds the hearing described in Subsection (2)(a); and

- 3874 (b) inform the child's parent, guardian, or other obligated individual of:
- 3875 (i) the requirement to contact the office within 30 days after the day on which the
- 3876 juvenile court holds the hearing described in Subsection (2)(a); and
- 3877 (ii) the penalty described in Subsection (6) for failure to contact the office.
- 3878 (5) Liability for child support ordered under Subsection (3) shall accrue:
- 3879 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
- 3880 the juvenile court holds the hearing described in Subsection (2)(a) if there is no
- 3881 existing child support order for the child; or
- 3882 (b) beginning on the day the child is removed from the child's home, including time
- 3883 spent in detention or sheltered care, if the child is removed after having been returned
- 3884 to the child's home from state custody.
- 3885 (6)(a) If the child's parent, guardian, or other obligated individual contacts the office
- 3886 within 30 days after the day on which the court holds the hearing described in
- 3887 Subsection (2)(a), the child support order may not include a judgment for past due
- 3888 support for more than two months.
- 3889 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability
- 3890 of support to begin to accrue from the date of the proceeding referenced in
- 3891 Subsection (3) if:
- 3892 (i) the court informs the child's parent, guardian, or other obligated individual, as
- 3893 described in Subsection (4)(b), and the parent, guardian, or other obligated
- 3894 individual fails to contact the office within 30 days after the day on which the
- 3895 court holds the hearing described in Subsection (2)(a); and
- 3896 (ii) the office took reasonable steps under the circumstances to contact the child's
- 3897 parent, guardian, or other obligated individual within 30 days after the last day on
- 3898 which the parent, guardian, or other obligated individual was required to contact
- 3899 the office to facilitate the establishment of a child support order.
- 3900 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable
- 3901 steps if the office:
- 3902 (i) has a signed, returned receipt for a certified letter mailed to the address of the
- 3903 child's parent, guardian, or other obligated individual regarding the requirement
- 3904 that a child support order be established; or
- 3905 (ii) has had a documented conversation, whether by telephone or in person, with the
- 3906 child's parent, guardian, or other obligated individual regarding the requirement
- 3907 that a child support order be established.

- 3908 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a  
3909 payment schedule or demanding payment in full.
- 3910 (8)(a) Unless a court orders otherwise, the child's parent, guardian, or other obligated  
3911 individual shall pay the child support to the office.
- 3912 (b) The clerk of the juvenile court, the office, or the department and the department's  
3913 divisions shall have authority to receive periodic payments for the care and  
3914 maintenance of the child, such as social security payments or railroad retirement  
3915 payments made in the name of or for the benefit of the child.
- 3916 (9) An existing child support order payable to a parent or other individual shall be assigned  
3917 to the department as provided in Section 26B-9-111.
- 3918 (10)(a) Subsections (4) through (9) do not apply if legal custody of a child is vested by  
3919 the juvenile court in an individual.
- 3920 (b)(i) If legal custody of a child is vested by the juvenile court in an individual, the  
3921 court may order the child's parent, guardian, or other obligated individual to pay  
3922 child support to the individual in whom custody is vested.
- 3923 (ii) In the same proceeding, the juvenile court shall inform the child's parent,  
3924 guardian, or other obligated individual, verbally and in writing, of the requirement  
3925 to pay child support in accordance with Title 81, Chapter 6, Child Support, and  
3926 Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support.
- 3927 (11) The juvenile court may not order an individual to pay child support for a child in state  
3928 custody if:
- 3929 (a) the individual's only form of income is a government-issued disability benefit;
- 3930 (b) the benefit described in Subsection (11)(a) is issued because of the individual's  
3931 disability, and not the child's disability; and
- 3932 (c) the individual provides the juvenile court and the office evidence that the individual  
3933 meets the requirements of Subsections (11)(a) and (b).
- 3934 (12)(a) The child's parent or another obligated individual is not responsible for child  
3935 support for the period of time that the child is removed from the child's home by the  
3936 Division of Child and Family Services if:
- 3937 (i) the juvenile court finds that there were insufficient grounds for the removal of the  
3938 child; and
- 3939 (ii) the child is returned to the home of the child's parent or guardian based on the  
3940 finding described in Subsection (12)(a)(i).
- 3941 (b) If the juvenile court finds insufficient grounds for the removal of the child under

3942 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court  
 3943 shall order that the child's parent or another obligated individual is responsible for  
 3944 child support beginning on the day on which it became improper to return the child to  
 3945 the home of the child's parent or guardian.

3946 (13) After the juvenile court or the office establishes an individual's child support obligation  
 3947 ordered under Subsection (3), the office shall waive the obligation without further order  
 3948 of the juvenile court if:

3949 (a) the individual's child support obligation is established in accordance with a low  
 3950 income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or

3951 (b) the individual's only source of income is a means-tested, income replacement  
 3952 payment of aid, including:

3953 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
 3954 Program; or

3955 (ii) cash benefits received under General Assistance, social security income, or social  
 3956 security disability income.

3957 Section 45. Section **78A-6-358** is amended to read:

3958 **78A-6-358 . Period of effect for a judgment, decree, or order by a juvenile court.**

3959 (1) A judgment, order, or decree of the juvenile court is no longer in effect after a minor is  
 3960 21 years old, except:

3961 (a) for an order of commitment to the Utah State Developmental Center or to the  
 3962 custody of the Division of Substance Abuse and Mental Health;

3963 (b) for an adoption under Subsection 78A-6-103(2)(a)(xiv) or (xv);

3964 (c) for an order permanently terminating the rights of a parent, guardian, or custodian  
 3965 under Title 80, Chapter 4, Termination and Restoration of Parental Rights;

3966 (d) for a permanent order of custody and guardianship under Subsection 80-3-405(2)(d);

3967 (e) an order establishing [~~paternity~~] parentage under Subsection 78A-6-104(1)(a)(i); and

3968 (f) as provided in Subsection (2).

3969 (2) If the juvenile court enters a judgment or order for a minor for whom the juvenile court  
 3970 has extended continuing jurisdiction over the minor's case until the minor is 25 years old  
 3971 under Section 80-6-605, the juvenile court's judgment or order is no longer in effect after  
 3972 the minor is 25 years old.

3973 Section 46. Section **78A-6-359** is amended to read:

3974 **78A-6-359 . Appeals.**

3975 (1) An appeal to the Court of Appeals may be taken from any order, decree, or judgment of

- 3976 the juvenile court.
- 3977 (2)(a) An appeal of right from an order, decree, or judgment by a juvenile court related  
3978 to a proceeding under [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act,~~] Title 80,  
3979 Chapter 3, Abuse, Neglect, and Dependency Proceedings, [~~and~~] Title 80, Chapter 4,  
3980 Termination and Restoration of Parental Rights, and Title 81, Chapter 13, Adoption,  
3981 shall be filed within 15 days after the day on which the juvenile court enters the  
3982 order, decree, or judgment.
- 3983 (b) A notice of appeal must be signed by appellant's counsel, if any, and by appellant,  
3984 unless the appellant is a child or state agency.
- 3985 (c) If an appellant fails to timely sign a notice of appeal, the appeal shall be dismissed.
- 3986 (3) An order for a disposition from the juvenile court shall include the following  
3987 information:
- 3988 (a) notice that the right to appeal described in Subsection (2)(a) is time sensitive and  
3989 must be taken within 15 days after the day on which the juvenile court enters the  
3990 order, decree, or judgment appealed from;
- 3991 (b) the right to appeal within the specified time limits;
- 3992 (c) the need for the signature of the parties on a notice of appeal in an appeal described  
3993 in Subsection (2)(a); and
- 3994 (d) the need for each party to maintain regular contact with the [~~the~~] party's counsel and  
3995 to keep the party's counsel informed of the party's whereabouts.
- 3996 (4) If a party is not present in the courtroom, the juvenile court shall provide a statement  
3997 containing the information provided in Subsection (3) to the party at the party's last  
3998 known address.
- 3999 (5) The juvenile court shall inform each party's counsel at the conclusion of the proceedings  
4000 that, if an appeal is filed, appellate counsel must represent the party throughout the  
4001 appellate process unless appellate counsel is not appointed under the Utah Rules of  
4002 Appellate Procedure, Rule 55.
- 4003 (6) During the pendency of an appeal under Subsection (2)(a), a party shall maintain regular  
4004 contact with the party's appellate counsel, if any, and keep the party's appellate counsel  
4005 informed of the party's whereabouts.
- 4006 (7)(a) In all other appeals of right, the appeal shall be taken within 30 days after the day  
4007 on which the juvenile court enters the order, decree, or judgment.
- 4008 (b) A notice of appeal under Subsection (7)(a) must be signed by appellant's counsel, if  
4009 any, or by appellant.

4010 (8) The attorney general shall represent the state in all appeals under this chapter and Title  
 4011 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title 80, Chapter 4,  
 4012 Termination and Restoration of Parental Rights, and Title 80, Chapter 6, Juvenile Justice.

4013 (9) Unless the juvenile court stays the juvenile court's order, the pendency of an appeal does  
 4014 not stay the order or decree appealed from in a minor's case, unless otherwise ordered by  
 4015 the Court of Appeals, if suitable provision for the care and custody of the minor  
 4016 involved is made pending the appeal.

4017 (10) Access to the record on appeal is governed by Title 63G, Chapter 2, Government  
 4018 Records Access and Management Act.

4019 Section 47. Section **78B-3-205** is amended to read:

4020 **78B-3-205 . Acts submitting person to jurisdiction.**

4021 Notwithstanding Section 16-10a-1501, any person or personal representative of the  
 4022 person, whether or not a citizen or resident of this state, who, in person or through an agent,  
 4023 does any of the following enumerated acts is subject to the jurisdiction of the courts of this  
 4024 state as to any claim arising out of or related to:

4025 (1) the transaction of any business within this state;

4026 (2) contracting to supply services or goods in this state;

4027 (3) the causing of any injury within this state whether tortious or by breach of warranty;

4028 (4) the ownership, use, or possession of any real estate situated in this state;

4029 (5) contracting to insure any person, property, or risk located within this state at the time of  
 4030 contracting;

4031 (6) with respect to actions of divorce, separate maintenance, or child support, having  
 4032 resided, in the marital relationship, within this state notwithstanding subsequent  
 4033 departure from the state; or the commission in this state of the act giving rise to the  
 4034 claim, so long as that act is not a mere omission, failure to act, or occurrence over which  
 4035 the defendant had no control; or

4036 (7) the commission of sexual intercourse within this state which gives rise to a [~~paternity~~  
 4037 ~~suit under Title 78B, Chapter 15, Utah Uniform Parentage Act]~~ parentage action under  
 4038 Title 81, Chapter 5, Uniform Parentage Act, to determine [~~paternity]~~ parentage for the  
 4039 purpose of establishing responsibility for child support.

4040 Section 48. Section **78B-3-416** is amended to read:

4041 **78B-3-416 . Division to provide panel -- Exemption -- Procedures -- Statute of**  
 4042 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**  
 4043 **fees.**

- 4044 (1)(a) The division shall provide a hearing panel in alleged medical liability cases  
 4045 against health care providers as defined in Section 78B-3-403, except dentists or  
 4046 dental care providers.
- 4047 (b)(i) The division shall establish procedures for prelitigation consideration of  
 4048 medical liability claims for damages arising out of the provision of or alleged  
 4049 failure to provide health care.
- 4050 (ii) The division may establish rules necessary to administer the process and  
 4051 procedures related to prelitigation hearings and the conduct of prelitigation  
 4052 hearings in accordance with Sections 78B-3-416 through 78B-3-420.
- 4053 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter  
 4054 4, Administrative Procedures Act, but are compulsory as a condition precedent to  
 4055 commencing litigation.
- 4056 (d) Proceedings conducted under authority of this section are confidential, privileged,  
 4057 and immune from civil process.
- 4058 (e) The division may not provide more than one hearing panel for each alleged medical  
 4059 liability case against a health care provider.
- 4060 (2)(a) The party initiating a medical liability action shall file a request for prelitigation  
 4061 panel review with the division within 60 days after the service of a statutory notice of  
 4062 intent to commence action under Section 78B-3-412.
- 4063 (b) The request shall include a copy of the notice of intent to commence action. The  
 4064 request shall be mailed to all health care providers named in the notice and request.
- 4065 (3)(a) As used in this Subsection (3):
- 4066 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to  
 4067 provide psychotherapeutic treatment to an individual, a couple, or a family in a  
 4068 domestic case.
- 4069 (ii) "Domestic case" means a proceeding under:
- 4070 (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;  
 4071 [~~(B)~~] ~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~  
 4072 ~~Enforcement Act;~~]  
 4073 [~~(C)~~] ~~Title 78B, Chapter 15, Utah Uniform Parentage Act;~~  
 4074 [~~(D)~~] ~~(B)~~ Title 81, Chapter 4, Dissolution of Marriage; [~~(E)~~]  
 4075 (C) Title 81, Chapter 5, Uniform Parentage Act;  
 4076 [~~(E)~~] (D) Title 81, Chapter 9, Custody, Parent-time, and Visitation[-] ; or  
 4077 (E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.



- 4078 (iii) "Mental health therapist" means the same as that term is defined in Section  
4079 58-60-102.
- 4080 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the  
4081 domestic case may not file a request for a prelitigation panel review for a malpractice  
4082 action against the court-appointed therapist during the pendency of the domestic case,  
4083 unless:
- 4084 (i) the party has requested that the court release the court-appointed therapist from  
4085 appointment; and
- 4086 (ii) the court finds good cause to release the court-appointed therapist from the  
4087 appointment.
- 4088 (c) If a party is prohibited from filing a request for a prelitigation panel review under  
4089 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:
- 4090 (i) the court releasing the court-appointed therapist from appointment as described in  
4091 Subsection (3)(b); or
- 4092 (ii) the court entering a final order in the domestic case.
- 4093 (4)(a) The filing of a request for prelitigation panel review under this section tolls the  
4094 applicable statute of limitations until the later of:
- 4095 (i) 60 days following the division's issuance of:
- 4096 (A) an opinion by the prelitigation panel; or
- 4097 (B) a certificate of compliance under Section 78B-3-418; or
- 4098 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).
- 4099 (b) The division shall:
- 4100 (i) send any opinion issued by the panel to all parties by regular mail; and
- 4101 (ii) complete a prelitigation hearing under this section within:
- 4102 (A) 180 days after the filing of the request for prelitigation panel review; or
- 4103 (B) any longer period as agreed upon in writing by all parties to the review.
- 4104 (c) If the prelitigation hearing has not been completed within the time limits established  
4105 in Subsection (4)(b)(ii), the claimant shall:
- 4106 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or
- 4107 (ii) file an affidavit with the division within 180 days of the request for pre-litigation  
4108 review, in accordance with Subsection (4)(d), alleging that the respondent has  
4109 failed to reasonably cooperate in scheduling the hearing.
- 4110 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):
- 4111 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division

- 4112 shall determine whether either the respondent or the claimant failed to reasonably  
4113 cooperate in the scheduling of a pre-litigation hearing; and
- 4114 (ii)(A) if the determination is that the respondent failed to reasonably cooperate in  
4115 the scheduling of a hearing, and the claimant did not fail to reasonably  
4116 cooperate, the division shall, issue a certificate of compliance for the claimant  
4117 in accordance with Section 78B-3-418; or
- 4118 (B) if the division makes a determination other than the determination in  
4119 Subsection (4)(d)(ii)(A), the claimant shall file an affidavit of merit in  
4120 accordance with Section 78B-3-423, within 30 days of the determination of the  
4121 division under this Subsection (4).
- 4122 (e)(i) The claimant and any respondent may agree by written stipulation that no  
4123 useful purpose would be served by convening a prelitigation panel under this  
4124 section.
- 4125 (ii) When the stipulation is filed with the division, the division shall within 10 days  
4126 after receipt issue a certificate of compliance under Section 78B-3-418, as it  
4127 concerns the stipulating respondent, and stating that the claimant has complied  
4128 with all conditions precedent to the commencement of litigation regarding the  
4129 claim.
- 4130 (5) The division shall provide for and appoint an appropriate panel or panels to hear  
4131 complaints of medical liability and damages, made by or on behalf of any patient who is  
4132 an alleged victim of medical liability. The panels are composed of:
- 4133 (a) one member who is a resident lawyer currently licensed and in good standing to  
4134 practice law in this state and who shall serve as chairman of the panel, who is  
4135 appointed by the division from among qualified individuals who have registered with  
4136 the division indicating a willingness to serve as panel members, and a willingness to  
4137 comply with the rules of professional conduct governing lawyers in the state, and  
4138 who has completed division training regarding conduct of panel hearings;
- 4139 (b)(i) one or more members who are licensed health care providers listed under  
4140 Section 78B-3-403, who are practicing and knowledgeable in the same specialty  
4141 as the proposed defendant, and who are appointed by the division in accordance  
4142 with Subsection (6); or
- 4143 (ii) in claims against only a health care facility or the facility's employees, one  
4144 member who is an individual currently serving in a health care facility  
4145 administration position directly related to health care facility operations or

- 4146                   conduct that includes responsibility for the area of practice that is the subject of  
4147                   the liability claim, and who is appointed by the division; and
- 4148       (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care  
4149            provider, and who is a responsible citizen of the state, selected and appointed by the  
4150            division from among individuals who have completed division training with respect  
4151            to panel hearings.
- 4152   (6)(a) Each person listed as a health care provider in Section 78B-3-403 and practicing  
4153            under a license issued by the state, is obligated as a condition of holding that license  
4154            to participate as a member of a medical liability prelitigation panel at reasonable  
4155            times, places, and intervals, upon issuance, with advance notice given in a reasonable  
4156            time frame, by the division of an Order to Participate as a Medical Liability  
4157            Prelitigation Panel Member.
- 4158       (b) A licensee may be excused from appearance and participation as a panel member  
4159            upon the division finding participation by the licensee will create an unreasonable  
4160            burden or hardship upon the licensee.
- 4161       (c) A licensee whom the division finds failed to appear and participate as a panel  
4162            member when so ordered, without adequate explanation or justification and without  
4163            being excused for cause by the division, may be assessed an administrative fine not to  
4164            exceed \$5,000.
- 4165       (d) A licensee whom the division finds intentionally or repeatedly failed to appear and  
4166            participate as a panel member when so ordered, without adequate explanation or  
4167            justification and without being excused for cause by the division, may be assessed an  
4168            administrative fine not to exceed \$5,000, and is guilty of unprofessional conduct.
- 4169       (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the  
4170            Physicians Education Fund created in Section 58-67a-1.
- 4171       (f) The director of the division may collect a fine that is not paid by:
- 4172            (i) referring the matter to a collection agency; or
- 4173            (ii) bringing an action in the district court of the county where the person against  
4174               whom the penalty is imposed resides or in the county where the office of the  
4175               director is located.
- 4176       (g) A county attorney or the attorney general of the state shall provide legal assistance  
4177            and advice to the director in an action to collect a fine.
- 4178       (h) A court shall award reasonable attorney fees and costs to the prevailing party in an  
4179            action brought by the division to collect a fine.

- 4180 (7) Each person selected as a panel member shall certify, under oath, that [he] person has no  
4181 bias or conflict of interest with respect to any matter under consideration.
- 4182 (8) A member of the prelitigation hearing panel may not receive compensation or benefits  
4183 for the member's service, but may receive per diem and travel expenses in accordance  
4184 with:
- 4185 (a) Section 63A-3-106;  
4186 (b) Section 63A-3-107; and  
4187 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4188 63A-3-107.
- 4189 (9)(a) In addition to the actual cost of administering the licensure of health care  
4190 providers, the division may set license fees of health care providers within the limits  
4191 established by law equal to their proportionate costs of administering prelitigation  
4192 panels.
- 4193 (b) The claimant bears none of the costs of administering the prelitigation panel except  
4194 under Section 78B-3-420.
- 4195 Section 49. Section **78B-22-201** is amended to read:  
4196 **78B-22-201 . Right to counsel.**
- 4197 (1) A court shall advise the following of the individual's right to counsel no later than the  
4198 individual's first court appearance:
- 4199 (a) an adult charged with a criminal offense the penalty for which includes the  
4200 possibility of incarceration regardless of whether actually imposed;
- 4201 (b) a parent or legal guardian facing an action initiated by the state under:
- 4202 (i) Title 78A, Chapter 6, Part 4a, Adult Criminal Proceedings;  
4203 (ii) Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; or  
4204 (iii) Title 80, Chapter 4, Termination and Restoration of Parental Rights;
- 4205 (c) a parent or legal guardian facing an action initiated by any party under:
- 4206 (i) Section [~~78B-6-112~~] 81-13-205; or  
4207 (ii) Title 80, Chapter 4, Termination and Restoration of Parental Rights; or  
4208 (d) an individual described in this Subsection (1), who is appealing a conviction or other  
4209 final court action.
- 4210 (2) If an individual described in Subsection (1) does not knowingly and voluntarily waive  
4211 the right to counsel, the court shall determine whether the individual is indigent under  
4212 Section 78B-22-202.
- 4213 Section 50. Section **78B-22-901** is amended to read:

4214 **78B-22-901 . Definitions.**

4215 As used in this part:

4216 (1)(a) "Appellate defense services" means the representation of an indigent individual:

4217 (i) described in Subsection 78B-22-201(1)(d) or who is party to an appeal under  
4218 Section 77-18a-1;4219 (ii) in an action or on appeal for postconviction relief under Chapter 9,  
4220 Postconviction Remedies Act; or4221 (iii) in an appeal of right from an action for the termination or restoration of parental  
4222 rights under [~~Chapter 6, Part 1, Utah Adoption Act,~~] Title 80, Chapter 3, Abuse,  
4223 Neglect, and Dependency Proceedings, [~~or~~] Title 80, Chapter 4, Termination and  
4224 Restoration of Parental Rights, or Title 81, Chapter 13, Adoption.4225 (b) "Appellate defense services" does not include the representation of an indigent  
4226 individual:4227 (i) facing an appeal in a case where the indigent individual was prosecuted for  
4228 aggravated murder; or4229 (ii) in an action or appeal for postconviction relief under Chapter 9, Postconviction  
4230 Remedies Act, if the indigent individual has been sentenced to death.4231 (2) "Division" means the Indigent Appellate Defense Division created in Section  
4232 78B-22-902.4233 Section 51. Section **78B-22-903** is amended to read:4234 **78B-22-903 . Powers and duties of the division.**

4235 (1) The division shall:

4236 (a) provide appellate defense services:

4237 (i) for an appeal under Section 77-18a-1, in counties of the third, fourth, fifth, and  
4238 sixth class;4239 (ii) for an action or an appeal for postconviction relief under Chapter 9,  
4240 Postconviction Remedies Act, if the court appoints the division to represent the  
4241 indigent individual; and4242 (iii) for an appeal of right from an action for the termination or restoration of parental  
4243 rights under [~~Chapter 6, Part 1, Utah Adoption Act,~~] Title 80, Chapter 3, Abuse,  
4244 Neglect, and Dependency Proceedings, [~~or~~] Title 80, Chapter 4, Termination and  
4245 Restoration of Parental Rights, or Title 81, Chapter 13, Adoption; and4246 (b) provide appellate defense services in accordance with the core principles adopted by  
4247 the commission under Section 78B-22-404 and any other state and federal standards

- 4248 for appellate defense services.
- 4249 (2) Upon consultation with the executive director and the commission, the division shall:
- 4250 (a) adopt a budget for the division;
- 4251 (b) adopt and publish on the commission's website:
- 4252 (i) appellate performance standards;
- 4253 (ii) case weighting standards; and
- 4254 (iii) any other relevant measures or information to assist with appellate defense
- 4255 services; and
- 4256 (c) if requested by the commission, provide a report to the commission on:
- 4257 (i) the provision of appellate defense services by the division;
- 4258 (ii) the caseloads of appellate attorneys; and
- 4259 (iii) any other information relevant to appellate defense services in the state.
- 4260 (3) If the division provides appellate defense services to an indigent individual in an
- 4261 indigent defense system, the division shall provide notice to the district court and the
- 4262 indigent defense system that the division intends to be appointed as counsel for the
- 4263 indigent individual.
- 4264 (4) The office shall assist with providing training and continual legal education on appellate
- 4265 defense to indigent defense service providers in counties of the third, fourth, fifth, and
- 4266 sixth class.

4267 Section 52. Section **80-1-102** is amended to read:

4268 **80-1-102 . Juvenile Code definitions.**

4269 Except as provided in Section 80-6-1103, as used in this title:

- 4270 (1)(a) "Abuse" means:
- 4271 (i)(A) nonaccidental harm of a child;
- 4272 (B) threatened harm of a child;
- 4273 (C) sexual exploitation;
- 4274 (D) sexual abuse; or
- 4275 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 4276 (ii) that a child's [~~natural~~]parent:
- 4277 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 4278 the child;
- 4279 (B) is identified by a law enforcement agency as the primary suspect in an
- 4280 investigation for intentionally, knowingly, or recklessly causing the death of
- 4281 another parent of the child; or

- 4282 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or  
4283 recklessly causing the death of another parent of the child.
- 4284 (b) "Abuse" does not include:
- 4285 (i) reasonable discipline or management of a child, including withholding privileges;  
4286 (ii) conduct described in Section 76-2-401; or  
4287 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 4288 (A) in self-defense;  
4289 (B) in defense of others;  
4290 (C) to protect the child; or  
4291 (D) to remove a weapon in the possession of a child for any of the reasons  
4292 described in Subsections (1)(b)(iii)(A) through (C).
- 4293 (2) "Abused child" means a child who has been subjected to abuse.
- 4294 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 4295 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile  
4296 Justice:
- 4297 (A) a finding by the juvenile court that the facts alleged in a delinquency petition  
4298 or criminal information alleging that a minor committed an offense have been  
4299 proved;
- 4300 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;  
4301 or  
4302 (C) a plea of no contest by minor in the juvenile court; or  
4303 (ii) for all other proceedings under this title, a finding by the juvenile court that the  
4304 facts alleged in the petition have been proved.
- 4305 (b) "Adjudication" does not include:
- 4306 (i) an admission by a minor described in Section 80-6-306 until the juvenile court  
4307 enters the minor's admission; or  
4308 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 4309 (4)(a) "Adult" means an individual who is 18 years old or older.
- 4310 (b) "Adult" does not include an individual:
- 4311 (i) who is 18 years old or older; and  
4312 (ii) who is a minor.
- 4313 (5) "Attorney guardian ad litem" means the same as that term is defined in Section  
4314 78A-2-801.
- 4315 (6) "Board" means the Board of Juvenile Court Judges.

- 4316 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18  
4317 years old.
- 4318 (8) "Child and family plan" means a written agreement between a child's parents or  
4319 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 4320 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 4321 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 4322 (11) "Child protection team" means a team consisting of:
- 4323 (a) the child welfare caseworker assigned to the case;
- 4324 (b) if applicable, the child welfare caseworker who made the decision to remove the  
4325 child;
- 4326 (c) a representative of the school or school district where the child attends school;
- 4327 (d) if applicable, the law enforcement officer who removed the child from the home;
- 4328 (e) a representative of the appropriate Children's Justice Center, if one is established  
4329 within the county where the child resides;
- 4330 (f) if appropriate, and known to the division, a therapist or counselor who is familiar  
4331 with the child's circumstances;
- 4332 (g) if appropriate, a representative of law enforcement selected by the chief of police or  
4333 sheriff in the city or county where the child resides; and
- 4334 (h) any other individuals determined appropriate and necessary by the team coordinator  
4335 and chair.
- 4336 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 4337 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 4338 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 4339 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 4340 (14) "Clandestine laboratory operation" means the same as that term is defined in Section  
4341 58-37d-3.
- 4342 (15) "Commit" or "committed" means, unless specified otherwise:
- 4343 (a) with respect to a child, to transfer legal custody; and
- 4344 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 4345 (16) "Community-based program" means a nonsecure residential or nonresidential program,  
4346 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least  
4347 restrictive setting, consistent with public safety, and operated by or under contract with  
4348 the Division of Juvenile Justice and Youth Services.
- 4349 (17) "Community placement" means placement of a minor in a community-based program



- 4350 described in Section 80-5-402.
- 4351 (18) "Correctional facility" means:
- 4352 (a) a county jail; or
- 4353 (b) a secure correctional facility as defined in Section 64-13-1.
- 4354 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
- 4355 minor's likelihood of reoffending.
- 4356 (20) "Department" means the Department of Health and Human Services created in Section
- 4357 26B-1-201.
- 4358 (21) "Dependent child" or "dependency" means a child who is without proper care through
- 4359 no fault of the child's parent, guardian, or custodian.
- 4360 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
- 4361 parent or a previous custodian to another person, agency, or institution.
- 4362 (23) "Detention" means home detention or secure detention.
- 4363 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
- 4364 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 4365 (25) "Detention risk assessment tool" means an evidence-based tool established under
- 4366 Section 80-5-203 that:
- 4367 (a) assesses a minor's risk of failing to appear in court or reoffending before
- 4368 adjudication; and
- 4369 (b) is designed to assist in making a determination of whether a minor shall be held in
- 4370 detention.
- 4371 (26) "Developmental immaturity" means incomplete development in one or more domains
- 4372 that manifests as a functional limitation in the minor's present ability to:
- 4373 (a) consult with counsel with a reasonable degree of rational understanding; and
- 4374 (b) have a rational as well as factual understanding of the proceedings.
- 4375 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
- 4376 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 4377 (28) "Educational neglect" means that, after receiving a notice of compulsory education
- 4378 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
- 4379 effort to ensure that the child receives an appropriate education.
- 4380 (29) "Educational series" means an evidence-based instructional series:
- 4381 (a) obtained at a substance abuse program that is approved by the Division of Integrated
- 4382 Healthcare in accordance with Section 26B-5-104; and
- 4383 (b) designed to prevent substance use or the onset of a mental health disorder.

- 4384 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 4385 (31) "Evidence-based" means a program or practice that has had multiple randomized  
4386 control studies or a meta-analysis demonstrating that the program or practice is effective  
4387 for a specific population or has been rated as effective by a standardized program  
4388 evaluation tool.
- 4389 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 4390 (33) "Formal probation" means a minor is:
- 4391 (a) supervised in the community by, and reports to, a juvenile probation officer or an  
4392 agency designated by the juvenile court; and
- 4393 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 4394 (34) "Group rehabilitation therapy" means psychological and social counseling of one or  
4395 more individuals in the group, depending upon the recommendation of the therapist.
- 4396 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor,  
4397 including the authority to consent to:
- 4398 (a) marriage;
- 4399 (b) enlistment in the armed forces;
- 4400 (c) major medical, surgical, or psychiatric treatment; or
- 4401 (d) legal custody, if legal custody is not vested in another individual, agency, or  
4402 institution.
- 4403 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 4404 (37) "Harm" means:
- 4405 (a) physical or developmental injury or damage;
- 4406 (b) emotional damage that results in a serious impairment in the child's growth,  
4407 development, behavior, or psychological functioning;
- 4408 (c) sexual abuse; or
- 4409 (d) sexual exploitation.
- 4410 (38) "Home detention" means placement of a minor:
- 4411 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent  
4412 of the minor's parent, guardian, or custodian, under terms and conditions established  
4413 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 4414 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the  
4415 minor's home, or in a surrogate home with the consent of the minor's parent,  
4416 guardian, or custodian, under terms and conditions established by the Division of  
4417 Juvenile Justice and Youth Services or the juvenile court.

- 4418 (39)(a) "Incest" means engaging in sexual intercourse with an individual whom the  
4419 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,  
4420 aunt, nephew, niece, or first cousin.
- 4421 (b) "Incest" includes:
- 4422 (i) blood relationships of the whole or half blood, regardless of whether the  
4423 relationship is legally recognized;
- 4424 (ii) relationships of parent and child by adoption; and
- 4425 (iii) relationships of stepparent and stepchild while the marriage creating the  
4426 relationship of a stepparent and stepchild exists.
- 4427 (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4428 (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4429 (42) "Indigent defense service provider" means the same as that term is defined in Section  
4430 78B-22-102.
- 4431 (43) "Indigent defense services" means the same as that term is defined in Section  
4432 78B-22-102.
- 4433 (44) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 4434 (45)(a) "Intake probation" means a minor is:
- 4435 (i) monitored by a juvenile probation officer; and
- 4436 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 4437 (b) "Intake probation" does not include formal probation.
- 4438 (46) "Intellectual disability" means a significant subaverage general intellectual functioning  
4439 existing concurrently with deficits in adaptive behavior that constitutes a substantial  
4440 limitation to the individual's ability to function in society.
- 4441 (47) "Juvenile offender" means:
- 4442 (a) a serious youth offender; or
- 4443 (b) a youth offender.
- 4444 (48) "Juvenile probation officer" means a probation officer appointed under Section  
4445 78A-6-205.
- 4446 (49) "Juvenile receiving center" means a nonsecure, nonresidential program established by  
4447 the Division of Juvenile Justice and Youth Services, or under contract with the Division  
4448 of Juvenile Justice and Youth Services, that is responsible for minors taken into  
4449 temporary custody under Section 80-6-201.
- 4450 (50) "Legal custody" means a relationship embodying:
- 4451 (a) the right to physical custody of the minor;

- 4452 (b) the right and duty to protect, train, and discipline the minor;
- 4453 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary  
4454 medical care;
- 4455 (d) the right to determine where and with whom the minor shall live; and
- 4456 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 4457 (51) "Licensing Information System" means the Licensing Information System maintained  
4458 by the Division of Child and Family Services under Section 80-2-1002.
- 4459 (52) "Management Information System" means the Management Information System  
4460 developed by the Division of Child and Family Services under Section 80-2-1001.
- 4461 (53) "Mental illness" means:
- 4462 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,  
4463 behavioral, or related functioning; or
- 4464 (b) the same as that term is defined in:
- 4465 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders  
4466 published by the American Psychiatric Association; or
- 4467 (ii) the current edition of the International Statistical Classification of Diseases and  
4468 Related Health Problems.
- 4469 (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 4470 (a) a child; or
- 4471 (b) an individual:
- 4472 (i)(A) who is at least 18 years old and younger than 21 years old; and  
4473 (B) for whom the Division of Child and Family Services has been specifically  
4474 ordered by the juvenile court to provide services because the individual was an  
4475 abused, neglected, or dependent child or because the individual was  
4476 adjudicated for an offense;
- 4477 (ii)(A) who is at least 18 years old and younger than 25 years old; and  
4478 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
4479 Subsection 78A-6-103(1)(b); or
- 4480 (iii)(A) who is at least 18 years old and younger than 21 years old; and  
4481 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
4482 Subsection 78A-6-103(1)(c).
- 4483 (55) "Mobile crisis outreach team" means the same as that term is defined in Section  
4484 26B-5-101.
- 4485 (56) "Molestation" means that an individual, with the intent to arouse or gratify the sexual

4486 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,  
 4487 or the breast of a female child, or takes indecent liberties with a child as defined in  
 4488 Section 76-5-401.1.

4489 [~~(57)~~(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's  
 4490 biological or adoptive parent.]

4491 [~~(b)~~ "Natural parent" includes the minor's noncustodial parent.]

4492 [~~(58)~~] (57)(a) "Neglect" means action or inaction causing:

- 4493 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe  
 4494 Relinquishment of a Newborn Child;
  - 4495 (ii) lack of proper parental care of a child by reason of the fault or habits of the  
 4496 parent, guardian, or custodian;
  - 4497 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or  
 4498 necessary subsistence or medical care, or any other care necessary for the child's  
 4499 health, safety, morals, or well-being;
  - 4500 (iv) a child to be at risk of being neglected or abused because another child in the  
 4501 same home is neglected or abused;
  - 4502 (v) abandonment of a child through an unregulated child custody transfer under  
 4503 Section [~~78B-24-203~~] 81-14-203; or
  - 4504 (vi) educational neglect.
- 4505 (b) "Neglect" does not include:
- 4506 (i) a parent or guardian legitimately practicing religious beliefs and who, for that  
 4507 reason, does not provide specified medical treatment for a child;
  - 4508 (ii) a health care decision made for a child by the child's parent or guardian, unless  
 4509 the state or other party to a proceeding shows, by clear and convincing evidence,  
 4510 that the health care decision is not reasonable and informed;
  - 4511 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
  - 4512 (iv) permitting a child, whose basic needs are met and who is of sufficient age and  
 4513 maturity to avoid harm or unreasonable risk of harm, to engage in independent  
 4514 activities, including:
    - 4515 (A) traveling to and from school, including by walking, running, or bicycling;
    - 4516 (B) traveling to and from nearby commercial or recreational facilities;
    - 4517 (C) engaging in outdoor play;
    - 4518 (D) remaining in a vehicle unattended, except under the conditions described in  
 4519 Subsection 76-10-2202(2);

- 4520 (E) remaining at home unattended; or
- 4521 (F) engaging in a similar independent activity.
- 4522 ~~[(59)]~~ (58) "Neglected child" means a child who has been subjected to neglect.
- 4523 ~~[(60)]~~ (59) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
- 4524 probation officer, without an adjudication of the minor's case under Section 80-6-701,
- 4525 upon the consent in writing of:
- 4526 (a) the assigned juvenile probation officer; and
- 4527 (b)(i) the minor; or
- 4528 (ii) the minor and the minor's parent, guardian, or custodian.
- 4529 ~~[(61)]~~ (60) "Not competent to proceed" means that a minor, due to a mental illness,
- 4530 intellectual disability or related condition, or developmental immaturity, lacks the ability
- 4531 to:
- 4532 (a) understand the nature of the proceedings against the minor or of the potential
- 4533 disposition for the offense charged; or
- 4534 (b) consult with counsel and participate in the proceedings against the minor with a
- 4535 reasonable degree of rational understanding.
- 4536 (61)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
- 4537 parent-child relationship to a minor under Section 81-5-201.
- 4538 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 4539 (62) "Parole" means a conditional release of a juvenile offender from residency in secure
- 4540 care to live outside of secure care under the supervision of the Division of Juvenile
- 4541 Justice and Youth Services, or another person designated by the Division of Juvenile
- 4542 Justice and Youth Services.
- 4543 (63) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 4544 (64)(a) "Probation" means a legal status created by court order, following an
- 4545 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
- 4546 minor's home under prescribed conditions.
- 4547 (b) "Probation" includes intake probation or formal probation.
- 4548 (65) "Prosecuting attorney" means:
- 4549 (a) the attorney general and any assistant attorney general;
- 4550 (b) any district attorney or deputy district attorney;
- 4551 (c) any county attorney or assistant county attorney; and
- 4552 (d) any other attorney authorized to commence an action on behalf of the state.
- 4553 (66) "Protective custody" means the shelter of a child by the Division of Child and Family

- 4554 Services from the time the child is removed from the home until the earlier of:
- 4555 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 4556 (b) the day on which the child is returned home.
- 4557 (67) "Protective services" means expedited services that are provided:
- 4558 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 4559 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 4560 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
- 4561 causes of neglect or abuse; and
- 4562 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 4563 (c) in cases where the child's welfare is endangered:
- 4564 (i) to bring the situation to the attention of the appropriate juvenile court and law
- 4565 enforcement agency;
- 4566 (ii) to cause a protective order to be issued for the protection of the child, when
- 4567 appropriate; and
- 4568 (iii) to protect the child from the circumstances that endanger the child's welfare
- 4569 including, when appropriate:
- 4570 (A) removal from the child's home;
- 4571 (B) placement in substitute care; and
- 4572 (C) petitioning the court for termination of parental rights.
- 4573 (68) "Protective supervision" means a legal status created by court order, following an
- 4574 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 4575 (a) the minor is permitted to remain in the minor's home; and
- 4576 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
- 4577 by an agency designated by the juvenile court.
- 4578 (69)(a) "Related condition" means a condition that:
- 4579 (i) is found to be closely related to intellectual disability;
- 4580 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 4581 similar to that of an intellectually disabled individual;
- 4582 (iii) is likely to continue indefinitely; and
- 4583 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 4584 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 4585 serious emotional or behavioral disturbance.
- 4586 (70)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 4587 a parent after legal custody or guardianship, or both, have been vested in another

- 4588 person or agency, including:
- 4589 (i) the responsibility for support;
- 4590 (ii) the right to consent to adoption;
- 4591 (iii) the right to determine the child's religious affiliation; and
- 4592 (iv) the right to reasonable parent-time unless restricted by the court.
- 4593 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 4594 right to consent to:
- 4595 (i) marriage;
- 4596 (ii) enlistment; and
- 4597 (iii) major medical, surgical, or psychiatric treatment.
- 4598 (71) "Runaway" means a child, other than an emancipated child, who willfully leaves the
- 4599 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
- 4600 without permission.
- 4601 (72) "Secure care" means placement of a minor, who is committed to the Division of
- 4602 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
- 4603 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
- 4604 supervision and confinement of the minor.
- 4605 (73) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
- 4606 for juvenile offenders in secure care.
- 4607 (74) "Secure detention" means temporary care of a minor who requires secure custody in a
- 4608 physically restricting facility operated by, or under contract with, the Division of
- 4609 Juvenile Justice and Youth Services:
- 4610 (a) before disposition of an offense that is alleged to have been committed by the minor;
- 4611 or
- 4612 (b) under Section 80-6-704.
- 4613 (75) "Serious youth offender" means an individual who:
- 4614 (a) is at least 14 years old, but under 25 years old;
- 4615 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
- 4616 of the juvenile court was extended over the individual's case until the individual was
- 4617 25 years old in accordance with Section 80-6-605; and
- 4618 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
- 4619 Services for secure care under Sections 80-6-703 and 80-6-705.
- 4620 (76) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 4621 (77) "Severe neglect" means neglect that causes or threatens to cause serious harm to a



- 4622 child.
- 4623 (78)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
- 4624 (78)(b):
- 4625 (i) if committed by an individual who is 18 years old or older:
- 4626 (A) chronic abuse;
- 4627 (B) severe abuse;
- 4628 (C) sexual abuse;
- 4629 (D) sexual exploitation;
- 4630 (E) abandonment;
- 4631 (F) chronic neglect; or
- 4632 (G) severe neglect; or
- 4633 (ii) if committed by an individual who is under 18 years old:
- 4634 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to
- 4635 another child that indicates a significant risk to other children; or
- 4636 (B) sexual behavior with or upon another child that indicates a significant risk to
- 4637 other children.
- 4638 (b) "Severe type of child abuse or neglect" does not include:
- 4639 (i) the use of reasonable and necessary physical restraint by an educator in
- 4640 accordance with Subsection 53G-8-302(2) or Section 76-2-401;
- 4641 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 4642 use of reasonable and necessary physical restraint or force in self-defense or
- 4643 otherwise appropriate to the circumstances to obtain possession of a weapon or
- 4644 other dangerous object in the possession or under the control of a child or to
- 4645 protect the child or another individual from physical injury; or
- 4646 (iii) a health care decision made for a child by a child's parent or guardian, unless,
- 4647 subject to Subsection (78)(c), the state or other party to the proceeding shows, by
- 4648 clear and convincing evidence, that the health care decision is not reasonable and
- 4649 informed.
- 4650 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
- 4651 right to obtain a second health care opinion.
- 4652 (79) "Sexual abuse" means:
- 4653 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
- 4654 adult directed towards a child;
- 4655 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation

- 4656 committed by a child towards another child if:
- 4657 (i) there is an indication of force or coercion;
- 4658 (ii) the children are related, as described in Subsection (39), including siblings by
- 4659 marriage while the marriage exists or by adoption;
- 4660 (iii) there have been repeated incidents of sexual contact between the two children,
- 4661 unless the children are 14 years old or older; or
- 4662 (iv) there is a disparity in chronological age of four or more years between the two
- 4663 children;
- 4664 (c) engaging in any conduct with a child that would constitute an offense under any of
- 4665 the following, regardless of whether the individual who engages in the conduct is
- 4666 actually charged with, or convicted of, the offense:
- 4667 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
- 4668 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
- 4669 (ii) child bigamy, Section 76-7-101.5;
- 4670 (iii) incest, Section 76-7-102;
- 4671 (iv) lewdness, Section 76-9-702;
- 4672 (v) sexual battery, Section 76-9-702.1;
- 4673 (vi) lewdness involving a child, Section 76-9-702.5; or
- 4674 (vii) voyeurism, Section 76-9-702.7; or
- 4675 (d) subjecting a child to participate in or threatening to subject a child to participate in a
- 4676 sexual relationship, regardless of whether that sexual relationship is part of a legal or
- 4677 cultural marriage.
- 4678 (80) "Sexual exploitation" means knowingly:
- 4679 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 4680 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 4681 (ii) engage in any sexual or simulated sexual conduct for the purpose of
- 4682 photographing, filming, recording, or displaying in any way the sexual or
- 4683 simulated sexual conduct;
- 4684 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
- 4685 depicting a child:
- 4686 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 4687 (ii) engaging in sexual or simulated sexual conduct; or
- 4688 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
- 4689 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual

- 4690 exploitation of a minor, regardless of whether the individual who engages in the  
4691 conduct is actually charged with, or convicted of, the offense.
- 4692 (81) "Shelter" means the temporary care of a child in a physically unrestricted facility  
4693 pending a disposition or transfer to another jurisdiction.
- 4694 (82) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 4695 (83) "Significant risk" means a risk of harm that is determined to be significant in  
4696 accordance with risk assessment tools and rules established by the Division of Child and  
4697 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative  
4698 Rulemaking Act, that focus on:
- 4699 (a) age;  
4700 (b) social factors;  
4701 (c) emotional factors;  
4702 (d) sexual factors;  
4703 (e) intellectual factors;  
4704 (f) family risk factors; and  
4705 (g) other related considerations.
- 4706 (84) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 4707 (85) "Status offense" means an offense that would not be an offense but for the age of the  
4708 offender.
- 4709 (86) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or  
4710 excessive use of alcohol or other drugs or substances.
- 4711 (87) "Substantiated" or "substantiation" means a judicial finding based on a preponderance  
4712 of the evidence, and separate consideration of each allegation made or identified in the  
4713 case, that abuse, neglect, or dependency occurred[-].
- 4714 (88) "Substitute care" means:
- 4715 (a) the placement of a minor in a family home, group care facility, or other placement  
4716 outside the minor's own home, either at the request of a parent or other responsible  
4717 relative, or upon court order, when it is determined that continuation of care in the  
4718 minor's own home would be contrary to the minor's welfare;
- 4719 (b) services provided for a minor in the protective custody of the Division of Child and  
4720 Family Services, or a minor in the temporary custody or custody of the Division of  
4721 Child and Family Services, as those terms are defined in Section 80-2-102; or  
4722 (c) the licensing and supervision of a substitute care facility.
- 4723 (89) "Supported" means a finding by the Division of Child and Family Services based on

- 4724 the evidence available at the completion of an investigation, and separate consideration  
4725 of each allegation made or identified during the investigation, that there is a reasonable  
4726 basis to conclude that abuse, neglect, or dependency occurred.
- 4727 (90) "Termination of parental rights" means the permanent elimination of all parental rights  
4728 and duties, including residual parental rights and duties, by court order.
- 4729 (91) "Therapist" means:
- 4730 (a) an individual employed by a state division or agency for the purpose of conducting  
4731 psychological treatment and counseling of a minor in the division's or agency's  
4732 custody; or
- 4733 (b) any other individual licensed or approved by the state for the purpose of conducting  
4734 psychological treatment and counseling.
- 4735 (92) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that  
4736 the child is at an unreasonable risk of harm or neglect.
- 4737 (93) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 4738 (a) results in behavior that is beyond the control or ability of the child, or the parent or  
4739 guardian, to manage effectively;
- 4740 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or  
4741 (c) results in the situations described in Subsections (93)(a) and (b).
- 4742 (94) "Unsubstantiated" means a judicial finding that there is insufficient evidence to  
4743 conclude that abuse, neglect, or dependency occurred.
- 4744 (95) "Unsupported" means a finding by the Division of Child and Family Services at the  
4745 completion of an investigation, after the day on which the Division of Child and Family  
4746 Services concludes the alleged abuse, neglect, or dependency is not without merit, that  
4747 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 4748 (96) "Validated risk and needs assessment" means an evidence-based tool that assesses a  
4749 minor's risk of reoffending and a minor's criminogenic needs.
- 4750 (97) "Without merit" means a finding at the completion of an investigation by the Division  
4751 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or  
4752 dependency did not occur, or that the alleged perpetrator was not responsible for the  
4753 abuse, neglect, or dependency.
- 4754 (98) "Youth offender" means an individual who is:
- 4755 (a) at least 12 years old, but under 21 years old; and  
4756 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth  
4757 Services for secure care under Sections 80-6-703 and 80-6-705.

4758 Section 53. Section **80-2-503.5** is amended to read:

4759 **80-2-503.5 . Psychotropic medication oversight program -- Behavioral health**  
4760 **service rates.**

4761 (1) As used in this section:

- 4762 (a) "Advanced practice registered nurse" means an individual licensed to practice as an  
4763 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse  
4764 Practice Act.
- 4765 (b) "Division" means the Division of Integrated Healthcare created in Section 26B-1-204.
- 4766 (c) "HIPAA" means 45 C.F.R. Parts 160, 162, and 164, Health Insurance Portability and  
4767 Accountability Act of 1996, as amended.
- 4768 (d) "Physician assistant" means an individual licensed to practice as a physician assistant  
4769 in this state under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 4770 (e) "Psychotropic medication" means medication prescribed to affect or alter thought  
4771 processes, mood, or behavior, including antipsychotic, antidepressant, anxiolytic, or  
4772 behavior medication.
- 4773 (f) "Qualifying minor" means a minor committed to the Division of Juvenile Justice and  
4774 Youth Services under Section 80-6-703.

4775 (2) The division shall, through contract with the University of Utah or another qualified  
4776 third party, operate a psychotropic medication oversight program for children in foster  
4777 care and qualifying minors to ensure that each foster child and qualifying minor is  
4778 prescribed psychotropic medication consistent with the foster child's or qualifying  
4779 minor's needs and consistent with clinical best practices.

4780 (3) The division shall operate an oversight team to manage the psychotropic medication  
4781 oversight program, composed of at least the following individuals:

- 4782 (a) a physician assistant with pediatric mental health experience, or an advanced practice  
4783 registered nurse with pediatric mental health experience, contracted with the division;
- 4784 (b) a child psychiatrist contracted with the division;
- 4785 (c) a data analyst contracted with the division; and
- 4786 (d) an individual with care coordination experience.

4787 (4) The oversight team shall monitor foster children and qualifying minors:

- 4788 (a) six years old or younger who are being prescribed one or more psychotropic  
4789 medications;
- 4790 (b) seven years old or older who are being prescribed two or more psychotropic  
4791 medications; and

- 4792 (c) who are prescribed one or more antipsychotic medications.
- 4793 (5) The division shall establish a business associate agreement with the oversight team by  
4794 which the oversight team shall, upon request, be given information or records related to  
4795 the foster child's or qualifying minor's health care history, including psychotropic  
4796 medication history and mental and behavioral health history, from:
- 4797 (a) the division's Medicaid pharmacy program;
- 4798 (b) the department's written and electronic records and databases;
- 4799 (c) the foster child's current or past caseworker, or the qualifying minor's current or past  
4800 case manager;
- 4801 (d) the foster child or qualifying minor; or
- 4802 (e) the foster child's or qualifying minor's:
- 4803 (i) current or past health care provider;
- 4804 (ii) ~~natural~~ parents; or
- 4805 (iii) foster parents.
- 4806 (6) The oversight team may review and monitor the following information about a foster  
4807 child or qualifying minor:
- 4808 (a) the foster child's or qualifying minor's history;
- 4809 (b) the foster child's or qualifying minor's health care, including psychotropic  
4810 medication history and mental or behavioral health history;
- 4811 (c) whether there are less invasive treatment options available to meet the foster child's  
4812 or qualifying minor's needs;
- 4813 (d) the dosage or dosage range and appropriateness of the foster child's or qualifying  
4814 minor's psychotropic medication;
- 4815 (e) the short-term or long-term risks associated with the use of the foster child's or  
4816 qualifying minor's psychotropic medication; or
- 4817 (f) the reported benefits of the foster child's or qualifying minor's psychotropic  
4818 medication.
- 4819 (7)(a) On at least a quarterly basis, the oversight team shall:
- 4820 (i) review the medical and mental or behavioral health history for each foster child  
4821 and qualifying minor overseen by the program;
- 4822 (ii) based on the review under Subsection (7)(a)(i), document the oversight team's  
4823 findings and recommendations; and
- 4824 (iii) make written recommendations concerning the foster child's or qualifying  
4825 minor's psychotropic medication and the foster child's or qualifying minor's

- 4826                   mental or behavioral health, including any recommendation for psychotherapy  
4827                   treatment.
- 4828       (b) The oversight team's recommendations described in Subsection (7)(a) shall be  
4829                   provided to the foster child's current caseworker or the qualifying minor's current  
4830                   case manager, the foster child's or qualifying minor's parent or guardian, and the  
4831                   foster child's or qualifying minor's current health care providers, in accordance with  
4832                   rules adopted pursuant to Subsection (8) and in compliance with HIPAA and other  
4833                   relevant state and federal privacy laws.
- 4834       (c) The member of the oversight team described in Subsection (3)(d) shall:  
4835                   (i) provide the recommendations described in Subsection (7)(a) in writing and  
4836                   verbally, or as otherwise provided in rules adopted pursuant to Subsection (8), to  
4837                   the foster child's or qualifying minor's current health care providers; and  
4838                   (ii) on at least a semiannual basis, follow up with the foster child's or qualifying  
4839                   minor's current health care providers to document whether recommendations  
4840                   made by the oversight team have been implemented.
- 4841       (d) A foster child's caseworker or qualifying minor's case manager shall maintain a  
4842                   confidential record of recommendations provided under Subsection (7)(b).
- 4843       (8) The division may adopt administrative rules in accordance with Title 63G, Chapter 3,  
4844                   Utah Administrative Rulemaking Act, necessary to administer this section, including the  
4845                   rules described in Subsection (7)(b).
- 4846       (9) The division shall report regarding the psychotropic medication oversight program:  
4847                   (a) to the Child Welfare Legislative Oversight Panel by October 1 of each even  
4848                   numbered year; and  
4849                   (b) orally to the Health and Human Services Interim Committee, at least once every two  
4850                   years at or before the October interim meeting.
- 4851       (10) The oversight team shall report:  
4852                   (a) quarterly to the division regarding the number of foster children and qualifying  
4853                   minors reviewed and the number of recommendations made; and  
4854                   (b) annually to the division regarding outcomes for foster children and qualifying minors  
4855                   overseen by the program.
- 4856       (11) Beginning on July 1, 2024, the department shall pay for outpatient behavioral health  
4857                   services for children in foster care and qualifying minors at a rate no lower than the  
4858                   standard Medicaid fee schedule.
- 4859       Section 54. Section **80-2-702** is amended to read:

4860           **80-2-702 . Division post-removal investigation -- Supported or unsupported**  
4861 **reports -- Convening of child protection team -- Cooperation with law enforcement --**  
4862 **Close of investigation.**

- 4863 (1) If a child is taken into protective custody in accordance with Section 80-2a-202 or  
4864 80-3-204 or the division takes any other action that requires a shelter hearing under  
4865 Subsection 80-3-301(1), the division shall immediately initiate an investigation of:  
4866 (a) the circumstances of the child; and  
4867 (b) the grounds upon which the decision to place the child into protective custody was  
4868 made.
- 4869 (2) The division's investigation under Subsection (1) shall conform to reasonable  
4870 professional standards and include:  
4871 (a) a search for and review of any records of past reports of abuse or neglect involving:  
4872 (i) the same child;  
4873 (ii) any sibling or other child residing in the same household as the child; and  
4874 (iii) the alleged perpetrator;  
4875 (b) with regard to a child who is five years old or older, a personal interview with the  
4876 child:  
4877 (i) outside of the presence of the alleged perpetrator; and  
4878 (ii) conducted in accordance with the requirements of Section 80-2-704;  
4879 (c) if a parent or guardian is located, an interview with at least one of the child's parents  
4880 or guardian;  
4881 (d) an interview with the person who reported the abuse, unless the report was made  
4882 anonymously;  
4883 (e) if possible and appropriate, interviews with other third parties who have had direct  
4884 contact with the child, including:  
4885 (i) school personnel; and  
4886 (ii) the child's health care provider;  
4887 (f) an unscheduled visit to the child's home, unless:  
4888 (i) there is a reasonable basis to believe that the reported abuse was committed by a  
4889 person who:  
4890 (A) is not the child's parent; and  
4891 (B) does not live in the child's home or otherwise have access to the child in the  
4892 child's home; or  
4893 (ii) an unscheduled visit is not necessary to obtain evidence for the investigation; and



- 4894 (g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or  
4895 failure to meet the child's medical needs, a medical examination, obtained no later  
4896 than 24 hours after the child is placed in protective custody.
- 4897 (3) The division may rely on a written report of a prior interview rather than conducting an  
4898 additional interview under Subsection (2), if:
- 4899 (a) law enforcement:
- 4900 (i) previously conducted a timely and thorough investigation regarding the alleged  
4901 abuse, neglect, or dependency; and
- 4902 (ii) produced a written report;
- 4903 (b) the investigation described in Subsection (3)(a)(i) included one or more of the  
4904 interviews described in Subsection (2); and
- 4905 (c) the division finds that an additional interview is not in the best interest of the child.
- 4906 (4)(a)(i) The division shall:
- 4907 (A) make a determination after the division's investigation under Subsection (1)  
4908 regarding whether the report is supported, unsupported, or without merit; and
- 4909 (B) base the determination on the facts of the case at the time the report is made.
- 4910 (ii) The division's determination of whether a report is supported or unsupported may  
4911 be based on the child's statements alone.
- 4912 (b) The division may not:
- 4913 (i) use the inability to identify or locate the perpetrator as a basis for:
- 4914 (A) determining that a report is unsupported; or
- 4915 (B) closing the case; or
- 4916 (ii) determine a case is unsupported or identify a case as unsupported solely because  
4917 the perpetrator is an out-of-home perpetrator.
- 4918 (5) The division shall maintain protective custody of the child if the division finds that one  
4919 or more of the following conditions exist:
- 4920 (a) the child does not have a [~~natural~~]parent, guardian, or responsible relative who is  
4921 able and willing to provide safe and appropriate care for the child;
- 4922 (b)(i) shelter of the child is a matter of necessity for the protection of the child; and
- 4923 (ii) there are no reasonable means by which the child can be protected in:
- 4924 (A) the child's home; or
- 4925 (B) the home of a responsible relative;
- 4926 (c) there is substantial evidence that the parent or guardian is likely to flee the  
4927 jurisdiction of the juvenile court; or

- 4928 (d) the child has left a previously court ordered placement.
- 4929 (6) Within 24 hours after receipt of a child into protective custody, excluding weekends and  
4930 holidays, the division shall:
- 4931 (a) convene a child protection team in accordance with Section 80-2-706; and
- 4932 (b) prepare the testimony and evidence that will be required of the division at the shelter  
4933 hearing, in accordance with Section 80-3-301.
- 4934 (7) The division shall cooperate with a law enforcement investigation and with the  
4935 members of a child protection team, if applicable, regarding the alleged perpetrator.
- 4936 (8) The division may not close an investigation solely on the grounds that the division is  
4937 unable to locate the child until all reasonable efforts have been made to locate the child  
4938 and family members including:
- 4939 (a) visiting the home at times other than normal work hours;
- 4940 (b) contacting local schools;
- 4941 (c) contacting local, county, and state law enforcement agencies; and
- 4942 (d) checking public assistance records.

4943 Section 55. Section **80-2-802** is amended to read:

4944 **80-2-802 . Division child placing and adoption services -- Restrictions on**  
4945 **placement of a child.**

- 4946 (1) Except as provided in Subsection (3), the division may provide adoption services and,  
4947 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services  
4948 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter  
4949 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and  
4950 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.
- 4951 (2) The division shall base the division's decision for placement of an adoptable child for  
4952 adoption on the best interest of the adoptable child.
- 4953 (3) The division may not:
- 4954 (a) in accordance with Subsection 26B-2-127(6), place a child for adoption, either  
4955 temporarily or permanently, with an individual who does not qualify for adoptive  
4956 placement under Sections [~~78B-6-102, 78B-6-117, and 78B-6-137~~] 81-13-202,  
4957 81-13-203, and 81-13-402;
- 4958 (b) consider a potential adoptive parent's willingness or unwillingness to enter a  
4959 postadoption contact agreement under Section [~~78B-6-146~~] 81-13-216 as a condition  
4960 of placing a child with a potential adoptive parent; or
- 4961 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through

4962 1963, base the division's decision for placement of an adoptable child on the race,  
4963 color, ethnicity, or national origin of either the child or the potential adoptive parent.

4964 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah  
4965 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section [  
4966 ~~78B-6-117~~] 81-13-402, priority of placement shall be provided to a family in which a  
4967 couple is legally married under the laws of the state.

4968 (5) Subsections (3) and (4) do not limit the placement of a child with the child's [~~biological~~  
4969 ~~or adoptive parent, a relative,~~] parent or relative or in accordance with the Indian Child  
4970 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

4971 Section 56. Section **80-2-803** is amended to read:

4972 **80-2-803 . Division promotion of adoption -- Adoption research and**  
4973 **informational pamphlet.**

4974 The division shall:

- 4975 (1) actively promote the adoption of all children in the division's custody who have a final  
4976 plan for termination of parental rights under Section 80-3-409 or a primary permanency  
4977 plan of adoption;
- 4978 (2) develop plans for the effective use of cross-jurisdictional resources to facilitate timely  
4979 adoptive or permanent placements for waiting children;
- 4980 (3) obtain information or conduct research regarding prior adoptive families to determine  
4981 what families may do to be successful with an adoptive child;
- 4982 (4) make the information or research described in Subsection (3) available to potential  
4983 adoptive parents;
- 4984 (5) prepare a pamphlet that explains the information that a child-placing agency is required  
4985 to provide a potential adoptive parent under Section [~~78B-24-303~~] 81-14-303;
- 4986 (6) regularly distribute copies of the pamphlet described in Subsection (5) to child-placing  
4987 agencies; and
- 4988 (7) respond to an inquiry made as a result of the notice provided by a child-placing agency  
4989 under Section [~~78B-24-303~~] 81-14-303.

4990 Section 57. Section **80-2-906** is amended to read:

4991 **80-2-906 . Financial responsibility for child placed under Interstate Compact.**

- 4992 (1) Financial responsibility for a child placed under the provisions of the Interstate Compact  
4993 on the Placement of Children shall, in the first instance, be determined in accordance  
4994 with the provisions of Article V of the compact.
- 4995 (2) In the event of partial or complete default of performance under the compact, the

4996 provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and  
 4997 Enforcement of Spousal and Child Support, may also be invoked.

4998 Section 58. Section **80-2-909** is amended to read:

4999 **80-2-909 . Existing authority for child placement continues.**

5000 Any person who, under any law of this state other than this part or the Interstate  
 5001 Compact on the Placement of Children established under Section 80-2-905, has authority to  
 5002 make or assist in making the placement of a child, shall continue to have the ability lawfully to  
 5003 make or assist in making that placement, and the provisions of Sections 26B-2-127, 26B-2-131,  
 5004 26B-2-132, and 26B-2-708, Subsections 80-2-802(3)(a) and (4) and 80-2-803(1), (2), and (5)  
 5005 through (7), and [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Title 81, Chapter 13,  
 5006 Adoption, continue to apply.

5007 Section 59. Section **80-2-1005** is amended to read:

5008 **80-2-1005 . Classification of reports of alleged abuse or neglect -- Confidential**  
 5009 **identity of a person who reports -- Access -- Admitting reports into evidence -- Unlawful**  
 5010 **release and use -- Penalty.**

- 5011 (1) Except as otherwise provided in this chapter or Chapter 2a, Removal and Protective  
 5012 Custody of a Child, a report made under Part 6, Child Abuse and Neglect Reports, and  
 5013 any other information in the possession of the division obtained as a result of the report  
 5014 is a private, protected, or controlled record under Title 63G, Chapter 2, Government  
 5015 Records Access and Management Act, and may only be made available to:
- 5016 (a) a police or law enforcement agency investigating a report of known or suspected  
 5017 abuse or neglect, including members of a child protection team;
  - 5018 (b) a physician who reasonably believes that a child may be the subject of abuse or  
 5019 neglect;
  - 5020 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor  
 5021 who is the subject of a report;
  - 5022 (d) a contract provider that has a written contract with the division to render services to a  
 5023 minor who is the subject of a report;
  - 5024 (e) the subject of the report, the [~~natural~~]parents of the child, and the guardian ad litem;
  - 5025 (f) a court, upon a finding that access to the records may be necessary for the  
 5026 determination of an issue before the court, provided that in a divorce, custody, or  
 5027 related proceeding between private parties, the record alone is:
    - 5028 (i) limited to objective or undisputed facts that were verified at the time of the  
 5029 investigation; and

- 5030 (ii) devoid of conclusions drawn by the division or any of the division's workers on  
5031 the ultimate issue of whether or not an individual's acts or omissions constituted  
5032 any level of abuse or neglect of another individual;
- 5033 (g) an office of the public prosecutor or the public prosecutor's deputies in performing an  
5034 official duty;
- 5035 (h) a person authorized by a Children's Justice Center, for the purposes described in  
5036 Section 67-5b-102;
- 5037 (i) a person engaged in bona fide research, when approved by the director of the  
5038 division, if the information does not include names and addresses;
- 5039 (j) the State Board of Education, acting on behalf of itself or on behalf of a local  
5040 education agency, as defined in Section 63J-5-102, for the purpose of evaluating  
5041 whether an individual should be permitted to obtain or retain a license as an educator  
5042 or serve as an employee or volunteer in a school, limited to information with  
5043 substantiated or supported findings involving an alleged sexual offense, an alleged  
5044 felony or class A misdemeanor drug offense, or any alleged offense against the  
5045 person under Title 76, Chapter 5, Offenses Against the Individual, and with the  
5046 understanding that the office must provide the subject of a report received under  
5047 Subsection (1)(k) with an opportunity to respond to the report before making a  
5048 decision concerning licensure or employment;
- 5049 (k) any individual identified in the report as a perpetrator or possible perpetrator of  
5050 abuse or neglect, after being advised of the screening prohibition in Subsection (2);
- 5051 (l) a person filing a petition for a child protective order on behalf of a child who is the  
5052 subject of the report;
- 5053 (m) a licensed child-placing agency or person who is performing a preplacement  
5054 adoptive evaluation in accordance with the requirements of Sections [~~78B-6-128 and~~  
5055 ~~78B-6-130~~] 81-13-403 and 81-13-405;
- 5056 (n) an Indian tribe to:
- 5057 (i) certify or license a foster home;
- 5058 (ii) render services to a subject of a report; or
- 5059 (iii) investigate an allegation of abuse, neglect, or dependency; or
- 5060 (o) the department or a local substance abuse authority, described in Section 17-43-201,  
5061 for the purpose of providing substance abuse treatment to a pregnant woman or a  
5062 parent of a newborn child, or the services described in Subsection [~~26B-5-211(2)(p)]~~  
5063 26B-5-102(2)(p).

- 5064 (2) In accordance with Section 80-2-608 and except as provided in Section 80-2-611, the  
5065 division and a law enforcement agency shall ensure the anonymity of the person who  
5066 makes the initial report under Part 6, Child Abuse and Neglect Reports, and any other  
5067 person involved in the division's or law enforcement agency's subsequent investigation  
5068 of the report.
- 5069 (3) Notwithstanding any other provision of law, excluding Section 80-3-107, but including  
5070 this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Title 63G,  
5071 Chapter 2, Government Records Access and Management Act, if the division makes a  
5072 report or other information in the division's possession available under Subsection (1)(e)  
5073 to a subject of the report or a parent of a child, the division shall remove from the report  
5074 or other information only the names, addresses, and telephone numbers of individuals or  
5075 specific information that could:
- 5076 (a) identify the referent;
  - 5077 (b) impede a criminal investigation; or
  - 5078 (c) endanger an individual's safety.
- 5079 (4) A child-placing agency or person who receives a report from the division under  
5080 Subsection (1)(m) may provide the report to:
- 5081 (a) the subject of the report;
  - 5082 (b) a person who is performing a preplacement adoptive evaluation in accordance with  
5083 Sections ~~[78B-6-128 and 78B-6-130]~~ 81-13-403 and 81-13-405;
  - 5084 (c) to a licensed child-placing agency; or
  - 5085 (d) an attorney seeking to facilitate an adoption.
- 5086 (5) A member of a child protection team may, before the day on which the child is  
5087 removed, share case-specific information obtained from the division under this section  
5088 with other members of the child protection team.
- 5089 (6)(a) Except as provided in Subsection (6)(b), in a divorce, custody, or related  
5090 proceeding between private parties, a court may not receive into evidence a report  
5091 that:
- 5092 (i) is provided to the court:
    - 5093 (A) under Subsection (1)(f); or
    - 5094 (B) by a parent of the child after the record is made available to the parent under  
5095 Subsection (1)(e);
  - 5096 (ii) describes a parent of the child as the alleged perpetrator; and
  - 5097 (iii) is found to be unsubstantiated, unsupported, or without merit.

- 5098 (b)(i) After a motion to admit the report described in Subsection (6)(a) is made, the  
 5099 court shall allow sufficient time for all subjects of the record to respond before  
 5100 making a finding on the motion.
- 5101 (ii) After considering the motion described in Subsection (6)(b)(i), the court may  
 5102 receive the report into evidence upon a finding on the record of good cause.
- 5103 (7)(a) A person may not:
- 5104 (i) willfully permit, or aid and abet, the release of data or information in the  
 5105 possession of the division or contained in the Management Information System in  
 5106 violation of this part or Part 6, Child Abuse and Neglect Reports; or
- 5107 (ii) if the person is not listed in Subsection (1), request another person to obtain or  
 5108 release a report or other information that the other person obtained under  
 5109 Subsection (1)(k) to screen for potential perpetrators of abuse or neglect.
- 5110 (b) A person who violates Subsection (7)(a)(i), or violates Subsection (7)(a)(ii) knowing  
 5111 the person's actions are a violation of Subsection (7)(a)(ii), is guilty of a class C  
 5112 misdemeanor.

5113 Section 60. Section **80-2a-101** is amended to read:

5114 **80-2a-101 . Definitions.**

- 5115 (1) "Custody" means the same as that term is defined in Section 80-2-102.
- 5116 (2) "Division" means the Division of Child and Family Services created in Section 80-2-201.
- 5117 (3) "Friend" means an adult who:
- 5118 (a) has an established relationship with the child or a family member of the child; and  
 5119 (b) is not the natural parent of the child.
- 5120 (4) "Nonrelative" means an individual who is not a noncustodial parent or relative.
- 5121 (5) "Relative" means an adult who:
- 5122 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,  
 5123 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
- 5124 (b) is the first cousin of the child's parent;
- 5125 (c) is a permanent guardian or ~~natural~~parent of the child's sibling; or
- 5126 (d) in the case of a child who is an Indian child, is an extended family member as  
 5127 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 5128 (6) "Sibling" means the same as that term is defined in Section 80-2-102.
- 5129 (7) "Temporary custody" means the same as that term is defined in Section 80-2-102.

5130 Section 61. Section **80-2a-201** is amended to read:

5131 **80-2a-201 . Rights of parents -- Children's rights -- Interest and responsibility of**

5132 **state.**

5133 (1)(a) Under both the United States Constitution and the constitution of this state, a  
5134 parent possesses a fundamental liberty interest in the care, custody, and management  
5135 of the parent's children. A fundamentally fair process must be provided to parents if  
5136 the state moves to challenge or interfere with parental rights. A governmental entity  
5137 must support any actions or allegations made in opposition to the rights and desires  
5138 of a parent regarding the parent's child by sufficient evidence to satisfy a parent's  
5139 constitutional entitlement to heightened protection against government interference  
5140 with the parent's fundamental rights and liberty interests and, concomitantly, the right  
5141 of the child to be reared by the child's ~~natural~~ parent.

5142 (b) The fundamental liberty interest of a parent concerning the care, custody, and  
5143 management of the parent's child is recognized, protected, and does not cease to exist  
5144 simply because a parent may fail to be a model parent or because the parent's child is  
5145 placed in the temporary custody of the state. At all times, a parent retains a vital  
5146 interest in preventing the irretrievable destruction of family life. Before an  
5147 adjudication of unfitness, government action in relation to a parent and the parent's  
5148 child may not exceed the least restrictive means or alternatives available to  
5149 accomplish a compelling state interest. Until the state proves parental unfitness, and  
5150 the child suffers, or is substantially likely to suffer, serious detriment as a result, the  
5151 child and the child's parent share a vital interest in preventing erroneous termination  
5152 of their natural relationship and the state cannot presume that a child and the child's  
5153 parent are adversaries.

5154 (c) It is in the best interest and welfare of a child to be raised under the care and  
5155 supervision of the child's ~~natural~~ parents. A child's need for a normal family life in a  
5156 permanent home, and for positive, nurturing family relationships is usually best met  
5157 by the child's ~~natural~~ parents. Additionally, the integrity of the family unit and the  
5158 right of a parent to conceive and raise the parent's child are constitutionally protected.  
5159 The right of a fit, competent parent to raise the parent's child without undue  
5160 government interference is a fundamental liberty interest that has long been protected  
5161 by the laws and Constitution and is a fundamental public policy of this state.

5162 (d) The state recognizes that:

5163 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,  
5164 train, educate, provide and care for, and reasonably discipline the parent's child;  
5165 and



- 5166 (ii) the state's role is secondary and supportive to the primary role of a parent.
- 5167 (e) It is the public policy of this state that:
- 5168 (i) a parent retains the fundamental right and duty to exercise primary control over
- 5169 the care, supervision, upbringing, and education of the parent's child;
- 5170 (ii) a parent retains the right to have contact with the parent's child when the child is
- 5171 placed outside of the parent's home, and parent-time should be ordered by a court
- 5172 so long as the contact is not contrary to the best interest of the child; and
- 5173 (iii) a child has the right to have contact with the child's sibling when the child is
- 5174 placed outside of the home and apart from the child's sibling, and sibling visits
- 5175 should be ordered by a court unless the contact would be contrary to the safety or
- 5176 well-being of the child.
- 5177 (f) Subsections (2) through (7) shall be interpreted and applied consistent with this
- 5178 Subsection (1).
- 5179 (2) It is also the public policy of this state that children have the right to protection from
- 5180 abuse and neglect, and that the state retains a compelling interest in investigating,
- 5181 prosecuting, and punishing abuse and neglect. Therefore, the state, as *parens patriae*, has
- 5182 an interest in and responsibility to protect a child whose parent abuses the child or does
- 5183 not adequately provide for the child's welfare. There may be circumstances where a
- 5184 parent's conduct or condition is a substantial departure from the norm and the parent is
- 5185 unable or unwilling to render safe and proper parental care and protection. Under those
- 5186 circumstances, the state may take action for the welfare and protection of the parent's
- 5187 child.
- 5188 (3) When the division intervenes on behalf of an abused, neglected, or dependent child, the
- 5189 division shall take into account the child's need for protection from immediate harm and
- 5190 the extent to which the child's extended family may provide needed protection.
- 5191 Throughout the division's involvement, the division shall utilize the least intrusive and
- 5192 least restrictive means available to protect a child, in an effort to ensure that children are
- 5193 brought up in stable, permanent families, rather than in temporary foster placements
- 5194 under the supervision of the state.
- 5195 (4) If circumstances within the family pose a threat to the child's immediate safety or
- 5196 welfare, the division may seek custody of the child for a planned, temporary period and
- 5197 place the child in a safe environment, subject to the requirements of this section and in
- 5198 accordance with Chapter 3, Abuse, Neglect, and Dependency Proceedings, and when
- 5199 safe and appropriate, return the child to the child's parent or as a last resort, pursue

- 5200 another permanency plan.
- 5201 (5) In determining and making reasonable efforts with regard to a child, under Section  
5202 80-2a-302, both the division's and the juvenile court's paramount concern shall be the  
5203 child's health, safety, and welfare. The desires of a parent for the parent's child, and the  
5204 constitutionally protected rights of a parent, as described in this section, shall be given  
5205 full and serious consideration by the division and the juvenile court.
- 5206 (6) In accordance with Subsections 80-2a-302(4) and 80-3-301(12), in cases where sexual  
5207 abuse, sexual exploitation, abandonment, severe abuse, or severe neglect are involved,  
5208 the state has no duty to make reasonable efforts or to, in any other way, attempt to  
5209 maintain a child in the child's home, provide reunification services, or rehabilitate the  
5210 offending parent or parents. This Subsection (6) does not exempt the division from  
5211 providing court-ordered services.
- 5212 (7)(a) In accordance with Subsection (1), the division shall strive to achieve appropriate  
5213 permanency for children who are abused, neglected, or dependent. The division shall  
5214 provide in-home services, if appropriate and safe, in an effort to help a parent to  
5215 correct the behavior that resulted in abuse, neglect, or dependency of the parent's  
5216 child. The division may pursue a foster placement only if in-home services fail or are  
5217 otherwise insufficient or inappropriate, kinship placement is not safe or appropriate,  
5218 or in-home services and kinship placement fail and cannot be corrected. The division  
5219 shall also seek qualified extended family support or a kinship placement to maintain a  
5220 sense of security and stability for the child.
- 5221 (b) If the use or continuation of reasonable efforts, as described in Subsections (5) and  
5222 (6), is determined to be inconsistent with the permanency plan for a child, then  
5223 measures shall be taken, in a timely manner, to place the child in accordance with the  
5224 permanency plan, and to complete whatever steps are necessary to finalize the  
5225 permanent placement of the child.
- 5226 (c) Subject to the parental rights recognized and protected under this section, if, because  
5227 of a parent's conduct or condition, the parent is determined to be unfit or incompetent  
5228 based on the grounds for termination of parental rights described in Chapter 4,  
5229 Termination and Restoration of Parental Rights, the continuing welfare and best  
5230 interest of the child is of paramount importance, and shall be protected in  
5231 determining whether that parent's rights should be terminated.
- 5232 (8) The state's right to direct or intervene in the provision of medical or mental health care  
5233 for a child is subject to Subsections [~~80-1-102(58)(b)(i)~~] 80-1-102(57)(b)(i) through (iii)

5234 and Sections 80-3-109 and 80-3-304.

5235 Section 62. Section **80-2a-304** is amended to read:

5236 **80-2a-304 . Removal of a child from foster family placement -- Procedural due**  
5237 **process.**

5238 (1)(a) The Legislature finds that, except with regard to a child's [~~natural~~]parent or  
5239 guardian, a foster family has a very limited but recognized interest in the foster  
5240 family's familial relationship with a foster child who has been in the care and custody  
5241 of the foster family and in making determinations regarding removal of a child from  
5242 a foster home, the division may not dismiss the foster family as a mere collection of  
5243 unrelated individuals.

5244 (b) The Legislature finds that children in the temporary custody and custody of the  
5245 division are experiencing multiple changes in foster care placements with little or no  
5246 documentation, and that numerous studies of child growth and development  
5247 emphasize the importance of stability in foster care living arrangements.

5248 (c) For the reasons described in Subsections (1)(a) and (b), the division shall provide  
5249 procedural due process for a foster family before removal of a foster child from the  
5250 foster family's home, regardless of the length of time the child has been in the foster  
5251 family's home, unless removal is for the purpose of:

- 5252 (i) returning the child to the child's [~~natural~~]parent or guardian;
- 5253 (ii) immediately placing the child in an approved adoptive home;
- 5254 (iii) placing the child with a relative who obtained custody or asserted an interest in  
5255 the child within the preference period described in Subsection 80-3-302(7); or
- 5256 (iv) placing an Indian child in accordance with placement preferences and other  
5257 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

5258 (2)(a) The division shall maintain and utilize due process procedures for removal of a  
5259 foster child from a foster home, in accordance with the procedures and requirements  
5260 of Title 63G, Chapter 4, Administrative Procedures Act.

5261 (b) The procedures described in Subsection (2)(a) shall include requirements for:

5262 (i) personal communication with, and a written explanation of the reasons for the  
5263 removal to, the foster parents before removal of the child; and

- 5264 (ii) an opportunity for foster parents to:
- 5265 (A) present the foster parents' information and concerns to the division; and
- 5266 (B) request a review, to be held before removal of the child, by a third party  
5267 neutral fact finder or if the child is placed with the foster parents for a period of

5268 at least two years, request a review, to be held before removal of the child, by  
5269 the juvenile court judge currently assigned to the child's case or, if the juvenile  
5270 court judge currently assigned to the child's case is not available, another  
5271 juvenile court judge.

5272 (c) If the division determines that there is a reasonable basis to believe that the child is in  
5273 danger or that there is a substantial threat of danger to the health or welfare of the  
5274 child, the division shall place the child in emergency foster care during the pendency  
5275 of the procedures described in this Subsection (2), instead of making another foster  
5276 care placement.

5277 (3)(a) If the division removes a child from a foster home based on the child's statement  
5278 alone, the division shall initiate and expedite the processes described in Subsection (2).

5279 (b) The division may not take formal action with regard to the foster parent's license  
5280 until after the processes described in Subsection (2), in addition to any other  
5281 procedure or hearing required by law, are completed.

5282 (4) If a complaint is made to the division by a foster child against a foster parent, the  
5283 division shall, within 30 business days after the day on which the complaint is received,  
5284 provide the foster parent with information regarding the specific nature of the complaint,  
5285 the time and place of the alleged incident, and who was alleged to have been involved.

5286 (5) If the division places a child in a foster home, the division shall provide the foster  
5287 parents with:

5288 (a) notification of the requirements of this section;

5289 (b) a written description of the procedures enacted by the division under Subsection (2)  
5290 and how to access the procedures; and

5291 (c) written notification of the foster parents' ability to petition the juvenile court directly  
5292 for review of a decision to remove a foster child who, subject to Section 80-3-502,  
5293 has been in the foster parents' custody for 12 months or longer.

5294 (6) This section does not apply to the removal of a child based on a foster parent's request  
5295 for the removal.

5296 (7) It is unlawful for a person, with the intent to avoid compliance with the requirements of  
5297 this section, to:

5298 (a) take action, or encourage another to take action, against the license of a foster parent;  
5299 or

5300 (b) remove a child from a foster home before the child is placed with the foster parents  
5301 for two years.

- 5302 (8) The division may not remove a foster child from a foster parent who is a relative of the  
 5303 child on the basis of the age or health of the foster parent without determining:  
 5304 (a) by clear and convincing evidence that the foster parent is incapable of caring for the  
 5305 foster child, if the alternative foster parent would not be another relative of the child;  
 5306 or  
 5307 (b) by a preponderance of the evidence that the foster parent is incapable of caring for  
 5308 the foster child, if the alternative foster parent would be another relative of the child.

5309 Section 63. Section **80-3-102** is amended to read:

5310 **80-3-102 . Definitions.**

5311 As used in this chapter:

- 5312 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with this  
 5313 chapter to commence proceedings in a juvenile court alleging that a child is:  
 5314 (a) abused;  
 5315 (b) neglected; or  
 5316 (c) dependent.
- 5317 (2) "Custody" means the same as that term is defined in Section 80-2-102.
- 5318 (3) "Division" means the Division of Child and Family Services created in Section 80-2-201.
- 5319 (4) "Friend" means an adult who:  
 5320 (a) has an established relationship with the child or a family member of the child; and  
 5321 (b) is not the [~~natural~~]parent of the child.
- 5322 (5) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or  
 5323 grandchild.
- 5324 (6) "Relative" means an adult who:  
 5325 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,  
 5326 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;  
 5327 (b) is a first cousin of the child's parent;  
 5328 (c) is a permanent guardian or [~~natural~~]parent of the child's sibling; or  
 5329 (d) in the case of a child who is an Indian child, is an extended family member as  
 5330 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 5331 (7) "Sibling" means the same as that term is defined in Section 80-2-102.
- 5332 (8) "Sibling visitation" means the same as that term is defined in Section 80-2-102.
- 5333 (9) "Temporary custody" means the same as that term is defined in Section 80-2-102.

5334 Section 64. Section **80-3-107** is amended to read:

5335 **80-3-107 . Disclosure of records -- Record sharing.**

- 5336 (1)(a) Except as provided in Subsections (1)(c) through (e), in an abuse, neglect, or  
5337 dependency proceeding occurring after the commencement of a shelter hearing under  
5338 Section 80-3-301, or the filing of an abuse, neglect, or dependency petition, each  
5339 party to the proceeding shall provide in writing to any other party or the other party's  
5340 counsel any information that the party:
- 5341 (i) plans to report to the juvenile court at the proceeding; or
  - 5342 (ii) could reasonably expect would be requested of the party by the juvenile court at  
5343 the proceeding.
- 5344 (b) A party providing the disclosure required under Subsection (1)(a) shall make the  
5345 disclosure:
- 5346 (i) for a dispositional hearing under Part 4, Adjudication, Disposition, and  
5347 Permanency, no less than five days before the day on which the dispositional  
5348 hearing is held; and
  - 5349 (ii) for all other proceedings, no less than five days before the day on which the  
5350 proceeding is held.
- 5351 (c) The division is not required to provide a court report or a child and family plan  
5352 described in Section 80-3-307 to each party to the proceeding if:
- 5353 (i) the information is electronically filed with the juvenile court; and
  - 5354 (ii) each party to the proceeding has access to the electronically filed information.
- 5355 (d) If a party to a proceeding obtains information after the deadline described in  
5356 Subsection (1)(b), the information is exempt from the disclosure required under  
5357 Subsection (1)(a) if the party certifies to the juvenile court that the information was  
5358 obtained after the deadline.
- 5359 (e) Subsection (1)(a) does not apply to:
- 5360 (i) pretrial hearings; and
  - 5361 (ii) the frequent, periodic review hearings held in a dependency drug court case to  
5362 assess and promote the parent's progress in substance use disorder treatment.
- 5363 (2)(a) Except as provided in Subsection (2)(b), and notwithstanding any other provision  
5364 of law:
- 5365 (i) counsel for all parties to the action shall be given access to all records, maintained  
5366 by the division or any other state or local public agency, that are relevant to the  
5367 abuse, neglect, or dependency proceeding under this chapter; and
  - 5368 (ii) if the ~~natural~~ parent of a child is not represented by counsel, the ~~natural~~ parent  
5369 shall have access to the records described in Subsection (2)(a)(i).

- 5370 (b) The disclosures described in Subsection (2)(a) are not required if:
- 5371 (i) subject to Subsection (2)(c), the division or other state or local public agency did
- 5372 not originally create the record being requested;
- 5373 (ii) disclosure of the record would jeopardize the life or physical safety of a child
- 5374 who has been a victim of abuse or neglect, or any individual who provided
- 5375 substitute care for the child;
- 5376 (iii) disclosure of the record would jeopardize the anonymity of the individual
- 5377 making the initial report of abuse or neglect or any others involved in the
- 5378 subsequent investigation;
- 5379 (iv) disclosure of the record would jeopardize the life or physical safety of an
- 5380 individual who has been a victim of domestic violence; or
- 5381 (v) the record is a Children's Justice Center interview, including a video or audio
- 5382 recording, and a transcript of the recording, the release of which is governed by
- 5383 Section 77-37-4.
- 5384 (c) If a disclosure is denied under Subsection (2)(b)(i), the division shall inform the
- 5385 individual making the request:
- 5386 (i) of the existence of all records in the possession of the division or any other state or
- 5387 local public agency;
- 5388 (ii) of the name and address of the individual or agency that originally created the
- 5389 record; and
- 5390 (iii) that the individual making the request must seek access to the record from the
- 5391 individual or agency that originally created the record.
- 5392 Section 65. Section **80-3-204** is amended to read:
- 5393 **80-3-204 . Protective custody of a child after a petition is filed -- Grounds.**
- 5394 (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply,
- 5395 in addressing the petition, the least restrictive means and alternatives available to
- 5396 accomplish a compelling state interest and to prevent irretrievable destruction of family
- 5397 life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.
- 5398 (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of
- 5399 the petition is not in protective custody, a juvenile court may order that the child be
- 5400 removed from the child's home or otherwise taken into protective custody if the juvenile
- 5401 court finds, by a preponderance of the evidence, that any one or more of the following
- 5402 circumstances exist:
- 5403 (a)(i) there is an imminent danger to the physical health or safety of the child; and

- 5404 (ii) the child's physical health or safety may not be protected without removing the  
5405 child from the custody of the child's parent or guardian;
- 5406 (b)(i) a parent or guardian engages in or threatens the child with unreasonable  
5407 conduct that causes the child to suffer harm; and
- 5408 (ii) there are no less restrictive means available by which the child's emotional health  
5409 may be protected without removing the child from the custody of the child's  
5410 parent or guardian;
- 5411 (c) the child or another child residing in the same household has been, or is considered  
5412 to be at substantial risk of being, physically abused, sexually abused, or sexually  
5413 exploited, by a parent or guardian, a member of the parent's or guardian's household,  
5414 or other individual known to the parent or guardian;
- 5415 (d) the parent or guardian is unwilling to have physical custody of the child;
- 5416 (e) the child is abandoned or left without any provision for the child's support;
- 5417 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged  
5418 or cannot arrange for safe and appropriate care for the child;
- 5419 (g)(i) a relative or other adult custodian with whom the child is left by the parent or  
5420 guardian is unwilling or unable to provide care or support for the child;
- 5421 (ii) the whereabouts of the parent or guardian are unknown; and
- 5422 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
- 5423 (h) subject to Subsection [~~80-1-102(58)(b)~~] 80-1-102(57)(b) and Sections 80-3-109 and  
5424 80-3-304, the child is in immediate need of medical care;
- 5425 (i)(i) a parent's or guardian's actions, omissions, or habitual action create an  
5426 environment that poses a serious risk to the child's health or safety for which  
5427 immediate remedial or preventive action is necessary; or
- 5428 (ii) a parent's or guardian's action in leaving a child unattended would reasonably  
5429 pose a threat to the child's health or safety;
- 5430 (j) the child or another child residing in the same household has been neglected;
- 5431 (k) the child's [~~natural~~]parent:
- 5432 (i) intentionally, knowingly, or recklessly causes the death of another parent of the  
5433 child;
- 5434 (ii) is identified by a law enforcement agency as the primary suspect in an  
5435 investigation for intentionally, knowingly, or recklessly causing the death of  
5436 another parent of the child; or
- 5437 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or



- 5438 recklessly causing the death of another parent of the child;
- 5439 (l) an infant is an abandoned infant, as defined in Section 80-4-203;
- 5440 (m)(i) the parent or guardian, or an adult residing in the same household as the
- 5441 parent or guardian, is charged or arrested pursuant to Title 58, Chapter 37d,
- 5442 Clandestine Drug Lab Act; and
- 5443 (ii) any clandestine laboratory operation was located in the residence or on the
- 5444 property where the child resided; or
- 5445 (n) the child's welfare is otherwise endangered.
- 5446 (3)(a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as
- 5447 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or
- 5448 dependency occurs involving the same substantiated abuser or under similar
- 5449 circumstance as the previous abuse, that fact is prima facie evidence that the child
- 5450 cannot safely remain in the custody of the child's parent.
- 5451 (b) For purposes of Subsection (2)(c):
- 5452 (i) another child residing in the same household may not be removed from the home
- 5453 unless that child is considered to be at substantial risk of being physically abused,
- 5454 sexually abused, or sexually exploited as described in Subsection (2)(c) or
- 5455 Subsection (3)(b)(ii); and
- 5456 (ii) if a parent or guardian has received actual notice that physical abuse, sexual
- 5457 abuse, or sexual exploitation by an individual known to the parent has occurred,
- 5458 and there is evidence that the parent or guardian failed to protect the child, after
- 5459 having received the notice, by allowing the child to be in the physical presence of
- 5460 the alleged abuser, that fact is prima facie evidence that the child is at substantial
- 5461 risk of being physically abused, sexually abused, or sexually exploited.
- 5462 (4)(a) For purposes of Subsection (2), if the division files an abuse, neglect, or
- 5463 dependency petition, the juvenile court shall consider the division's safety and risk
- 5464 assessments described in Section 80-2-403 to determine whether a child should be
- 5465 removed from the custody of the child's parent or guardian or should otherwise be
- 5466 taken into protective custody.
- 5467 (b) The division shall make a diligent effort to provide the safety and risk assessments
- 5468 described in Section 80-2-403 to the juvenile court, guardian ad litem, and counsel
- 5469 for the parent or guardian, as soon as practicable before the shelter hearing described
- 5470 in Section 80-3-301.
- 5471 (5) In the absence of one of the factors described in Subsection (2), a juvenile court may not

5472 remove a child from the parent's or guardian's custody on the basis of:  
 5473 (a) educational neglect, truancy, or failure to comply with a court order to attend school;  
 5474 (b) mental illness or poverty of the parent or guardian;  
 5475 (c) disability of the parent or guardian, as defined in Section 57-21-2; or  
 5476 (d) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid  
 5477 Research and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis  
 5478 product in a medicinal dosage form, or a medical cannabis device, as those terms are  
 5479 defined in Section 26B-4-201.

5480 (6) A child removed from the custody of the child's parent or guardian under this section  
 5481 may not be placed or kept in detention, unless the child may be admitted to detention  
 5482 under Chapter 6, Part 2, Custody and Detention.

5483 (7) This section does not preclude removal of a child from the child's home without a  
 5484 warrant or court order under Section 80-2a-202.

5485 (8)(a) Except as provided in Subsection (8)(b), a juvenile court and the division may not  
 5486 remove a child from the custody of the child's parent or guardian on the sole or  
 5487 primary basis that the parent or guardian refuses to consent to:

- 5488 (i) the administration of a psychotropic medication to a child;
- 5489 (ii) a psychiatric, psychological, or behavioral treatment for a child; or
- 5490 (iii) a psychiatric or behavioral health evaluation of a child.

5491 (b) Notwithstanding Subsection (8)(a), a juvenile court or the division may remove a  
 5492 child under conditions that would otherwise be prohibited under Subsection (8)(a) if  
 5493 failure to take an action described under Subsection (8)(a) would present a serious,  
 5494 imminent risk to the child's physical safety or the physical safety of others.

5495 Section 66. Section **80-3-301** is amended to read:

5496 **80-3-301 . Shelter hearing -- Court considerations.**

5497 (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of a  
 5498 child within 72 hours, excluding weekends and holidays, after any one or all of the  
 5499 following occur:

- 5500 (a) removal of the child from the child's home by the division;
- 5501 (b) placement of the child in protective custody;
- 5502 (c) emergency placement under Subsection 80-2a-202(5);
- 5503 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter  
 5504 at the request of the division; or
- 5505 (e) a motion for expedited placement in temporary custody is filed under Section

- 5506 80-3-203.
- 5507 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the  
5508 division shall issue a notice that contains all of the following:
- 5509 (a) the name and address of the individual to whom the notice is directed;
- 5510 (b) the date, time, and place of the shelter hearing;
- 5511 (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is  
5512 brought;
- 5513 (d) a concise statement regarding:
- 5514 (i) the reasons for removal or other action of the division under Subsection (1); and  
5515 (ii) the allegations and code sections under which the proceeding is instituted;
- 5516 (e) a statement that the parent or guardian to whom notice is given, and the child, are  
5517 entitled to have an attorney present at the shelter hearing, and that if the parent or  
5518 guardian is an indigent individual and cannot afford an attorney, and desires to be  
5519 represented by an attorney, one will be provided in accordance with Title 78B,  
5520 Chapter 22, Indigent Defense Act; and
- 5521 (f) a statement that the parent or guardian is liable for the cost of support of the child in  
5522 the protective custody, temporary custody, and custody of the division, and the cost  
5523 for legal counsel appointed for the parent or guardian under Subsection (2)(e),  
5524 according to the financial ability of the parent or guardian.
- 5525 (3) The notice described in Subsection (2) shall be personally served as soon as possible,  
5526 but no later than one business day after the day on which the child is removed from the  
5527 child's home, or the day on which a motion for expedited placement in temporary  
5528 custody under Section 80-3-203 is filed, on:
- 5529 (a) the appropriate guardian ad litem; and
- 5530 (b) both parents and any guardian of the child, unless the parents or guardians cannot be  
5531 located.
- 5532 (4) Notwithstanding Section 80-3-104, the following individuals shall be present at the  
5533 shelter hearing:
- 5534 (a) the child, unless it would be detrimental for the child;
- 5535 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or  
5536 fail to appear in response to the notice;
- 5537 (c) counsel for the parents, if one is requested;
- 5538 (d) the child's guardian ad litem;
- 5539 (e) the child welfare caseworker from the division who is assigned to the case; and

- 5540 (f) the attorney from the attorney general's office who is representing the division.
- 5541 (5)(a) At the shelter hearing, the juvenile court shall:
- 5542 (i) provide an opportunity to provide relevant testimony to:
- 5543 (A) the child's parent or guardian, if present; and
- 5544 (B) any other individual with relevant knowledge;
- 5545 (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
- 5546 (iii) in accordance with Subsections 80-3-302(7)(c) and (d), grant preferential
- 5547 consideration to a relative or friend for the temporary placement of the child.
- 5548 (b) The juvenile court:
- 5549 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
- 5550 Procedure;
- 5551 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
- 5552 the requesting party, or the requesting party's counsel; and
- 5553 (iii) may in the juvenile court's discretion limit testimony and evidence to only that
- 5554 which goes to the issues of removal and the child's need for continued protection.
- 5555 (6) If the child is in protective custody, the division shall report to the juvenile court:
- 5556 (a) the reason why the child was removed from the parent's or guardian's custody;
- 5557 (b) any services provided to the child and the child's family in an effort to prevent
- 5558 removal;
- 5559 (c) the need, if any, for continued shelter;
- 5560 (d) the available services that could facilitate the return of the child to the custody of the
- 5561 child's parent or guardian; and
- 5562 (e) subject to Subsections 80-3-302(7)(c) and (d), whether any relatives of the child or
- 5563 friends of the child's parents may be able and willing to accept temporary placement
- 5564 of the child.
- 5565 (7) The juvenile court shall consider all relevant evidence provided by an individual or
- 5566 entity authorized to present relevant evidence under this section.
- 5567 (8)(a) If necessary to protect the child, preserve the rights of a party, or for other good
- 5568 cause shown, the juvenile court may grant no more than one continuance, not to
- 5569 exceed five judicial days.
- 5570 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or
- 5571 guardian for a continuance under Subsection (8)(a).
- 5572 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
- 5573 described in Subsection (2) within the time described in Subsection (3), the juvenile

5574 court may grant the request of a parent or guardian for a continuance, not to exceed  
5575 five judicial days.

5576 (9)(a) If the child is in protective custody, the juvenile court shall order that the child be  
5577 returned to the custody of the parent or guardian unless the juvenile court finds, by a  
5578 preponderance of the evidence, consistent with the protections and requirements  
5579 provided in Subsection 80-2a-201(1), that any one of the following exists:

5580 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or  
5581 safety of the child and the child's physical health or safety may not be protected  
5582 without removing the child from the custody of the child's parent;

5583 (ii)(A) the child is suffering emotional damage that results in a serious  
5584 impairment in the child's growth, development, behavior, or psychological  
5585 functioning;

5586 (B) the parent or guardian is unwilling or unable to make reasonable changes that  
5587 would sufficiently prevent future damage; and

5588 (C) there are no reasonable means available by which the child's emotional health  
5589 may be protected without removing the child from the custody of the child's  
5590 parent or guardian;

5591 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is  
5592 not removed from the custody of the child's parent or guardian;

5593 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same  
5594 household has been, or is considered to be at substantial risk of being, physically  
5595 abused, sexually abused, or sexually exploited by:

5596 (A) a parent or guardian;

5597 (B) a member of the parent's household or the guardian's household; or

5598 (C) an individual known to the parent or guardian;

5599 (v) the parent or guardian is unwilling to have physical custody of the child;

5600 (vi) the parent or guardian is unable to have physical custody of the child;

5601 (vii) the child is without any provision for the child's support;

5602 (viii) a parent who is incarcerated or institutionalized has not or cannot arrange for  
5603 safe and appropriate care for the child;

5604 (ix)(A) a relative or other adult custodian with whom the child is left by the  
5605 parent or guardian is unwilling or unable to provide care or support for the  
5606 child;

5607 (B) the whereabouts of the parent or guardian are unknown; and

- 5608 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
- 5609 (x) subject to Subsection [~~80-1-102(58)(b)(i)~~] 80-1-102(57)(b)(i) and Sections
- 5610 80-3-109 and 80-3-304, the child is in immediate need of medical care;
- 5611 (xi)(A) the physical environment or the fact that the child is left unattended
- 5612 beyond a reasonable period of time poses a threat to the child's health or safety;
- 5613 and
- 5614 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 5615 would remove the threat;
- 5616 (xii)(A) the child or a minor residing in the same household has been neglected;
- 5617 and
- 5618 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 5619 would prevent the neglect;
- 5620 (xiii) the parent, guardian, or an adult residing in the same household as the parent or
- 5621 guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine
- 5622 Drug Lab Act, and any clandestine laboratory operation was located in the
- 5623 residence or on the property where the child resided;
- 5624 (xiv)(A) the child's welfare is substantially endangered; and
- 5625 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 5626 would remove the danger; or
- 5627 (xv) the child's [~~natural~~]parent:
- 5628 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 5629 the child;
- 5630 (B) is identified by a law enforcement agency as the primary suspect in an
- 5631 investigation for intentionally, knowingly, or recklessly causing the death of
- 5632 another parent of the child; or
- 5633 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 5634 recklessly causing the death of another parent of the child.
- 5635 (b)(i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
- 5636 established if:
- 5637 (A) a court previously adjudicated that the child suffered abuse, neglect, or
- 5638 dependency involving the parent; and
- 5639 (B) a subsequent incident of abuse, neglect, or dependency involving the parent
- 5640 occurs.
- 5641 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent

5642 knowingly allowed the child to be in the physical care of an individual after the  
5643 parent received actual notice that the individual physically abused, sexually  
5644 abused, or sexually exploited the child, that fact is prima facie evidence that there  
5645 is a substantial risk that the child will be physically abused, sexually abused, or  
5646 sexually exploited.

5647 (10)(a)(i) The juvenile court shall make a determination on the record as to whether  
5648 reasonable efforts were made to prevent or eliminate the need for removal of the  
5649 child from the child's home and whether there are available services that would  
5650 prevent the need for continued removal.

5651 (ii) If the juvenile court finds that the child can be safely returned to the custody of  
5652 the child's parent or guardian through the provision of the services described in  
5653 Subsection (10)(a)(i), the juvenile court shall place the child with the child's  
5654 parent or guardian and order that the services be provided by the division.

5655 (b) In accordance with federal law, the juvenile court shall consider the child's health,  
5656 safety, and welfare as the paramount concern when making the determination  
5657 described in Subsection (10)(a), and in ordering and providing the services described  
5658 in Subsection (10)(a).

5659 (11) If the division's first contact with the family occurred during an emergency situation in  
5660 which the child could not safely remain at home, the juvenile court shall make a finding  
5661 that any lack of preplacement preventive efforts, as described in Section 80-2a-302, was  
5662 appropriate.

5663 (12) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe  
5664 neglect are involved, the juvenile court and the division do not have any duty to make  
5665 reasonable efforts or to, in any other way, attempt to maintain a child in the child's  
5666 home, return a child to the child's home, provide reunification services, or attempt to  
5667 rehabilitate the offending parent or parents.

5668 (13) The juvenile court may not order continued removal of a child solely on the basis of  
5669 educational neglect, truancy, or failure to comply with a court order to attend school.

5670 (14)(a) If a juvenile court orders continued removal of a child under this section, the  
5671 juvenile court shall state the facts on which the decision is based.

5672 (b) If no continued removal is ordered and the child is returned home, the juvenile court  
5673 shall state the facts on which the decision is based.

5674 (15) If the juvenile court finds that continued removal and temporary custody are necessary  
5675 for the protection of a child under Subsection (9)(a), the juvenile court shall order

5676 continued removal regardless of:

5677 (a) any error in the initial removal of the child;

5678 (b) the failure of a party to comply with notice provisions; or

5679 (c) any other procedural requirement of this chapter, Chapter 2, Child Welfare Services,  
5680 or Chapter 2a, Removal and Protective Custody of a Child.

5681 Section 67. Section **80-3-302** is amended to read:

5682 **80-3-302 . Shelter hearing -- Placement of a child.**

5683 (1) As used in this section:

5684 (a) "Asserted an interest" means to communicate, verbally or in writing, to the division  
5685 or the court, that the relative or friend is interested in becoming a placement for the  
5686 child.

5687 (b)[(i) "~~Natural parent,~~" notwithstanding Section ~~80-1-102~~, means:]

5688 [~~(A) a biological or adoptive mother of the child;~~]

5689 [~~(B) an adoptive father of the child; or~~]

5690 [~~(C) a biological father of the child who:~~]

5691 [~~(I) was married to the child's biological mother at the time the child was conceived~~  
5692 ~~or born; or~~]

5693 [~~(H) has strictly complied with Sections 78B-6-120 through 78B-6-122, before~~  
5694 ~~removal of the child or voluntary surrender of the child by the custodial parent.]~~

5695 (i) "Parent" does not include an unmarried biological father, as defined in Section  
5696 81-13-101, who has not strictly complied with Sections 81-13-212 and 81-13-213  
5697 before the removal of the child or voluntary surrender of the child by the custodial  
5698 parent.

5699 (ii) [~~"Natural parent" includes the individuals described in Subsection (1)(b)] "Parent"  
5700 includes, except as provided in Subsection (1)(b)(i), an individual with a  
5701 parent-child relationship to the child under Section 81-5-201 regardless of whether  
5702 the child has been or will be placed with adoptive parents or whether adoption has  
5703 been or will be considered as a long-term goal for the child.~~

5704 (2)(a) At the shelter hearing, if the juvenile court orders that a child be removed from  
5705 the custody of the child's parent in accordance with Section 80-3-301, the juvenile  
5706 court shall first determine whether there is another [natural]parent with whom the  
5707 child was not residing at the time the events or conditions that brought the child  
5708 within the juvenile court's jurisdiction occurred, who desires to assume custody of the  
5709 child.



- 5710 (b) Subject to Subsection (7), if another [~~natural~~]parent requests custody under  
5711 Subsection (2)(a), the juvenile court shall place the child with that parent unless the  
5712 juvenile court finds that the placement would be unsafe or otherwise detrimental to  
5713 the child.
- 5714 (c) The juvenile court:
- 5715 (i) shall make a specific finding regarding the fitness of the parent described in  
5716 Subsection (2)(b) to assume custody, and the safety and appropriateness of the  
5717 placement;
- 5718 (ii) shall, at a minimum, order the division to visit the parent's home, comply with the  
5719 criminal background check provisions described in Section 80-3-305, and check  
5720 the Management Information System for any previous reports of abuse or neglect  
5721 received by the division regarding the parent at issue;
- 5722 (iii) may order the division to conduct any further investigation regarding the safety  
5723 and appropriateness of the placement; and
- 5724 (iv) may place the child in the temporary custody of the division, pending the  
5725 juvenile court's determination regarding the placement.
- 5726 (d) The division shall report the division's findings from an investigation under  
5727 Subsection (2)(c), regarding the child in writing to the juvenile court.
- 5728 (3) If the juvenile court orders placement with a parent under Subsection (2):
- 5729 (a) the child and the parent are under the continuing jurisdiction of the juvenile court;
- 5730 (b) the juvenile court may order:
- 5731 (i) that the parent take custody subject to the supervision of the juvenile court; and  
5732 (ii) that services be provided to the parent from whose custody the child was  
5733 removed, the parent who has assumed custody, or both; and
- 5734 (c) the juvenile court shall order reasonable parent-time with the parent from whose  
5735 custody the child was removed, unless parent-time is not in the best interest of the  
5736 child.
- 5737 (4) The juvenile court shall periodically review an order described in Subsection (3) to  
5738 determine whether:
- 5739 (a) placement with the parent continues to be in the child's best interest;  
5740 (b) the child should be returned to the original custodial parent;  
5741 (c) the child should be placed with a relative under Subsections (6) through (9); or  
5742 (d) the child should be placed in the temporary custody of the division.
- 5743 (5)(a) Legal custody of the child is not affected by an order entered under Subsection (2)

- 5744 or (3).
- 5745 (b) To affect a previous court order regarding legal custody, the party shall petition the  
5746 court for modification of legal custody.
- 5747 (6) Subject to Subsection (7), if, at the time of the shelter hearing, a child is removed from  
5748 the custody of the child's parent and is not placed in the custody of the child's other  
5749 parent, the juvenile court:
- 5750 (a) shall, at that time, determine whether there is a relative or a friend who is able and  
5751 willing to care for the child, which may include asking a child, who is of sufficient  
5752 maturity to articulate the child's wishes in relation to a placement, if there is a relative  
5753 or friend with whom the child would prefer to reside;
- 5754 (b) may order the division to conduct a reasonable search to determine whether there are  
5755 relatives or friends who are willing and appropriate, in accordance with the  
5756 requirements of this chapter, Chapter 2, Child Welfare Services, and Chapter 2a,  
5757 Removal and Protective Custody of a Child, for placement of the child;
- 5758 (c) shall order the parents to cooperate with the division, within five working days, to  
5759 provide information regarding relatives or friends who may be able and willing to  
5760 care for the child; and
- 5761 (d) may order that the child be placed in the temporary custody of the division pending  
5762 the determination under Subsection (6)(a).
- 5763 (7)(a)(i) Subject to Subsection (7)(b), and if the provisions of this section are  
5764 satisfied, the division and the juvenile court shall give preferential consideration to  
5765 a relative's or a friend's request for placement of the child, if the placement is in  
5766 the best interest of the child.
- 5767 (ii) If a relative or friend verbally communicates to the division or court that the  
5768 relative or friend is interested in becoming a placement for the child, the division  
5769 or court shall make a written record of the communication and include that written  
5770 record in the report the division submits at the initial dispositional hearing, a  
5771 report the division submits under Section 80-3-408, or the court's legal file.
- 5772 (b)(i)(A) The preferential consideration that the juvenile court or division  
5773 initially grants a friend under Subsection (7)(a)(i) expires 120 days after the  
5774 day on which the shelter hearing occurs.
- 5775 (B) After the day on which the time period described in Subsection (7)(b)(i)(A)  
5776 expires, the division or the juvenile court may not grant preferential  
5777 consideration to a friend, who has not obtained custody or asserted an interest

- 5778 in the child.
- 5779 (ii)(A) Until eight months after the day on which the shelter hearing occurs, the  
5780 preferential consideration that the juvenile court or division grants a relative  
5781 under Subsection (7)(a)(i) is a rebuttable presumption that placement of the  
5782 child with a relative is in the best interest of the child.
- 5783 (B) After the rebuttable presumption described in Subsection (7)(b)(ii)(A) expires,  
5784 the juvenile court or division shall give preferential consideration to a relative's  
5785 request for placement of the child, if the placement is in the best interest of the  
5786 child considering the totality of the circumstances.
- 5787 (C) If a relative asserts an interest in becoming a placement for the child more  
5788 than one year after the day on which the shelter hearing occurs, the juvenile  
5789 court may not give the relative the preferential consideration described in  
5790 Subsection (7)(b)(ii)(B).
- 5791 (c) The following order of preference shall be applied when determining the individual  
5792 with whom a child will be placed, provided that the individual is willing and able to  
5793 care for the child:
- 5794 (i) a noncustodial parent of the child;
- 5795 (ii) a relative of the child;
- 5796 (iii) subject to Subsection (7)(d), a friend if the friend is a licensed foster parent; and  
5797 (iv) other placements that are consistent with the requirements of law.
- 5798 (d) In determining whether a friend is a willing, able, and appropriate placement for a  
5799 child, the juvenile court or the division:
- 5800 (i) subject to Subsections (7)(d)(ii) through (iv), shall consider the child's preferences  
5801 or level of comfort with the friend;
- 5802 (ii) is required to consider no more than one friend designated by each parent of the  
5803 child and one friend designated by the child if the child is of sufficient maturity to  
5804 articulate the child's wishes in relation to a placement;
- 5805 (iii) may limit the number of designated friends to two, one of whom shall be a friend  
5806 designated by the child if the child is of sufficient maturity to articulate the child's  
5807 wishes in relation to a placement; and
- 5808 (iv) shall give preference to a friend designated by the child if:
- 5809 (A) the child is of sufficient maturity to articulate the child's wishes; and
- 5810 (B) the basis for removing the child under Section 80-3-301 is sexual abuse of the  
5811 child.

- 5812 (e)(i) If a parent of the child or the child, if the child is of sufficient maturity to  
5813 articulate the child's wishes in relation to a placement, is not able to designate a  
5814 friend who is a licensed foster parent for placement of the child, but is able to  
5815 identify a friend who is willing to become licensed as a foster parent, the  
5816 department shall fully cooperate to expedite the licensing process for the friend.
- 5817 (ii) If the friend described in Subsection (7)(e)(i) becomes licensed as a foster parent  
5818 within the time frame described in Subsection (7)(b)(i), the juvenile court shall  
5819 determine whether it is in the best interest of the child to place the child with the  
5820 friend.
- 5821 (8)(a) If a relative or friend who is willing to cooperate with the child's permanency  
5822 goal is identified under Subsection (6)(a), the juvenile court:
- 5823 (i) shall make a specific finding regarding:
- 5824 (A) the fitness of that relative or friend as a placement for the child; and  
5825 (B) the safety and appropriateness of placement with the relative or friend; and
- 5826 (ii) may not consider a request for guardianship or adoption of the child by an  
5827 individual who is not a relative of the child, or prevent the division from placing  
5828 the child in the custody of a relative of the child in accordance with this part, until  
5829 after the day on which the juvenile court makes the findings under Subsection  
5830 (8)(a)(i).
- 5831 (b) In making the finding described in Subsection (8)(a), the juvenile court shall, at a  
5832 minimum, order the division to:
- 5833 (i) if the child may be placed with a relative, conduct a background check that  
5834 includes:
- 5835 (A) completion of a nonfingerprint-based, Utah Bureau of Criminal Identification  
5836 background check of the relative;
- 5837 (B) a completed search, relating to the relative, of the Management Information  
5838 System; and
- 5839 (C) a background check that complies with the criminal background check  
5840 provisions described in Section 80-3-305, of each nonrelative of the child who  
5841 resides in the household where the child may be placed;
- 5842 (ii) if the child will be placed with a noncustodial parent, complete a background  
5843 check that includes:
- 5844 (A) the background check requirements applicable to an emergency placement  
5845 with a noncustodial parent that are described in Subsections 80-2a-301(4) and

- 5846 (6);
- 5847 (B) a completed search, relating to the noncustodial parent of the child, of the
- 5848 Management Information System; and
- 5849 (C) a background check that complies with the criminal background check
- 5850 provisions described in Section 80-3-305, of each nonrelative of the child who
- 5851 resides in the household where the child may be placed;
- 5852 (iii) if the child may be placed with an individual other than a noncustodial parent or
- 5853 a relative, conduct a criminal background check of the individual, and each adult
- 5854 that resides in the household where the child may be placed, that complies with
- 5855 the criminal background check provisions described in Section 80-3-305;
- 5856 (iv) visit the relative's or friend's home;
- 5857 (v) check the Management Information System for any previous reports of abuse or
- 5858 neglect regarding the relative or friend at issue;
- 5859 (vi) report the division's findings in writing to the juvenile court; and
- 5860 (vii) provide sufficient information so that the juvenile court may determine whether:
- 5861 (A) the relative or friend has any history of abusive or neglectful behavior toward
- 5862 other children that may indicate or present a danger to this child;
- 5863 (B) the child is comfortable with the relative or friend;
- 5864 (C) the relative or friend recognizes the parent's history of abuse and is committed
- 5865 to protect the child;
- 5866 (D) the relative or friend is strong enough to resist inappropriate requests by the
- 5867 parent for access to the child, in accordance with court orders;
- 5868 (E) the relative or friend is committed to caring for the child as long as necessary;
- 5869 and
- 5870 (F) the relative or friend can provide a secure and stable environment for the child.
- 5871 (c) The division may determine to conduct, or the juvenile court may order the division
- 5872 to conduct, any further investigation regarding the safety and appropriateness of the
- 5873 placement described in Subsection (8)(a).
- 5874 (d) The division shall complete and file the division's assessment regarding placement
- 5875 with a relative or friend under Subsections (8)(a) and (b) as soon as practicable, in an
- 5876 effort to facilitate placement of the child with a relative or friend.
- 5877 (9)(a) The juvenile court may place a child described in Subsection (2)(a) in the
- 5878 temporary custody of the division, pending the division's investigation under
- 5879 Subsection (8), and the juvenile court's determination regarding the appropriateness

- 5880 of the placement.
- 5881 (b) The juvenile court shall ultimately base the juvenile court's determination regarding  
5882 the appropriateness of a placement with a relative or friend on the best interest of the  
5883 child.
- 5884 (10) If a juvenile court places a child described in Subsection (6) with the child's relative or  
5885 friend:
- 5886 (a) the juvenile court shall:
- 5887 (i) order the relative or friend take custody, subject to the continuing supervision of  
5888 the juvenile court;
- 5889 (ii) provide for reasonable parent-time with the parent or parents from whose custody  
5890 the child is removed, unless parent-time is not in the best interest of the child; and  
5891 (iii) conduct a periodic review no less often than every six months, to determine  
5892 whether:
- 5893 (A) placement with a relative or friend continues to be in the child's best interest;  
5894 (B) the child should be returned home; or  
5895 (C) the child should be placed in the custody of the division;
- 5896 (b) the juvenile court may enter an order:
- 5897 (i) requiring the division to provide necessary services to the child and the child's  
5898 relative or friend, including the monitoring of the child's safety and well-being; or  
5899 (ii) that the juvenile court considers necessary for the protection and best interest of  
5900 the child; and
- 5901 (c) the child and the relative or friend in whose custody the child is placed are under the  
5902 continuing jurisdiction of the juvenile court.
- 5903 (11) No later than 12 months after the day on which the child is removed from the home,  
5904 the juvenile court shall schedule a hearing for the purpose of entering a permanent order  
5905 in accordance with the best interest of the child.
- 5906 (12) The time limitations described in Section 80-3-406, with regard to reunification  
5907 efforts, apply to a child placed with a previously noncustodial parent under Subsection  
5908 (2) or with a relative or friend under Subsection (6).
- 5909 (13)(a) If the juvenile court awards temporary custody of a child to the division, and the  
5910 division places the child with a relative, the division shall:
- 5911 (i) conduct a criminal background check of the relative that complies with the  
5912 criminal background check provisions described in Section 80-3-305; and  
5913 (ii) if the results of the criminal background check described in Subsection (13)(a)(i)

- 5914 would prohibit the relative from having direct access to the child under Section  
5915 26B-2-120, the division shall:
- 5916 (A) take the child into physical custody; and
- 5917 (B) within three days, excluding weekends and holidays, after the day on which  
5918 the child is taken into physical custody under Subsection (13)(a)(ii)(A), give  
5919 written notice to the juvenile court, and all parties to the proceedings, of the  
5920 division's action.
- 5921 (b) Subsection (13)(a) does not prohibit the division from placing a child with a relative,  
5922 pending the results of the background check described in Subsection (13)(a) on the  
5923 relative.
- 5924 (14) If the juvenile court orders that a child be removed from the custody of the child's  
5925 parent and does not award custody and guardianship to another parent, relative, or friend  
5926 under this section, the juvenile court shall order that the child be placed in the temporary  
5927 custody of the division, to proceed to adjudication and disposition and to be provided  
5928 with care and services in accordance with this chapter, Chapter 2, Child Welfare Services,  
5929 and Chapter 2a, Removal and Protective Custody of a Child.
- 5930 (15)(a) If a child reenters the temporary custody or the custody of the division and the  
5931 child is not placed with an individual who is a parent, relative, or friend, the division  
5932 shall:
- 5933 (i) notify the child's former foster parents; and
- 5934 (ii) upon a determination of the former foster parents' willingness and ability to safely  
5935 and appropriately care for the child, give the former foster parents preference for  
5936 placement of the child.
- 5937 (b) If, after the shelter hearing, the child is placed with an individual who is not a parent,  
5938 a relative, a friend, or a former foster parent of the child, priority shall be given to a  
5939 foster placement with a married couple, unless it is in the best interests of the child to  
5940 place the child with a single foster parent.
- 5941 (16) In determining the placement of a child, the juvenile court and the division may not  
5942 take into account, or discriminate against, the religion of an individual with whom the  
5943 child may be placed, unless the purpose of taking religion into account is to place the  
5944 child with an individual or family of the same religion as the child.
- 5945 (17) If the juvenile court's decision differs from a child's express wishes if the child is of  
5946 sufficient maturity to articulate the wishes in relation to the child's placement, the  
5947 juvenile court shall make findings explaining why the juvenile court's decision differs

5948 from the child's wishes.

5949 (18) This section does not guarantee that an identified relative or friend will receive custody  
5950 of the child.

5951 (19)(a) If, for a relative placement, an interstate placement requested under the  
5952 Interstate Compact on the Placement of Children has been initiated by the division or  
5953 is ordered by or pending before the juvenile court, the court may not finalize a  
5954 non-relative placement unless the court gives due weight to:

5955 (i) the preferential consideration granted to a relative in Section 80-3-302;

5956 (ii) the rebuttable presumption in Section 80-3-302; and

5957 (iii) the division's placement authority under Subsections 80-1-102(50) and  
5958 80-3-303(1).

5959 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile  
5960 court under Subsection 80-3-502(3).

5961 Section 68. Section **80-3-307** is amended to read:

5962 **80-3-307 . Child and family plan developed by division -- Parent-time and**  
5963 **relative visitation.**

5964 (1) The division shall develop and finalize a child's child and family plan no more than 45  
5965 days after the day on which the child enters the temporary custody of the division.

5966 (2)(a) The division may use an interdisciplinary team approach in developing a child  
5967 and family plan.

5968 (b) The interdisciplinary team described in Subsection (2)(a) may include  
5969 representatives from the following fields:

5970 (i) mental health;

5971 (ii) education; or

5972 (iii) if appropriate, law enforcement.

5973 (3)(a) The division shall involve all of the following in the development of a child's  
5974 child and family plan:

5975 (i) both of the child's [~~natural~~]parents, unless the whereabouts of a parent are  
5976 unknown;

5977 (ii) the child;

5978 (iii) the child's foster parents; and

5979 (iv) if appropriate, the child's stepparent.

5980 (b) Subsection (3)(a) does not prohibit any other party not listed in Subsection (3)(a) or a  
5981 party's counsel from being involved in the development of a child's child and family



- 5982 plan if the party or counsel's participation is otherwise permitted by law.
- 5983 (c) In relation to all information considered by the division in developing a child and  
5984 family plan, the division shall give additional weight and attention to the input of the  
5985 child's natural and foster parents upon the involvement of the child's natural and  
5986 foster parents under Subsections (3)(a)(i) and (iii).
- 5987 (d)(i) The division shall make a substantial effort to develop a child and family plan  
5988 with which the child's parents agree.
- 5989 (ii) If a parent does not agree with a child and family plan:
- 5990 (A) the division shall strive to resolve the disagreement between the division and  
5991 the parent; and
- 5992 (B) if the disagreement is not resolved, the division shall inform the court of the  
5993 disagreement.
- 5994 (4) A copy of the child and family plan shall, immediately upon completion, or as soon as  
5995 reasonably possible thereafter, be provided to:
- 5996 (a) the guardian ad litem;
- 5997 (b) the child's [~~natural~~]parents; and
- 5998 (c) the child's foster parents.
- 5999 (5) A child and family plan shall:
- 6000 (a) specifically provide for the safety of the child, in accordance with federal law;
- 6001 (b) clearly define what actions or precautions will, or may be, necessary to provide for  
6002 the health, safety, protection, and welfare of the child;
- 6003 (c) be specific to each child and the child's family, rather than general;
- 6004 (d) include individualized expectations and contain specific time frames;
- 6005 (e) except as provided in Subsection (6), address problems that:
- 6006 (i) keep a child in the child's placement; and
- 6007 (ii) keep a child from achieving permanence in the child's life;
- 6008 (f) be designed to:
- 6009 (i) minimize disruption to the normal activities of the child's family, including  
6010 employment and school; and
- 6011 (ii) as much as practicable, help the child's parent maintain or obtain employment; and
- 6012 (g) set forth, with specificity, at least the following:
- 6013 (i) the reason the child entered into protective custody or the division's temporary  
6014 custody or custody;
- 6015 (ii) documentation of:

- 6016 (A) the reasonable efforts made to prevent placement of the child in protective  
6017 custody or the division's temporary custody or custody; or
- 6018 (B) the emergency situation that existed and that prevented the reasonable efforts  
6019 described in Subsection (5)(g)(ii)(A), from being made;
- 6020 (iii) the primary permanency plan for the child, as described in Section 80-3-406, and  
6021 the reason for selection of the plan;
- 6022 (iv) the concurrent permanency plan for the child, as described in Section 80-3-406,  
6023 and the reason for the selection of the plan;
- 6024 (v) if the plan is for the child to return to the child's family:
- 6025 (A) specifically what the parents must do in order to enable the child to be  
6026 returned home;
- 6027 (B) specifically how the requirements described in Subsection (5)(g)(v)(A) may  
6028 be accomplished; and
- 6029 (C) how the requirements described in Subsection (5)(g)(v)(A) will be measured;
- 6030 (vi) the specific services needed to reduce the problems that necessitated placing the  
6031 child in protective custody or the division's temporary custody or custody;
- 6032 (vii) the name of the individual who will provide for and be responsible for case  
6033 management for the division;
- 6034 (viii) subject to Subsection (10), a parent-time schedule between the ~~[natural]~~parent  
6035 and the child;
- 6036 (ix) subject to Subsection (7), the health and mental health care to be provided to  
6037 address any known or diagnosed mental health needs of the child;
- 6038 (x) if residential treatment rather than a foster home is the proposed placement, a  
6039 requirement for a specialized assessment of the child's health needs including an  
6040 assessment of mental illness and behavior and conduct disorders;
- 6041 (xi) social summaries that include case history information pertinent to case planning;  
6042 and
- 6043 (xii) subject to Subsection (12), a sibling visitation schedule.
- 6044 (6) For purposes of Subsection (5)(e), a child and family plan may only include  
6045 requirements that:
- 6046 (a) address findings made by the court; or
- 6047 (b)(i) are requested or consented to by a parent or guardian of the child; and  
6048 (ii) are agreed to by the division and the guardian ad litem.
- 6049 (7)(a) Subject to Subsection (7)(b), in addition to the information required under

- 6050 Subsection (5)(g)(ix), a child and family plan shall include a specialized assessment  
6051 of the medical and mental health needs of a child, if the child:
- 6052 (i) is placed in residential treatment; and
  - 6053 (ii) has medical or mental health issues that need to be addressed.
- 6054 (b) Notwithstanding Subsection (7)(a), a parent shall retain the right to seek a separate  
6055 medical or mental health diagnosis of the parent's child from a licensed practitioner  
6056 of the parent's choice.
- 6057 (8)(a) The division shall train the division's employees to develop child and family  
6058 plans that comply with:
- 6059 (i) federal mandates; and
  - 6060 (ii) the specific needs of the particular child and the child's family.
- 6061 (b) The child's natural parents, foster parents, and if appropriate, stepparents, shall be  
6062 kept informed of and supported to participate in important meetings and procedures  
6063 related to the child's placement.
- 6064 (9) If the division documents to the court that there is a compelling reason that adoption,  
6065 reunification, guardianship, and a placement described in Subsection 80-3-301(6)(e) are  
6066 not in the child's best interest, the court may order another planned permanent living  
6067 arrangement in accordance with federal law.
- 6068 (10)(a) Except as provided in Subsection (10)(b), parent-time may only be denied by a  
6069 court order issued in accordance with Subsection 80-3-406(9).
- 6070 (b) Notwithstanding Subsection (10)(a), the person designated by the division or a court  
6071 to supervise a parent-time session may deny parent-time for the session if the  
6072 supervising person determines that, based on the parent's condition, it is necessary to  
6073 deny parent-time to:
- 6074 (i) protect the physical safety of the child;
  - 6075 (ii) protect the life of the child; or
  - 6076 (iii) consistent with Subsection (10)(c), prevent the child from being traumatized by  
6077 contact with the parent.
- 6078 (c) In determining whether the condition of the parent described in Subsection (10)(b)  
6079 will traumatize a child, the person supervising the parent-time session shall consider  
6080 the impact that the parent's condition will have on the child in light of:
- 6081 (i) the child's fear of the parent; and
  - 6082 (ii) the nature of the alleged abuse or neglect.
- 6083 (11) If a child is in the division's temporary custody or custody, the division shall consider

- 6084 visitation with the child's grandparent if:
- 6085 (a) the division determines the visitation to be in the best interest of the child;
- 6086 (b) there are no safety concerns regarding the behavior or criminal background of the
- 6087 grandparent;
- 6088 (c) allowing the grandparent visitation would not compete with or undermine the child's
- 6089 reunification plan;
- 6090 (d) there is a substantial relationship between the grandparent and child; and
- 6091 (e) the grandparent visitation will not unduly burden the foster parents.

- 6092 (12)(a) The division shall incorporate into the child and family plan reasonable efforts
- 6093 to provide sibling visitation if:
- 6094 (i) siblings are separated due to foster care or adoptive placement;
- 6095 (ii) the sibling visitation is in the best interest of the child for whom the child and
- 6096 family plan is developed; and
- 6097 (iii) the division has consent for sibling visitation from the guardian of the sibling.
- 6098 (b) The division shall obtain consent for sibling visitation from the sibling's guardian if
- 6099 the criteria of Subsections (12)(a)(i) and (ii) are met.

6100 Section 69. Section **80-3-405** is amended to read:

6101 **80-3-405 . Dispositions after adjudication.**

- 6102 (1) Upon adjudication under Subsection 80-3-402(1), the juvenile court may make the
- 6103 dispositions described in Subsection (2) at the dispositional hearing.
- 6104 (2)(a)(i) The juvenile court may vest custody of an abused, neglected, or dependent
- 6105 minor in the division or any other appropriate person, with or without
- 6106 court-specified child welfare services, in accordance with the requirements and
- 6107 procedures of this chapter.
- 6108 (ii) When placing a minor in the custody of the division or any other appropriate
- 6109 person, the juvenile court:
- 6110 (A) shall give primary consideration to the welfare of the minor;
- 6111 (B) shall give due consideration to the rights of the parent or parents concerning
- 6112 the minor; and
- 6113 (C) when practicable, may take into consideration the religious preferences of the
- 6114 minor and of the minor's parents or guardian.
- 6115 (b)(i) The juvenile court may appoint a guardian for the minor if it appears necessary
- 6116 in the interest of the minor.
- 6117 (ii) A guardian appointed under Subsection (2)(b)(i) may be a public or private

- 6118 institution or agency, but not a nonsecure residential placement provider, in which  
6119 legal custody of the minor is vested.
- 6120 (iii) When placing a minor under the guardianship of an individual or of a private  
6121 agency or institution, the juvenile court:  
6122 (A) shall give primary consideration to the welfare of the minor; and  
6123 (B) when practicable, may take into consideration the religious preferences of the  
6124 minor and of the minor's parents or guardian.
- 6125 (c) The juvenile court may order:  
6126 (i) protective supervision;  
6127 (ii) family preservation;  
6128 (iii) sibling visitation; or  
6129 (iv) other services.
- 6130 (d)(i) If a minor has been placed with an individual or relative as a result of an  
6131 adjudication under this chapter, the juvenile court may enter an order of  
6132 permanent legal custody and guardianship with the individual or relative of the  
6133 minor.  
6134 (ii) If a juvenile court enters an order of permanent custody and guardianship with an  
6135 individual or relative of a minor under Subsection (2)(d)(i), the juvenile court  
6136 may, in accordance with Section 78A-6-356, enter an order for child support on  
6137 behalf of the minor against the ~~[natural]~~parents of the minor.  
6138 (iii) An order under this Subsection (2)(d):  
6139 (A) shall remain in effect until the minor is 18 years old;  
6140 (B) is not subject to review under Section 78A-6-358; and  
6141 (C) may be modified by petition or motion as provided in Section 78A-6-357.
- 6142 (e) The juvenile court may order a child be committed to the physical custody, as  
6143 defined in Section 26B-5-401, of a local mental health authority, in accordance with  
6144 the procedures and requirements of Title 26B, Chapter 5, Part 4, Commitment of  
6145 Persons Under Age 18.
- 6146 (f)(i) If the child has an intellectual disability, the juvenile court may make an order  
6147 committing a minor to the Utah State Developmental Center in accordance with  
6148 Title 26B, Chapter 6, Part 6, Admission to an Intermediate Care Facility for  
6149 People with an Intellectual Disability.  
6150 (ii) The juvenile court shall follow the procedure applicable in the district court with  
6151 respect to judicial commitments to the Utah State Developmental Center when

- 6152 ordering a commitment under Subsection (2)(f)(i).
- 6153 (g)(i) Subject to Subsection [~~80-1-102(58)(b)~~] 80-1-102(57)(b) and Section 80-3-304,
- 6154 the juvenile court may order that a minor:
- 6155 (A) be examined or treated by a mental health therapist, as described in Section
- 6156 80-3-109; or
- 6157 (B) receive other special care.
- 6158 (ii) For purposes of receiving the examination, treatment, or care described in
- 6159 Subsection (2)(g)(i), the juvenile court may place the minor in a hospital or other
- 6160 suitable facility that is not secure care or secure detention.
- 6161 (iii) In determining whether to order the examination, treatment, or care described in
- 6162 Subsection (2)(g)(i), the juvenile court shall consider:
- 6163 (A) the desires of the minor;
- 6164 (B) the desires of the parent or guardian of the minor if the minor is younger than
- 6165 18 years old; and
- 6166 (C) whether the potential benefits of the examination, treatment, or care outweigh
- 6167 the potential risks and side-effects, including behavioral disturbances, suicidal
- 6168 ideation, brain function impairment, or emotional or physical harm resulting
- 6169 from the compulsory nature of the examination, treatment, or care.
- 6170 (h) The juvenile court may make other reasonable orders for the best interest of the
- 6171 minor.
- 6172 (3)(a) At the dispositional hearing described in Subsection 80-3-402(3), if a child
- 6173 remains in an out-of-home placement, the juvenile court shall:
- 6174 (i) make specific findings regarding the conditions of parent-time that are in the
- 6175 child's best interest; and
- 6176 (ii) if parent-time is denied, state the facts that justify the denial.
- 6177 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 6178 (i) protect the physical safety of the child; or
- 6179 (ii) prevent the child from being traumatized by contact with the parent due to the
- 6180 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 6181 (c)(i) The division or the person designated by the division or a court to supervise a
- 6182 parent-time session may deny parent-time for the session if the division or the
- 6183 supervising person determines that, based on the parent's condition, it is necessary
- 6184 to deny parent-time to:
- 6185 (A) protect the physical safety of the child;

- 6186 (B) protect the life of the child; or  
6187 (C) consistent with Subsection (3)(c)(ii), prevent the child from being traumatized  
6188 by contact with the parent.
- 6189 (ii) In determining whether the condition of the parent described in Subsection  
6190 (3)(c)(i) will traumatize a child, the division or the person supervising the  
6191 parent-time session shall consider the impact that the parent's condition will have  
6192 on the child in light of:
- 6193 (A) the child's fear of the parent; and  
6194 (B) the nature of the alleged abuse or neglect.
- 6195 (4) Upon an adjudication under this chapter, the juvenile court may not:
- 6196 (a) commit a minor solely on the ground of abuse, neglect, or dependency to the  
6197 Division of Juvenile Justice and Youth Services;
- 6198 (b) assume the function of developing foster home services; or  
6199 (c) vest legal custody of an abused, neglected, or dependent minor in the division to  
6200 primarily address the minor's ungovernable or other behavior, mental health, or  
6201 disability, unless the division:
- 6202 (i) engages other relevant divisions within the department that are conducting an  
6203 assessment of the minor and the minor's family's needs;
- 6204 (ii) based on the assessment described in Subsection (4)(c)(i), determines that vesting  
6205 custody of the minor in the division is the least restrictive intervention for the  
6206 minor that meets the minor's needs; and  
6207 (iii) consents to legal custody of the minor being vested in the division.
- 6208 (5) The juvenile court may combine the dispositions listed in Subsection (2) if combining  
6209 the dispositions is permissible and the dispositions are compatible.
- 6210 (6)(a) If, for a relative placement, an interstate placement requested under the Interstate  
6211 Compact on the Placement of Children has been initiated by the division or is ordered  
6212 by or pending before the juvenile court, the court may not finalize a non-relative  
6213 placement unless the court gives due weight to:
- 6214 (i) the preferential consideration granted to a relative in Section 80-3-302;  
6215 (ii) the rebuttable presumption in Section 80-3-302; and  
6216 (iii) the division's placement authority under Subsections 80-1-102(50) and  
6217 80-3-303(1).
- 6218 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile  
6219 court under Subsection 80-3-502(3).

6220 Section 70. Section **80-3-409** is amended to read:

6221 **80-3-409 . Permanency hearing -- Final plan -- Petition for termination of**  
6222 **parental rights filed -- Hearing on termination of parental rights.**

6223 (1)(a) If reunification services are ordered under Section 80-3-406, with regard to a  
6224 minor who is in the custody of the division, the juvenile court shall hold a  
6225 permanency hearing no later than 12 months after the day on which the minor is  
6226 initially removed from the minor's home.

6227 (b) If reunification services are not ordered at the dispositional hearing, the juvenile  
6228 court shall hold a permanency hearing within 30 days after the day on which the  
6229 dispositional hearing ends.

6230 (2)(a) If reunification services are ordered in accordance with Section 80-3-406, the  
6231 juvenile court shall, at the permanency hearing, determine, consistent with  
6232 Subsection (3), whether the minor may safely be returned to the custody of the  
6233 minor's parent.

6234 (b) If the juvenile court finds, by a preponderance of the evidence, that return of the  
6235 minor to the minor's parent would create a substantial risk of detriment to the minor's  
6236 physical or emotional well-being, the minor may not be returned to the custody of the  
6237 minor's parent.

6238 (c) Prima facie evidence that return of the minor to a parent or guardian would create a  
6239 substantial risk of detriment to the minor is established if:

6240 (i) the parent or guardian fails to:

6241 (A) participate in a court approved child and family plan;

6242 (B) comply with a court approved child and family plan in whole or in part; or

6243 (C) meet the goals of a court approved child and family plan; or

6244 (ii) the minor's [~~natural~~]parent:

6245 (A) intentionally, knowingly, or recklessly causes the death of another parent of  
6246 the minor;

6247 (B) is identified by a law enforcement agency as the primary suspect in an  
6248 investigation for intentionally, knowingly, or recklessly causing the death of  
6249 another parent of the minor; or

6250 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or  
6251 recklessly causing the death of another parent of the minor.

6252 (3) In making a determination under Subsection (2)(a), the juvenile court shall:

6253 (a) review and consider:



- 6254 (i) the report prepared by the division;
- 6255 (ii) in accordance with the Utah Rules of Evidence, any admissible evidence offered
- 6256 by the minor's attorney guardian ad litem;
- 6257 (iii) any report submitted by the division under Subsection 80-3-408(3)(a)(i);
- 6258 (iv) any evidence regarding the efforts or progress demonstrated by the parent; and
- 6259 (v) the extent to which the parent cooperated and used the services provided; and
- 6260 (b) attempt to keep the minor's sibling group together if keeping the sibling group
- 6261 together is:
- 6262 (i) practicable; and
- 6263 (ii) in accordance with the best interest of the minor.
- 6264 (4) With regard to a case where reunification services are ordered by the juvenile court, if a
- 6265 minor is not returned to the minor's parent or guardian at the permanency hearing, the
- 6266 juvenile court shall, unless the time for the provision of reunification services is
- 6267 extended under Subsection (7):
- 6268 (a) order termination of reunification services to the parent;
- 6269 (b) make a final determination regarding whether termination of parental rights,
- 6270 adoption, or permanent custody and guardianship is the most appropriate final plan
- 6271 for the minor, taking into account the minor's primary permanency plan established
- 6272 by the juvenile court under Section 80-3-406; and
- 6273 (c) in accordance with Subsection 80-3-406(2), establish a concurrent permanency plan
- 6274 that identifies the second most appropriate final plan for the minor, if appropriate.
- 6275 (5) The juvenile court may order another planned permanent living arrangement other than
- 6276 reunification for a minor who is 16 years old or older upon entering the following
- 6277 findings:
- 6278 (a) the division has documented intensive, ongoing, and unsuccessful efforts to reunify
- 6279 the minor with the minor's parent or parents, or to secure a placement for the minor
- 6280 with a guardian, an adoptive parent, or an individual described in Subsection 80-3-301
- 6281 (6)(e);
- 6282 (b) the division has demonstrated that the division has made efforts to normalize the life
- 6283 of the minor while in the division's custody, in accordance with Section 80-2-308;
- 6284 (c) the minor prefers another planned permanent living arrangement; and
- 6285 (d) there is a compelling reason why reunification or a placement described in
- 6286 Subsection (5)(a) is not in the minor's best interest.
- 6287 (6) Except as provided in Subsection (7), the juvenile court may not extend reunification

6288 services beyond 12 months after the day on which the minor is initially removed from  
6289 the minor's home, in accordance with the provisions of Section 80-3-406.

6290 (7)(a) Subject to Subsection (7)(b), the juvenile court may extend reunification services  
6291 for no more than 90 days if the juvenile court finds, by a preponderance of the  
6292 evidence, that:

6293 (i) there has been substantial compliance with the child and family plan;

6294 (ii) reunification is probable within that 90-day period; and

6295 (iii) the extension is in the best interest of the minor.

6296 (b)(i) Except as provided in Subsection (7)(c), the juvenile court may not extend any  
6297 reunification services beyond 15 months after the day on which the minor is  
6298 initially removed from the minor's home.

6299 (ii) Delay or failure of a parent to establish paternity or seek custody does not provide  
6300 a basis for the juvenile court to extend services for the parent beyond the  
6301 12-month period described in Subsection (6).

6302 (c) In accordance with Subsection (7)(d), the juvenile court may extend reunification  
6303 services for one additional 90-day period, beyond the 90-day period described in  
6304 Subsection (7)(a), if:

6305 (i) the juvenile court finds, by clear and convincing evidence, that:

6306 (A) the parent has substantially complied with the child and family plan;

6307 (B) it is likely that reunification will occur within the additional 90-day period; and

6308 (C) the extension is in the best interest of the minor;

6309 (ii) the juvenile court specifies the facts upon which the findings described in  
6310 Subsection (7)(c)(i) are based; and

6311 (iii) the juvenile court specifies the time period in which it is likely that reunification  
6312 will occur.

6313 (d) A juvenile court may not extend the time period for reunification services without  
6314 complying with the requirements of this Subsection (7) before the extension.

6315 (e) In determining whether to extend reunification services for a minor, a juvenile court  
6316 shall take into consideration the status of the minor siblings of the minor.

6317 (8)(a) At the permanency hearing, if a child remains in an out-of-home placement, the  
6318 juvenile court shall:

6319 (i) make specific findings regarding the conditions of parent-time that are in the  
6320 child's best interest; and

6321 (ii) if parent-time is denied, state the facts that justify the denial.

- 6322 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 6323 (i) protect the physical safety of the child; or
- 6324 (ii) prevent the child from being traumatized by contact with the parent due to the
- 6325 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 6326 (c)(i) The division or the person designated by the division or a court to supervise a
- 6327 parent-time session may deny parent-time for the session if the division or the
- 6328 supervising person determines that, based on the parent's condition, it is necessary
- 6329 to deny parent-time to:
- 6330 (A) protect the physical safety of the child;
- 6331 (B) protect the life of the child; or
- 6332 (C) consistent with Subsection (8)(c)(ii), prevent the child from being traumatized
- 6333 by contact with the parent.
- 6334 (ii) In determining whether the condition of the parent described in Subsection
- 6335 (8)(c)(i) will traumatize a child, the division or the person supervising the
- 6336 parent-time session shall consider the impact that the parent's condition will have
- 6337 on the child in light of:
- 6338 (A) the child's fear of the parent; and
- 6339 (B) the nature of the alleged abuse or neglect.
- 6340 (9) The juvenile court may, in the juvenile court's discretion:
- 6341 (a) enter any additional order that the juvenile court determines to be in the best interest
- 6342 of the minor, so long as that order does not conflict with the requirements and
- 6343 provisions of Subsections (4) through (8); or
- 6344 (b) order the division to provide protective supervision or other services to a minor and
- 6345 the minor's family after the division's custody of a minor is terminated.
- 6346 (10)(a) If the final plan for the minor is to proceed toward termination of parental rights,
- 6347 the petition for termination of parental rights shall be filed, and a pretrial held, within
- 6348 45 calendar days after the day on which the permanency hearing is held.
- 6349 (b) If the division opposes the plan to terminate parental rights, the juvenile court may
- 6350 not require the division to file a petition for the termination of parental rights, except
- 6351 as required under Subsection 80-4-203(2).
- 6352 (11)(a) Any party to an action may, at any time, petition the juvenile court for an
- 6353 expedited permanency hearing on the basis that continuation of reunification efforts
- 6354 are inconsistent with the permanency needs of the minor.
- 6355 (b) If the juvenile court so determines, the juvenile court shall order, in accordance with

- 6356 federal law, that:
- 6357 (i) the minor be placed in accordance with the permanency plan; and
- 6358 (ii) whatever steps are necessary to finalize the permanent placement of the minor be
- 6359 completed as quickly as possible.
- 6360 (12) Nothing in this section may be construed to:
- 6361 (a) entitle any parent to reunification services for any specified period of time;
- 6362 (b) limit a juvenile court's ability to terminate reunification services at any time before a
- 6363 permanency hearing; or
- 6364 (c) limit or prohibit the filing of a petition for termination of parental rights by any party,
- 6365 or a hearing on termination of parental rights, at any time before a permanency
- 6366 hearing provided that relative placement and custody options have been fairly
- 6367 considered in accordance with Sections 80-2a-201 and 80-4-104.
- 6368 (13)(a) Subject to Subsection (13)(b), if a petition for termination of parental rights is
- 6369 filed before the date scheduled for a permanency hearing, the juvenile court may
- 6370 consolidate the hearing on termination of parental rights with the permanency hearing.
- 6371 (b) For purposes of Subsection (13)(a), if the juvenile court consolidates the hearing on
- 6372 termination of parental rights with the permanency hearing:
- 6373 (i) the juvenile court shall first make a finding regarding whether reasonable efforts
- 6374 have been made by the division to finalize the permanency plan for the minor; and
- 6375 (ii) any reunification services shall be terminated in accordance with the time lines
- 6376 described in Section 80-3-406.
- 6377 (c) The juvenile court shall make a decision on a petition for termination of parental
- 6378 rights within 18 months after the day on which the minor is initially removed from
- 6379 the minor's home.
- 6380 (14)(a) If a juvenile court determines that a minor will not be returned to a parent of the
- 6381 minor, the juvenile court shall consider appropriate placement options inside and
- 6382 outside of the state.
- 6383 (b) In considering appropriate placement options under Subsection (14)(a), the juvenile
- 6384 court shall provide preferential consideration to a relative's request for placement of
- 6385 the minor.
- 6386 (15)(a) In accordance with Section 80-3-108, if a minor 14 years old or older desires an
- 6387 opportunity to address the juvenile court or testify regarding permanency or
- 6388 placement, the juvenile court shall give the minor's wishes added weight, but may not
- 6389 treat the minor's wishes as the single controlling factor under this section.

- 6390 (b) If the juvenile court's decision under this section differs from a minor's express  
 6391 wishes if the minor is of sufficient maturity to articulate the wishes in relation to  
 6392 permanency or the minor's placement, the juvenile court shall make findings  
 6393 explaining why the juvenile court's decision differs from the minor's wishes.
- 6394 (16)(a) If, for a relative placement, an interstate placement requested under the  
 6395 Interstate Compact on the Placement of Children has been initiated by the division or  
 6396 is ordered by or pending before the juvenile court, the court may not finalize a  
 6397 non-relative placement unless the court gives due weight to:
- 6398 (i) the preferential consideration granted to a relative in Section 80-3-302;  
 6399 (ii) the rebuttable presumption in Section 80-3-302; and  
 6400 (iii) the division's placement authority under Subsections 80-1-102(50) and 80-3-303  
 6401 (1).
- 6402 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile  
 6403 court under Subsection 80-3-502(3).
- 6404 Section 71. Section **80-3-502** is amended to read:
- 6405 **80-3-502 . Review of foster care removal -- Foster parent's standing.**
- 6406 (1) With regard to a minor in the custody of the division who is the subject of a petition  
 6407 alleging abuse, neglect, or dependency, and who has been placed in foster care with a  
 6408 foster family, the Legislature finds that:
- 6409 (a) except with regard to the minor's [~~natural~~]parents, a foster family has a very limited  
 6410 but recognized interest in its familial relationship with the minor; and  
 6411 (b) minors in the custody of the division are experiencing multiple changes in foster care  
 6412 placements with little or no documentation, and that numerous studies of child  
 6413 growth and development emphasize the importance of stability in foster care living  
 6414 arrangements.
- 6415 (2) For the reasons described in Subsection (1), the Legislature finds that, except with  
 6416 regard to the minor's [~~natural~~]parents, procedural due process protections must be  
 6417 provided to a foster family prior to removal of a foster minor from the foster home.
- 6418 (3)(a) A foster parent who has had a foster minor in the foster parent's home for 12  
 6419 months or longer may petition the juvenile court for a review and determination of  
 6420 the appropriateness of a decision by the division to remove the minor from the foster  
 6421 home, unless the removal was for the purpose of:
- 6422 (i) returning the minor to the minor's [~~natural~~]parent or legal guardian;  
 6423 (ii) immediately placing the minor in an approved adoptive home;

- 6424 (iii) placing the minor with a relative who obtained custody or asserted an interest in  
6425 the minor within the preference period described in Subsection 80-3-302(8); or  
6426 (iv) placing an Indian child in accordance with placement preferences and other  
6427 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.
- 6428 (b) The foster parent may petition the juvenile court under this section without  
6429 exhausting administrative remedies within the division.
- 6430 (c) The juvenile court may order the division to place the minor in a specified home, and  
6431 shall base the juvenile court's determination on the best interest of the minor.
- 6432 (4) The requirements of this section do not apply to the removal of a minor based on a  
6433 foster parent's request for that removal.
- 6434 Section 72. Section **80-4-104** is amended to read:
- 6435 **80-4-104 . Judicial process for termination -- Parent unfit or incompetent -- Best**  
6436 **interest of child.**
- 6437 (1) Under both the United States Constitution and the constitution of this state, a parent  
6438 possesses a fundamental liberty interest in the care, custody, and management of the  
6439 parent's child. For this reason, the termination of family ties by the state may only be  
6440 done for compelling reasons.
- 6441 (2) The juvenile court shall provide a fundamentally fair process to a parent if a party  
6442 moves to terminate the parent's parental rights.
- 6443 (3) If the party moving to terminate parental rights is a governmental entity, the juvenile  
6444 court shall find that any actions or allegations made in opposition to the rights and  
6445 desires of a parent regarding the parent's child are supported by sufficient evidence to  
6446 satisfy a parent's constitutional entitlement to heightened protection against government  
6447 interference with the parent's fundamental rights and liberty interests.
- 6448 (4)(a) The fundamental liberty interest of a parent concerning the care, custody, and  
6449 management of the parent's child is recognized, protected, and does not cease to exist  
6450 simply because:
- 6451 (i) a parent may fail to be a model parent; or  
6452 (ii) the parent's child is placed in the temporary custody of the state.
- 6453 (b) The juvenile court should give serious consideration to the fundamental right of a  
6454 parent to rear the parent's child, and concomitantly, of the right of the child to be  
6455 reared by the child's [~~natural~~]parent.
- 6456 (5) At all times, a parent retains a vital interest in preventing the irretrievable destruction of  
6457 family life.

- 6458 (6) Before an adjudication of unfitness, government action in relation to a parent and a  
6459 parent's child may not exceed the least restrictive means or alternatives available to  
6460 accomplish a compelling state interest.
- 6461 (7) Until parental unfitness is established and the children suffer, or are substantially likely  
6462 to suffer, serious detriment as a result, the child and the child's parent share a vital  
6463 interest in preventing erroneous termination of their relationship and the juvenile court  
6464 may not presume that a child and the child's parents are adversaries.
- 6465 (8)(a) It is in the best interest and welfare of a child to be raised under the care and  
6466 supervision of the child's ~~natural~~ parents.
- 6467 (b) A child's need for a normal family life in a permanent home, and for positive,  
6468 nurturing family relationships is usually best met by the child's ~~natural~~ parents.
- 6469 (c) Additionally, the integrity of the family unit and the right of parents to conceive and  
6470 raise their children are constitutionally protected.
- 6471 (d) For these reasons, the juvenile court should only transfer custody of a child from the  
6472 child's ~~natural~~ parent for compelling reasons and when there is a jurisdictional basis  
6473 to do so.
- 6474 (9) The right of a fit, competent parent to raise the parent's child without undue government  
6475 interference is a fundamental liberty interest that has long been protected by the laws  
6476 and Constitution of this state and of the United States, and is a fundamental public  
6477 policy of this state.
- 6478 (10)(a) The state recognizes that:
- 6479 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,  
6480 train, educate, provide for, and reasonably discipline the parent's child; and
- 6481 (ii) the state's role is secondary and supportive to the primary role of a parent.
- 6482 (b) It is the public policy of this state that a parent retain the fundamental right and duty  
6483 to exercise primary control over the care, supervision, upbringing, and education of  
6484 the parent's child.
- 6485 (c) The interests of the state favor preservation and not severance of natural familial  
6486 bonds in situations where a positive, nurturing parent-child relationship can exist,  
6487 including extended family association and support.
- 6488 (11) This chapter provides a judicial process for voluntary and involuntary severance of the  
6489 parent-child relationship, designed to safeguard the rights and interests of all parties  
6490 concerned and promote their welfare and that of the state.
- 6491 (12)(a) Wherever possible, family life should be strengthened and preserved, but if a

6492 parent is found, by reason of the parent's conduct or condition, to be unfit or  
6493 incompetent based upon any of the grounds for termination described in this part, the  
6494 juvenile court shall then consider the welfare and best interest of the child of  
6495 paramount importance in determining whether termination of parental rights shall be  
6496 ordered.

6497 (b) In determining whether termination is in the best interest of the child, and in finding,  
6498 based on the totality of the circumstances, that termination of parental rights, from  
6499 the child's point of view, is strictly necessary to promote the child's best interest, the  
6500 juvenile court shall consider, among other relevant factors, whether:

6501 (i) sufficient efforts were dedicated to reunification in accordance with Section  
6502 80-4-301; and

6503 (ii) pursuant to Section 80-3-302, the efforts to place the child with a relative who has,  
6504 or is willing to come forward to care for the child, were given due weight.

6505 Section 73. Section **80-4-106** is amended to read:

6506 **80-4-106 . Individuals entitled to be present at proceedings -- Legal**  
6507 **representation -- Attorney general responsibilities.**

6508 (1)(a) The parties shall be advised of the parties' right to counsel, including the  
6509 appointment of counsel for a parent or guardian facing any action initiated by a  
6510 private party under this chapter or under Section [78B-6-112] 81-13-205 for  
6511 termination of parental rights.

6512 (b) If a parent or guardian is the subject of a petition for the termination of parental  
6513 rights, the juvenile court shall:

6514 (i) appoint an indigent defense service provider for a parent or guardian determined  
6515 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2,  
6516 Appointment of Counsel; and

6517 (ii) order indigent defense services for the parent or guardian who is determined to be  
6518 an indigent individual in accordance with Title 78B, Chapter 22, Part 2,  
6519 Appointment of Counsel.

6520 (c) In any action under this chapter, a guardian ad litem, as defined in Section 78A-2-801,  
6521 shall represent the child in accordance with Sections 78A-2-803 and 80-3-104.

6522 (2) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion in civil  
6523 enforcement actions, the attorney general shall, in accordance with Section 80-2-303,  
6524 enforce this chapter, Chapter 2, Child Welfare Services, and Chapter 2a, Removal and  
6525 Protective Custody of a Child, relating to the termination of parental rights.



- 6526 (3)(a) The juvenile court shall admit any individual to a hearing unless the juvenile  
 6527 court makes a finding upon the record that the individual's presence at the hearing  
 6528 would:
- 6529 (i) be detrimental to the best interest of a child who is a party to the proceeding;
  - 6530 (ii) impair the fact-finding process; or
  - 6531 (iii) be otherwise contrary to the interests of justice.
- 6532 (b) The juvenile court may exclude an individual from a hearing under Subsection (3)(a)  
 6533 on the juvenile court's own motion or by motion of a party to the proceeding.
- 6534 Section 74. Section **80-4-203** is amended to read:
- 6535 **80-4-203 . Mandatory petition for termination of parental rights.**
- 6536 (1) For purposes of this section, "abandoned infant" means a child who is 12 months old or  
 6537 younger and whose parent or parents:
- 6538 (a) although having legal custody of the child, fail to maintain physical custody of the  
 6539 child without making arrangements for the care of the child;
  - 6540 (b) have failed to:
    - 6541 (i) maintain physical custody; and
    - 6542 (ii) exhibit the normal interest of a [~~natural~~]parent without just cause; or
  - 6543 (c) are unwilling to have physical custody of the child.
- 6544 (2) Except as provided in Subsection (3), notwithstanding any other provision of this  
 6545 chapter, Chapter 2, Child Welfare Services, or Chapter 2a, Removal and Protective  
 6546 Custody of a Child, the division shall file a petition for termination of parental rights  
 6547 with regard to:
- 6548 (a) an abandoned infant; or
  - 6549 (b) the child of a parent, whenever a court has determined that the parent has:
    - 6550 (i) committed murder or child abuse homicide of another child of that parent;
    - 6551 (ii) committed manslaughter of another child of that parent;
    - 6552 (iii) aided, abetted, attempted, conspired, or solicited to commit murder, child abuse  
 6553 homicide, or manslaughter against another child of that parent; or
    - 6554 (iv) committed a felony assault or abuse that results in serious physical injury to:
      - 6555 (A) another child of that parent; or
      - 6556 (B) the other parent of the child.
- 6557 (3) The division is not required to file a petition for termination of parental rights under  
 6558 Subsection (2) if:
- 6559 (a) the child is being cared for by a relative;

- 6560 (b) the division has:
- 6561 (i) documented in the child's child and family plan a compelling reason for
- 6562 determining that filing a petition for termination of parental rights is not in the
- 6563 child's best interest; and
- 6564 (ii) made that child and family plan available to the juvenile court for the juvenile
- 6565 court's review; or
- 6566 (c)(i) the juvenile court has previously determined, in accordance with the provisions
- 6567 and limitations of Sections 80-2a-201, 80-2a-302, 80-3-301, and 80-3-406, that
- 6568 reasonable efforts to reunify the child with the child's parent or parents were
- 6569 required; and
- 6570 (ii) the division has not provided, within the time period specified in the child and
- 6571 family plan, services that had been determined to be necessary for the safe return
- 6572 of the child.

6573 Section 75. Section **80-4-302** is amended to read:

6574 **80-4-302 . Evidence of grounds for termination.**

- 6575 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
- 6576 evidence of abandonment that the parent or parents:
- 6577 (a) although having legal custody of the child, have surrendered physical custody of the
- 6578 child, and for a period of six months following the surrender have not manifested to
- 6579 the child or to the person having the physical custody of the child a firm intention to
- 6580 resume physical custody or to make arrangements for the care of the child;
- 6581 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
- 6582 months;
- 6583 (c) failed to have shown the normal interest of a [natural]parent, without just cause; or
- 6584 (d) have abandoned an infant, as described in Section 80-4-203.
- 6585 (2) In determining whether a parent or parents are unfit or have neglected a child the
- 6586 juvenile court shall consider:
- 6587 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
- 6588 parent unable to care for the immediate and continuing physical or emotional needs
- 6589 of the child for extended periods of time;
- 6590 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
- 6591 nature;
- 6592 (c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous
- 6593 drugs that render the parent unable to care for the child;

- 6594 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
6595 shelter, education, or other care necessary for the child's physical, mental, and  
6596 emotional health and development by a parent or parents who are capable of  
6597 providing that care;
- 6598 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
6599 sentence is of such length that the child will be deprived of a normal home for more  
6600 than one year;
- 6601 (f) a history of violent behavior;
- 6602 (g) whether the parent has intentionally exposed the child to pornography or material  
6603 harmful to a minor, as defined in Section 76-10-1201; or
- 6604 (h) any other circumstance, conduct, or condition that the court considers relevant in the  
6605 determination of whether a parent or parents are unfit or have neglected the child.
- 6606 (3) Notwithstanding Subsection (2)(c), the juvenile court may not discriminate against a  
6607 parent because of or otherwise consider the parent's lawful possession or consumption of  
6608 cannabis in a medicinal dosage form, a cannabis product, as those terms are defined in  
6609 Section 26B-4-201 or a medical cannabis device, in accordance with Title 26B, Chapter  
6610 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 6611 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide  
6612 specified medical treatment for a child is not, for that reason alone, a negligent or unfit  
6613 parent.
- 6614 (5)(a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
6615 unfit because of a health care decision made for a child by the child's parent unless  
6616 the state or other party to the proceeding shows, by clear and convincing evidence,  
6617 that the health care decision is not reasonable and informed.
- 6618 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
6619 obtain a second health care opinion.
- 6620 (6) If a child has been placed in the custody of the division and the parent or parents fail to  
6621 comply substantially with the terms and conditions of a plan within six months after the  
6622 date on which the child was placed or the plan was commenced, whichever occurs later,  
6623 that failure to comply is evidence of failure of parental adjustment.
- 6624 (7) The following circumstances are prima facie evidence of unfitness:
- 6625 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
6626 child, due to known or substantiated abuse or neglect by the parent or parents;
- 6627 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to

- 6628 indicate the unfitness of the parent to provide adequate care to the extent necessary  
6629 for the child's physical, mental, or emotional health and development;
- 6630 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement of  
6631 the child;
- 6632 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
6633 commit murder or manslaughter of a child or child abuse homicide; or
- 6634 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
6635 of the child, without legal justification.

6636 Section 76. Section **80-4-307** is amended to read:

6637 **80-4-307 . Voluntary relinquishment -- Irrevocable.**

- 6638 (1) The individual consenting to termination of parental rights or voluntarily relinquishing  
6639 parental rights shall sign the consent or relinquishment, or confirm a consent or  
6640 relinquishment previously signed by the individual, under oath before:
- 6641 (a) a judge of any court that has jurisdiction over proceedings for termination of parental  
6642 rights in this state or any other state, or a public officer appointed by that court for the  
6643 purpose of taking consents or relinquishments; or
- 6644 (b) except as provided in Subsection (2), any person authorized to take consents or  
6645 relinquishments under Subsections [~~78B-6-124(1)~~] 81-13-214(1) and (2).
- 6646 (2) Only the juvenile court is authorized to take consents or relinquishments from a parent  
6647 who has any child who is in the custody of a state agency or who has a child who is  
6648 otherwise under the jurisdiction of the juvenile court.
- 6649 (3)(a) The court, appointed officer, or other authorized person shall certify to the best of  
6650 that person's information and belief that the individual executing the consent or  
6651 relinquishment, or confirming a consent or relinquishment previously signed by the  
6652 individual, has read and understands the consent or relinquishment and has signed the  
6653 consent or relinquishment freely and voluntarily.
- 6654 (b) A consent or relinquishment is not effective until the consent or relinquishment is  
6655 certified pursuant to Subsection (3)(a).
- 6656 (4) A consent or relinquishment that has been certified pursuant to Subsection (3)(a) is  
6657 effective against the consenting or relinquishing individual and may not be revoked.
- 6658 (5)(a) The requirements and processes described in Section 80-4-104, Sections 80-4-301  
6659 through 80-4-304, and Part 2, Petition for Termination of Parental Rights, do not  
6660 apply to a voluntary relinquishment or consent for termination of parental rights.
- 6661 (b) When determining voluntary relinquishment or consent for termination of parental

6662 rights, the juvenile court need only find that the relinquishment or termination is in  
6663 the child's best interest.

6664 (6)(a) There is a presumption that voluntary relinquishment or consent for termination  
6665 of parental rights is not in the child's best interest where it appears to the juvenile  
6666 court that the primary purpose for relinquishment or consent for termination is to  
6667 avoid a financial support obligation.

6668 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile court  
6669 finds the relinquishment or consent to termination of parental rights will facilitate the  
6670 establishment of stability and permanency for the child.

6671 (7) Upon granting a voluntary relinquishment the juvenile court may make orders relating  
6672 to the child's care and welfare that the juvenile court considers to be in the child's best  
6673 interest.

6674 Section 77. Section **80-4-502** is amended to read:

6675 **80-4-502 . Safe relinquishment of a newborn child -- Termination of parental**  
6676 **rights -- Affirmative defense.**

6677 (1)(a) A parent or a parent's designee may safely relinquish a newborn child at a  
6678 hospital in accordance with this part and retain complete anonymity, so long as the  
6679 newborn child has not been subject to abuse or neglect.

6680 (b) Safe relinquishment of a newborn child who has not otherwise been subject to abuse  
6681 or neglect shall not, in and of itself, constitute neglect, and the newborn child may  
6682 not be considered a neglected child so long as the relinquishment is carried out in  
6683 substantial compliance with this part.

6684 (2)(a) Personnel employed by a hospital shall accept a newborn child who is  
6685 relinquished under this part, and may presume that the individual relinquishing is the  
6686 newborn child's parent or the parent's designee.

6687 (b) The person receiving the newborn child may request information regarding the  
6688 parent and newborn child's medical histories, and identifying information regarding  
6689 the nonrelinquishing parent of the newborn child.

6690 (c) If the newborn child's parent or the parent's designee provides the person receiving  
6691 the newborn child with any of the information described in Subsection (2)(b) or any  
6692 other personal items, the person shall provide the information or personal items to the  
6693 division.

6694 (d) Personnel employed by the hospital shall:

6695 (i) provide any necessary medical care to the newborn child;

- 6696 (ii) notify the division of receipt of the newborn child as soon as possible, but no later  
6697 than 24 hours after receipt of the newborn child; and
- 6698 (iii) prepare a birth certificate or foundling birth certificate if parentage is unknown  
6699 for the newborn child and file the certificate with the Office of Vital Records and  
6700 Statistics within the Department of Health and Human Services.
- 6701 (e) A hospital and personnel employed by a hospital are immune from any civil or  
6702 criminal liability arising from accepting a newborn child if the personnel employed  
6703 by the hospital substantially comply with the provisions of this part and medical  
6704 treatment is administered according to standard medical practice.
- 6705 (3) The division shall assume care and protective custody of the newborn child immediately  
6706 upon notice from the hospital.
- 6707 (4) So long as the division determines there is no abuse or neglect of the newborn child,  
6708 neither the newborn child nor the child's parents are subject to:
- 6709 (a) the investigation provisions contained in Section 80-2-701; or  
6710 (b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.
- 6711 (5)(a) Unless identifying information relating to the nonrelinquishing parent of the  
6712 newborn child is provided, the division shall:
- 6713 (i) work with local law enforcement and the Bureau of Criminal Identification within  
6714 the Department of Public Safety in an effort to ensure that the newborn child has  
6715 not been identified as a missing child;
- 6716 (ii) immediately place or contract for placement of the newborn child in a potential  
6717 adoptive home and, within 10 days after the day on which the child is received,  
6718 file a petition for termination of parental rights in accordance with this chapter;
- 6719 (iii) direct the Office of Vital Records and Statistics within the Department of Health  
6720 and Human Services to conduct a search for:
- 6721 (A) a birth certificate for the newborn child; and  
6722 (B) unmarried biological fathers in the registry maintained by the Office of Vital  
6723 Records and Statistics in accordance with [~~Title 78B, Chapter 15, Part 4,~~  
6724 ~~Registry~~] Title 81, Chapter 5, Part 4, Registry; and
- 6725 (iv) provide notice to each potential father identified on the registry described in  
6726 Subsection (5)(a)(iii) in accordance with [~~Title 78B, Chapter 15, Part 4, Registry~~]  
6727 Title 81, Chapter 5, Part 4, Registry.
- 6728 (b)(i) If no individual has affirmatively identified himself or herself within two  
6729 weeks after the day on which notice under Subsection (5)(a)(iv) is complete and

6730 established paternity by scientific testing within as expeditious a time frame as  
 6731 practicable, a hearing on the petition for termination of parental rights shall be  
 6732 scheduled and notice provided in accordance with this chapter.

6733 (ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child  
 6734 under this part is considered grounds for termination of parental rights of both the  
 6735 relinquishing and nonrelinquishing parents under Section 80-4-301.

6736 (6) If at any time before the day on which the newborn child is adopted, the juvenile court  
 6737 finds it is in the best interest of the newborn child, the court shall deny the petition for  
 6738 termination of parental rights.

6739 (7) The division shall provide for, or contract with a child-placing agency to provide for  
 6740 expeditious adoption of the newborn child.

6741 (8) So long as the individual relinquishing a newborn child is the newborn child's parent or  
 6742 designee, and there is no abuse or neglect, safe relinquishment of a newborn child in  
 6743 substantial compliance with this part is an affirmative defense to any potential criminal  
 6744 liability for abandonment or neglect relating to the relinquishment.

6745 Section 78. Section **80-7-102** is amended to read:

6746 **80-7-102 . Definitions.**

6747 As used in this chapter:

6748 (1) "Emancipation" or "emancipated" means a legal status created by court order that allows  
 6749 a minor to:

6750 (a) live independent of the minor's parents or guardian; and

6751 (b) exercise the same rights as an adult under Subsection 80-7-105(1).

6752 (2) "Guardian" has the same meaning as in Section 75-1-201.

6753 (3) "Minor" means an individual who is 16 years old or older.

6754 [~~(4) "Parent" means a natural parent as defined in Section 80-1-102.~~]

6755 Section 79. Section **81-1-101** is amended to read:

6756 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

6757 **81-1-101 . Definitions for title.**

6758 As used in this title:

6759 [~~(1) "Child" means, except as provided in Section 81-6-101, a biological or adopted child~~  
 6760 ~~of any age.~~]

6761 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and  
 6762 81-10-101, a son or daughter of any age.

6763 (2) "Court" means:

- 6764 (a) a judge; or  
 6765 (b) a court commissioner if the court commissioner has authority to hear the matter  
 6766 under Section 78A-5-107 or the Utah Rules of Judicial Administration.
- 6767 (3) "Custodial parent" means:  
 6768 (a) a parent awarded primary physical custody of a minor child by a court order;  
 6769 (b) if both parents have joint physical custody:  
 6770 (i) the parent awarded more overnights each year by a court order; or  
 6771 (ii) the parent designated as the custodial parent by a court order; or  
 6772 (c) if there is no court order, the parent with whom the minor child resides more than  
 6773 one-half of the calendar year without regard to any temporary parent-time.
- 6774 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger  
 6775 than 18 years old and is not emancipated.
- 6776 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of  
 6777 any designation of joint legal custody.
- 6778 (6) "Parent" means~~[a parent]~~, except as provided in Section 81-13-211, an individual with  
 6779 an established parent-child relationship as described in Section [78B-15-201] 81-5-201.  
 6780 Section 80. Section **81-1-202** is amended to read:  
 6781 **81-1-202 . Court records in a domestic relations action.**
- 6782 (1)(a) In an action under this title, ~~[Title 78B, Chapter 13, Utah Uniform Child Custody~~  
 6783 ~~Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate~~  
 6784 ~~Family Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, ]~~a party  
 6785 may file a motion to have the records of the action other than the final judgment,  
 6786 order, or decree, classified as private.
- 6787 (b) If the court finds that there are substantial interests favoring restricting access that  
 6788 clearly outweigh the interests favoring access, the court may classify the records of  
 6789 the action, or any part of the records of the action, other than the final order,  
 6790 judgment, or decree, as private.
- 6791 (c) An order classifying part of the records of the action as private does not apply to  
 6792 subsequent filings.
- 6793 (d) The record of an action is private until the court determines it is possible to release  
 6794 the record without prejudice to the interests that justified the closure.
- 6795 (2)(a) Any interested person may petition the court to permit access to a record  
 6796 classified as private as described in Subsection (1).  
 6797 (b) The interested person described in Subsection (2)(a) shall serve the petition on the



6798 parties to the closure order.

6799 (3) A party shall place the social security number of any individual, who is the subject of an  
6800 action under this title, in the records relating to the matter.

6801 Section 81. Section **81-4-404** is amended to read:

6802 **81-4-404 . Allegations of child abuse or child sexual abuse in a divorce**  
6803 **proceeding -- Investigation.**

6804 (1) When an allegation of child abuse or child sexual abuse is made in a divorce  
6805 proceeding, or a request for modification of a divorce decree, that implicates a party, the  
6806 court, after making an inquiry, may order that an investigation be conducted by the  
6807 Division of Child and Family Services in accordance with Title 80, Chapter 2, Child  
6808 Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

6809 (2) A final award of custody or parent-time may not be rendered until a report on that  
6810 investigation, consistent with Section 80-2-1005, is received by the court.

6811 (3) The Division of Child and Family Services shall conduct an investigation described in  
6812 Subsection (1) within 30 days of the court's notice and request for an investigation.

6813 (4) In reviewing a report described in Subsection (2), the court shall comply with Sections  
6814 78A-2-703, 78A-2-705, and [78B-15-612] 81-5-612.

6815 Section 82. Section **81-5-102**, which is renumbered from Section 78B-15-102 is renumbered  
6816 and amended to read:

## 6817 **CHAPTER 5. UNIFORM PARENTAGE ACT**

### 6818 **Part 1. General Provisions**

6819 **[78B-15-102] 81-5-102 . Definitions.**

6820 As used in this chapter:

6821 (1) "Adjudicated [~~father~~] parent" means [~~a man~~] an individual who has been adjudicated by a  
6822 tribunal to be [~~the father~~] a parent of a child.

6823 [~~(2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the~~  
6824 ~~genetic father or a possible genetic father of a child, but whose paternity has not been~~  
6825 ~~determined.]~~

6826 (2)(a) "Alleged genetic parent" means an individual who is alleged to be, or alleges that  
6827 the individual is, a genetic parent or possible genetic parent of a child whose  
6828 parentage has not been determined.

6829 (b) "Alleged genetic parent" includes an alleged genetic father or an alleged genetic  
6830 mother.

- 6831 (c) "Alleged genetic parent" does not include:  
 6832 (i) a presumed parent;  
 6833 (ii) an individual whose parental rights have been terminated or declared not to exist;  
 6834 or  
 6835 (iii) a donor.
- 6836 (3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual  
 6837 intercourse.
- 6838 (b) "Assisted reproduction" includes:  
 6839 (i) intrauterine insemination;  
 6840 (ii) donation of eggs;  
 6841 (iii) donation of embryos;  
 6842 (iv) in vitro fertilization and transfer of embryos; [and] or  
 6843 (v) intracytoplasmic sperm injection.
- 6844 [~~(4) "Birth expenses" means all medical costs associated with the birth of a child, including~~  
 6845 ~~the related expenses for the biological mother during her pregnancy and delivery.]~~
- 6846 [~~(5)~~ (4)(a) "Birth mother" means the [~~biological mother of a child~~] woman that gives  
 6847 birth to the child.
- 6848 (b) "Birth mother" does not include a gestational mother.
- 6849 [~~(6)~~ (5) "Child" means an individual of any age whose parentage may be determined under  
 6850 this chapter.
- 6851 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 6852 (7) "Child support services agency" means a public official or agency authorized under  
 6853 Title IV-D of the Social Security Act that has the authority to seek:  
 6854 (a) enforcement of support orders or laws relating to the duty of support;  
 6855 (b) establishment or modification of child support;  
 6856 (c) determination of parentage; or  
 6857 (d) location of child-support obligors and their income and assets.
- 6858 [~~(7)~~ (8) "Commence" means to file the initial pleading seeking an adjudication of parentage  
 6859 in the appropriate tribunal of this state.
- 6860 [~~(8)~~ (9) "Declarant father" means a male who[;] ;  
 6861 (a) along with the [~~biological~~] birth mother, claims to be the genetic father of a child[;] ;  
 6862 and  
 6863 (b) signs a voluntary declaration of paternity to establish the man's [~~paternity~~] parentage.
- 6864 [~~(9)~~ (10) "Determination of parentage" means the establishment of the parent-child

6865 relationship by:

6866 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of  
6867 Paternity~~[-Act,]~~ ; or

6868 (b) adjudication by a tribunal.

6869 ~~[(10)]~~ (11)(a) "Donor" means an individual who produces eggs or sperm used for  
6870 assisted reproduction, whether or not for consideration.

6871 (b) "Donor" does not include:

6872 ~~[(i) a husband who provides sperm, or a wife who provides eggs, to be used for  
6873 assisted reproduction by the wife;]~~

6874 (i) an individual who provides sperm or eggs to be used for assisted reproduction by  
6875 the individual's wife;

6876 (ii) a woman who gives birth to a child by means of assisted reproduction, except as  
6877 otherwise provided in Part 8, Gestational Agreement; ~~or~~

6878 (iii) a parent under Part 7, Assisted Reproduction~~[-or]~~ ; or

6879 (iv) an intended parent under Part 8, Gestational Agreement.

6880 ~~[(11)]~~ (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized  
6881 group that an individual identifies as all or part of the individual's ancestry or that is so  
6882 identified by other information.

6883 ~~[(12)]~~ (13) "Financial support" means:

6884 (a) a base child support award as defined in Section 81-6-101~~[-]~~ ;

6885 (b) all past-due support ~~[which]~~ that accrues under an order for current periodic payments~~[-]~~ ;  
6886 and

6887 (c) sum certain judgments for past-due support.

6888 ~~[(13)]~~ (14)(a) "Genetic testing" means an analysis of genetic markers to exclude or  
6889 identify ~~[a man as the father or a woman as the mother]~~ an individual as the parent of  
6890 a child.

6891 (b) "Genetic testing" includes an analysis of one or a combination of the following:

6892 (i) deoxyribonucleic acid; or

6893 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum  
6894 enzymes, serum proteins, or red-cell enzymes.

6895 ~~[(14)]~~ (15) "Gestational mother" means ~~[an adult woman who]~~ a woman who:

6896 (a) is 18 years old or older; and

6897 (b) gives birth to a child under a gestational agreement.

6898 ~~[(15)]~~ (16) "Man" means a male individual of any age.

- 6899 [(16) "Medical support" means a provision in a support order that requires the purchase  
 6900 and maintenance of appropriate insurance for health and dental expenses of dependent  
 6901 children, and assigns responsibility for uninsured medical expenses.]
- 6902 [(17) "Parent" means an individual who has established a parent-child relationship under  
 6903 Section 78B-15-201.]
- 6904 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 6905 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 6906 (19) "Parentage" means a parent-child relationship.
- 6907 [(18)] (20)(a) "Parent-child relationship" means the legal relationship between a child  
 6908 and a parent of the child as described in Section 81-5-201.
- 6909 (b) "Parent-child relationship" includes:
- 6910 (i) the mother-child relationship ~~and~~ ; or
- 6911 (ii) the father-child relationship.
- 6912 [(19) "Paternity index" means the likelihood of paternity calculated by computing the ratio  
 6913 between:]
- 6914 [(a) the likelihood that the tested man is the father, based on the genetic markers of the  
 6915 tested man and child, conditioned on the hypothesis that the tested man is the father of  
 6916 the child; and]
- 6917 [(b) the likelihood that the tested man is not the father, based on the genetic markers of the  
 6918 tested man and child, conditioned on the hypothesis that the tested man is not the father  
 6919 of the child and that the father is of the same ethnic or racial group as the tested man.]
- 6920 [(20)] (21) "Presumed ~~[father]~~ parent" means ~~[a man]~~ an individual who, by operation of law  
 6921 under Section ~~[78B-15-204]~~ 81-5-204, is recognized as the ~~[father]~~ parent of a child until  
 6922 that status is rebutted or confirmed ~~[as set forth in]~~ in accordance with this chapter.
- 6923 [(21)] (22) "Probability of ~~[paternity]~~ parentage" means the measure, for the ethnic or racial  
 6924 group to which the alleged ~~[father]~~ genetic parent belongs, of the probability that the [  
 6925 ~~man]~~ alleged genetic parent in question is the ~~[father]~~ parent of the child, compared with a  
 6926 random, unrelated ~~[man]~~ individual of the same ethnic or racial group, expressed as a  
 6927 percentage incorporating the ~~[paternity]~~ relationship index and a prior probability.
- 6928 [(22)] (23) "Record" means information that is inscribed on a tangible medium or that is  
 6929 stored in an electronic or other medium and is retrievable in perceivable form.
- 6930 (24) "Relationship index" means the likelihood of parentage calculated by computing the  
 6931 ratio between:
- 6932 (a) the likelihood that the tested individual is the parent, based on genetic markers of the

6933 tested individual and the child, conditioned on the hypothesis that the tested  
 6934 individual is the parent of the child; and  
 6935 (b) the likelihood that the tested individual is not the parent, based on the genetic  
 6936 markers of the tested individual and child, conditioned on the hypothesis that the  
 6937 tested individual is not the parent of the child and that the tested individual is of the  
 6938 same ethnic or racial group as the tested individual.

6939 [(23)] (25) "Signatory" means an individual who authenticates a record and is bound by [its]  
 6940 the record's terms.

6941 [(24)] (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
 6942 the United States Virgin Islands, any territory, Native American Tribe, or insular  
 6943 possession subject to the jurisdiction of the United States.

6944 (27) "Support" means the same as that term is defined in Section 81-6-101.

6945 [(25) "Support-enforcement agency" means a public official or agency authorized under  
 6946 Title IV-D of the Social Security Act which has the authority to seek:]

6947 [(a) enforcement of support orders or laws relating to the duty of support;]

6948 [(b) establishment or modification of child support;]

6949 [(c) determination of parentage; or]

6950 [(d) location of child-support obligors and their income and assets.]

6951 [(26)] (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity  
 6952 authorized to establish, enforce, or modify support orders or to determine parentage.

6953 (29) "Unmarried biological father" means the same as that term is defined in Section  
 6954 81-13-101.

6955 Section 83. Section **81-5-103**, which is renumbered from Section 78B-15-103 is renumbered  
 6956 and amended to read:

6957 **[78B-15-103] 81-5-103 . Scope -- Choice of law -- Determination of maternity.**

6958 (1) This chapter applies to determinations of parentage in this state.

6959 (2) The tribunal shall apply the law of this state to adjudicate the parent-child relationship.

6960 (3) The applicable law may not depend upon:

6961 (a) the place of birth of the child; or

6962 (b) the past or present residence of the child.

6963 [(3)] (4) This chapter may not create, enlarge, or diminish parental rights or duties under  
 6964 other laws of this state.

6965 (5) The provisions of this chapter relating to a determination of paternity also apply to a  
 6966 determination of maternity.

6967 Section 84. Section **81-5-104**, which is renumbered from Section 78B-15-104 is renumbered  
6968 and amended to read:

6969 **[78B-15-104] 81-5-104 . Authority of Office of Recovery Services -- Duty of**  
6970 **attorney general and county attorney.**

6971 [(1)(a) Except as provided in Subsection 78A-6-104(1)(a)(i), the district court has original  
6972 jurisdiction over any action brought under this chapter.]

6973 [(b) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)  
6974 over a paternity action filed in the district court, the district court may transfer  
6975 jurisdiction over the paternity action to the juvenile court.]

6976 [(2)] (1) The Office of Recovery Services is authorized to establish [paternity] parentage in  
6977 accordance with this chapter, Title 26B, Chapter 9, Recovery Services and  
6978 Administration of Child Support, and Title 63G, Chapter 4, Administrative Procedures  
6979 Act.

6980 (2) Whenever the state commences an action under this chapter, the attorney general, or the  
6981 county attorney of the county where the obligee resides, shall represent the state.

6982 (3) The attorney general or the county attorney does not represent or have an attorney-client  
6983 relationship with the obligee or the obligor in carrying out the duties under this chapter.

6984 [(3) A court shall, without adjudicating paternity, dismiss a petition that is filed under this  
6985 chapter by an unmarried biological father if he is not entitled to consent to the adoption  
6986 of the child under Sections 78B-6-121 and 78B-6-122.]

6987 Section 85. Section **81-5-105** is enacted to read:

6988 **81-5-105 . General requirements for parentage action or settlement -- Filing**  
6989 **parentage with the Office of Vital Records and Statistics.**

6990 (1) A court shall, without adjudicating parentage, dismiss a petition that is filed under this  
6991 chapter by an unmarried biological father if the unmarried biological father is not  
6992 entitled to consent to the adoption of the child as described in Section 81-13-213.

6993 (2) The standard of proof in a trial to establish parentage is "by clear and convincing  
6994 evidence."

6995 (3) Utah Rule of Civil Procedure 55, Default, applies to a parentage action commenced  
6996 under this chapter.

6997 (4) An agreement of settlement with an alleged genetic parent is binding only when  
6998 approved by the tribunal.

6999 (5) If a parentage action is brought under this chapter, the obligor's liabilities for past  
7000 support are limited to the period of four years preceding the commencement of an action.

7001 (6)(a) If the tribunal determines that an alleged genetic parent is a parent of the child,  
 7002 the tribunal may upon the tribunal's own motion, or upon motion of the alleged  
 7003 genetic parent, order parent-time rights in accordance with Title 81, Chapter 9,  
 7004 Custody, Parent-time, and Visitation, as the tribunal considers appropriate under the  
 7005 circumstances.

7006 (b) Parent-time rights may not be granted to an alleged genetic parent if the child has  
 7007 been subsequently adopted.

7008 (7) A party to an action under this chapter has a continuing obligation to keep the tribunal  
 7009 informed of the party's current address.

7010 (8) A proceeding under this chapter is subject to other laws of this state governing the  
 7011 health, safety, privacy, and liberty of a child or other individual who could be  
 7012 jeopardized by disclosure of identifying information, including address, telephone  
 7013 number, place of employment, social security number, the child's day-care facility, or  
 7014 school.

7015 (9) An adjudication of parentage or declaration of paternity shall be filed with the Office of  
 7016 Vital Records and Statistics in accordance with Section 26B-8-104.

7017 Section 86. Section **81-5-201**, which is renumbered from Section 78B-15-201 is renumbered  
 7018 and amended to read:

## Part 2. Parent and Child Relationship

7020 ~~[78B-15-201]~~ **81-5-201 . Establishment of parent-child relationship.**

7021 ~~[(1)(a) The mother-child relationship is established between a woman and a child by:]~~

7022 ~~[(i) the woman's having given birth to the child, except as otherwise provided in Part 8,~~  
 7023 ~~Gestational Agreement;]~~

7024 ~~[(ii) an adjudication of the woman's maternity;]~~

7025 ~~[(iii) adoption of the child by the woman;]~~

7026 ~~[(iv) an adjudication confirming the woman as a parent of a child born to a gestational~~  
 7027 ~~mother if the agreement was validated under Part 8, Gestational Agreement, or is~~  
 7028 ~~enforceable under other law; or]~~

7029 ~~[(v) an unrebutted presumption of maternity of the child established in the same manner as~~  
 7030 ~~under Section 78B-15-204.]~~

7031 ~~[(b) In this chapter, the presumption of maternity shall be treated the same as a~~  
 7032 ~~presumption of paternity as established in Subsection 78B-15-201(2)(a).]~~

7033 ~~[(2) The father-child relationship is established between a man and a child by:]~~

7034 ~~[(a) an unrebutted presumption of the man's paternity of the child under Section~~

- 7035 ~~78B-15-204;]~~
- 7036 ~~[(b) an effective declaration of paternity by the man under Part 3, Voluntary Declaration of~~
- 7037 ~~Paternity Act, unless the declaration has been rescinded or successfully challenged;]~~
- 7038 ~~[(c) an adjudication of the man's paternity;]~~
- 7039 ~~[(d) adoption of the child by the man;]~~
- 7040 ~~[(e) the man having consented to assisted reproduction by a woman under Part 7, Assisted~~
- 7041 ~~Reproduction, which resulted in the birth of the child; or]~~
- 7042 ~~[(f) an adjudication confirming the man as a parent of a child born to a gestational mother~~
- 7043 ~~if the agreement was validated under Part 8, Gestational Agreement, or is enforceable~~
- 7044 ~~under other law.]~~

The parent-child relationship is established between an individual and a child if:

- 7045 (1) the individual is the birth mother of the child;
- 7046 (2) the individual is adjudicated as a parent of the child under this chapter;
- 7047 (3) the individual adopts the child;
- 7048 (4) the individual consented to assisted reproduction by the individual's wife as described in
- 7049 Part 7, Assisted Reproduction, which resulted in the birth of the child;
- 7050 (5) there is an adjudication confirming that the individual is a parent of a child born to a
- 7051 gestational mother if the agreement was validated under Part 8, Gestational Agreement,
- 7052 or is otherwise enforceable under other law;
- 7053 (6) there is an un rebutted presumption of the individual's parentage of the child under
- 7054 Section 81-5-204; or
- 7055 (7) the individual is a declarant father with an effective declaration of paternity under Part
- 7056 3, Voluntary Declaration of Paternity, unless the declaration has been rescinded or
- 7057 successfully challenged.

7058 Section 87. Section **81-5-202**, which is renumbered from Section 78B-15-202 is renumbered

7059 and amended to read:

7060 **[78B-15-202] 81-5-202 . No discrimination based on marital status.**

7061 A child born to parents who are not married to each other whose ~~[paternity]~~ parentage

7062 has been determined under this chapter has the same rights under the law as a child born to

7063 parents who are married to each other.

7064 Section 88. Section **81-5-203**, which is renumbered from Section 78B-15-203 is renumbered

7065 and amended to read:

7066 **[78B-15-203] 81-5-203 . Consequences of establishment of parentage.**

7067 Unless parental rights are terminated, a parent-child relationship established under this



7068 chapter applies for all purposes, except as otherwise specifically provided by other law of this  
7069 state.

7070 Section 89. Section **81-5-204**, which is renumbered from Section 78B-15-204 is renumbered  
7071 and amended to read:

7072 **[78B-15-204] 81-5-204 . Presumption of parentage.**

7073 (1) ~~[A man]~~ An individual is presumed to be the ~~[father]~~ parent of a child if:

- 7074 (a) ~~[he and the mother]~~ the individual and the birth mother of the child are married to  
7075 each other and the child is born during the marriage;
- 7076 (b) ~~[he and the mother]~~ the individual and the birth mother of the child were married to  
7077 each other and the child is born within 300 days after the marriage is terminated by  
7078 death, annulment, declaration of invalidity, or divorce, or after a decree of separation;
- 7079 (c) before the birth of the child, ~~[he and the mother]~~ the individual and the birth mother  
7080 of the child married each other in apparent compliance with law, even if the  
7081 attempted marriage is or could be declared invalid, and the child is born during the  
7082 invalid marriage or within 300 days after ~~[its]~~ the marriage's termination by death,  
7083 annulment, declaration of invalidity, or divorce or after a decree of separation; or
- 7084 (d) after the birth of the child, ~~[he and the mother]~~ the individual and the birth mother of  
7085 the child married each other in apparent compliance with law, whether or not the  
7086 marriage is, or could be declared, invalid, ~~[he voluntarily asserted his paternity]~~ the  
7087 individual voluntarily asserted the individual's parentage of the child, and there is no  
7088 other presumptive ~~[father]~~ parent of the child, and:
- 7089 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;
- 7090 (ii) ~~[he]~~ the individual agreed to be and is named as the child's father on the child's  
7091 birth certificate; or
- 7092 (iii) ~~[he]~~ the individual promised in a record to support the child as ~~[his]~~ the  
7093 individual's own.

7094 (2) A presumption of ~~[paternity]~~ parentage established under this section may only be  
7095 rebutted in accordance with Section ~~[78B-15-607]~~ 81-5-607.

7096 (3) If a child has an adjudicated ~~[father]~~ parent, the results of genetic testing are  
7097 inadmissible to challenge ~~[paternity except as set forth in Section 78B-15-607]~~ parentage  
7098 except as described in Section 81-5-607.

7099 Section 90. Section **81-5-301**, which is renumbered from Section 78B-15-301 is renumbered  
7100 and amended to read:

7101 **Part 3. Voluntary Declaration of Paternity**

7102 **[78B-15-301] 81-5-301 . Declaration of paternity.**

7103 The birth mother of a child and a man claiming to be the genetic father of the child may  
7104 sign a declaration of paternity to establish the paternity of the child.

7105 Section 91. Section **81-5-302**, which is renumbered from Section 78B-15-302 is renumbered  
7106 and amended to read:

7107 **[78B-15-302] 81-5-302 . Execution of declaration of paternity.**

7108 (1) A declaration of paternity described in Section 81-5-301 must:

- 7109 (a) be in a record;
- 7110 (b) be signed, or otherwise authenticated, under penalty of perjury, by the birth mother  
7111 and by the declarant father;
- 7112 (c) be signed by the birth mother and declarant father in the presence of two witnesses  
7113 who are not related by blood or marriage; [~~and~~]
- 7114 (d) state that the child whose paternity is being declared:
- 7115 (i) does not have a presumed [~~father~~] parent, or has a presumed [~~father~~] parent whose  
7116 full name is stated; and
- 7117 (ii) does not have another declarant [~~or adjudicated father~~] father or adjudicated parent;
- 7118 (e) state whether there has been genetic testing and, if so, that the declarant man's claim  
7119 of paternity is consistent with the results of the testing; and
- 7120 (f) state that the signatories understand that the declaration is the equivalent of a legal  
7121 finding of paternity of the child and that a challenge to the declaration is permitted  
7122 only under the limited circumstances described in Section [~~78B-15-307~~] 81-5-307.

7123 (2) If [~~either~~]the birth mother or the declarant father is a minor child, the voluntary  
7124 declaration must also be signed by that [~~minor's~~] minor child's parent or legal guardian.

7125 (3) A declaration of paternity is void if [~~it~~] the declaration of paternity:

- 7126 (a) states that another [~~man~~] individual is a presumed [~~father~~] parent, unless a denial of  
7127 paternity signed or otherwise authenticated by the presumed [~~father~~] parent is filed  
7128 with the Office of Vital Records and Statistics in accordance with Section [~~78B-15-303~~]  
7129 81-5-303;
- 7130 (b) states that another [~~man~~] individual is a declarant [~~or adjudicated father~~] father or  
7131 adjudicated parent; or
- 7132 (c) falsely denies the existence of a [~~presumed, declarant, or adjudicated father~~]  
7133 presumed parent, declarant father, or adjudicated parent of the child.

7134 (4) A presumed [~~father~~] parent may sign or otherwise authenticate [~~an acknowledgment of~~  
7135 paternity] a declaration of paternity.

- 7136 (5) The declaration of paternity shall be:
- 7137 (a) in a form prescribed by the Office of Vital Records ~~[and shall be]~~ and Statistics; and
- 7138 (b) accompanied with a written and verbal notice of the alternatives to, the legal
- 7139 consequences of, and the rights and responsibilities that arise from signing the
- 7140 declaration.
- 7141 (6) The ~~[Social Security]~~ social security number of any ~~[person]~~ individual who is subject to
- 7142 declaration of paternity shall be placed in the records relating to the matter.
- 7143 (7)(a) The declaration of paternity shall become an amendment to the original birth
- 7144 certificate.
- 7145 (b) The original certificate and the declaration shall be marked as to be distinguishable.
- 7146 (c) The declaration may be included as part of subsequently issued certified copies of the
- 7147 birth certificate.
- 7148 (d) Alternatively, electronically issued copies of a certificate may reflect the amended
- 7149 information and the date of the amendment only.
- 7150 (8)(a) A declaration of paternity may be completed and signed any time after the birth
- 7151 of the child.
- 7152 (b) A declaration of paternity may not be signed or filed after consent to or
- 7153 relinquishment for adoption has been signed.
- 7154 (9) A declaration of paternity shall be considered effective when filed and entered into a
- 7155 database established and maintained by the Office of Vital Records and Statistics.
- 7156 Section 92. Section **81-5-303**, which is renumbered from Section 78B-15-303 is renumbered
- 7157 and amended to read:
- 7158 **~~[78B-15-303]~~ 81-5-303 . Denial of parentage.**
- 7159 (1) A ~~[presumed]~~ presumed parent or declarant father may sign a denial of ~~[his paternity]~~
- 7160 the presumed parent's or declarant father's parentage.
- 7161 (2) The denial is valid only if:
- 7162 ~~[(1)]~~ (a) a declaration of paternity signed, or otherwise authenticated, by another man is
- 7163 filed ~~[pursuant to Section 78B-15-305]~~ in accordance with Section 81-5-305;
- 7164 ~~[(2)]~~ (b) the denial is in a form prescribed by and filed with the Office of Vital Records~~]~~
- 7165 and Statistics and is signed, or otherwise authenticated, under penalty of perjury; and
- 7166 ~~[(3)]~~ (c) the presumed parent or declarant father has not previously:
- 7167 ~~[(a)]~~ (i) declared ~~[his paternity]~~ their parentage, unless the previous declaration has
- 7168 been rescinded ~~[pursuant to Section 78B-15-306]~~ in accordance with Section
- 7169 81-5-306 or successfully challenged ~~[pursuant to Section 78B-15-307]~~ in

7170 accordance with Section 81-5-307; or

7171 ~~[(b)]~~ (ii) been adjudicated to be the ~~[father]~~ parent of the child.

7172 Section 93. Section **81-5-304**, which is renumbered from Section 78B-15-304 is renumbered  
7173 and amended to read:

7174 **~~[78B-15-304]~~ 81-5-304 . Rules for declaration and denial of parentage.**

7175 (1)(a) A declaration of paternity and a denial of ~~[paternity]~~ parentage shall be contained  
7176 in a single document.

7177 (b) If the declaration ~~[and denial]~~ of paternity and the denial of parentage are both  
7178 necessary, neither is valid until both are signed and filed.

7179 (2) A declaration of paternity or a denial of ~~[paternity]~~ parentage may not be signed before  
7180 the birth of the child.

7181 (3) Subject to Subsection (1), a declaration of paternity or denial of ~~[paternity]~~ parentage  
7182 takes effect on the birth of the child or the filing of the document with the Office of Vital  
7183 Records and Statistics, whichever occurs later.

7184 (4) A declaration of paternity or denial of ~~[paternity]~~ parentage signed by a minor and by the  
7185 minor's parent or legal guardian is valid if ~~[it]~~ the declaration of paternity or the denial of  
7186 parentage is otherwise in compliance with this chapter.

7187 Section 94. Section **81-5-305**, which is renumbered from Section 78B-15-305 is renumbered  
7188 and amended to read:

7189 **~~[78B-15-305]~~ 81-5-305 . Effect of declaration of paternity or denial of parentage.**

7190 (1) Except as otherwise provided in Sections ~~[78B-15-306]~~ 81-5-306 and ~~[78B-15-307]~~  
7191 81-5-307, a valid declaration of paternity filed with the Office of Vital Records and  
7192 Statistics is equivalent to a legal finding of ~~[paternity]~~ parentage of a child and confers  
7193 upon the declarant father all of the rights and duties of a parent.

7194 (2)(a) When a declaration of paternity is filed, ~~[it]~~ the declaration of paternity shall be  
7195 recognized as a basis for a child support order without any further requirement or  
7196 proceeding regarding the establishment of ~~[paternity]~~ parentage.

7197 ~~[(a)]~~ (b) The liabilities of the declarant father include~~[-, but are not limited to,]~~ the  
7198 reasonable expense of the birth mother's pregnancy and confinement and for the  
7199 education, necessary support, and any funeral expenses for the child.

7200 ~~[(b)]~~ (c) When a father declares paternity, ~~[his]~~ the father's liability under Subsection  
7201 (2)(a) for past amounts due is limited to the period of four years immediately  
7202 preceding the date that the voluntary declaration of paternity was filed.

7203 (3)(a) Except as otherwise provided in Sections ~~[78B-15-306]~~ 81-5-306 and ~~[78B-15-307]~~

7204 81-5-307, a valid denial of [~~paternity~~] parentage by a presumed parent or declarant  
 7205 father filed with the Office of Vital Records and Statistics in conjunction with a valid  
 7206 declaration of paternity is equivalent to a legal finding of the [~~nonpaternity~~]  
 7207 nonparentage of the presumed parent or declarant father and discharges the presumed  
 7208 parent or declarant father from all rights and duties of a parent.

7209 (b) If a valid denial of [~~paternity~~] parentage is filed with the Office of Vital Records~~[-the~~  
 7210 ~~declarant or presumed father]~~ and Statistics, the presumed parent or declarant father  
 7211 may not recover child support [~~he~~] that was paid prior to the time of filing.

7212 Section 95. Section **81-5-306**, which is renumbered from Section 78B-15-306 is renumbered  
 7213 and amended to read:

7214 **[~~78B-15-306~~] 81-5-306 . Proceeding for rescission.**

7215 (1) A signatory may rescind a declaration of paternity or denial of [~~paternity~~] parentage by  
 7216 filing a voluntary rescission document with the Office of Vital Records and Statistics in  
 7217 a form prescribed by the [~~office~~] Office of Vital Records and Statistics before the earlier  
 7218 of:

7219 (a) 60 days after the effective date of the declaration or denial, as provided in Sections [~~78B-15-303~~]  
 7220 81-5-303 and [~~78B-15-304~~] 81-5-304; or

7221 (b) the date of notice of the first adjudicative proceeding to which the signatory is a  
 7222 party, before a tribunal to adjudicate an issue relating to the child, including a  
 7223 proceeding that establishes support.

7224 (2) Upon receiving a voluntary rescission document from a signatory under Subsection (1),  
 7225 the Office of Vital Records and Statistics shall provide notice of the rescission, by mail,  
 7226 to the other signatory at the last-known address of that signatory.

7227 Section 96. Section **81-5-307**, which is renumbered from Section 78B-15-307 is renumbered  
 7228 and amended to read:

7229 **[~~78B-15-307~~] 81-5-307 . Challenge after expiration of period for rescission.**

7230 (1) After the period for rescission under Section [~~78B-15-306~~] 81-5-306 has expired, a  
 7231 signatory of a declaration of paternity or denial of [~~paternity, or a support-enforcement~~]  
 7232 parentage or a child support services agency, may commence a proceeding to challenge  
 7233 the declaration or denial only on the basis of fraud, duress, or material mistake of fact.

7234 (2) A party challenging a declaration of paternity or denial of [~~paternity~~] parentage has the  
 7235 burden of proof.

7236 (3) A challenge brought on the basis of fraud or duress may be commenced at any time.

7237 (4)(a) A challenge brought on the basis of a material mistake of fact may be

7238 commenced within four years after the declaration is filed with the Office of Vital  
7239 Records and Statistics.

7240 (b) For the purposes of this Subsection (4), if the declaration of paternity was filed with  
7241 the Office of Vital Records [~~prior to~~] and Statistics before May 1, 2005, a challenge  
7242 may be brought within four years after May 1, 2005.

7243 (5) For purposes of Subsection (4), genetic test results that exclude a declarant father or that  
7244 rebuttably identify another [~~man as the father~~] individual as the genetic parent of the child  
7245 in accordance with Section [~~78B-15-505~~] 81-5-505 constitute a material mistake of fact.

7246 Section 97. Section **81-5-308**, which is renumbered from Section 78B-15-308 is renumbered  
7247 and amended to read:

7248 **[~~78B-15-308~~] 81-5-308 . Procedure for rescission or challenge.**

7249 (1) Every signatory to a declaration of paternity and any related denial of [~~paternity~~]  
7250 parentage must be made a party to a proceeding to rescind or challenge the declaration  
7251 or denial.

7252 (2) For the purpose of rescission of, or challenge to, a declaration of paternity or denial of [~~paternity~~]  
7253 parentage, a signatory submits to personal jurisdiction of this state by signing  
7254 the declaration or denial, effective upon the filing of the document with the Office of  
7255 Vital Records and Statistics.

7256 (3) Except for good cause shown, during the pendency of a proceeding to rescind or  
7257 challenge a declaration of paternity or denial of [~~paternity~~] parentage, the tribunal may  
7258 not suspend the legal responsibilities of a signatory arising from the declaration,  
7259 including the duty to pay child support.

7260 (4) A proceeding to rescind or to challenge a declaration of paternity or denial of [~~paternity~~]  
7261 parentage must be conducted in the same manner as a proceeding to adjudicate  
7262 parentage under Part 6, Adjudication of Parentage.

7263 (5) At the conclusion of a proceeding to rescind or challenge a declaration of paternity or  
7264 denial of [~~paternity~~] parentage, the tribunal shall order the Office of Vital Records and  
7265 Statistics to amend the birth record of the child, if appropriate.

7266 (6) If the declaration is rescinded, the declarant father may not recover child support [~~he~~]  
7267 that was paid prior to the entry of an order of rescission.

7268 Section 98. Section **81-5-309**, which is renumbered from Section 78B-15-309 is renumbered  
7269 and amended to read:

7270 **[~~78B-15-309~~] 81-5-309 . Ratification barred.**

7271 A tribunal or administrative agency conducting a judicial or administrative proceeding

7272 may not ratify an unchallenged declaration of paternity.

7273 Section 99. Section **81-5-310**, which is renumbered from Section 78B-15-310 is renumbered  
7274 and amended to read:

7275 **[78B-15-310] 81-5-310 . Full faith and credit.**

7276 A tribunal of this state shall give full faith and credit to a declaration of paternity or  
7277 denial of [~~paternity~~] parentage effective in another state if the declaration or denial has been  
7278 signed and is otherwise in compliance with the law of the other state.

7279 Section 100. Section **81-5-311**, which is renumbered from Section 78B-15-311 is renumbered  
7280 and amended to read:

7281 **[78B-15-311] 81-5-311 . Forms for declaration, denial, or rescission.**

7282 (1) To facilitate compliance with this part, the Office of Vital Records and Statistics shall  
7283 prescribe forms for the declaration~~[, denial, and rescission of paternity]~~ of paternity, the  
7284 denial of parentage, and the rescission of a declaration of paternity.

7285 (2) A valid declaration of paternity or denial of [~~paternity~~] parentage is not affected by a  
7286 later modification of the prescribed form.

7287 Section 101. Section **81-5-312**, which is renumbered from Section 78B-15-312 is renumbered  
7288 and amended to read:

7289 **[78B-15-312] 81-5-312 . Release of information.**

7290 The Office of Vital Records and Statistics may release information relating to the  
7291 declaration of paternity or denial of [~~paternity~~] parentage to a signatory of the declaration or  
7292 denial and to tribunals and federal, tribal, and state [~~support-enforcement~~] child support services  
7293 agencies of this state or another state.

7294 Section 102. Section **81-5-313**, which is renumbered from Section 78B-15-313 is renumbered  
7295 and amended to read:

7296 **[78B-15-313] 81-5-313 . Rulemaking by Office of Vital Records and Statistics.**

7297 The Office of Vital Records and Statistics may adopt rules in accordance with Title 63G,  
7298 Chapter 3, Utah Administrative Rulemaking Act, to implement this part.

7299 Section 103. Section **81-5-401**, which is renumbered from Section 78B-15-401 is renumbered  
7300 and amended to read:

7301 **Part 4. Registry**

7302 **[78B-15-401] 81-5-401 . Maintenance of records.**

7303 (1) The Office of Vital Records and Statistics shall register the following records [~~which~~]  
7304 that are filed with the office:

7305 (a) all declarations of paternity;

7306 (b) all judicial and administrative determinations of ~~[paternity]~~ parentage; and  
 7307 (c) all notices of proceedings to establish ~~[paternity which are filed pursuant to Sections~~  
 7308 ~~78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122]~~ parentage that are filed in  
 7309 accordance with Sections 81-13-207, 81-13-212, and 81-13-213.

7310 (2) A notice of initiation of ~~[paternity]~~ parentage proceedings may not be accepted into the  
 7311 registry unless accompanied by a copy of the pleading ~~[which]~~ that has been filed with  
 7312 the court to establish ~~[paternity]~~ parentage.

7313 (3) A notice of initiation of ~~[paternity]~~ parentage proceedings may not be filed if ~~[another~~  
 7314 ~~man is the adjudicated]~~ there is an adjudicated parent or declarant father.

7315 Section 104. Section **81-5-402**, which is renumbered from Section 78B-15-402 is renumbered  
 7316 and amended to read:

7317 **[78B-15-402] 81-5-402 . Effect of registration.**

7318 (1) An unmarried biological father who desires to be notified of a proceeding for adoption  
 7319 of a child must file a notice of the initiation of ~~[paternity]~~ parentage proceedings as  
 7320 required by Sections ~~[78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122]~~ 81-13-207,  
 7321 81-13-212, and 81-13-213.

7322 (2) A registrant shall promptly notify the registry in a record of any change in the  
 7323 information registered.

7324 (3) The Office of Vital Records and Statistics shall incorporate all new information  
 7325 received into its records but need not affirmatively seek to obtain current information for  
 7326 incorporation in the registry.

7327 Section 105. Section **81-5-403**, which is renumbered from Section 78B-15-403 is renumbered  
 7328 and amended to read:

7329 **[78B-15-403] 81-5-403 . Notice of proceeding.**

7330 Notice of an adoption proceeding shall be given to ~~[unmarried biological fathers~~  
 7331 ~~pursuant to Section 78B-6-110]~~ an unmarried biological father as described in Section  
 7332 81-13-207.

7333 Section 106. Section **81-5-404**, which is renumbered from Section 78B-15-404 is renumbered  
 7334 and amended to read:

7335 **[78B-15-404] 81-5-404 . Required form.**

7336 (1)(a) The Office of Vital Records and Statistics shall prepare a form to be filed with  
 7337 the agency.

7338 (b) The form shall require the signature of the registrant and state that the form is signed  
 7339 under penalty of perjury.



- 7340 (2) The form shall also state that:
- 7341 (a) a timely filing of notice of the initiation of [~~paternity proceedings which~~] parentage
- 7342 proceedings that is filed pursuant to Subsection [~~78B-15-402(1)~~] 81-5-402(1) entitles
- 7343 the registrant to notice of a proceeding for adoption of the child;
- 7344 (b) a timely filing does not commence a proceeding to establish [~~paternity~~] parentage;
- 7345 (c) the information disclosed on the form may be used against the registrant to establish [
- 7346 ~~paternity~~] parentage;
- 7347 (d) services to assist in establishing [~~paternity~~] parentage of a child who is not placed for
- 7348 adoption are available to the registrant through the Office of Recovery Services;
- 7349 (e) the registrant should also file in another state if conception or birth of the child
- 7350 occurred in the other state;
- 7351 (f) information on registries of other states is available from the Office of Vital Records
- 7352 and Statistics; and
- 7353 (g) procedures exist to remove the filing of a proceeding to establish [~~paternity~~] parentage
- 7354 if the proceeding is dismissed, or if a finding of [~~paternity~~] parentage is rescinded or
- 7355 set aside under this chapter.

7356 Section 107. Section **81-5-405**, which is renumbered from Section 78B-15-405 is renumbered

7357 and amended to read:

7358 **[78B-15-405] 81-5-405 . Furnishing of information -- Confidentiality.**

- 7359 (1)(a) The Office of Vital Records and Statistics shall send a copy of the filing to a
- 7360 person or entity [~~set forth~~] described in Subsection (2), who has requested a copy.
- 7361 (b) The copy of the filing shall be sent to the most recent address provided by the
- 7362 requestor.
- 7363 (2) Information contained in records [~~which~~] that are filed pursuant to Section [~~78B-15-401~~]
- 7364 81-5-401 is confidential and may be released on request only to:
- 7365 (a) a tribunal or a person designated by the tribunal;
- 7366 (b) the birth mother of the child who is the subject of the filing;
- 7367 (c) an agency authorized by other law to receive the information;
- 7368 (d) a licensed child-placing agency;
- 7369 (e) the Office of Recovery Services, the Office of the Attorney General, or a [
- 7370 ~~support-enforcement~~] child support services agency of another state or tribe;
- 7371 (f) a party or the party's attorney of record in a proceeding under this chapter or in a
- 7372 proceeding for adoption of, or for termination of parental rights regarding, a child
- 7373 who is the subject of the filing; and

7374 (g) the registry of [~~paternity~~] parentage in another state.

7375 Section 108. Section **81-5-406**, which is renumbered from Section 78B-15-406 is renumbered  
7376 and amended to read:

7377 **[78B-15-406] 81-5-406 . Penalty for releasing information.**

7378 A person who intentionally or knowingly, releases confidential information from the  
7379 Office of Vital Records [~~which is filed pursuant to Section 78B-15-401~~] and Statistics that is  
7380 filed in accordance with Section 81-5-401 to a person or agency not authorized to receive the  
7381 information under Section [~~78B-15-405~~] 81-5-405 is guilty of a class B misdemeanor.

7382 Section 109. Section **81-5-407**, which is renumbered from Section 78B-15-407 is renumbered  
7383 and amended to read:

7384 **[78B-15-407] 81-5-407 . Removal of registration -- Rulemaking authority.**

7385 The Office of Vital Records and Statistics may remove a registration in accordance with  
7386 rules adopted by the [~~office~~] Office of Vital Records and Statistics in accordance with Title  
7387 63G, Chapter 3, Utah Administrative Rulemaking Act.

7388 Section 110. Section **81-5-408**, which is renumbered from Section 78B-15-408 is renumbered  
7389 and amended to read:

7390 **[78B-15-408] 81-5-408 . Fees for registry.**

7391 (1) A fee may not be charged to remove a registration.

7392 (2) Except as otherwise provided in Subsection (3), the Office of Vital Records and  
7393 Statistics may charge a reasonable fee for registering records pursuant to Section [~~78B-15-401~~]  
7394 81-5-401, making a search of the registry, and for furnishing a certificate.

7395 (3) The Office of Recovery Services, the Office of the Attorney General, and [~~support-enforcement~~]  
7396 child support services agencies of other states or tribes may not be  
7397 required to pay the fee authorized by Subsection (2).

7398 Section 111. Section **81-5-409**, which is renumbered from Section 78B-15-409 is renumbered  
7399 and amended to read:

7400 **[78B-15-409] 81-5-409 . Search of records -- Certificate.**

7401 (1) Upon the request of an individual, tribunal, or agency identified in Section [~~78B-15-405~~]  
7402 81-5-405, the Office of Vital Records and Statistics shall search its records for any  
7403 registration made [~~pursuant to Section 78B-15-401~~] in accordance with Section 81-5-401  
7404 and furnish to the requestor a certificate of search [~~which~~] that shall be signed on behalf  
7405 of the [~~office~~] Office of Vital Records and Statistics and state that:

7406 (a) a search has been made of the records of the Office of Vital Records and Statistics;  
7407 and

7408 (b) a registration containing the information required to identify the registrant:

7409 (i) has been found and is attached to the certificate of search; or

7410 (ii) has not been found.

7411 (2) A petitioner shall file the certificate of search with the tribunal in connection with a

7412 proceeding for adoption.

7413 Section 112. Section **81-5-410**, which is renumbered from Section 78B-15-410 is renumbered

7414 and amended to read:

7415 **[78B-15-410] 81-5-410 . Admissibility of information.**

7416 A certificate of search of the registry of [~~paternity~~] parentage in this or another state is

7417 admissible in a proceeding for adoption of a child and, if relevant, in other legal proceedings.

7418 Section 113. Section **81-5-501**, which is renumbered from Section 78B-15-501 is renumbered

7419 and amended to read:

7420 **Part 5. Genetic Testing**

7421 **[78B-15-501] 81-5-501 . Scope of part.**

7422 This part governs genetic testing of an individual to determine parentage, whether the

7423 individual:

7424 (1) voluntarily submits to testing; or

7425 (2) is tested pursuant to an order of a tribunal or a [~~support-enforcement~~] child support

7426 services agency.

7427 Section 114. Section **81-5-502**, which is renumbered from Section 78B-15-502 is renumbered

7428 and amended to read:

7429 **[78B-15-502] 81-5-502 . Order for testing.**

7430 (1) Upon the motion of any party to the action, except as otherwise provided in this part and

7431 Part 6, Adjudication of Parentage, the tribunal shall order the child and other designated

7432 individuals to submit to genetic testing if the request for testing is supported by the

7433 sworn statement of a party to the proceeding:

7434 (a) alleging [~~paternity~~] parentage and stating facts establishing a reasonable probability  
7435 of the requisite sexual contact between the individuals; or

7436 (b) denying [~~paternity~~] parentage and stating facts establishing a possibility that sexual  
7437 contact between the individuals, if any, did not result in the conception of the child.

7438 (2) If a request for genetic testing of a child is made before birth, the tribunal may not order

7439 in-utero testing.

7440 (3) If two or more [~~men~~] individuals are subject to an order for genetic testing, the testing

7441 may be ordered concurrently or sequentially.

7442 Section 115. Section **81-5-503**, which is renumbered from Section 78B-15-503 is renumbered  
7443 and amended to read:

7444 **[78B-15-503] 81-5-503 . Requirements for genetic testing.**

7445 (1) Genetic testing must be of a type reasonably relied upon by experts in the field of  
7446 genetic testing and performed in a testing laboratory accredited by:

7447 (a) the American Association of Blood Banks, or a successor to its functions;

7448 (b) the American Society for Histocompatibility and Immunogenetics, or a successor to  
7449 its functions; or

7450 (c) an accrediting body designated by the federal Secretary of Health and Human  
7451 Services.

7452 (2)(a) A specimen used in genetic testing may consist of one or more samples, or a  
7453 combination of samples, of blood, buccal cells, bone, hair, or other body tissue or  
7454 fluid.

7455 (b) The specimen used in the testing need not be of the same kind for each individual  
7456 undergoing genetic testing.

7457 Section 116. Section **81-5-504**, which is renumbered from Section 78B-15-504 is renumbered  
7458 and amended to read:

7459 **[78B-15-504] 81-5-504 . Report of genetic testing.**

7460 (1)(a) A report of genetic testing must be in a record and signed under penalty of  
7461 perjury by a designee of the testing laboratory.

7462 (b) A report made under the requirements of this part is self-authenticating.

7463 (2) Documentation from the testing laboratory of the following information is sufficient to  
7464 establish a reliable chain of custody that allows the results of genetic testing to be  
7465 admissible without testimony:

7466 (a) the names and photographs of the individuals whose specimens have been taken;

7467 (b) the names of the individuals who collected the specimens;

7468 (c) the places and dates the specimens were collected;

7469 (d) the names of the individuals who received the specimens in the testing laboratory;

7470 (e) the dates the specimens were received; and

7471 (f) the fingerprints of the individuals whose specimens have been taken.

7472 Section 117. Section **81-5-505**, which is renumbered from Section 78B-15-505 is renumbered  
7473 and amended to read:

7474 **[78B-15-505] 81-5-505 . Genetic testing results -- Rebuttal.**

7475 (1) Under this chapter, [~~a man~~] an individual is presumed to be identified as the [~~father~~]

7476 parent of a child if the genetic testing complies with this part and the results disclose that:

7477 (a) the [~~man~~] individual has at least a 99% probability of [~~paternity~~] parentage, using a  
7478 prior probability of 0.50, as calculated by using the combined [~~paternity~~] relationship  
7479 index obtained in the testing; and

7480 (b) a combined [~~paternity~~] relationship index of at least 100 to 1.

7481 (2) [~~A man~~] An individual identified under Subsection (1) as the [~~father~~] parent of the child  
7482 may rebut the genetic testing results only by other genetic testing satisfying the  
7483 requirements of this part [~~which~~] that:

7484 (a) excludes the [~~man~~] individual as a genetic [~~father~~] parent of the child; or

7485 (b) identifies another [~~man~~] individual as the possible [~~father~~] parent of the child.

7486 (3)(a) If an issue is raised as to whether the appropriate ethnic or racial group database  
7487 was used by the testing laboratory, the testing laboratory will be asked to rerun the  
7488 test using the correct ethnic or racial group database.

7489 (b) If the testing laboratory does not have an adequate database, another testing  
7490 laboratory may be engaged to perform the calculations.

7491 (4) If a presumption of [~~paternity~~] parentage is not rebutted by a second test, the tribunal  
7492 shall issue an order establishing [~~paternity~~] parentage.

7493 Section 118. Section **81-5-506**, which is renumbered from Section 78B-15-506 is renumbered  
7494 and amended to read:

7495 **[78B-15-506] 81-5-506 . Costs of genetic testing.**

7496 (1) Subject to assessment of costs under Part 6, Adjudication of Parentage, the cost of initial  
7497 genetic testing shall be advanced:

7498 (a) by a [~~support-enforcement~~] child support services agency in a proceeding in which  
7499 the [~~support-enforcement~~] child support services agency is providing services;

7500 (b) by the individual who made the request;

7501 (c) as agreed by the parties; or

7502 (d) as ordered by the tribunal.

7503 (2) In cases in which the cost is advanced by the [~~support-enforcement~~] child support  
7504 services agency, the agency may seek reimbursement from [~~a man~~] an individual who is  
7505 rebuttably identified as the [~~father~~] parent of the child.

7506 Section 119. Section **81-5-507**, which is renumbered from Section 78B-15-507 is renumbered  
7507 and amended to read:

7508 **[78B-15-507] 81-5-507 . Additional genetic testing.**

7509 (1) The tribunal shall order additional genetic testing upon the request of a party who

7510 contests the result of the original testing.

7511 (2) If the previous genetic testing identified [~~a man as the father~~] an individual as the parent  
7512 of the child under Section [~~78B-15-505~~] 81-5-505, the tribunal may not order additional  
7513 testing unless the party provides advance payment for the testing.

7514 (3) If the tribunal orders a second genetic test in accordance with this section, the additional  
7515 testing must be completed within 45 days of the tribunal's order or the requesting party's  
7516 objection to the first test will be automatically denied.

7517 (4) If failure to complete the test occurs because of noncooperation of the birth mother or  
7518 unavailability of the child, the time will be tolled.

7519 Section 120. Section **81-5-508**, which is renumbered from Section 78B-15-508 is renumbered  
7520 and amended to read:

7521 **[78B-15-508] 81-5-508 . Genetic testing when specimens not available.**

7522 (1) Subject to Subsection (2), if a genetic-testing specimen is not available from [~~a man~~  
7523 ~~who may be the father~~] an individual who may be the parent of a child, for good cause  
7524 and under extraordinary circumstances the tribunal considers to be just, the tribunal may  
7525 order the following individuals to submit specimens for genetic testing:

7526 (a) the parents of the [~~man~~] individual;

7527 (b) brothers and sisters of the [~~man~~] individual;

7528 (c) other children of the [~~man and their mothers~~] individual; and

7529 (d) other relatives of the [~~man~~] individual necessary to complete genetic testing.

7530 (2) Issuance of an order under this section requires a finding that a need for genetic testing  
7531 outweighs the legitimate interests of the individual sought to be tested.

7532 Section 121. Section **81-5-509**, which is renumbered from Section 78B-15-509 is renumbered  
7533 and amended to read:

7534 **[78B-15-509] 81-5-509 . Deceased individual.**

7535 For good cause shown, the tribunal may order genetic testing of a deceased individual.

7536 Section 122. Section **81-5-510**, which is renumbered from Section 78B-15-510 is renumbered  
7537 and amended to read:

7538 **[78B-15-510] 81-5-510 . Identical siblings.**

7539 (1) The tribunal may order genetic testing of a [~~brother of a man identified as the father of a~~  
7540 ~~child if the man~~] sibling of an alleged genetic parent if the alleged genetic parent is  
7541 commonly believed to have an identical [~~brother~~] sibling and evidence suggests that the [~~brother~~]  
7542 sibling may be the genetic [~~father~~] parent of the child.

7543 (2) If each [~~brother~~] sibling satisfies the requirements as the identified [~~father~~] parent of the

7544 child under Section ~~[78B-15-505]~~ 81-5-505 without consideration of another identical [  
 7545 ~~brother]~~ sibling being identified as the ~~[father]~~ parent of the child, the tribunal may rely  
 7546 on nongenetic evidence to adjudicate which ~~[brother is the father]~~ sibling is the parent of  
 7547 the child.

7548 Section 123. Section **81-5-511**, which is renumbered from Section 78B-15-511 is renumbered  
 7549 and amended to read:

7550 **~~[78B-15-511]~~ 81-5-511 . Confidentiality of genetic testing.**

7551 Release of the report of genetic testing for parentage is controlled by Title 63G, Chapter  
 7552 2, Government Records Access and Management Act.

7553 Section 124. Section **81-5-601**, which is renumbered from Section 78B-15-601 is renumbered  
 7554 and amended to read:

7555 **Part 6. Adjudication of Parentage**

7556 **~~[78B-15-601]~~ 81-5-601 . Definitions for part -- Proceeding authorized.**

7557 (1) As used in this part, "divorce" includes an annulment.

7558 ~~[(1)]~~ (2) An adjudicative proceeding may be maintained to determine the parentage of a  
 7559 child.

7560 (3) A judicial proceeding is governed by the ~~[rules of civil procedure]~~ Utah Rules of Civil  
 7561 Procedure.

7562 (4) An administrative proceeding is governed by Title 63G, Chapter 4, Administrative  
 7563 Procedures Act.

7564 ~~[(2) For the purposes of this part, "divorce" also includes an annulment.]~~

7565 Section 125. Section **81-5-602**, which is renumbered from Section 78B-15-602 is renumbered  
 7566 and amended to read:

7567 **~~[78B-15-602]~~ 81-5-602 . Standing to maintain proceeding.**

7568 Subject to ~~[Part 3, Voluntary Declaration of Paternity Act]~~ Part 3, Voluntary Declaration  
 7569 of Paternity, and Sections ~~[78B-15-607 and 78B-15-609]~~ 81-5-607 and 81-5-609, a proceeding  
 7570 to adjudicate parentage may be maintained by:

7571 (1) the child;

7572 (2) the birth mother of the child;

7573 (3) ~~[a man whose paternity]~~ an individual whose parentage of the child is to be adjudicated;

7574 (4) the ~~[support enforcement]~~ child support services agency or other governmental agency  
 7575 authorized by other law;

7576 (5) an authorized adoption agency or licensed child-placing agency;

7577 (6) a representative authorized by law to act for an individual who would otherwise be

7578 entitled to maintain a proceeding but who is deceased, incapacitated, or a minor child; or  
7579 (7) an intended parent under Part 8, Gestational Agreement.

7580 Section 126. Section **81-5-603**, which is renumbered from Section 78B-15-603 is renumbered  
7581 and amended to read:

7582 **[78B-15-603] 81-5-603 . Parties to proceeding.**

7583 The following individuals shall be joined as parties in a proceeding to adjudicate  
7584 parentage:

- 7585 (1) the birth mother of the child;  
7586 (2) ~~[a man whose paternity]~~ an individual whose parentage of the child is to be adjudicated;  
7587 and  
7588 (3) the state in accordance with Section 81-6-106.

7589 Section 127. Section **81-5-604**, which is renumbered from Section 78B-15-604 is renumbered  
7590 and amended to read:

7591 **[78B-15-604] 81-5-604 . Personal jurisdiction.**

- 7592 (1) An individual may not be adjudicated to be a parent unless the tribunal has personal  
7593 jurisdiction over the individual.  
7594 (2) A tribunal of this state having jurisdiction to adjudicate parentage may exercise personal  
7595 jurisdiction over a nonresident individual, or the guardian or conservator of the  
7596 individual, if the conditions prescribed in Section ~~[78B-14-201]~~ 81-8-201 are fulfilled, or  
7597 the individual has signed a declaration of paternity.  
7598 (3) Lack of jurisdiction over one individual does not preclude the tribunal from making an  
7599 adjudication of parentage binding on another individual over whom the tribunal has  
7600 personal jurisdiction.

7601 Section 128. Section **81-5-605**, which is renumbered from Section 78B-15-605 is renumbered  
7602 and amended to read:

7603 **[78B-15-605] 81-5-605 . Venue for a parentage proceeding.**

7604 ~~[Venue for a judicial proceeding to adjudicate parentage is in the county of this state]~~

7605 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person shall bring a  
7606 proceeding to adjudicate parentage in the county in which:

- 7607 ~~[(1)]~~ (a) the child resides or is found;  
7608 ~~[(2)]~~ (b) the respondent resides or is found if the child does not reside in this state; or  
7609 ~~[(3)]~~ (c) a proceeding for probate or administration of the presumed or alleged ~~[father's]~~  
7610 genetic parent's estate has been commenced.

7611 (2) Subsection (1) does not apply to a proceeding brought in the Business and Chancery



7612 Court.

7613 Section 129. Section **81-5-606**, which is renumbered from Section 78B-15-606 is renumbered  
7614 and amended to read:

7615 **[78B-15-606] 81-5-606 . No limitation -- Child having no declarant father or**  
7616 **adjudicated parent.**

7617 (1) A proceeding to adjudicate the parentage of a child having no declarant father or  
7618 adjudicated [father] parent may be commenced at any time.

7619 (2) If initiated after the child becomes an adult, only the child may initiate the proceeding.

7620 Section 130. Section **81-5-607**, which is renumbered from Section 78B-15-607 is renumbered  
7621 and amended to read:

7622 **[78B-15-607] 81-5-607 . Limitation -- Child having presumed parent.**

7623 (1) [Paternity]

7624 (a) Parentage of a child conceived or born during a marriage with a presumed [father]  
7625 parent, as described in Subsection [78B-15-204(1)(a), (b), or (c),] 81-5-204 (a), (b),  
7626 or (c) may be raised by the presumed [father, the mother, or a support enforcement  
7627 agency] parent, the birth mother, or a child support services agency at any time before  
7628 filing an action for divorce or in the pleadings at the time of the divorce of the parents.  
7629 [(a)]

7630 (b)(i) If the issue is raised prior to the adjudication, genetic testing may be ordered  
7631 by the tribunal in accordance with Section [78B-15-608] 81-5-608.

7632 (ii) Failure of the birth mother of the child to appear for testing may result in an order  
7633 allowing a motherless calculation of [paternity] parentage.

7634 (iii) Failure of the birth mother to make the child available may not result in a  
7635 determination that the presumed [father is not the father] parent is not the parent,  
7636 but shall allow for appropriate proceedings to compel the cooperation of the birth  
7637 mother.

7638 (iv) If the question of [paternity] parentage has been raised in the pleadings in a  
7639 divorce and the tribunal addresses the issue and enters an order, the parties are  
7640 estopped from raising the issue again, and the order of the tribunal may not be  
7641 challenged on the basis of material mistake of fact.

7642 [(b)] (c) If the presumed [father] parent seeks to rebut the presumption of [paternity]  
7643 parentage, then denial of a motion seeking an order for genetic testing or a decision  
7644 to disregard genetic test results shall be based on a preponderance of the evidence.

7645 [(e)] (d) If the birth mother seeks to rebut the presumption of [paternity] parentage, the

7646 birth mother has the burden to show by a preponderance of the evidence that it would  
7647 be in the best interests of the child to disestablish the parent-child relationship.

7648 [~~(d)~~]

7649 (e)(i) If a [~~support enforcement agency~~] child support services agency seeks to rebut  
7650 the presumption of parentage and the [~~presumptive~~] presumed parent opposes the  
7651 rebuttal, the agency's request shall be denied.

7652 (ii) Otherwise, the denial of the agency's motion seeking an order for genetic testing  
7653 or a decision to disregard genetic test results shall be based on a preponderance of  
7654 the evidence, taking into account the best interests of the child.

7655 (2) For the presumption outside of marriage described in Subsection [~~78B-15-204(1)(d)~~]  
7656 81-5-204(1)(d), the presumption may be rebutted at any time if the tribunal determines  
7657 that the presumed [~~father~~] parent and the birth mother of the child neither cohabited nor  
7658 engaged in sexual intercourse with each other during the probable time of conception.

7659 (3) The presumption may be rebutted by:

7660 (a) genetic test results that exclude the presumed [~~father~~] parent;

7661 (b) genetic test results that rebuttably identify another [~~man as the father~~] individual as  
7662 the parent in accordance with Section [~~78B-15-505~~] 81-5-505;

7663 (c) evidence that the presumed [~~father~~] parent and the birth mother of the child neither  
7664 cohabited nor engaged in sexual intercourse with each other during the probable time  
7665 of conception; or

7666 (d) an adjudication under this part.

7667 (4) There is no presumption to rebut if the presumed [~~father~~] parent was properly served and  
7668 there has been a final adjudication of the issue.

7669 Section 131. Section **81-5-608**, which is renumbered from Section 78B-15-608 is renumbered  
7670 and amended to read:

7671 **[~~78B-15-608~~] 81-5-608 . Authority to deny motion for genetic testing or disregard**  
7672 **test results.**

7673 (1) In a proceeding to adjudicate the parentage of a child having a presumed [~~father~~] parent  
7674 or to challenge the [~~paternity~~] parentage of a child having a declarant father, the tribunal  
7675 may deny a motion seeking an order for genetic testing of the birth mother, the child,  
7676 and the presumed parent or declarant father, or if testing has been completed, the  
7677 tribunal may disregard genetic test results that exclude the presumed parent or declarant  
7678 father if the tribunal determines that:

7679 (a) the conduct of the birth mother or the presumed parent or declarant father estops that

- 7680 party from denying parentage; and
- 7681 (b) it would be inequitable to disrupt the ~~[father]~~ parent-child relationship between the
- 7682 child and the presumed parent or declarant father.
- 7683 (2) In determining whether to deny a motion seeking an order for genetic testing or to
- 7684 disregard genetic test results under this section, the tribunal shall consider the best
- 7685 interest of the child, including the following factors:
- 7686 (a) the length of time between the proceeding to adjudicate parentage and the time that
- 7687 the presumed parent or declarant father was placed on notice that ~~[he]~~ the presumed
- 7688 parent or declarant father might not be the genetic ~~[father]~~ parent of the child;
- 7689 (b) the length of time during which the presumed parent or declarant father has assumed
- 7690 the role of ~~[father]~~ parent of the child;
- 7691 (c) the facts surrounding the presumed parent or declarant father's discovery of ~~[his~~
- 7692 ~~possible nonpaternity]~~ the parent's or father's possible nonparentage;
- 7693 (d) the nature of the relationship between the child and the presumed parent or declarant
- 7694 father;
- 7695 (e) the age of the child;
- 7696 (f) the harm that may result to the child if presumed or declared ~~[paternity]~~ parentage is
- 7697 successfully disestablished;
- 7698 (g) the nature of the relationship between the child and any alleged ~~[father]~~ parent;
- 7699 (h) the extent to which the passage of time reduces the chances of establishing the [~~paternity of another man]~~
- 7700 parentage of another individual and a child-support
- 7701 obligation in favor of the child; and
- 7702 (i) other factors that may affect the equities arising from the disruption of the ~~[father]~~
- 7703 parent-child relationship between the child and the presumed parent or declarant
- 7704 father or the chance of other harm to the child.
- 7705 (3) If the tribunal denies a motion seeking an order for genetic testing or disregards genetic
- 7706 test results that exclude the presumed parent or declarant father, ~~[it]~~ the tribunal shall
- 7707 issue an order adjudicating the presumed parent or declarant father to be the ~~[father]~~
- 7708 parent of the child.

7709 Section 132. Section **81-5-609**, which is renumbered from Section 78B-15-609 is renumbered

7710 and amended to read:

7711 **~~[78B-15-609]~~ 81-5-609 . Limitation -- Child having declarant father.**

- 7712 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [~~paternity or a support-enforcement]~~
- 7713 parentage or a child support services agency may

7714 commence a proceeding seeking to rescind the declaration or denial or challenge the [  
7715 paternity] parentage of the child only within the time allowed under Section [78B-15-306  
7716 or ~~78B-15-307~~] 81-5-306 or 81-5-307.

7717 (2) A proceeding under this section is subject to the application of the principles of estoppel  
7718 established in Section [78B-15-608] 81-5-608.

7719 Section 133. Section **81-5-610**, which is renumbered from Section 78B-15-610 is renumbered  
7720 and amended to read:

7721 **[78B-15-610] 81-5-610 . Joinder of judicial proceedings -- Court reliance of**  
7722 **custody and parent-time standards.**

7723 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate  
7724 parentage may be joined with a proceeding for adoption, termination of parental rights,  
7725 child custody or visitation, child support, divorce, annulment, legal separation or  
7726 separate maintenance, probate or administration of an estate, or other appropriate  
7727 proceeding.

7728 (2) A respondent may not join a proceeding described in Subsection (1) with a proceeding  
7729 to adjudicate parentage brought under [~~Title 78B, Chapter 14, Utah Uniform Interstate~~  
7730 ~~Family Support Act~~] Chapter 8, Uniform Interstate Family Support Act.

7731 (3) A court may determine issues of custody, parent-time, visitation, and child support in  
7732 accordance with [~~Title 81,~~] Chapter 6, Child Support, Chapter 7, Payment and  
7733 Enforcement of Spousal and Child Support, and [~~Title 81,~~] Chapter 9, Custody,  
7734 Parent-time, and Visitation.

7735 (4)(a) If a parentage action is determining issues of custody or parent-time for a child  
7736 and the parents of the child are not married, the parties shall attend the mandatory  
7737 parenting course described in Subsection 81-9-103(1)(b) within:

7738 (i) for the petitioner, 60 days after the day on which the petition is filed; and  
7739 (ii) for the respondent, 30 days after the day on which the respondent is served.

7740 (b) The clerk of the court shall provide notice to a petitioner that the petitioner is  
7741 required to attend the parenting course.

7742 (c) A petition shall include information regarding the parenting course when the petition  
7743 is served on the respondent.

7744 (d) The court may not grant a final custody or parent-time order in a parentage action  
7745 until:

7746 (i) both parties have attended the parenting course; and

7747 (ii) both parties have presented a certificate of course completion to the court.

- 7748 (5) For a party that is unable to pay the costs of the parenting course, and before the court  
 7749 enters an order for custody or parent-time in the parentage action, the court shall:  
 7750 (a) make a final determination of indigency; and  
 7751 (b) order the party to pay the costs of the parenting course if the court determines the  
 7752 party is not indigent.
- 7753 (6)(a) Notwithstanding Subsection (4), the court may waive the requirement that the  
 7754 parties attend the parenting course, on the court's own motion or on the motion of one  
 7755 of the parties, if the court determines course attendance and completion are not  
 7756 necessary, appropriate, or feasible, or in the best interest of the parties.
- 7757 (b) If the requirement is waived, the court may proceed with entering a final custody or  
 7758 parent-time order.

7759 Section 134. Section **81-5-611**, which is renumbered from Section 78B-15-611 is renumbered  
 7760 and amended to read:

7761 **[78B-15-611] 81-5-611 . Proceeding before birth.**

- 7762 (1) A proceeding to determine parentage may be commenced before the birth of the  
 7763 child, but may not be concluded until after the birth of the child.
- 7764 (2) The following actions may be taken before the birth of the child:  
 7765 [(1)] (a) service of process;  
 7766 [(2)] (b) discovery; and  
 7767 [(3)] (c) except as prohibited by Section [78B-15-502] 81-5-502, collection of specimens  
 7768 for genetic testing.

7769 Section 135. Section **81-5-612**, which is renumbered from Section 78B-15-612 is renumbered  
 7770 and amended to read:

7771 **[78B-15-612] 81-5-612 . Minor child as party -- Representation.**

- 7772 (1) A minor child is a permissible party, but is not a necessary party to a proceeding under  
 7773 this part.
- 7774 (2) The tribunal may appoint an attorney guardian ad litem under Sections 78A-2-703 and  
 7775 78A-2-803, or a private attorney guardian ad litem under Section 78A-2-705, to  
 7776 represent ~~[a minor or]~~ a minor child or an incapacitated child if the child is a party.

7777 Section 136. Section **81-5-613**, which is renumbered from Section 78B-15-613 is renumbered  
 7778 and amended to read:

7779 **[78B-15-613] 81-5-613 . Admissibility of results of genetic testing -- Expenses.**

- 7780 (1)(a) Except as otherwise provided in Subsection (3), a record of a genetic-testing  
 7781 expert is admissible as evidence of the truth of the facts asserted in the report unless a

- 7782 party objects to its admission within 14 days after its receipt by the objecting party  
 7783 and cites specific grounds for exclusion.
- 7784 (b) Unless a party files a timely objection, testimony shall be in affidavit form.
- 7785 (c) The admissibility of the report is not affected by whether the testing was performed:  
 7786 [(a)] (i) voluntarily or pursuant to an order of the tribunal; or  
 7787 [(b)] (ii) before or after the commencement of the proceeding.
- 7788 (2)(a) A party objecting to the results of genetic testing may call one or more  
 7789 genetic-testing experts to testify in person or by telephone, video conference,  
 7790 deposition, or another method approved by the tribunal.
- 7791 (b) Unless otherwise ordered by the tribunal, the party offering the testimony bears the  
 7792 expense for the expert testifying.
- 7793 (3) If a child has a presumed parent or declarant father, the results of genetic testing are  
 7794 inadmissible to adjudicate parentage unless performed:  
 7795 (a) [~~pursuant to Section 78B-15-503~~] in accordance with Section 81-5-503;  
 7796 (b) within the time periods [~~set forth~~] described in this chapter; [~~and~~]  
 7797 (c) pursuant to a tribunal order or administrative process; or  
 7798 (d) with the consent of both the mother and the presumed parent or declarant father.
- 7799 (4) If a child has an adjudicated [~~father~~] parent, the results of genetic testing are  
 7800 inadmissible to challenge [~~paternity~~] parentage except as set forth in Sections [~~78B-15-607 and 78B-15-608~~]  
 7801 81-5-607 and 81-5-608.
- 7802 (5) Copies of bills for genetic testing and for prenatal and postnatal health care for the birth  
 7803 mother and child which are furnished to the adverse party not less than 10 days before  
 7804 the date of a hearing are admissible to establish:  
 7805 (a) the amount of the charges billed; and  
 7806 (b) that the charges were reasonable, necessary, and customary.
- 7807 Section 137. Section **81-5-614**, which is renumbered from Section 78B-15-614 is renumbered  
 7808 and amended to read:  
 7809 **[~~78B-15-614~~] 81-5-614 . Consequences of failing to submit to genetic testing.**
- 7810 (1) An order for genetic testing is enforceable by contempt.
- 7811 (2) If an individual whose [~~paternity~~] parentage is being determined fails to submit to  
 7812 genetic testing ordered by the tribunal, the tribunal for that reason may adjudicate  
 7813 parentage contrary to the position of that individual.
- 7814 (3)(a) Genetic testing of the birth mother of a child is not a condition precedent to  
 7815 testing the child and [~~a man whose paternity~~] an individual whose parentage is being

7816 determined.

7817 (b) If the birth mother is unavailable or fails to submit to genetic testing, the tribunal  
7818 may order the testing of the child and every ~~[man]~~ individual who is potentially the [  
7819 father] parent of the child.

7820 Section 138. Section **81-5-615**, which is renumbered from Section 78B-15-615 is renumbered  
7821 and amended to read:

7822 **~~[78B-15-615]~~ 81-5-615 . Admission of parentage authorized.**

- 7823 (1) A respondent in a proceeding to adjudicate parentage may admit to the [~~paternity~~]  
7824 parentage of a child by filing a pleading to that effect or by admitting [~~paternity~~]  
7825 parentage under penalty of perjury when making an appearance or during a hearing.
- 7826 (2) If the tribunal finds that the admission of [~~paternity~~] parentage satisfies the requirements  
7827 of this section and finds that there is no reason to question the admission, the tribunal  
7828 shall issue an order adjudicating the child to be the child of the ~~[man]~~ individual  
7829 admitting [~~paternity~~] parentage.

7830 Section 139. Section **81-5-616**, which is renumbered from Section 78B-15-616 is renumbered  
7831 and amended to read:

7832 **~~[78B-15-616]~~ 81-5-616 . Temporary order.**

- 7833 (1) In a proceeding under this part, the tribunal shall issue a temporary order for support of  
7834 a child if the order is appropriate and the individual ordered to pay support is:
- 7835 (a) a presumed [~~father~~] parent of the child;
- 7836 (b) petitioning to [~~have his paternity adjudicated]~~ be adjudicated a parent;
- 7837 (c) identified as [~~the father~~] a parent through genetic testing under Section ~~[78B-15-505]~~  
7838 81-5-505;
- 7839 (d) an alleged [~~father~~] genetic parent who has failed to submit to genetic testing;
- 7840 (e) shown by clear and convincing evidence to be the [~~father~~] parent of the child; or
- 7841 (f) the birth mother of the child.

7842 (2) A temporary tribunal order may include provisions for custody and visitation as  
7843 provided by other laws of this state.

7844 Section 140. Section **81-5-617**, which is renumbered from Section 78B-15-617 is renumbered  
7845 and amended to read:

7846 **~~[78B-15-617]~~ 81-5-617 . Requirements for adjudication of parentage.**

7847 ~~[The tribunal shall apply the following rules to adjudicate the paternity of a child:]~~

- 7848 (1) ~~[The paternity of a child having a presumed, declarant, or adjudicated father may be~~  
7849 disproved only by] In an adjudication of the parentage of a child, the tribunal may only

7850 disprove the parentage of a child having a presumed parent, declarant father, or  
 7851 adjudicated parent if there are admissible results of genetic testing excluding that [man]  
 7852 individual as the [father] parent of the child or identifying another [man] individual as the [  
 7853 father] parent of the child.

7854 (2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, [  
 7855 ~~a man identified as the father] or except as provided in Section 81-5-608, the tribunal~~  
 7856 shall adjudicate an individual identified as a parent of a child under Section [78B-15-505  
 7857 must be adjudicated] 81-5-505 as the [father] parent of the child[~~, unless an exception is~~  
 7858 granted under Section 78B-15-608].

7859 (3) If the tribunal finds that genetic testing under Section [78B-15-505 ~~neither identifies nor~~  
 7860 ~~excludes a man as the father] 81-5-505 does not identify or exclude an individual as the~~  
 7861 parent of a child, the tribunal:

7862 (a) may not dismiss the proceeding[~~. In that event, the tribunal] ; and~~

7863 (b) shall order further testing.

7864 (4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, [  
 7865 ~~a man properly excluded as the father of a child by genetic testing must be adjudicated~~  
 7866 ~~not to be the father of the child] or except as provided in Section 81-5-608, the tribunal~~  
 7867 shall adjudicate an individual properly excluded as the parent of a child by genetic  
 7868 testing to not be the parent of the child.

7869 Section 141. Section **81-5-618**, which is renumbered from Section 78B-15-618 is renumbered  
 7870 and amended to read:

7871 **[78B-15-618] 81-5-618 . Adjudication of parentage -- Jury trial prohibited.**

7872 A jury trial is prohibited to adjudicate [paternity] parentage of a child.

7873 Section 142. Section **81-5-619**, which is renumbered from Section 78B-15-619 is renumbered  
 7874 and amended to read:

7875 **[78B-15-619] 81-5-619 . Adjudication of parentage -- Hearings -- Inspection of**  
 7876 **records.**

7877 (1) On request of a party and for good cause shown, the tribunal may close a proceeding  
 7878 under this part.

7879 (2) A final order in a proceeding under this part is available for public inspection.

7880 (3) Other papers and records are available only with the consent of the parties or on order of  
 7881 the tribunal for good cause.

7882 Section 143. Section **81-5-620**, which is renumbered from Section 78B-15-620 is renumbered  
 7883 and amended to read:



7884 **[78B-15-620] 81-5-620 . Adjudication of parentage -- Order on default.**

7885 The tribunal shall issue an order adjudicating [~~the paternity of a man~~] parentage of an  
7886 individual who:

- 7887 (1) after service of process, is in default; and  
7888 (2) is found by the tribunal to be the [~~father~~] parent of a child.

7889 Section 144. Section **81-5-621**, which is renumbered from Section 78B-15-621 is renumbered  
7890 and amended to read:

7891 **[78B-15-621] 81-5-621 . Adjudication of parentage -- Dismissal for want of**  
7892 **prosecution.**

- 7893 (1) The tribunal may issue an order dismissing a proceeding commenced under this  
7894 chapter for want of prosecution only without prejudice.  
7895 (2) An order of dismissal for want of prosecution purportedly with prejudice is void and has  
7896 only the effect of a dismissal without prejudice.

7897 Section 145. Section **81-5-622**, which is renumbered from Section 78B-15-622 is renumbered  
7898 and amended to read:

7899 **[78B-15-622] 81-5-622 . Order adjudicating parentage.**

- 7900 (1) The tribunal shall issue an order adjudicating whether [~~a man alleged or claiming to be~~  
7901 ~~the father~~] an individual alleged or claiming to be the parent is the parent of the child.  
7902 (2) An order adjudicating parentage must identify the child by name and date of birth.  
7903 (3)(a) Except as otherwise provided in Subsection (4), the tribunal may assess filing  
7904 fees, reasonable attorney fees, fees for genetic testing, other costs, necessary travel,  
7905 and other reasonable expenses incurred in a proceeding under this part.  
7906 (b) The tribunal may award attorney fees, which may be paid directly to the attorney,  
7907 who may enforce the order in the attorney's own name.  
7908 (4) The tribunal may not assess fees, costs, or expenses against the [~~support-enforcement~~]  
7909 child support services agency of this state or another state, except as provided by law.  
7910 (5) On request of a party and for good cause shown, the tribunal may order that the name of  
7911 the child be changed.  
7912 (6) If the order of the tribunal is at variance with the child's birth certificate, the tribunal  
7913 shall order the Office of Vital Records and Statistics to issue an amended birth  
7914 registration.

7915 Section 146. Section **81-5-623**, which is renumbered from Section 78B-15-623 is renumbered  
7916 and amended to read:

7917 **[78B-15-623] 81-5-623 . Binding effect of determination of parentage.**

- 7918 (1) Except as otherwise provided in Subsection (2), a determination of parentage is binding  
7919 on:
- 7920 (a) all signatories to a declaration [~~or denial of paternity~~] of paternity or denial of  
7921 parentage as provided in Part 3, Voluntary Declaration of Paternity[~~-Act~~]; and  
7922 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy the  
7923 jurisdictional requirements of Section [~~78B-14-201~~] 81-8-201.
- 7924 (2) A child is not bound by a determination of parentage under this chapter unless:
- 7925 (a) the determination was based on an unrescinded declaration of paternity and the  
7926 declaration is consistent with the results of genetic testing;
- 7927 (b) the adjudication of parentage was based on a finding consistent with the results of  
7928 genetic testing and the consistency is declared in the determination or is otherwise  
7929 shown; or
- 7930 (c) the child was a party or was represented in the proceeding determining parentage by  
7931 a guardian ad litem.
- 7932 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an  
7933 adjudication of the parentage of a child if the question of [~~paternity~~] parentage is raised  
7934 and the tribunal adjudicates according to [~~Part 6, Adjudication of Parentage,~~] this part  
7935 and the final order:
- 7936 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or  
7937 similar words indicating that the [~~husband is the father~~] spouse is the parent of the  
7938 child; or
- 7939 (b) provides for support of the child by the [~~husband unless paternity~~] spouse unless  
7940 parentage is specifically disclaimed in the order.
- 7941 (4) The tribunal is not considered to have made an adjudication of the parentage of a child  
7942 if the child was born at the time of entry of the order and other children are named as  
7943 children of the marriage, but that child is specifically not named.
- 7944 (5) Once the [~~paternity~~] parentage of a child has been adjudicated, an individual who was  
7945 not a party to the [~~paternity~~] parentage proceeding may not challenge the [~~paternity~~]  
7946 parentage, unless:
- 7947 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;
- 7948 (b) the challenger can demonstrate by clear and convincing evidence that the challenger  
7949 did not know about the adjudicatory proceeding or did not have a reasonable  
7950 opportunity to know of the proceeding; and
- 7951 (c) there would be harm to the child to leave the order in place.

7952 (6) A party to an adjudication of [~~paternity~~] parentage may challenge the adjudication only  
7953 under law of this state relating to appeal, vacation of judgments, or other judicial review.

7954 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the party  
7955 committed the fraud.

7956 Section 147. Section **81-5-701**, which is renumbered from Section 78B-15-701 is renumbered  
7957 and amended to read:

7958 **Part 7. Assisted Reproduction**

7959 **[78B-15-701] 81-5-701 . Scope.**

7960 This part does not apply to the birth of a child conceived by means of sexual intercourse[;]  
7961 or as result of a gestational agreement [~~as provided in~~] described in Part 8, Gestational  
7962 Agreement.

7963 Section 148. Section **81-5-702**, which is renumbered from Section 78B-15-702 is renumbered  
7964 and amended to read:

7965 **[78B-15-702] 81-5-702 . Parental status of donor.**

7966 A donor is not a parent of a child conceived by means of assisted reproduction.

7967 Section 149. Section **81-5-703**, which is renumbered from Section 78B-15-703 is renumbered  
7968 and amended to read:

7969 **[78B-15-703] 81-5-703 . Spouse's parentage of child of assisted reproduction.**

7970 If [~~a husband provides sperm for, or consents to,~~] an individual provides sperm or eggs  
7971 for, or consents to, assisted reproduction by [~~his wife~~] the individual's wife as provided in  
7972 Section [~~78B-15-704, he is the father~~] 81-5-704, the individual is the parent of a resulting child  
7973 born to [~~his wife~~] the individual's wife.

7974 Section 150. Section **81-5-704**, which is renumbered from Section 78B-15-704 is renumbered  
7975 and amended to read:

7976 **[78B-15-704] 81-5-704 . Consent to assisted reproduction.**

7977 (1)(a) A consent to assisted reproduction by a married woman must be in a record  
7978 signed by the woman and [~~her husband~~] the woman's spouse.

7979 (b) [~~This requirement~~] The requirement described in Subsection (1)(a) does not apply to  
7980 the donation of eggs for assisted reproduction by another woman.

7981 (2) Failure of [~~the husband~~] a married woman's spouse to sign a consent required by  
7982 Subsection (1), before or after the birth of the child, does not preclude a finding that the [  
7983 ~~husband is the father~~] spouse is the parent of a child born to [~~his wife if the wife and~~  
7984 ~~husband~~] the married woman if the married woman and the married woman's spouse  
7985 openly treat the child as their own.

7986 Section 151. Section **81-5-705**, which is renumbered from Section 78B-15-705 is renumbered  
7987 and amended to read:

7988 **[78B-15-705] 81-5-705 . Limitation on spouse's dispute of parentage.**

7989 (1) Except as otherwise provided in Subsection (2), the [~~husband of a wife~~] spouse of a  
7990 woman who gives birth to a child by means of assisted reproduction may not challenge [~~his~~  
7991 ~~paternity~~] the spouse's parentage of the child unless:

7992 (a) within two years after learning of the birth of the child [~~he~~] the spouse commences a  
7993 proceeding to adjudicate [~~his paternity~~] the spouse's parentage; and

7994 (b) the tribunal finds that [~~he~~] the spouse did not consent to the assisted reproduction,  
7995 before or after the birth of the child.

7996 (2) A proceeding to adjudicate [~~paternity~~] parentage may be maintained at any time if the  
7997 tribunal determines that:

7998 (a) the [~~husband~~] individual did not provide sperm or eggs for, or before or after the birth  
7999 of the child consent to, assisted reproduction by [~~his~~] the individual's wife;

8000 (b) the [~~husband and the mother~~] individual and the birth mother of the child have not  
8001 cohabited since the probable time of assisted reproduction; and

8002 (c) the [~~husband~~] individual never openly treated the child as [~~his~~] the individual's own.

8003 (3) The limitation provided in this section applies to a marriage declared invalid after  
8004 assisted reproduction.

8005 Section 152. Section **81-5-706**, which is renumbered from Section 78B-15-706 is renumbered  
8006 and amended to read:

8007 **[78B-15-706] 81-5-706 . Effect of dissolution of marriage.**

8008 (1) If a marriage is dissolved before placement of eggs, sperm, or an embryo, the former  
8009 spouse is not a parent of the resulting child unless the former spouse consented in a  
8010 record that if assisted reproduction were to occur after a divorce, the former spouse  
8011 would be a parent of the child.

8012 (2) The consent of the former spouse to assisted reproduction may be revoked by that  
8013 individual in a record at any time before placement of eggs, sperm, or embryos.

8014 Section 153. Section **81-5-707**, which is renumbered from Section 78B-15-707 is renumbered  
8015 and amended to read:

8016 **[78B-15-707] 81-5-707 . Parental status of deceased spouse.**

8017 If a spouse dies before placement of eggs, sperm, or an embryo, the deceased spouse is  
8018 not a parent of the resulting child unless the deceased spouse consented in a record that if  
8019 assisted reproduction were to occur after death, the deceased spouse would be a parent of the

8020 child.

8021 Section 154. Section **81-5-708**, which is renumbered from Section 78B-15-708 is renumbered  
8022 and amended to read:

8023 **~~[78B-15-708]~~ 81-5-708 . Access to identifying information and medical history.**

8024 (1) A person conceived through assisted reproduction who is at least 18 years [of age] old  
8025 shall be provided, upon the person's request, access to the nonidentifying medical history  
8026 of the donor who assisted in the reproduction process that resulted in the person's birth.

8027 (2) Under no circumstance may a person who donated to a fertility clinic for the purpose of  
8028 assisted reproduction be liable for financial support to the child conceived through  
8029 assisted reproduction or the child's parent.

8030 (3) Except as provided in this section, a donor's request to remain anonymous shall be given  
8031 full deference.

8032 Section 155. Section **81-5-801**, which is renumbered from Section 78B-15-801 is renumbered  
8033 and amended to read:

8034 **Part 8. Gestational Agreement**

8035 **~~[78B-15-801]~~ 81-5-801 . Gestational agreement authorized.**

8036 (1) A prospective gestational mother, the prospective gestational mother's spouse if the  
8037 prospective gestational mother is married, a donor or the donors, and the intended  
8038 parents may enter into a written agreement providing that:

8039 (a) the prospective gestational mother agrees to pregnancy by means of assisted  
8040 reproduction;

8041 (b) the prospective gestational mother, the prospective gestational mother's spouse if the  
8042 prospective gestational mother is married, and the donors relinquish all rights and  
8043 duties as the parents of a child conceived through assisted reproduction; and

8044 (c) the intended parents become the parents of the child.

8045 (2) The intended gestational mother may not currently be receiving Medicaid or any other  
8046 state assistance.

8047 (3)(a) The intended parents shall be married.

8048 (b) Both intended parents must be parties to the gestational agreement.

8049 (4) A gestational agreement is enforceable only if validated as provided in Section [  
8050 ~~78B-15-803]~~ 81-5-803.

8051 (5) A gestational agreement does not apply:

8052 (a) to the birth of a child conceived by means of sexual intercourse; or

8053 (b) if neither intended parent is a donor.

- 8054 (6) The parties to a gestational agreement shall be 21 years old or older.
- 8055 (7) The gestational mother's eggs may not be used in the assisted reproduction procedure.
- 8056 (8) If the gestational mother is married, the gestational mother's spouse's sperm or eggs may  
8057 not be used in the assisted reproduction procedure.

8058 Section 156. Section **81-5-802**, which is renumbered from Section 78B-15-802 is renumbered  
8059 and amended to read:

8060 **[78B-15-802] 81-5-802 . Requirements of petition.**

- 8061 (1) The intended parents and the prospective gestational mother may file a petition in the  
8062 district tribunal to validate a gestational agreement.
- 8063 (2) A petition to validate a gestational agreement may not be maintained unless either the  
8064 mother or intended parents have been residents of this state for at least 90 days.
- 8065 (3) The prospective gestational mother's spouse, if the prospective gestational mother is  
8066 married, must join in the petition.
- 8067 (4) A copy of the gestational agreement must be attached to the petition.

8068 Section 157. Section **81-5-803**, which is renumbered from Section 78B-15-803 is renumbered  
8069 and amended to read:

8070 **[78B-15-803] 81-5-803 . Hearing to validate gestational agreement.**

- 8071 (1) If the requirements of Subsection (2) are satisfied, a tribunal may issue an order  
8072 validating the gestational agreement and declaring that the intended parents will be the  
8073 parents of a child born during the term of the agreement.
- 8074 (2) The tribunal may issue an order under Subsection (1) only on finding that:
- 8075 (a) the residence requirements of Section [78B-15-802] 81-8-802 have been satisfied and  
8076 the parties have submitted to the jurisdiction of the tribunal under the jurisdictional  
8077 standards of this part;
- 8078 (b) unless waived by the tribunal, a home study of the intended parents has been  
8079 conducted in accordance with [~~Sections 78B-6-128 through 78B-6-131~~] Chapter 13,  
8080 Part 4, Placement of a Minor Child or Vulnerable Adult for Adoption, and the  
8081 intended parents meet the standards of fitness applicable to adoptive parents;
- 8082 (c) all parties have participated in counseling with a licensed mental health professional  
8083 as evidenced by a certificate:
- 8084 (i) signed by the licensed mental health professional that affirms that all parties have  
8085 discussed options and consequences of the agreement; and
- 8086 (ii) presented to the tribunal;
- 8087 (d) all parties have voluntarily entered into the agreement and understand the

- 8088 agreement's terms;
- 8089 (e) the prospective gestational mother has had at least one pregnancy and delivery and
- 8090 the prospective gestational mother's bearing another child will not pose an
- 8091 unreasonable health risk to the unborn child or to the physical or mental health of the
- 8092 prospective gestational mother;
- 8093 (f) adequate provision has been made for all reasonable health-care expense associated
- 8094 with the gestational agreement until the birth of the child, including responsibility for
- 8095 all reasonable health-care expense if the agreement is terminated;
- 8096 (g) the consideration, if any, paid to the prospective gestational mother is reasonable;
- 8097 (h) all the parties to the agreement are 21 years old or older;
- 8098 (i) the gestational mother's eggs are not being used in the assisted reproduction
- 8099 procedure; and
- 8100 (j) if the gestational mother is married, the gestational mother's spouse's sperm or eggs
- 8101 are not being used in the assisted reproduction procedure.

8102 (3) Whether to validate a gestational agreement is within the discretion of the tribunal,

8103 subject only to review for abuse of discretion.

8104 Section 158. Section **81-5-804**, which is renumbered from Section 78B-15-804 is renumbered

8105 and amended to read:

8106 **[78B-15-804] 81-5-804 . Inspection of records.**

8107 The proceedings, records, and identities of the individuals to a gestational agreement

8108 under this part are subject to inspection under the confidentiality standards applicable to

8109 adoptions as provided under other laws of this state.

8110 Section 159. Section **81-5-805**, which is renumbered from Section 78B-15-805 is renumbered

8111 and amended to read:

8112 **[78B-15-805] 81-5-805 . Exclusive, continuing jurisdiction.**

8113 Subject to the jurisdictional standards of Section ~~[78B-13-201]~~ 81-11-201, the tribunal

8114 conducting a proceeding under this part has exclusive, continuing jurisdiction of all matters

8115 arising out of the gestational agreement until a child born to the gestational mother during the

8116 period governed by the agreement attains the age of 180 days.

8117 Section 160. Section **81-5-806**, which is renumbered from Section 78B-15-806 is renumbered

8118 and amended to read:

8119 **[78B-15-806] 81-5-806 . Termination of gestational agreement.**

8120 (1) After issuance of an order under this part, but before the prospective gestational mother

8121 becomes pregnant by means of assisted reproduction, the prospective gestational mother,

8122 the prospective gestational mother's spouse, or either of the intended parents may  
 8123 terminate the gestational agreement only by giving written notice of termination to all  
 8124 other parties.

8125 (2) The tribunal for good cause shown also may terminate the gestational agreement.

8126 (3)(a) An individual who terminates an agreement shall file notice of the termination  
 8127 with the tribunal.

8128 (b) On receipt of the notice, the tribunal shall vacate the order issued under this part.

8129 (c) An individual who does not notify the tribunal of the termination of the agreement is  
 8130 subject to appropriate sanctions.

8131 (4) A prospective gestational mother, or the prospective gestational mother's spouse if  
 8132 married, is not liable to the intended parents for terminating an agreement [~~pursuant to~~]  
 8133 in accordance with this section.

8134 Section 161. Section **81-5-807**, which is renumbered from Section 78B-15-807 is renumbered  
 8135 and amended to read:

8136 **[78B-15-807] 81-5-807 . Parentage under validated gestational agreement.**

8137 (1)(a) Upon birth of a child to a gestational mother, the intended parents shall file notice  
 8138 with the tribunal that a child has been born to the gestational mother within 300 days  
 8139 after assisted reproduction.

8140 (b) ~~[Thereupon]~~ If the intended parents file a notice described in Subsection (1)(a), the  
 8141 tribunal shall issue an order:

8142 ~~[(a)]~~ (i) confirming that the intended parents are the parents of the child;

8143 ~~[(b)]~~ (ii) if necessary, ordering that the child be surrendered to the intended parents;

8144 and

8145 ~~[(c)]~~ (iii) directing the Office of Vital Records and Statistics to issue a birth certificate  
 8146 naming the intended parents as parents of the child.

8147 (2) If the parentage of a child born to the gestational mother is in dispute as not the result of  
 8148 an assisted reproduction, the tribunal shall order genetic testing to determine the  
 8149 parentage of the child.

8150 Section 162. Section **81-5-808**, which is renumbered from Section 78B-15-808 is renumbered  
 8151 and amended to read:

8152 **[78B-15-808] 81-5-808 . Gestational agreement -- Miscellaneous provisions.**

8153 (1) A gestational agreement may provide for payment of consideration.

8154 (2) A gestational agreement may not limit the right of the gestational mother to make  
 8155 decisions to safeguard the gestational mother's health or that of the embryo or fetus.



8156 (3) After the issuance of an order under this part, subsequent marriage of the gestational  
 8157 mother does not affect the validity of a gestational agreement, and the gestational  
 8158 mother's spouse's consent to the agreement is not required, nor is the gestational  
 8159 mother's spouse a presumed parent of the resulting child.

8160 Section 163. Section **81-5-809**, which is renumbered from Section 78B-15-809 is renumbered  
 8161 and amended to read:

8162 **[78B-15-809] 81-5-809 . Effect of nonvalidated gestational agreement.**

8163 (1) A gestational agreement, whether in a record or not, which is not validated by a tribunal  
 8164 is not enforceable.

8165 (2) If a birth results under a gestational agreement that is not judicially validated as  
 8166 provided in this part, the parent-child relationship is determined as provided in Part 2,  
 8167 Parent and Child Relationship.

8168 (3)(a) The individuals who are parties to a nonvalidated gestational agreement as  
 8169 intended parents may be held liable for support of the resulting child, even if the  
 8170 agreement is otherwise unenforceable.

8171 (b) The liability under this Subsection (3) includes assessing all expenses and fees as  
 8172 provided in Section ~~[78B-15-622]~~ 81-5-622.

8173 Section 164. Section **81-5-901**, which is renumbered from Section 78B-15-901 is renumbered  
 8174 and amended to read:

8175 **Part 9. Applicability Provisions**

8176 **[78B-15-901] 81-5-901 . Uniformity of application and construction of this**  
 8177 **chapter.**

8178 (1) This chapter is a uniform law.

8179 (2) In applying and construing this chapter, consideration shall be given to the need to  
 8180 promote uniformity of the law with respect to [its] the uniform law's subject matter  
 8181 among the states that enact [it] this uniform law.

8182 Section 165. Section **81-5-902**, which is renumbered from Section 78B-15-902 is renumbered  
 8183 and amended to read:

8184 **[78B-15-902] 81-5-902 . Transitional provision.**

8185 A proceeding to adjudicate parentage [which] that was commenced before May 1, 2005,  
 8186 is governed by the law in effect at the time the proceeding was commenced.

8187 Section 166. Section **81-8-102**, which is renumbered from Section 78B-14-102 is renumbered  
 8188 and amended to read:

8189

## CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT

### Part 1. General Provisions

8190

8191 **[78B-14-102] 81-8-102 . Definitions for chapter.**

8192 As used in this chapter:

8193 (1) "Alleged genetic parent" means the same as that term is defined in Section 81-5-102.8194 (2) "Birth mother" means the same as that term is defined in Section 81-5-102.

8195 [(1)] (3) "Child" means an individual, whether over or under the age of majority, who is or  
 8196 is alleged to be owed a duty of support by the individual's parent or who is or is alleged  
 8197 to be the beneficiary of a support order directed to the parent.

8198 [(2)] (4) "Child support order" means a support order for a child, including a child who has  
 8199 attained the age of majority under the law of the issuing state or foreign country.

8200 (5) "Child support services agency" means a public official, governmental entity, or private  
 8201 agency authorized to:

8202 (a) seek enforcement of support orders or laws relating to the duty of support;8203 (b) seek establishment or modification of child support;8204 (c) request determination of parentage of a child;8205 (d) attempt to locate obligors or their assets; or8206 (e) request determination of the controlling child support order.

8207 [(3)] (6) "Convention" means the convention on the International Recovery of Child Support  
 8208 and Other Forms of Family Maintenance, concluded at The Hague on November 23,  
 8209 2007.

8210 [(4)] (7) "Duty of support" means an obligation imposed or imposable by law to provide  
 8211 support for a child, spouse, or former spouse, including an unsatisfied obligation to  
 8212 provide support.

8213 [(5)] (8) "Foreign country" means a country, including a political subdivision thereof, other  
 8214 than the United States, that authorizes the issuance of support orders and:

8215 (a) which has been declared under the law of the United States to be a foreign  
8216 reciprocating country;8217 (b) which has established a reciprocal arrangement for child support with this state as  
8218 provided in Section [78B-14-308] 81-8-308;8219 (c) which has enacted a law or established procedures for the issuance and enforcement  
8220 of support orders which are substantially similar to the procedures under this chapter;

8221 or

- 8222 (d) in which the convention is in force with respect to the United States.
- 8223 ~~[(6)]~~ (9) "Foreign support order" means a support order of a foreign tribunal.
- 8224 ~~[(7)]~~ (10)(a) "Foreign tribunal" means a court, administrative agency, or quasi-judicial  
 8225 entity of a foreign country which is authorized to establish, enforce, or modify  
 8226 support orders or to determine parentage of a child. ~~[The term]~~
- 8227 (b) "Foreign tribunal" includes a competent authority under the convention.
- 8228 ~~[(8)]~~ (11) "Home state" means the state or foreign country in which a child lived with a  
 8229 parent or a person acting as parent for at least six consecutive months immediately  
 8230 preceding the time of filing of a petition or comparable pleading for support and, if a  
 8231 child is less than six months old, the state or foreign country in which the child lived  
 8232 from birth with any of them. A period of temporary absence of any of them is counted  
 8233 as part of the six-month or other period.
- 8234 ~~[(9)]~~ (12) "Income" includes earnings or other periodic entitlements to money from any  
 8235 source and any other property subject to withholding for support under the law of this  
 8236 state.
- 8237 ~~[(10)]~~ (13) "Income-withholding order" means an order or other legal process directed to an  
 8238 obligor's employer or other source of income as defined in Section 26B-9-101, to  
 8239 withhold support from the income of the obligor.
- 8240 ~~[(11)]~~ (14) "Initiating tribunal" means the tribunal of a state or foreign country from which a  
 8241 petition or comparable pleading is forwarded or in which a petition or comparable  
 8242 pleading is filed for forwarding to another state or foreign country.
- 8243 ~~[(12)]~~ (15) "Issuing foreign country" means the foreign country in which a tribunal issues a  
 8244 support order or a judgment determining parentage of a child.
- 8245 ~~[(13)]~~ (16) "Issuing state" means the state in which a tribunal issues a support order or a  
 8246 judgment determining parentage of a child.
- 8247 ~~[(14)]~~ (17) "Issuing tribunal" means the tribunal of a state or foreign country that issues a  
 8248 support order or a judgment determining parentage of a child.
- 8249 ~~[(15)]~~ (18) "Law" includes decisional and statutory law and rules and regulations having the  
 8250 force of law.
- 8251 ~~[(16)]~~ (19) "Obligee" means:
- 8252 (a) an individual to whom a duty of support is or is alleged to be owed or in whose favor  
 8253 a support order or a judgment determining parentage of a child has been issued;
- 8254 (b) a foreign country, state, or political subdivision of a state to which the rights under a  
 8255 duty of support or support order have been assigned or which has independent claims

- 8256 based on financial assistance provided to an individual obligee in place of child  
8257 support;
- 8258 (c) an individual seeking a judgment determining parentage of the individual's child; or  
8259 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under  
8260 Convention.
- 8261 ~~[(17)]~~ (20) "Obligor" means an individual who, or the estate of a decedent that:  
8262 (a) owes or is alleged to owe a duty of support;  
8263 (b) is alleged but has not been adjudicated to be a parent of a child;  
8264 (c) is liable under a support order; or  
8265 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.
- 8266 ~~[(18)]~~ (21) "Outside this state" means a location in another state or a country other than the  
8267 United States, whether or not the country is a foreign country.
- 8268 ~~[(19)]~~ (22) "Person" means an individual, corporation, business trust, estate, trust,  
8269 partnership, limited liability company, association, joint venture, government,  
8270 governmental subdivision, agency, or instrumentality, public corporation, or any other  
8271 legal or commercial entity.
- 8272 (23) "Presumed parent" means the same as that term is defined in Section 81-5-102.
- 8273 ~~[(20)]~~ (24) "Record" means information that is inscribed on a tangible medium or that is  
8274 stored in an electronic or other medium and is retrievable in perceivable form.
- 8275 ~~[(21)]~~ (25) "Register" means to file in a tribunal of this state a support order or judgment  
8276 determining parentage of a child issued in another state or a foreign country.
- 8277 ~~[(22)]~~ (26) "Registering tribunal" means a tribunal in which a support order or judgment  
8278 determining parentage of a child is registered.
- 8279 ~~[(23)]~~ (27) "Responding state" means a state in which a petition or comparable pleading for  
8280 support or to determine parentage of a child is filed or to which a petition or comparable  
8281 pleading is forwarded for filing from another state or a foreign country.
- 8282 ~~[(24)]~~ (28) "Responding tribunal" means the authorized tribunal in a responding state or  
8283 foreign country.
- 8284 ~~[(25)]~~ (29) "Spousal support order" means a support order for a spouse or former spouse of  
8285 the obligor.
- 8286 ~~[(26)]~~ (30)(a) "State" means a state of the United States, the District of Columbia, Puerto  
8287 Rico, the United States Virgin Islands, or any territory or insular possession subject  
8288 to the jurisdiction of the United States. ~~[The term]~~  
8289 (b) "State" includes an Indian nation or tribe.

8290 ~~[(27) "Support enforcement agency" means a public official, governmental entity, or~~  
 8291 ~~private agency authorized to:]~~

8292 ~~[(a) seek enforcement of support orders or laws relating to the duty of support;]~~

8293 ~~[(b) seek establishment or modification of child support;]~~

8294 ~~[(c) request determination of parentage of a child;]~~

8295 ~~[(d) attempt to locate obligors or their assets; or]~~

8296 ~~[(e) request determination of the controlling child support order.]~~

8297 ~~[(28)]~~ (31)(a) "Support order" means a judgment, decree, order, decision, or directive,  
 8298 whether temporary, final, or subject to modification, issued in a state or foreign  
 8299 country for the benefit of a child, a spouse, or a former spouse, which provides for  
 8300 monetary support, health care, arrearages, retroactive support, or reimbursement for  
 8301 financial assistance provided to an individual obligee in place of child support. ~~[The~~  
 8302 ~~term may include]~~

8303 (b) "Support order" includes related costs and fees, interest, income withholding,  
 8304 automatic adjustment, reasonable attorney fees, and other relief.

8305 ~~[(29)]~~ (32) "Tribunal" means a court, administrative agency, or quasi-judicial entity  
 8306 authorized to establish, enforce, or modify support orders or to determine parentage of a  
 8307 child.

8308 Section 167. Section **81-8-103**, which is renumbered from Section 78B-14-103 is renumbered  
 8309 and amended to read:

8310 **[78B-14-103] 81-8-103 . State tribunal and child support services agency.**

8311 (1) ~~[The district court]~~ A court with jurisdiction under Title 78A, Judiciary and Judicial  
 8312 Administration, and the Utah Department of Health and Human Services are the  
 8313 tribunals of this state.

8314 (2) The Utah Department of Health and Human Services is the state ~~[support enforcement~~  
 8315 ~~agency]~~ child support services agency.

8316 Section 168. Section **81-8-104**, which is renumbered from Section 78B-14-104 is renumbered  
 8317 and amended to read:

8318 **[78B-14-104] 81-8-104 . Remedies cumulative.**

8319 (1) Remedies provided by this chapter are cumulative and do not affect the availability of  
 8320 remedies under other law or the recognition of a foreign support order on the basis of  
 8321 comity.

8322 (2) This chapter does not:

8323 (a) provide the exclusive method of establishing or enforcing a support order under the

8324 law of this state; or

8325 (b) grant a tribunal of this state jurisdiction to render judgment or issue an order relating  
8326 to child custody or parent-time in a proceeding under this chapter.

8327 Section 169. Section **81-8-105**, which is renumbered from Section 78B-14-105 is renumbered  
8328 and amended to read:

8329 **[78B-14-105] 81-8-105 . Application of chapter to residents of foreign countries**  
8330 **and foreign support proceedings.**

8331 (1) A tribunal of this state shall apply Part 1, General Provisions, Part 2, Jurisdiction, Part 3,  
8332 Civil Provisions of General Application, Part 4, Establishment of Support Order or  
8333 Determination of Parentage, Part 5, Enforcement of Support Order Without Registration,  
8334 and Part 6, Registration, Enforcement, and Modification of Support Order and, as  
8335 applicable, Part 7, Support Proceedings Under Convention, to a support proceeding  
8336 involving:

8337 (a) a foreign support order;

8338 (b) a foreign tribunal; or

8339 (c) an obligee, obligor, or child residing in a foreign country.

8340 (2) A tribunal of this state that is requested to recognize and enforce a support order on the  
8341 basis of comity may apply the procedural and substantive provisions of Part 1, General  
8342 Provisions, Part 2, Jurisdiction, Part 3, Civil Provisions of General Application, Part 4,  
8343 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of  
8344 Support Order Without Registration, and Part 6, Registration, Enforcement, and  
8345 Modification of Support Order.

8346 (3)(a) Part 7, Support Proceedings Under Convention, applies only to a support  
8347 proceeding under the convention.

8348 (b) In a proceeding, if a provision of Part 7, Support Proceedings Under Convention is  
8349 inconsistent with Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Civil  
8350 Provisions of General Application, Part 4, Establishment of Support Order or  
8351 Determination of Parentage, Part 5, Enforcement of Support Order Without  
8352 Registration, and Part 6, Registration, Enforcement, and Modification of Support  
8353 Order, Part 7, Support Proceedings Under Convention, controls.

8354 Section 170. Section **81-8-201**, which is renumbered from Section 78B-14-201 is renumbered  
8355 and amended to read:

8356 **Part 2. Jurisdiction**

8357 **[78B-14-201] 81-8-201 . Bases for jurisdiction over nonresident.**

- 8358 (1) In a proceeding to establish or enforce a support order or to determine parentage of a  
 8359 child, a tribunal of this state may exercise personal jurisdiction over a nonresident  
 8360 individual, or the individual's guardian or conservator, if:
- 8361 (a) the individual is personally served with notice within this state;
- 8362 (b) the individual submits to the jurisdiction of this state by consent in a record, by  
 8363 entering a general appearance, or by filing a responsive document having the effect of  
 8364 waiving any contest to personal jurisdiction;
- 8365 (c) the individual resided with the child in this state;
- 8366 (d) the individual resided in this state and provided prenatal expenses or support for the  
 8367 child;
- 8368 (e) the child resides in this state as a result of the acts or directives of the individual;
- 8369 (f) the individual engaged in sexual intercourse in this state and the child may have been  
 8370 conceived by that act of intercourse;
- 8371 (g) the individual asserted parentage of a child in the putative father registry maintained  
 8372 in this state by the ~~[state registrar of vital records in the Department of Health~~  
 8373 ~~pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act]~~ Office of Vital Records  
 8374 and Statistics in accordance with Chapter 13, Adoption; or
- 8375 (h) there is any other basis consistent with the constitutions of this state and the United  
 8376 States for the exercise of personal jurisdiction.
- 8377 (2) The bases of personal jurisdiction set forth in Subsection (1) or in any other law of this  
 8378 state may not be used to acquire personal jurisdiction for a tribunal of this state to  
 8379 modify a child support order of another state unless the requirements of Section [  
 8380 ~~78B-14-611]~~ 81-8-611 are met, or, in the case of a foreign support order, unless the  
 8381 requirements of Section [~~78B-14-615]~~ 81-8-615 are met.

8382 Section 171. Section **81-8-202**, which is renumbered from Section 78B-14-202 is renumbered  
 8383 and amended to read:

8384 **[78B-14-202] 81-8-202 . Duration of personal jurisdiction.**

8385 Personal jurisdiction acquired by a tribunal of this state in a proceeding under this  
 8386 chapter or other law of this state relating to a support order continues as long as a tribunal of  
 8387 this state has continuing, exclusive jurisdiction to modify [its] the tribunal's order or continuing  
 8388 jurisdiction to enforce [its] the tribunal's order [as provided by Sections ~~78B-14-205,~~  
 8389 ~~78B-14-206, and 78B-14-211]~~ as described in Sections 81-8-205, 81-8-206, and 81-8-211.

8390 Section 172. Section **81-8-203**, which is renumbered from Section 78B-14-203 is renumbered  
 8391 and amended to read:

8392 **[78B-14-203] 81-8-203 . Initiating and responding tribunal of state.**

8393 Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward  
8394 proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated  
8395 in another state or a foreign country.

8396 Section 173. Section **81-8-204**, which is renumbered from Section 78B-14-204 is renumbered  
8397 and amended to read:

8398 **[78B-14-204] 81-8-204 . Simultaneous proceedings in another state.**

- 8399 (1) A tribunal of this state may exercise jurisdiction to establish a support order if the  
8400 petition or comparable pleading is filed after a pleading is filed in another state or a  
8401 foreign country only if:
- 8402 (a) the petition or comparable pleading in this state is filed before the expiration of the  
8403 time allowed in the other state or the foreign country for filing a responsive pleading  
8404 challenging the exercise of jurisdiction by the other state or the foreign country;
  - 8405 (b) the contesting party timely challenges the exercise of jurisdiction in the other state or  
8406 the foreign country; and
  - 8407 (c) if relevant, this state is the home state of the child.
- 8408 (2) A tribunal of this state may not exercise jurisdiction to establish a support order if the  
8409 petition or comparable pleading is filed before a petition or comparable pleading is filed  
8410 in another state or a foreign country if:
- 8411 (a) the petition or comparable pleading in the other state or foreign country is filed  
8412 before the expiration of the time allowed in this state for filing a responsive pleading  
8413 challenging the exercise of jurisdiction by this state;
  - 8414 (b) the contesting party timely challenges the exercise of jurisdiction in this state; and
  - 8415 (c) if relevant, the other state or foreign country is the home of the child.

8416 Section 174. Section **81-8-205**, which is renumbered from Section 78B-14-205 is renumbered  
8417 and amended to read:

8418 **[78B-14-205] 81-8-205 . Continuing, exclusive jurisdiction to modify child**  
8419 **support order.**

- 8420 (1) A tribunal of this state that has issued a child support order consistent with the law of  
8421 this state has and shall exercise continuing, exclusive jurisdiction to modify its child  
8422 support order if the order is the controlling order, and:
- 8423 (a) at the time of the filing of a request for modification, this state is the residence of the  
8424 obligor, the individual obligee, or the child for whose benefit the support order is  
8425 issued; or



- 8426 (b) even if this state is not the residence of the obligor, the individual obligee, or the  
 8427 child for whose benefit the support order is issued, the parties consent in a record or  
 8428 in open court that the tribunal of this state may continue to exercise jurisdiction to  
 8429 modify [its] the tribunal order.
- 8430 (2) A tribunal of this state that has issued a child support order consistent with the law of  
 8431 this state may not exercise continuing, exclusive jurisdiction to modify the order if:
- 8432 (a) all of the parties who are individuals file consent in a record with the tribunal of this  
 8433 state that a tribunal of another state that has jurisdiction over at least one of the  
 8434 parties who is an individual or that is located in the state of residence of the child  
 8435 may modify the order and assume continuing, exclusive jurisdiction; or
- 8436 (b) [its] the tribunal's order is not the controlling order.
- 8437 (3) If a tribunal of another state has issued a child support order [~~pursuant to~~] in accordance  
 8438 with the Uniform Interstate Family Support Act or a law substantially similar to the act, [  
 8439 ~~which~~] that modifies a child support order of a tribunal of this state, [~~tribunals~~] a tribunal  
 8440 of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the  
 8441 other state.
- 8442 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child  
 8443 support order may serve as an initiating tribunal to request a tribunal of another state to  
 8444 modify a support order issued in that state.
- 8445 (5) A temporary support order issued ex parte or pending resolution of a jurisdictional  
 8446 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.
- 8447 Section 175. Section **81-8-206**, which is renumbered from Section 78B-14-206 is renumbered  
 8448 and amended to read:
- 8449 **[78B-14-206] 81-8-206 . Continuing jurisdiction to enforce child support order.**
- 8450 (1) A tribunal of this state that has issued a child support order consistent with the law of  
 8451 this state may serve as an initiating tribunal to request a tribunal of another state to  
 8452 enforce:
- 8453 (a) the order if the order is the controlling order and has not been modified by a tribunal  
 8454 of another state that assumed jurisdiction [~~pursuant to~~] in accordance with the  
 8455 Uniform Interstate Family Support Act; or
- 8456 (b) a money judgment for arrears of support and interest on the order accrued before a  
 8457 determination that an order of a tribunal of another state is the controlling order.
- 8458 (2) A tribunal of this state having continuing jurisdiction over a support order may act as a  
 8459 responding tribunal to enforce the order.

8460 Section 176. Section **81-8-207**, which is renumbered from Section 78B-14-207 is renumbered  
8461 and amended to read:

8462 **[78B-14-207] 81-8-207 . Determination of controlling child-support order.**

8463 (1) If a proceeding is brought under this chapter and only one tribunal has issued a child  
8464 support order, the order of that tribunal controls and shall be so recognized.

8465 (2) If a proceeding is brought under this chapter, and two or more child support orders have  
8466 been issued by tribunals of this state, another state, or a foreign country with regard to  
8467 the same obligor and same child, a tribunal of this state having personal jurisdiction over  
8468 both the obligor and individual obligee shall apply the following rules and by order shall  
8469 determine which order controls and shall be recognized:

8470 (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this  
8471 chapter, the order of that tribunal controls.

8472 (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under  
8473 this chapter, an order issued by a tribunal in the current home state of the child  
8474 controls, or if an order has not been issued in the current home state of the child, the  
8475 order most recently issued controls.

8476 (c) If none of the tribunals would have continuing, exclusive jurisdiction under this  
8477 chapter, the tribunal of this state shall issue a child support order, which controls.

8478 (3)(a) If two or more child support orders have been issued for the same obligor and  
8479 same child, upon request of a party who is an individual or that is a [support  
8480 enforcement] child support services agency, a tribunal of this state having personal  
8481 jurisdiction over both the obligor and the obligee who is an individual shall determine  
8482 which order controls under Subsection (2).

8483 (b) The request under Subsection (3)(a) may be filed with a registration for enforcement  
8484 or registration for modification pursuant to Part 6, Registration, Enforcement, and  
8485 Modification of Support Order, or may be filed as a separate proceeding.

8486 (4)(a) A request to determine which is the controlling order shall be accompanied by a  
8487 copy of every child support order in effect and the applicable record of payments.

8488 (b) The requesting party shall give notice of the request to each party whose rights may  
8489 be affected by the determination.

8490 (5) The tribunal that issued the controlling order under Subsection (1), (2), or (3) has  
8491 continuing jurisdiction to the extent provided in Section [78B-14-205 or 78B-14-206]  
8492 81-8-205 or 81-8-206.

8493 (6) A tribunal of this state that determines by order which is the controlling order under

8494 Subsection (2)(a), (b), or (3) that issues a new controlling order under Subsection (2)(c),  
8495 shall state in that order:

8496 (a) the basis upon which the tribunal made [its] the tribunal's determination;

8497 (b) the amount of prospective support, if any; and

8498 (c) the total amount of consolidated arrears and accrued interest, if any, under all of the  
8499 orders after all payments made are credited as provided by Section [78B-14-209]  
8500 81-8-209.

8501 (7)(a) Within 30 days after issuance of an order determining which is the controlling  
8502 order, the party obtaining the order shall file a certified copy of [it] the order in each  
8503 tribunal that issued or registered an earlier order of child support.

8504 (b) A party or [~~support enforcement~~] child support services agency obtaining the order  
8505 that fails to file a certified copy is subject to appropriate sanctions by a tribunal in  
8506 which the issue of failure to file arises.

8507 (c) The failure to file does not affect the validity or enforceability of the controlling  
8508 order.

8509 (8) An order that has been determined to be the controlling order, or a judgment for  
8510 consolidated arrears of support and interest, if any, made [~~pursuant to~~] in accordance with  
8511 this section shall be recognized in proceedings under this chapter.

8512 Section 177. Section **81-8-208**, which is renumbered from Section 78B-14-208 is renumbered  
8513 and amended to read:

8514 **[78B-14-208] 81-8-208 . Child support orders for two or more obligees.**

8515 In responding to registrations or petitions for enforcement of two or more child support  
8516 orders in effect at the same time with regard to the same obligor and different individual  
8517 obligees, at least one of which was issued by a tribunal of another state or a foreign country, a  
8518 tribunal of this state shall enforce those orders in the same manner as if the orders had been  
8519 issued by a tribunal of this state.

8520 Section 178. Section **81-8-209**, which is renumbered from Section 78B-14-209 is renumbered  
8521 and amended to read:

8522 **[78B-14-209] 81-8-209 . Credit for payments.**

8523 A tribunal of this state shall credit amounts collected for a particular period pursuant to  
8524 any child support order against the amounts owed for the same period under any other child  
8525 support order for support of the same child issued by a tribunal of this or another state or  
8526 foreign country.

8527 Section 179. Section **81-8-210**, which is renumbered from Section 78B-14-210 is renumbered

8528 and amended to read:

8529 **[78B-14-210] 81-8-210 . Application of chapter to nonresident subject to personal**  
 8530 **jurisdiction.**

8531 (1) A tribunal of this state exercising personal jurisdiction over a nonresident in a  
 8532 proceeding under this chapter, under other law of this state relating to a support order, or  
 8533 recognizing a foreign support order may:

8534 (a) receive evidence from outside this state [~~pursuant to Section 78B-14-316;~~] in  
 8535 accordance with Section 81-8-316;

8536 (b) communicate with a tribunal outside this state [~~pursuant to Section 78B-14-317;~~] in  
 8537 accordance with Section 81-8-317; and

8538 (c) obtain discovery through a tribunal outside this state [~~pursuant to Section 78B-14-318]~~  
 8539 in accordance with Section 81-8-318.

8540 (2) In all other respects, Part 3, Civil Provisions of General Application, Part 4,  
 8541 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of  
 8542 Support Order Without Registration, and Part 6, Registration, Enforcement, and  
 8543 Modification of Support Order, do not apply and the tribunal shall apply the procedural  
 8544 and substantive law of this state.

8545 Section 180. Section **81-8-211**, which is renumbered from Section 78B-14-211 is renumbered  
 8546 and amended to read:

8547 **[78B-14-211] 81-8-211 . Continuing, exclusive jurisdiction to modify spousal**  
 8548 **support order.**

8549 (1) A tribunal of this state issuing a spousal support order consistent with the law of this  
 8550 state has continuing, exclusive jurisdiction to modify the spousal support order  
 8551 throughout the existence of the support obligation.

8552 (2) A tribunal of this state may not modify a spousal support order issued by a tribunal of  
 8553 another state or foreign country having continuing, exclusive jurisdiction over that order  
 8554 under the law of that state or foreign country.

8555 (3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support  
 8556 order may serve as:

8557 (a) an initiating tribunal to request a tribunal of another state to enforce the spousal  
 8558 support order issued in this state; or

8559 (b) a responding tribunal to enforce or modify [~~its~~] the tribunal's own spousal support  
 8560 order.

8561 Section 181. Section **81-8-301**, which is renumbered from Section 78B-14-301 is renumbered

8562 and amended to read:

8563

**Part 3. Civil Provisions of General Application**

8564 **[78B-14-301] 81-8-301 . Proceedings under chapter.**

8565 (1) Except as otherwise provided in this chapter, this part applies to all proceedings under  
8566 this chapter.

8567 (2) An individual petitioner or a [~~support enforcement~~] child support services agency may  
8568 initiate a proceeding authorized under this chapter by filing a petition in an initiating  
8569 tribunal for forwarding to a responding tribunal or by filing a petition or a comparable  
8570 pleading directly in a tribunal of another state or a foreign country [~~which~~] that has or  
8571 can obtain personal jurisdiction over the respondent.

8572 Section 182. Section **81-8-302**, which is renumbered from Section 78B-14-302 is renumbered  
8573 and amended to read:

8574 **[78B-14-302] 81-8-302 . Action by parent who is under 18 years old.**

8575 A [~~minor parent~~] parent who is under 18 years old, or a guardian or other legal  
8576 representative of [~~a minor~~] the parent, may maintain a proceeding on behalf of or for the benefit  
8577 of the [~~minor's~~] parent's child.

8578 Section 183. Section **81-8-303**, which is renumbered from Section 78B-14-303 is renumbered  
8579 and amended to read:

8580 **[78B-14-303] 81-8-303 . Application of law of state.**

8581 Except as otherwise provided in this chapter, a responding tribunal of this state shall:

8582 (1) apply the procedural and substantive law generally applicable to similar proceedings  
8583 originating in this state and may exercise all powers and provide all remedies available  
8584 in those proceedings; and

8585 (2) determine the duty of support and the amount payable in accordance with the law and  
8586 support guidelines of this state.

8587 Section 184. Section **81-8-304**, which is renumbered from Section 78B-14-304 is renumbered  
8588 and amended to read:

8589 **[78B-14-304] 81-8-304 . Duties of initiating tribunal.**

8590 (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state  
8591 shall forward the petition and its accompanying documents:

8592 (a) to the responding tribunal or appropriate [~~support enforcement~~] child support services  
8593 agency in the responding state; or

8594 (b) if the identity of the responding tribunal is unknown, to the state information agency  
8595 of the responding state with a request that they be forwarded to the appropriate

8596 tribunal and that receipt be acknowledged.

8597 (2)(a) If requested by the responding tribunal, a tribunal of this state shall issue a  
8598 certificate or other document and make findings required by the law of the  
8599 responding state.

8600 (b) If the responding tribunal is in a foreign country, upon request, the tribunal of this  
8601 state shall specify the amount of support sought, convert that amount into the  
8602 equivalent amount in the foreign currency under applicable official or market  
8603 exchange rate as publicly reported, and provide any other documents necessary to  
8604 satisfy the requirements of the responding foreign tribunal.

8605 Section 185. Section **81-8-305**, which is renumbered from Section 78B-14-305 is renumbered  
8606 and amended to read:

8607 **[78B-14-305] 81-8-305 . Duties and powers of responding tribunal.**

8608 (1) When a responding tribunal of this state receives a petition or comparable pleading from  
8609 an initiating tribunal or directly [~~pursuant to Subsection 78B-14-301(2), it~~] in accordance  
8610 with Subsection 81-8-301(2), the responding tribunal shall cause the petition or pleading  
8611 to be filed and notify the petitioner where and when [~~it~~] the petition or pleading was filed.

8612 (2) A responding tribunal of this state, to the extent not prohibited by other law, may do one  
8613 or more of the following:

8614 (a) establish or enforce a support order, modify a child support order, determine the  
8615 controlling child support order, or determine parentage of a child;

8616 (b) order an obligor to comply with a support order, specifying the amount and the  
8617 manner of compliance;

8618 (c) order income withholding;

8619 (d) determine the amount of any arrearages and specify a method of payment;

8620 (e) enforce orders by civil or criminal contempt, or both;

8621 (f) set aside property for satisfaction of the support order;

8622 (g) place liens and order execution on the obligor's property;

8623 (h) order an obligor to keep the tribunal informed of the obligor's current residential  
8624 address, electronic mail address, telephone number, employer, address of  
8625 employment, and telephone number at the place of employment;

8626 (i) issue a bench warrant for an obligor who has failed after proper notice to appear at a  
8627 hearing ordered by the tribunal and enter the bench warrant in any local and state  
8628 computer systems for criminal warrants;

8629 (j) order the obligor to seek appropriate employment by specified methods;

- 8630 (k) award reasonable attorney fees and other fees and costs; and  
 8631 (l) grant any other available remedy.
- 8632 (3) A responding tribunal of this state shall include in a support order issued under this  
 8633 chapter, or in the documents accompanying the order, the calculations on which the  
 8634 support order is based.
- 8635 (4) A responding tribunal of this state may not condition the payment of a support order  
 8636 issued under this chapter upon compliance by a party with provisions for parent-time.
- 8637 (5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall  
 8638 send a copy of the order to the petitioner and the respondent and to the initiating  
 8639 tribunal, if any.
- 8640 (6) If requested to enforce a support order, arrears, or judgment or modify a support order  
 8641 stated in a foreign currency, a responding tribunal of this state shall convert the amount  
 8642 stated in the foreign currency to the equivalent amount in dollars under the applicable  
 8643 official or market exchange rate as publicly reported.

8644 Section 186. Section **81-8-306**, which is renumbered from Section 78B-14-306 is renumbered  
 8645 and amended to read:

8646 **~~[78B-14-306]~~ 81-8-306 . Inappropriate tribunal.**

8647 If a petition or comparable pleading is received by an inappropriate tribunal of this state,  
 8648 the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal  
 8649 in this state or another state and notify the petitioner where and when the pleading was sent.

8650 Section 187. Section **81-8-307**, which is renumbered from Section 78B-14-307 is renumbered  
 8651 and amended to read:

8652 **~~[78B-14-307]~~ 81-8-307 . Duties of child support services agency.**

- 8653 (1) A ~~[support enforcement]~~ child support services agency of this state, upon request, shall  
 8654 provide services to a petitioner in a proceeding under this chapter.
- 8655 (2) A ~~[support enforcement]~~ child support services agency of this state that is providing  
 8656 services to the petitioner shall:
- 8657 (a) take all steps necessary to enable an appropriate tribunal of this state, another state,  
 8658 or a foreign country to obtain jurisdiction over the respondent;
- 8659 (b) request an appropriate tribunal to set a date, time, and place for a hearing;
- 8660 (c) make a reasonable effort to obtain all relevant information, including information as  
 8661 to income and property of the parties;
- 8662 (d) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of  
 8663 notice in a record from an initiating, responding, or registering tribunal, send a copy

- 8664 of the notice to the petitioner;
- 8665 (e) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
- 8666 communication in a record from the respondent or the respondent's attorney, send a
- 8667 copy of the communication to the petitioner; and
- 8668 (f) notify the petitioner if jurisdiction over the respondent cannot be obtained.
- 8669 (3) A ~~[support enforcement]~~ child support services agency of this state that requests
- 8670 registration of a child support order in this state for enforcement or for modification
- 8671 shall make reasonable efforts:
- 8672 (a) to ensure that the order to be registered is the controlling order; or
- 8673 (b) if two or more child support orders exist and the identity of the controlling order has
- 8674 not been determined, to ensure that a request for such a determination is made in a
- 8675 tribunal having jurisdiction to do so.
- 8676 (4) A ~~[support enforcement]~~ child support services agency of this state that requests
- 8677 registration and enforcement of a support order, arrears, or judgment stated in a foreign
- 8678 currency shall convert the amounts stated in the foreign currency into the equivalent
- 8679 amounts in dollars under the applicable official or market exchange rate as publicly
- 8680 reported.
- 8681 (5) A ~~[support enforcement]~~ child support services agency of this state shall issue or request
- 8682 a tribunal of this state to issue a child support order and an income-withholding order
- 8683 that redirects payment of current support, arrears, and interest if requested to do so by a [
- 8684 ~~support enforcement]~~ child support services agency of another state ~~[pursuant to Section~~
- 8685 ~~78B-14-319]~~ in accordance with Section 81-8-319.
- 8686 (6) This chapter does not create or negate a relationship of attorney and client or other
- 8687 fiduciary relationship between a ~~[support enforcement]~~ child support services agency or
- 8688 the attorney for the agency and the individual being assisted by the agency.
- 8689 Section 188. Section **81-8-308**, which is renumbered from Section 78B-14-308 is renumbered
- 8690 and amended to read:
- 8691 **[78B-14-308] 81-8-308 . Duty of attorney general.**
- 8692 (1) If the attorney general determines that the ~~[support enforcement]~~ child support services
- 8693 agency is neglecting or refusing to provide services to an individual, the attorney general
- 8694 may order the agency to perform ~~[its]~~ the agency's duties under this chapter or may
- 8695 provide those services directly to the individual.
- 8696 (2) The attorney general may determine that a foreign country has established a reciprocal
- 8697 arrangement for child support with this state and take appropriate action for notification



8698 of the determination.

8699 Section 189. Section **81-8-309**, which is renumbered from Section 78B-14-309 is renumbered  
8700 and amended to read:

8701 **[78B-14-309] 81-8-309 . Private counsel.**

8702 An individual may employ private counsel to represent the individual in proceedings  
8703 authorized by this chapter.

8704 Section 190. Section **81-8-310**, which is renumbered from Section 78B-14-310 is renumbered  
8705 and amended to read:

8706 **[78B-14-310] 81-8-310 . Duties of state information agency.**

8707 (1) The Office of Recovery Services is the state information agency under this chapter.

8708 (2) The state information agency shall:

8709 (a) compile and maintain a current list, including addresses, of the tribunals in this state  
8710 which have jurisdiction under this chapter and any support enforcement agencies in  
8711 this state and transmit a copy to the state information agency of every other state;

8712 (b) maintain a register of names and addresses of tribunals and support enforcement  
8713 agencies received from other states;

8714 (c) forward to the appropriate tribunal in the county in this state in which the obligee  
8715 who is an individual or the obligor resides, or in which the obligor's property is  
8716 believed to be located, all documents concerning a proceeding under this chapter  
8717 received from another state or a foreign country; and

8718 (d) obtain information concerning the location of the obligor and the obligor's property  
8719 within this state not exempt from execution, by such means as postal verification and  
8720 federal or state locator services, examination of telephone directories, requests for the  
8721 obligor's address from employers, and examination of governmental records,  
8722 including, to the extent not prohibited by law, those relating to real property, vital  
8723 statistics, law enforcement, taxation, motor vehicles, driver licenses, and Social  
8724 Security.

8725 Section 191. Section **81-8-311**, which is renumbered from Section 78B-14-311 is renumbered  
8726 and amended to read:

8727 **[78B-14-311] 81-8-311 . Pleadings and accompanying documents.**

8728 (1)(a) In a proceeding under this chapter, a petitioner seeking to establish a support  
8729 order, to determine parentage of a child, or to register and modify a support order of a  
8730 tribunal of another state or a foreign country shall file a petition.

8731 (b) Unless otherwise ordered under Section ~~[78B-14-312]~~ **81-8-312**, the petition or

8732 accompanying documents shall provide, so far as known, the name, residential  
8733 address, and [~~Soeial Security~~] social security numbers of the obligor and the obligee  
8734 or the parent and alleged parent, and the name, sex, residential address, [~~Soeial~~  
8735 ~~Security~~] social security number, and date of birth of each child for whose benefit  
8736 support is sought or whose parentage is to be determined.

8737 (c) Unless filed at the time of registration, the petition shall be accompanied by a copy  
8738 of any support order known to have been issued by another tribunal.

8739 (d) The petition may include any other information that may assist in locating or  
8740 identifying the respondent.

8741 (2)(a) The petition shall specify the relief sought.

8742 (b) The petition and accompanying documents shall conform substantially with the  
8743 requirements imposed by the forms mandated by federal law for use in cases filed by  
8744 a [~~support enforcement~~] child support services agency.

8745 Section 192. Section **81-8-312**, which is renumbered from Section 78B-14-312 is renumbered  
8746 and amended to read:

8747 **~~[78B-14-312]~~ 81-8-312 . Nondisclosure of information in exceptional  
8748 circumstances.**

8749 (1) If a party alleges in an affidavit or a pleading under oath that the health, safety, or  
8750 liberty of a party or child would be jeopardized by disclosure of specific identifying  
8751 information, that information must be sealed and may not be disclosed to the other party  
8752 or the public.

8753 (2) After a hearing in which a tribunal takes into consideration the health, safety, or liberty  
8754 of the party or child, the tribunal may order disclosure of information that the tribunal  
8755 determines to be in the interest of justice.

8756 Section 193. Section **81-8-313**, which is renumbered from Section 78B-14-313 is renumbered  
8757 and amended to read:

8758 **~~[78B-14-313]~~ 81-8-313 . Costs and fees.**

8759 (1) The petitioner may not be required to pay a filing fee or other costs.

8760 (2)(a) If an obligee prevails, a responding tribunal of this state may assess against an  
8761 obligor filing fees, reasonable attorney fees, other costs, and necessary travel and  
8762 other reasonable expenses incurred by the obligee and the obligee's witnesses.

8763 (b) The tribunal may not assess fees, costs, or expenses against the obligee or the [  
8764 ~~support enforcement~~] child support services agency of either the initiating or the  
8765 responding state or a foreign country, except as provided by law.

8766 (c) Attorney fees may be taxed as costs, and may be ordered paid directly to the  
8767 attorney, who may enforce the order in the attorney's own name.

8768 (d) Payment of support owed to the obligee has priority over fees, costs, and expenses.

8769 (3)(a) The tribunal shall order the payment of costs and reasonable attorney fees if it  
8770 determines that a hearing was requested primarily for delay.

8771 (b) In a proceeding under Part 6, Registration, Enforcement, and Modification of  
8772 Support Order, a hearing is presumed to have been requested primarily for delay if a  
8773 registered support order is confirmed or enforced without change.

8774 Section 194. Section **81-8-314**, which is renumbered from Section 78B-14-314 is renumbered  
8775 and amended to read:

8776 **[78B-14-314] 81-8-314 . Limited immunity of petitioner.**

8777 (1) Participation by a petitioner in a proceeding under this chapter before a responding  
8778 tribunal, whether in person, by private attorney, or through services provided by the [  
8779 ~~support-enforcement]~~ child support services agency, does not confer personal jurisdiction  
8780 over the petitioner in another proceeding.

8781 (2) A petitioner is not amenable to service of civil process while physically present in this  
8782 state to participate in a proceeding under this chapter.

8783 (3) The immunity granted by this section does not extend to civil litigation based on acts  
8784 unrelated to a proceeding under this chapter committed by a party while present in this  
8785 state to participate in the proceeding.

8786 Section 195. Section **81-8-315**, which is renumbered from Section 78B-14-315 is renumbered  
8787 and amended to read:

8788 **[78B-14-315] 81-8-315 . Nonparentage as defense.**

8789 A party whose parentage of a child has been previously determined by or pursuant to  
8790 law may not plead nonparentage as a defense to a proceeding under this chapter.

8791 Section 196. Section **81-8-316**, which is renumbered from Section 78B-14-316 is renumbered  
8792 and amended to read:

8793 **[78B-14-316] 81-8-316 . Special rules of evidence and procedure.**

8794 (1) The physical presence of a nonresident party who is an individual in a tribunal of this  
8795 state is not required for the establishment, enforcement, or modification of a support  
8796 order or the rendition of a judgment determining parentage of a child.

8797 (2) An affidavit, a document substantially complying with federally mandated forms, or a  
8798 document incorporated by reference in any of them, which would not be excluded under  
8799 the hearsay rule if given in person, is admissible in evidence if given under penalty of

8800 perjury by a party or witness residing outside this state.

8801 (3)(a) A copy of the record of child support payments certified as a true copy of the  
8802 original by the custodian of the record may be forwarded to a responding tribunal.

8803 (b) The copy is evidence of facts asserted in it and is admissible to show whether  
8804 payments were made.

8805 (4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health  
8806 care of the birth mother and child, furnished to the adverse party at least 10 days before  
8807 trial, are admissible in evidence to prove the amount of the charges billed and that the  
8808 charges were reasonable, necessary, and customary.

8809 (5) Documentary evidence transmitted from outside this state to a tribunal of this state by  
8810 telephone, telecopier, or other electronic means that do not provide an original record  
8811 may not be excluded from evidence on an objection based on the means of transmission.

8812 (6)(a) In a proceeding under this chapter, a tribunal of this state shall permit a party or  
8813 witness residing outside this state to be deposed or to testify under penalty of perjury  
8814 by telephone, audiovisual means, or other electronic means at a designated tribunal or  
8815 other location.

8816 (b) A tribunal of this state shall cooperate with other tribunals in designating an  
8817 appropriate location for the deposition or testimony.

8818 (7) If a party called to testify at a civil hearing refuses to answer on the ground that the  
8819 testimony may be self-incriminating, the trier of fact may draw an adverse inference  
8820 from the refusal.

8821 (8) A privilege against disclosure of communications between spouses does not apply in a  
8822 proceeding under this chapter.

8823 (9) The defense of immunity based on the relationship of husband and wife or parent and  
8824 child does not apply in a proceeding under this chapter.

8825 (10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to  
8826 establish parentage of the child.

8827 Section 197. Section **81-8-317**, which is renumbered from Section 78B-14-317 is renumbered  
8828 and amended to read:

8829 **[78B-14-317] 81-8-317 . Communications between tribunals.**

8830 (1) A tribunal of this state may communicate with a tribunal outside this state in a  
8831 record, or by telephone, electronic mail, or other means, to obtain information  
8832 concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and  
8833 the status of a proceeding.

8834 (2) A tribunal of this state may furnish similar information by similar means to a tribunal  
8835 outside this state.

8836 Section 198. Section **81-8-318**, which is renumbered from Section 78B-14-318 is renumbered  
8837 and amended to read:

8838 **[78B-14-318] 81-8-318 . Assistance with discovery.**

8839 A tribunal of this state may:

8840 (1) request a tribunal outside this state to assist in obtaining discovery; and

8841 (2) upon request, compel a person over whom it has jurisdiction to respond to a discovery  
8842 order issued by a tribunal outside this state.

8843 Section 199. Section **81-8-319**, which is renumbered from Section 78B-14-319 is renumbered  
8844 and amended to read:

8845 **[78B-14-319] 81-8-319 . Receipt and disbursement of payments.**

8846 (1)(a) A [~~support enforcement~~] child support services agency or tribunal of this state  
8847 shall disburse promptly any amounts received pursuant to a support order, as directed  
8848 by the order.

8849 (b) The agency or tribunal shall furnish to a requesting party or tribunal of another state  
8850 or a foreign country a certified statement by the custodian of the record of the  
8851 amounts and dates of all payments received.

8852 (2) If neither the obligor, nor the obligee who is an individual, nor the child resides in this  
8853 state, upon request from the [~~support enforcement~~] child support services agency of this  
8854 state or another state, the Office of Recovery Services or a tribunal of this state shall:

8855 (a) direct that the support payment be made to the [~~support enforcement~~] child support  
8856 services agency in the state in which the obligee is receiving services; and

8857 (b) issue and send to the obligor's employer a conforming income-withholding order or  
8858 an administrative notice of change of payee, reflecting the redirected payments.

8859 (3) The [~~support enforcement~~] child support services agency of this state receiving  
8860 redirected payments from another state pursuant to a law similar to Subsection (2) shall  
8861 furnish to a requesting party or tribunal of the other state a certified statement by the  
8862 custodian of the record of the amount and dates of all payments received.

8863 Section 200. Section **81-8-401**, which is renumbered from Section 78B-14-401 is renumbered  
8864 and amended to read:

8865 **Part 4. Establishment of Support Order or Determination of Parentage**

8866 **[78B-14-401] 81-8-401 . Establishment of support order.**

8867 (1) If a support order entitled to recognition under this chapter has not been issued, a

- 8868 responding tribunal of this state with personal jurisdiction over the parties may issue a  
 8869 support order if:
- 8870 (a) the individual seeking the order resides outside this state; or  
 8871 (b) the [~~support enforcement~~] child support services agency seeking the order is located  
 8872 outside this state.
- 8873 (2) The tribunal may issue a temporary child support order if the tribunal determines that an  
 8874 order is appropriate and the individual ordered to pay is:
- 8875 (a) a presumed [~~father~~] parent of the child;  
 8876 (b) petitioning to have [~~his paternity~~] the individual's parentage adjudicated;  
 8877 (c) identified as the [~~father~~] parent of the child through genetic testing;  
 8878 (d) an alleged [~~father~~] genetic parent who has declined to submit to genetic testing;  
 8879 (e) shown by clear and convincing evidence to be the [~~father~~] parent of the child;  
 8880 (f) [~~an acknowledged~~] a declarant father, as defined in Section 81-5-102, determined in  
 8881 accordance with [Title 78B, Chapter 15, Part 3, Voluntary Declaration of Paternity  
 8882 Act] Chapter 5, Part 3, Voluntary Declaration of Paternity;  
 8883 (g) the birth mother of the child; or  
 8884 (h) an individual who has been ordered to pay child support in a previous proceeding  
 8885 and the order has not been reversed or vacated.
- 8886 (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of  
 8887 support, the tribunal shall issue a support order directed to the obligor and may issue  
 8888 other orders [~~pursuant to Section 78B-14-305~~] in accordance with Section 81-8-305.

8889 Section 201. Section **81-8-402**, which is renumbered from Section 78B-14-402 is renumbered  
 8890 and amended to read:

8891 **[78B-14-402] 81-8-402 . Proceeding to determine parentage.**

8892 A tribunal of this state authorized to determine parentage of a child may serve as a  
 8893 responding tribunal in a proceeding to determine parentage brought under this chapter or a law  
 8894 or procedure substantially similar to this chapter.

8895 Section 202. Section **81-8-501**, which is renumbered from Section 78B-14-501 is renumbered  
 8896 and amended to read:

8897 **Part 5. Enforcement of Support Order Without Registration**

8898 **[78B-14-501] 81-8-501 . Employer's receipt of income-withholding order of**  
 8899 **another state.**

8900 An income-withholding order issued in another state may be sent by or on behalf of the  
 8901 obligee, or by the [~~support enforcement~~] child support services agency, to the person defined as

8902 the obligor's employer under Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,  
8903 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases, without first filing a  
8904 petition or comparable pleading or registering the order with a tribunal of this state.

8905 Section 203. Section **81-8-502**, which is renumbered from Section 78B-14-502 is renumbered  
8906 and amended to read:

8907 **[78B-14-502] 81-8-502 . Employer's compliance with income-withholding order**  
8908 **of another state.**

8909 (1) Upon receipt of an income-withholding order, the obligor's employer shall immediately  
8910 provide a copy of the order to the obligor.

8911 (2) The employer shall treat an income-withholding order issued in another state which  
8912 appears regular on its face as if it had been issued by a tribunal of this state.

8913 (3) Except as otherwise provided in Subsection (4) and Section [78B-14-503] 81-8-503, the  
8914 employer shall withhold and distribute the funds as directed in the withholding order by  
8915 complying with terms of the order which specify:

8916 (a) the duration and amount of periodic payments of current child support, stated as a  
8917 sum certain;

8918 (b) the person designated to receive payments and the address to which the payments are  
8919 to be forwarded;

8920 (c) medical support, whether in the form of periodic cash payment, stated as a sum  
8921 certain, or ordering the obligor to provide health [~~insurance~~] care coverage for the  
8922 child under a policy available through the obligor's employment;

8923 (d) the amount of periodic payments of fees and costs for a [~~support-enforcement~~] child  
8924 support services agency, the issuing tribunal, and the obligee's attorney, stated as  
8925 sums certain; and

8926 (e) the amount of periodic payments of arrearages and interest on arrearages, stated as  
8927 sums certain.

8928 (4) An employer shall comply with the law of the state of the obligor's principal place of  
8929 employment for withholding from income with respect to:

8930 (a) the employer's fee for processing an income withholding order;

8931 (b) the maximum amount permitted to be withheld from the obligor's income; and

8932 (c) the times within which the employer must implement the withholding order and  
8933 forward the child support payment.

8934 Section 204. Section **81-8-503**, which is renumbered from Section 78B-14-503 is renumbered  
8935 and amended to read:

8936 **[78B-14-503] 81-8-503 . Employer's compliance with two or more**  
8937 **income-withholding orders.**

8938 If an obligor's employer receives two or more income-withholding orders with respect to  
8939 the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the  
8940 employer complies with the law of the state of the obligor's principal place of employment to  
8941 establish the priorities for the withholding and allocating income withheld for two or more  
8942 child support obligees.

8943 Section 205. Section **81-8-504**, which is renumbered from Section 78B-14-504 is renumbered  
8944 and amended to read:

8945 **[78B-14-504] 81-8-504 . Immunity from civil liability.**

8946 An employer that complies with an income withholding order issued in another state in  
8947 accordance with this part is not subject to civil liability to an individual or agency with regard  
8948 to the employer's withholding of child support from the obligor's income.

8949 Section 206. Section **81-8-505**, which is renumbered from Section 78B-14-505 is renumbered  
8950 and amended to read:

8951 **[78B-14-505] 81-8-505 . Penalties for noncompliance.**

8952 An employer that willfully fails to comply with an income withholding order issued in  
8953 another state and received for enforcement is subject to the same penalties that may be  
8954 imposed for noncompliance with an order issued by a tribunal of this state.

8955 Section 207. Section **81-8-506**, which is renumbered from Section 78B-14-506 is renumbered  
8956 and amended to read:

8957 **[78B-14-506] 81-8-506 . Contest by obligor.**

8958 (1) An obligor may contest the validity or enforcement of an income-withholding order  
8959 issued in another state and received directly by an employer in this state by registering  
8960 the order in a tribunal of this state and filing a contest to that order as provided in Part 6,  
8961 Registration, Enforcement, and Modification of Support Order, or otherwise contesting  
8962 the order in the same manner as if the order had been issued by a tribunal of this state.

8963 (2) The obligor shall give notice of the contest to:

8964 (a) a ~~support-enforcement~~ child support services agency providing services to the  
8965 obligee;

8966 (b) each employer that has directly received an income-withholding order relating to the  
8967 obligor; and

8968 (c) the person designated to receive payments in the income-withholding order or if no  
8969 person is designated, to the obligee.



8970 Section 208. Section **81-8-507**, which is renumbered from Section 78B-14-507 is renumbered  
8971 and amended to read:

8972 **[78B-14-507] 81-8-507 . Administrative enforcement of orders.**

8973 (1) A party or [~~support enforcement~~] child support services agency seeking to enforce a  
8974 support order or an income-withholding order, or both, issued in another state, or  
8975 seeking to enforce a foreign support order, may send the documents required for  
8976 registering the order to a [~~support enforcement~~] child support services agency of this  
8977 state.

8978 (2)(a)(i) Upon receipt of the documents, the [~~support enforcement~~] child support  
8979 services agency, without initially seeking to register the order, shall consider and,  
8980 if appropriate, use any administrative procedure authorized by the law of this state  
8981 to enforce a support order or an income-withholding order, or both.

8982 (ii) If the obligor does not contest administrative enforcement, the order need not be  
8983 registered.

8984 (b) If the obligor contests the validity or administrative enforcement of the order, the [  
8985 ~~support enforcement~~] child support services agency shall register the order [~~pursuant~~  
8986 ~~to~~] in accordance with this chapter.

8987 Section 209. Section **81-8-601**, which is renumbered from Section 78B-14-601 is renumbered  
8988 and amended to read:

8989 **Part 6. Registration, Enforcement, and Modification of Support Order**

8990 **[78B-14-601] 81-8-601 . Registration of order for enforcement.**

8991 A support order or income-withholding order issued in another state, or a foreign  
8992 support order, may be registered in this state for enforcement.

8993 Section 210. Section **81-8-602**, which is renumbered from Section 78B-14-602 is renumbered  
8994 and amended to read:

8995 **[78B-14-602] 81-8-602 . Procedure to register order for enforcement.**

8996 (1) Except as otherwise provided in Section [~~78B-14-706~~] 81-8-706, a support order or  
8997 income-withholding order of another state, or a foreign support order, may be registered  
8998 in this state by sending the following records to the appropriate tribunal in this state:

- 8999 (a) a letter of transmittal to the tribunal requesting registration and enforcement;  
9000 (b) two copies, including one certified copy, of the order to be registered, including any  
9001 modification of the order;  
9002 (c) a sworn statement by the person requesting registration or a certified statement by the  
9003 custodian of the records showing the amount of any arrearage;

- 9004 (d) the name of the obligor and, if known:
- 9005 (i) the obligor's address and [~~Social Security~~] social security number;
- 9006 (ii) the name and address of the obligor's employer and any other source of income of
- 9007 the obligor; and
- 9008 (iii) a description and the location of property of the obligor in this state not exempt
- 9009 from execution; and
- 9010 (e) except as otherwise provided in Section [~~78B-14-312~~] 81-8-312, the name and
- 9011 address of the obligee and, if applicable, the person to whom support payments are to
- 9012 be remitted.
- 9013 (2) On receipt of a request for registration, the registering tribunal shall cause the order to
- 9014 be filed as an order of a tribunal of another state, or a foreign support order, together
- 9015 with one copy of the documents and information, regardless of their form.
- 9016 (3)(a) A petition or comparable pleading seeking a remedy that shall be affirmatively
- 9017 sought under law of this state may be filed at the same time as the request for
- 9018 registration or later.
- 9019 (b) The pleading shall specify the grounds for the remedy sought.
- 9020 (4) If two or more orders are in effect, the person requesting registration shall:
- 9021 (a) furnish to the tribunal a copy of every support order asserted to be in effect in
- 9022 addition to the documents specified in this section;
- 9023 (b) specify the order alleged to be the controlling order, if any; and
- 9024 (c) specify the amount of consolidated arrears, if any.
- 9025 (5)(a) A request for a determination of which is the controlling order may be filed
- 9026 separately or with a request for registration and enforcement or for registration and
- 9027 modification.
- 9028 (b) The person requesting registration shall give notice of the request to each party
- 9029 whose rights may be affected by the determination.
- 9030 Section 211. Section **81-8-603**, which is renumbered from Section 78B-14-603 is renumbered
- 9031 and amended to read:
- 9032 **[~~78B-14-603~~] 81-8-603 . Effect of registration for enforcement.**
- 9033 (1) A support order or income-withholding order issued in another state, or a foreign
- 9034 support order, is registered when the order is filed in the registering tribunal of this state.
- 9035 (2) A registered support order issued in another state or a foreign country is enforceable in
- 9036 the same manner and is subject to the same procedures as an order issued by a tribunal
- 9037 of this state.

9038 (3) Except as otherwise provided in this chapter, a tribunal of this state shall recognize and  
 9039 enforce, but may not modify, a registered support order if the issuing tribunal had  
 9040 jurisdiction.

9041 Section 212. Section **81-8-604**, which is renumbered from Section 78B-14-604 is renumbered  
 9042 and amended to read:

9043 **[78B-14-604] 81-8-604 . Choice of law.**

9044 (1) Except as otherwise provided in Subsection (4), the law of the issuing state or foreign  
 9045 country governs:

9046 (a) the nature, extent, amount, and duration of current payments under a registered  
 9047 support order;

9048 (b) the computation and payment of arrearages and accrual of interest on the arrearages  
 9049 under the support order; and

9050 (c) the existence and satisfaction of other obligations under the support order.

9051 (2) In a proceeding for arrears under a registered support order, the statute of limitation of  
 9052 this state or of the issuing state or foreign country, whichever is longer, applies.

9053 (3) A responding tribunal of this state shall apply the procedures and remedies of this state  
 9054 to enforce current support and collect arrears and interest due on a support order of  
 9055 another state or a foreign country registered in this state.

9056 (4) After a tribunal of this or another state determines which is the controlling order and  
 9057 issues an order consolidating arrears, if any, a tribunal of this state shall prospectively  
 9058 apply the law of the state or foreign country issuing the controlling order, including its  
 9059 law on interest on arrears, on current and future support, and on consolidated arrears.

9060 Section 213. Section **81-8-605**, which is renumbered from Section 78B-14-605 is renumbered  
 9061 and amended to read:

9062 **[78B-14-605] 81-8-605 . Notice of registration of order.**

9063 (1)(a) When a support order or income-withholding order issued in another state, or a  
 9064 foreign support order, is registered, the registering tribunal of this state shall notify  
 9065 the nonregistering party.

9066 (b) The notice shall be accompanied by a copy of the registered order and the documents  
 9067 and relevant information accompanying the order.

9068 (2) A notice shall inform the nonregistering party:

9069 (a) that a registered order is enforceable as of the date of registration in the same manner  
 9070 as an order issued by a tribunal of this state;

9071 (b) that a hearing to contest the validity or enforcement of the registered order shall be

- 9072 requested within 20 days after notice, unless the registered order is under Section [  
 9073 ~~78B-14-707~~] 81-8-707;
- 9074 (c) that failure to contest the validity or enforcement of the registered order in a timely  
 9075 manner will result in confirmation of the order and enforcement of the order and the  
 9076 alleged arrearages; and
- 9077 (d) of the amount of any alleged arrearages.
- 9078 (3) If the registering party asserts that two or more orders are in effect, a notice shall also:  
 9079 (a) identify the two or more orders and the order alleged by the registering party to be  
 9080 the controlling order and the consolidated arrears, if any;
- 9081 (b) notify the nonregistering party of the right to a determination of which is the  
 9082 controlling order;
- 9083 (c) state that the procedures provided in Subsection (2) apply to the determination of  
 9084 which is the controlling order; and
- 9085 (d) state that failure to contest the validity or enforcement of the order alleged to be the  
 9086 controlling order in a timely manner may result in confirmation that the order is the  
 9087 controlling order.
- 9088 (4) Upon registration of an income-withholding order for enforcement, the [support  
 9089 enforcement] child support services agency or the registering tribunal shall notify the  
 9090 obligor's employer [~~pursuant to~~] in accordance with Title 26B, Chapter 9, Part 3, Income  
 9091 Withholding in IV-D Cases.

9092 Section 214. Section **81-8-606**, which is renumbered from Section 78B-14-606 is renumbered  
 9093 and amended to read:

9094 ~~[78B-14-606]~~ **81-8-606 . Procedure to contest validity or enforcement of**  
 9095 **registered support order.**

- 9096 (1)(a) A nonregistering party seeking to contest the validity or enforcement of a  
 9097 registered support order in this state shall request a hearing within the time required  
 9098 by Section [~~78B-14-605~~] 81-8-605.
- 9099 (b) The nonregistering party may seek to vacate the registration, to assert any defense to  
 9100 an allegation of noncompliance with the registered order, or to contest the remedies  
 9101 being sought or the amount of any alleged arrearages pursuant to Section [~~78B-14-607~~]  
 9102 81-8-607.
- 9103 (2) If the nonregistering party fails to contest the validity or enforcement of the registered  
 9104 support order in a timely manner, the order is confirmed by operation of law.
- 9105 (3) If a nonregistering party requests a hearing to contest the validity or enforcement of the

9106 registered support order, the registering tribunal shall schedule the matter for hearing  
9107 and give notice to the parties of the date, time, and place of the hearing.

9108 Section 215. Section **81-8-607**, which is renumbered from Section 78B-14-607 is renumbered  
9109 and amended to read:

9110 **[78B-14-607] 81-8-607 . Contest of registration or enforcement.**

9111 (1) A party contesting the validity or enforcement of a registered support order or seeking  
9112 to vacate the registration has the burden of proving one or more of the following  
9113 defenses:

9114 (a) the issuing tribunal lacked personal jurisdiction over the contesting party;

9115 (b) the order was obtained by fraud;

9116 (c) the order has been vacated, suspended, or modified by a later order;

9117 (d) the issuing tribunal has stayed the order pending appeal;

9118 (e) there is a defense under the law of this state to the remedy sought;

9119 (f) full or partial payment has been made;

9120 (g) the statute of limitation under Section ~~[78B-14-604]~~ 81-8-604 precludes enforcement  
9121 of some or all of the alleged arrearages; or

9122 (h) the alleged controlling order is not the controlling order.

9123 (2)(a) If a party presents evidence establishing a full or partial defense under Subsection  
9124 (1), a tribunal may stay enforcement of a registered support order, continue the  
9125 proceeding to permit production of additional relevant evidence, and issue other  
9126 appropriate orders.

9127 (b) An uncontested portion of the registered support order may be enforced by all  
9128 remedies available under the law of this state.

9129 (3) If the contesting party does not establish a defense under Subsection (1) to the validity  
9130 or enforcement of a registered support order, the registering tribunal shall issue an order  
9131 confirming the order.

9132 Section 216. Section **81-8-608**, which is renumbered from Section 78B-14-608 is renumbered  
9133 and amended to read:

9134 **[78B-14-608] 81-8-608 . Confirmed order.**

9135 Confirmation of a registered support order, whether by operation of law or after notice  
9136 and hearing, precludes further contest of the order with respect to any matter that could have  
9137 been asserted at the time of registration.

9138 Section 217. Section **81-8-609**, which is renumbered from Section 78B-14-609 is renumbered  
9139 and amended to read:

9140 **[78B-14-609] 81-8-609 . Procedure to register child support order of another**  
 9141 **state for modification.**

9142 (1) A party or [~~support enforcement~~] child support services agency seeking to modify,  
 9143 or to modify and enforce, a child support order issued in another state shall register that  
 9144 order in this state in the same manner provided in Sections [~~78B-14-601 through~~  
 9145 ~~78B-14-608~~] 81-8-601 through 81-8-608 if the order has not been registered.

9146 (2) A petition for modification may be filed at the same time as a request for registration, or  
 9147 later.

9148 (3) The pleading shall specify the grounds for modification.

9149 Section 218. Section **81-8-610**, which is renumbered from Section 78B-14-610 is renumbered  
 9150 and amended to read:

9151 **[78B-14-610] 81-8-610 . Effect of registration for modification.**

9152 A tribunal of this state may enforce a child support order of another state registered for  
 9153 purposes of modification, in the same manner as if the order had been issued by a tribunal of  
 9154 this state, but the registered support order may be modified only if the requirements of Section [  
 9155 ~~78B-14-611 or 78B-14-613~~] 81-8-611 or 81-8-613 have been met.

9156 Section 219. Section **81-8-611**, which is renumbered from Section 78B-14-611 is renumbered  
 9157 and amended to read:

9158 **[78B-14-611] 81-8-611 . Modification of child support order of another state.**

9159 (1) If Section [~~78B-14-613~~] 81-8-613 does not apply, upon petition a tribunal of this state  
 9160 may modify a child support order issued in another state which is registered in this state  
 9161 if, after notice and hearing, the tribunal finds that:

9162 (a) the following requirements are met:

9163 (i) neither the child, nor the obligee who is an individual, nor the obligor resides in  
 9164 the issuing state;

9165 (ii) a petitioner who is a nonresident of this state seeks modification; and

9166 (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state;

9167 or

9168 (b) this state is the residence of the child, or a party who is an individual, is subject to  
 9169 the personal jurisdiction of the tribunal of this state and all of the parties who are  
 9170 individuals have filed consents in a record in the issuing tribunal for a tribunal of this  
 9171 state to modify the support order and assume continuing, exclusive jurisdiction.

9172 (2) Modification of a registered child support order is subject to the same requirements,  
 9173 procedures, and defenses that apply to the modification of an order issued by a tribunal

9174 of this state and the order may be enforced and satisfied in the same manner.

9175 (3)(a) A tribunal of this state may not modify any aspect of a child support order that  
9176 may not be modified under the law of the issuing state, including the duration of the  
9177 obligation of support.

9178 (b) If two or more tribunals have issued child support orders for the same obligor and  
9179 same child, the order that controls and shall be so recognized under Section [  
9180 ~~78B-14-207~~] 81-8-207 establishes the aspects of the support order [~~which~~] that are  
9181 nonmodifiable.

9182 (4)(a) In a proceeding to modify a child support order, the law of the state that is  
9183 determined to have issued the initial controlling order governs the duration of the  
9184 obligation of support.

9185 (b) The obligor's fulfillment of the duty of support established by that order precludes  
9186 imposition of a further obligation of support by a tribunal of this state.

9187 (5) On issuance of an order by a tribunal of this state modifying a child support order issued  
9188 in another state, the tribunal of this state becomes the tribunal of continuing, exclusive  
9189 jurisdiction.

9190 (6) Notwithstanding Subsections (1) through (5) and Subsection [~~78B-14-201(2)~~]  
9191 81-8-201(2), a tribunal of this state retains jurisdiction to modify an order issued by a  
9192 tribunal of this state if:

9193 (a) one party resides in another state; and

9194 (b) the other party resides outside the United States.

9195 Section 220. Section **81-8-612**, which is renumbered from Section 78B-14-612 is renumbered  
9196 and amended to read:

9197 **[~~78B-14-612~~] 81-8-612 . Recognition of order modified in another state.**

9198 If a child support order issued by a tribunal of this state is modified by a tribunal of  
9199 another state that assumed jurisdiction [~~pursuant to~~] in accordance with the Uniform Interstate  
9200 Family Support Act, a tribunal of this state:

9201 (1) may enforce [~~its~~] the tribunal's order that was modified only as to arrears and interest  
9202 accruing before the modification;

9203 (2) may provide appropriate relief for violations of [~~its~~] the tribunal's order which occurred  
9204 before the effective date of the modification; and

9205 (3) shall recognize the modifying order of the other state, upon registration, for the purpose  
9206 of enforcement.

9207 Section 221. Section **81-8-613**, which is renumbered from Section 78B-14-613 is renumbered

9208 and amended to read:

9209 **[78B-14-613] 81-8-613 . Jurisdiction to modify child support order of another**  
9210 **state when individual parties reside in this state.**

9211 (1) If all of the parties who are individuals reside in this state and the child does not reside  
9212 in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the  
9213 issuing state's child support order in a proceeding to register that order.

9214 (2) A tribunal of this state exercising jurisdiction under this section shall apply the  
9215 provisions of this part, Part 1, General Provisions, and Part 2, Jurisdiction, and the  
9216 procedural and substantive law of this state to the proceeding for enforcement or  
9217 modification. Part 3, Civil Provisions of General Application, Part 4, Establishment of  
9218 Support Order or Determination of Parentage, Part 5, Enforcement of Support Order  
9219 Without Registration, Part 7, Support Proceedings Under Convention, and Part 8,  
9220 Rendition, do not apply.

9221 Section 222. Section **81-8-614**, which is renumbered from Section 78B-14-614 is renumbered  
9222 and amended to read:

9223 **[78B-14-614] 81-8-614 . Notice to issuing tribunal of modification.**

9224 (1) Within 30 days after issuance of a modified child support order, the party obtaining  
9225 the modification shall file a certified copy of the order with the issuing tribunal that had  
9226 continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which  
9227 the party knows the earlier order has been registered.

9228 (2) A party who obtains the order and fails to file a certified copy is subject to appropriate  
9229 sanctions by a tribunal in which the issue of failure to file arises.

9230 (3) The failure to file does not affect the validity or enforceability of the modified order of  
9231 the new tribunal having continuing, exclusive jurisdiction.

9232 Section 223. Section **81-8-615**, which is renumbered from Section 78B-14-615 is renumbered  
9233 and amended to read:

9234 **[78B-14-615] 81-8-615 . Jurisdiction to modify child support order of foreign**  
9235 **country.**

9236 (1) Except as otherwise provided in Section [~~78B-14-711~~] 81-8-711, if a foreign country  
9237 lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its  
9238 laws, a tribunal of this state may assume jurisdiction to modify the child support order  
9239 and bind all individuals subject to the personal jurisdiction of the tribunal whether or not  
9240 the consent to modification of a child support order otherwise required of the individual [  
9241 pursuant to ~~Section 78B-14-611~~] in accordance with Section 81-8-611 has been given or



9242 whether the individual seeking modification is a resident of this state or of the foreign  
9243 country.

9244 (2) An order issued by a tribunal of this state modifying a foreign child support order [  
9245 pursuant to] in accordance with this section is the controlling order.

9246 Section 224. Section **81-8-616**, which is renumbered from Section 78B-14-616 is renumbered  
9247 and amended to read:

9248 **[78B-14-616] 81-8-616 . Procedure to register child support order of foreign**  
9249 **country for modification.**

9250 (1) A party or [~~support enforcement~~] child support services agency seeking to modify,  
9251 or to modify and enforce, a foreign child support order not under the convention may  
9252 register that order in this state under Sections [~~78B-14-601 through 78B-14-608]~~  
9253 81-8-601 through 81-8-608 if the order has not been registered.

9254 (2) A petition for modification may be filed at the same time as a request for registration, or  
9255 at another time.

9256 (3) The petition shall specify the grounds for modification.

9257 Section 225. Section **81-8-701**, which is renumbered from Section 78B-14-701.5 is renumbered  
9258 and amended to read:

9259 **Part 7. Support Proceedings Under Convention**

9260 **[78B-14-701.5] 81-8-701 . Definitions for part.**

9261 As used in this part:

9262 (1) "Application" means a request under the convention by an obligee or obligor, or on  
9263 behalf of a child, made through a central authority for assistance from another central  
9264 authority.

9265 (2) "Central authority" means the entity designated by the United States or a foreign  
9266 country described in Subsection [~~78B-14-102(5)(d)] 81-8-102(8)(d)~~ to perform the  
9267 functions specified in the convention.

9268 (3) "Convention support order" means a support order of a tribunal of a foreign country  
9269 described in Subsection [~~78B-14-102(5)(d)] 81-8-102(8)(d)~~.

9270 (4) "Direct request" means a petition filed by an individual in a tribunal of this state in a  
9271 proceeding involving an obligee, obligor, or child residing outside the United States.

9272 (5) "Foreign central authority" means the entity designated by a foreign country described  
9273 in Subsection [~~78B-14-102(5)(d)] 81-8-102(8)(d)~~ to perform the functions specified in  
9274 the convention.

9275 (6) "Foreign support agreement":

- 9276 (a) means an agreement for support in a record that:
- 9277 (i) is enforceable as a support order in the country of origin;
- 9278 (ii) has been:
- 9279 (A) formally drawn up or registered as an authentic instrument by a foreign
- 9280 tribunal; or
- 9281 (B) authenticated by, or concluded, registered, or filed with a foreign tribunal; and
- 9282 (iii) may be reviewed and modified by a foreign tribunal; and
- 9283 (b) includes a maintenance arrangement or authentic instrument under the convention.
- 9284 (7) "United States central authority" means the Secretary of the United States Department
- 9285 of Health and Human Services.

9286 Section 226. Section **81-8-702**, which is renumbered from Section 78B-14-702 is renumbered

9287 and amended to read:

9288 **[78B-14-702] 81-8-702 . Applicability.**

- 9289 (1) This part applies only to a support proceeding under the convention.
- 9290 (2) In such a proceeding, if a provision of this part is inconsistent with Part 1, General
- 9291 Provisions, Part 2, Jurisdiction, Part 3, Civil Provisions of General Application, Part 4,
- 9292 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of
- 9293 Support Order Without Registration, and Part 6, Registration, Enforcement, and
- 9294 Modification of Support Order, this part controls.

9295 Section 227. Section **81-8-703**, which is renumbered from Section 78B-14-703 is renumbered

9296 and amended to read:

9297 **[78B-14-703] 81-8-703 . Relationship of Department of Health and Human**

9298 **Services to United States central authority.**

9299 The Utah Department of Health and Human Services is recognized as the agency

9300 designated by the United States central authority to perform specific functions under the

9301 convention.

9302 Section 228. Section **81-8-704**, which is renumbered from Section 78B-14-704 is renumbered

9303 and amended to read:

9304 **[78B-14-704] 81-8-704 . Initiation by Department of Health and Human Services**

9305 **of support proceeding under convention.**

- 9306 (1) In a support proceeding under this part, the Utah Department of Health and Human
- 9307 Services shall:
- 9308 (a) transmit and receive applications; and
- 9309 (b) initiate or facilitate the institution of a proceeding regarding an application in a

9310 tribunal of this state.

9311 (2) The following support proceedings are available to an obligee under the convention:

9312 (a) recognition or recognition and enforcement of a foreign support order;

9313 (b) enforcement of a support order issued or recognized in this state;

9314 (c) establishment of a support order if there is no existing order, including, if necessary,  
9315 determination of parentage of a child;

9316 (d) establishment of a support order if recognition of a foreign support order is refused  
9317 under Subsection [~~78B-14-708(2)(b)~~] 81-8-708(2)(b), (d), or (i);

9318 (e) modification of a support order of a tribunal of this state; and

9319 (f) modification of a support order of a tribunal of another state or a foreign country.

9320 (3) The following support proceedings are available under the convention to an obligor  
9321 against which there is an existing support order:

9322 (a) recognition of an order suspending or limiting enforcement of an existing support  
9323 order of a tribunal of this state;

9324 (b) modification of a support order of a tribunal of this state; and

9325 (c) modification of a support order of a tribunal of another state or a foreign country.

9326 (4) A tribunal of this state may not require security, bond, or deposit, however described, to  
9327 guarantee the payment of costs and expenses in proceedings under the convention.

9328 Section 229. Section **81-8-705**, which is renumbered from Section 78B-14-705 is renumbered  
9329 and amended to read:

9330 **[78B-14-705] 81-8-705 . Direct request.**

9331 (1)(a) A petitioner may file a direct request seeking establishment or modification of a  
9332 support order or determination of parentage of a child.

9333 (b) In the proceeding, the law of this state applies.

9334 (2)(a) A petitioner may file a direct request seeking recognition and enforcement of a  
9335 support order or support agreement.

9336 (b) In the proceeding, Sections [~~78B-14-706 through 78B-14-713~~] 81-8-706 through  
9337 81-8-713 apply.

9338 (3) In a direct request for recognition and enforcement of a convention support order or  
9339 foreign support agreement:

9340 (a) a security, bond, or deposit is not required to guarantee the payment of costs and  
9341 expenses; and

9342 (b) an obligee or obligor that in the issuing country has benefitted from free legal  
9343 assistance is entitled to benefit, at least to the same extent, from any free legal

9344 assistance provided for by the law of this state under the same circumstances.  
 9345 (4) A petitioner filing a direct request is not entitled to assistance from the [~~Department of~~  
 9346 ~~Human Services~~] Utah Department of Health and Human Services.

9347 (5) This part does not prevent the application of laws of this state that provide simplified,  
 9348 more expeditious rules regarding a direct request for recognition and enforcement of a  
 9349 foreign support order or foreign support agreement.

9350 Section 230. Section **81-8-706**, which is renumbered from Section 78B-14-706 is renumbered  
 9351 and amended to read:

9352 **[78B-14-706] 81-8-706 . Registration of convention support order.**

9353 (1) Except as otherwise provided in this part, a party who is an individual or a [~~support~~  
 9354 ~~enforcement~~] child support services agency seeking recognition of a convention support  
 9355 order shall register the order in this state as provided in Part 6, Registration,  
 9356 Enforcement, and Modification of Support Order.

9357 (2) Notwithstanding Section [~~78B-14-311~~] 81-8-311 and Subsection [~~78B-14-602(1)~~]  
 9358 81-8-602(1), a request for registration of a convention support order shall be  
 9359 accompanied by:

9360 (a) a complete text of the support order or an abstract or extract of the support order  
 9361 drawn up by the issuing foreign tribunal, which may be in the form recommended by  
 9362 the Hague Conference on Private International Law;

9363 (b) a record stating that the support order is enforceable in the issuing country;

9364 (c) if the respondent did not appear and was not represented in the proceedings in the  
 9365 issuing country, a record attesting, as appropriate, either that the respondent had  
 9366 proper notice of the proceedings and an opportunity to be heard or that the  
 9367 respondent had proper notice of the support order and an opportunity to be heard in a  
 9368 challenge or appeal on fact or law before a tribunal;

9369 (d) a record showing the amount of arrears, if any, and the date the amount was  
 9370 calculated;

9371 (e) a record showing a requirement for automatic adjustment of the amount of support, if  
 9372 any, and the information necessary to make the appropriate calculations; and

9373 (f) if necessary, a record showing the extent to which the applicant received free legal  
 9374 assistance in the issuing country.

9375 (3) A request for registration of a convention support order may seek recognition and  
 9376 partial enforcement of the order.

9377 (4) A tribunal of this state may vacate the registration of a convention support order without

9378 the filing of a contest under Section ~~[78B-14-707]~~ 81-8-707 only if, acting on its own  
 9379 motion, the tribunal finds that recognition and enforcement of the order would be  
 9380 manifestly incompatible with public policy.

9381 (5) The tribunal shall promptly notify the parties of the registration or the order vacating the  
 9382 registration of a convention support order.

9383 Section 231. Section **81-8-707**, which is renumbered from Section 78B-14-707 is renumbered  
 9384 and amended to read:

9385 **[78B-14-707] 81-8-707 . Contest of registered convention support order.**

9386 (1) Except as otherwise provided in this part, Sections ~~[78B-14-605 through 78B-14-608]~~  
 9387 81-8-605 through 81-8-608 apply to a contest of a registered convention support order.

9388 (2) A party contesting a registered convention support order shall file a contest not later  
 9389 than 30 days after notice of the registration, but if the contesting party does not reside in  
 9390 the United States, the contest shall be filed not later than 60 days after notice of the  
 9391 registration.

9392 (3) If the nonregistering party fails to contest the registered convention support order by the  
 9393 time specified in Subsection (2), the order is enforceable.

9394 (4)(a) A contest of a registered convention support order may be based only on grounds  
 9395 set forth in Section ~~[78B-14-708]~~ 81-8-708.

9396 (b) The contesting party bears the burden of proof.

9397 (5) In a contest of a registered convention support order, a tribunal of this state:

9398 (a) is bound by the findings of fact on which the foreign tribunal based its jurisdiction;  
 9399 and

9400 (b) may not review the merits of the order.

9401 (6) A tribunal of this state deciding a contest of a registered convention support order shall  
 9402 promptly notify the parties of ~~[its]~~ the tribunal's decision.

9403 (7) A challenge or appeal, if any, does not stay the enforcement of a convention support  
 9404 order unless there are exceptional circumstances.

9405 Section 232. Section **81-8-708**, which is renumbered from Section 78B-14-708 is renumbered  
 9406 and amended to read:

9407 **[78B-14-708] 81-8-708 . Recognition and enforcement of registered convention**  
 9408 **support order.**

9409 (1) Except as otherwise provided in Subsection (2), a tribunal of this state shall recognize  
 9410 and enforce a registered convention support order.

9411 (2) The following grounds are the only grounds on which a tribunal of this state may refuse

- 9412 recognition and enforcement of a registered convention support order:
- 9413 (a) recognition and enforcement of the order is manifestly incompatible with public
- 9414 policy, including the failure of the issuing tribunal to observe minimum standards of
- 9415 due process, which include notice and an opportunity to be heard;
- 9416 (b) the issuing tribunal lacked personal jurisdiction consistent with Section [~~78B-14-201~~]
- 9417 81-8-201;
- 9418 (c) the order is not enforceable in the issuing country;
- 9419 (d) the order was obtained by fraud in connection with a matter of procedure;
- 9420 (e) a record transmitted in accordance with Section [~~78B-14-706~~] 81-8-706 lacks
- 9421 authenticity or integrity;
- 9422 (f) a proceeding between the same parties and having the same purpose is pending
- 9423 before a tribunal of this state and that proceeding was the first to be filed;
- 9424 (g) the order is incompatible with a more recent support order involving the same parties
- 9425 and having the same purpose if the more recent support order is entitled to
- 9426 recognition and enforcement under this chapter in this state;
- 9427 (h) payment, to the extent alleged arrears have been paid in whole or in part;
- 9428 (i) in a case in which the respondent neither appeared nor was represented in the
- 9429 proceeding in the issuing foreign country:
- 9430 (i) if the law of that country provides for prior notice of proceedings, the respondent
- 9431 did not have proper notice of the proceedings and an opportunity to be heard; or
- 9432 (ii) if the law of that country does not provide for prior notice of the proceedings, the
- 9433 respondent did not have proper notice of the order and an opportunity to be heard
- 9434 in a challenge or appeal on fact or law before a tribunal; or
- 9435 (j) the order was made in violation of Section [~~78B-14-711~~] 81-8-711.
- 9436 (3) If a tribunal of this state does not recognize a convention support order under
- 9437 Subsection (2)(b), (d), or (i):
- 9438 (a) the tribunal may not dismiss the proceeding without allowing a reasonable time for a
- 9439 party to request the establishment of a new convention support order; and
- 9440 (b) the [~~Department of Human Services~~] the Utah Department of Health and Human
- 9441 Services shall take all appropriate measures to request a child support order for the
- 9442 obligee if the application for recognition and enforcement was received under Section [~~78B-14-704~~]
- 9443 81-8-704.
- 9444 Section 233. Section **81-8-709**, which is renumbered from Section 78B-14-709 is renumbered
- 9445 and amended to read:

9446 **[78B-14-709] 81-8-709 . Partial enforcement.**

9447 (1) If a tribunal of this state does not recognize and enforce a convention support order  
9448 in its entirety, [it] the tribunal shall enforce any severable part of the order.

9449 (2) An application or direct request may seek recognition and partial enforcement of a  
9450 convention support order.

9451 Section 234. Section **81-8-710**, which is renumbered from Section 78B-14-710 is renumbered  
9452 and amended to read:

9453 **[78B-14-710] 81-8-710 . Foreign support agreement.**

9454 (1) Except as otherwise provided in Subsections (3) and (4), a tribunal of this state shall  
9455 recognize and enforce a foreign support agreement registered in this state.

9456 (2) An application or direct request for recognition and enforcement of a foreign support  
9457 agreement shall be accompanied by:

9458 (a) a complete text of the foreign support agreement; and

9459 (b) a record stating that the foreign support agreement is enforceable as an order of  
9460 support in the issuing country.

9461 (3) A tribunal of this state may vacate the registration of a foreign support agreement only  
9462 if, acting on its own motion, the tribunal finds that recognition and enforcement would  
9463 be manifestly incompatible with public policy.

9464 (4) In a contest of a foreign support agreement, a tribunal of this state may refuse  
9465 recognition and enforcement of the agreement if [it] the tribunal finds:

9466 (a) recognition and enforcement of the agreement is manifestly incompatible with public  
9467 policy;

9468 (b) the agreement was obtained by fraud or falsification;

9469 (c) the agreement is incompatible with a support order involving the same parties and  
9470 having the same purpose in this state, another state, or a foreign country if the support  
9471 order is entitled to recognition and enforcement under this chapter in this state; or

9472 (d) the record submitted under Subsection (2) lacks authenticity or integrity.

9473 (5) A proceeding for recognition and enforcement of a foreign support agreement shall be  
9474 suspended during the pendency of a challenge to or appeal of the agreement before a  
9475 tribunal of another state or a foreign country.

9476 Section 235. Section **81-8-711**, which is renumbered from Section 78B-14-711 is renumbered  
9477 and amended to read:

9478 **[78B-14-711] 81-8-711 . Modification of convention child support order.**

9479 (1) A tribunal of this state may not modify a convention child support order if the obligee

9480 remains a resident of the foreign country where the support order was issued unless:

9481 (a) the obligee submits to the jurisdiction of a tribunal of this state, either expressly or by  
 9482 defending on the merits of the case without objecting to the jurisdiction at the first  
 9483 available opportunity; or

9484 (b) the foreign tribunal lacks or refuses to exercise jurisdiction to modify ~~[its]~~ the foreign  
 9485 tribunal's support order or issue a new support order.

9486 (2) If a tribunal of this state does not modify a convention child support order because the  
 9487 order is not recognized in this state, Subsection ~~[78B-14-708(3)]~~ 81-8-708(3) applies.

9488 Section 236. Section **81-8-712**, which is renumbered from Section 78B-14-712 is renumbered  
 9489 and amended to read:

9490 **[78B-14-712] 81-8-712 . Personal information -- Limit on use.**

9491 Personal information gathered or transmitted under this part may be used only for the  
 9492 purposes for which it was gathered or transmitted.

9493 Section 237. Section **81-8-713**, which is renumbered from Section 78B-14-713 is renumbered  
 9494 and amended to read:

9495 **[78B-14-713] 81-8-713 . Record in original language -- English translation.**

9496 A record filed with a tribunal of this state under this part shall be in the original  
 9497 language and, if not in English, shall be accompanied by an English translation.

9498 Section 238. Section **81-8-801**, which is renumbered from Section 78B-14-801 is renumbered  
 9499 and amended to read:

## 9500 **Part 8. Rendition**

9501 **[78B-14-801] 81-8-801 . Definitions for part -- Grounds for rendition.**

9502 (1) ~~[For purposes of]~~ As used in this part, "governor" includes an individual performing the  
 9503 functions of governor or the executive authority of a state covered by this chapter.

9504 (2) The governor of this state may:

9505 (a) demand that the governor of another state surrender an individual found in the other  
 9506 state who is charged criminally in this state with having failed to provide for the  
 9507 support of an obligee; or

9508 (b) on the demand of the governor of another state, surrender an individual found in this  
 9509 state who is charged criminally in the other state with having failed to provide for the  
 9510 support of an obligee.

9511 (3) A provision for extradition of individuals not inconsistent with this chapter applies to  
 9512 the demand even if the individual whose surrender is demanded was not in the  
 9513 demanding state when the crime was allegedly committed and has not fled therefrom.



9514 Section 239. Section **81-8-802**, which is renumbered from Section 78B-14-802 is renumbered  
9515 and amended to read:

9516 **[78B-14-802] 81-8-802 . Conditions of rendition.**

9517 (1) Before making demand that the governor of another state surrender an individual  
9518 charged criminally in this state with having failed to provide for the support of an  
9519 obligee, the governor of this state may require a prosecutor of this state to demonstrate  
9520 that at least 60 days previously the obligee had initiated proceedings for support  
9521 pursuant to this chapter or that the proceeding would be of no avail.

9522 (2)(a) If, under this chapter or a law substantially similar to this chapter, the governor of  
9523 another state makes a demand that the governor of this state surrender an individual  
9524 charged criminally in that state with having failed to provide for the support of a  
9525 child or other individual to whom a duty of support is owed, the governor may  
9526 require a prosecutor to investigate the demand and report whether a proceeding for  
9527 support has been initiated or would be effective.

9528 (b) If it appears that a proceeding would be effective but has not been initiated, the  
9529 governor may delay honoring the demand for a reasonable time to permit the  
9530 initiation of a proceeding.

9531 (3)(a) If a proceeding for support has been initiated and the individual whose rendition  
9532 is demanded prevails, the governor may decline to honor the demand.

9533 (b) If the petitioner prevails and the individual whose rendition is demanded is subject to  
9534 a support order, the governor may decline to honor the demand if the individual is  
9535 complying with the support order.

9536 Section 240. Section **81-8-901**, which is renumbered from Section 78B-14-901 is renumbered  
9537 and amended to read:

9538 **Part 9. Applicability Provisions**

9539 **[78B-14-901] 81-8-901 . Uniformity of application and construction.**

9540

9541 (1) This chapter is a uniform act.

9542 (2) In applying and construing [it] this chapter, consideration shall be given to the need to  
9543 promote uniformity of the law with respect to [its] this uniform law's subject matter  
9544 among states that enact [it] this uniform law.

9545 Section 241. Section **81-8-902**, which is renumbered from Section 78B-14-902 is renumbered  
9546 and amended to read:

9547 **[78B-14-902] 81-8-902 . Transitional provision.**

9548 This chapter applies to proceedings begun on or after July 1, 2015:

- 9549 (1) to establish a support order or determine parentage of a child; or  
9550 (2) to register, recognize, enforce, or modify a prior support order, determination, or  
9551 agreement, whenever issued or entered.

9552 Section 242. Section **81-9-202** is amended to read:

9553 **81-9-202 . Advisory guidelines for a custody and parent-time arrangement.**

- 9554 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,  
9555 the following advisory guidelines are suggested to govern a custody and parent-time  
9556 arrangement between parents.
- 9557 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a  
9558 court-imposed solution.
- 9559 (3) A parent-time schedule shall be used to maximize the continuity and stability of the  
9560 minor child's life.
- 9561 (4) Each parent shall give special consideration to make the minor child available to attend  
9562 family functions including funerals, weddings, family reunions, religious holidays,  
9563 important ceremonies, and other significant events in the life of the minor child or in the  
9564 life of either parent which may inadvertently conflict with the parent-time schedule.
- 9565 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return  
9566 of the minor child when the parent-time order is entered.
- 9567 (b) The court may change the responsibility described in Subsection (5)(a) at any time a  
9568 subsequent modification is made to the parent-time order.
- 9569 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
- 9570 (i) have the minor child ready for parent-time at the time the minor child is to be  
9571 picked up[-]; and
- 9572 (ii) be present at the custodial home or make reasonable alternate arrangements to  
9573 receive the minor child at the time the minor child is returned.
- 9574 (d) If the custodial parent will be transporting the minor child, the noncustodial parent  
9575 shall:
- 9576 (i) be at the appointed place at the time the noncustodial parent is to receive the  
9577 minor child; and
- 9578 (ii) have the minor child ready to be picked up at the appointed time and place or  
9579 have made reasonable alternate arrangements for the custodial parent to pick up  
9580 the minor child.
- 9581 (6) A parent may not interrupt regular school hours for a school-age minor child for the

- 9582 exercise of parent-time.
- 9583 (7) The court may:
- 9584 (a) make alterations in the parent-time schedule to reasonably accommodate the work  
9585 schedule of both parents; and
- 9586 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the  
9587 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 9588 (8) The court may make alterations in the parent-time schedule to reasonably accommodate  
9589 the distance between the parties and the expense of exercising parent-time.
- 9590 (9) A parent may not withhold parent-time or child support due to the other parent's failure  
9591 to comply with a court-ordered parent-time schedule.
- 9592 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of  
9593 receiving notice of all significant school, social, sports, and community functions in  
9594 which the minor child is participating or being honored.
- 9595 (b) The noncustodial parent is entitled to attend and participate fully in the functions  
9596 described in Subsection (10)(a).
- 9597 (c) The noncustodial parent shall have access directly to all school reports including  
9598 preschool and daycare reports and medical records.
- 9599 (d) A parent shall immediately notify the other parent in the event of a medical  
9600 emergency.
- 9601 (11) Each parent shall provide the other with the parent's current address and telephone  
9602 number, email address, and other virtual parent-time access information within 24 hours  
9603 of any change.
- 9604 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable  
9605 and uncensored communications with the minor child, in the form of mail privileges  
9606 and virtual parent-time if the equipment is reasonably available.
- 9607 (b) If the parents cannot agree on whether the equipment is reasonably available, the  
9608 court shall decide whether the equipment for virtual parent-time is reasonably  
9609 available by taking into consideration:
- 9610 (i) the best interests of the minor child;
- 9611 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 9612 (iii) any other factors the court considers material.
- 9613 (13)(a) Parental care is presumed to be better care for the minor child than surrogate  
9614 care.
- 9615 (b) The court shall encourage the parties to cooperate in allowing the noncustodial

- 9616 parent, if willing and able to transport the minor child, to provide the child care.
- 9617 (c) Child care arrangements existing during the marriage are preferred as are child care  
9618 arrangements with nominal or no charge.
- 9619 (14) Each parent shall:
- 9620 (a) provide all surrogate care providers with the name, current address, and telephone  
9621 number of the other parent; and
- 9622 (b) provide the noncustodial parent with the name, current address, and telephone  
9623 number of all surrogate care providers unless the court for good cause orders  
9624 otherwise.
- 9625 (15)(a) Each parent is entitled to an equal division of major religious holidays  
9626 celebrated by the parents.
- 9627 (b) The parent who celebrates a religious holiday that the other parent does not celebrate  
9628 shall have the right to be together with the minor child on the religious holiday.
- 9629 (16) If the minor child is on a different parent-time schedule than a sibling, based on  
9630 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for  
9631 parent-time with all the minor children so that parent-time is uniform between school  
9632 aged and nonschool aged children, is appropriate.
- 9633 (17)(a) When one or both parents are servicemembers or contemplating joining a  
9634 uniformed service, the parents should resolve issues of custodial responsibility in the  
9635 event of deployment as soon as practicable through reaching a voluntary agreement  
9636 pursuant to Section ~~[78B-20-201]~~ 81-10-201 or through court order obtained pursuant  
9637 to this part.
- 9638 (b) Service members shall ensure their family care plan reflects orders and agreements  
9639 entered and filed pursuant to ~~[Title 78B, Chapter 20,]~~ Chapter 10, Uniform Deployed  
9640 Parents Custody, Parent-time, and Visitation Act.
- 9641 (18) A parent shall immediately notify the other parent if:
- 9642 (a) the parent resides with an individual or provides an individual with access to the  
9643 minor child; and
- 9644 (b) the parent knows that the individual:
- 9645 (i) is required to register as a sex offender~~[-or]~~ , a kidnap offender, or a child abuse  
9646 offender for an offense against a minor child under Title 77, Chapter 41, ~~[Sex and~~  
9647 ~~Kidnap Offender Registry]~~ Sex, Kidnap, and Child Abuse Offender Registry; or  
9648 ~~[(ii) is required to register as a child abuse offender under Title 77, Chapter 43,~~  
9649 Child Abuse Offender Registry; or]

- 9650           ~~[(iii)]~~ (ii) has been convicted of:
- 9651           (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
- 9652           76-5-114, or 76-5-208;
- 9653           (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
- 9654           Offenses;
- 9655           (C) an offense for kidnapping or human trafficking of a minor child under Title
- 9656           76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 9657           (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
- 9658           Sexual Exploitation Act; or
- 9659           (E) an offense that is substantially similar to an offense under Subsections [  
 9660           ~~(18)(b)(iii)(A)]~~ (18)(b)(ii)(A) through (D).

9661 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the  
 9662       parent shall provide the following information to the other parent:

- 9663           (i) an itinerary of travel dates;
- 9664           (ii) destinations;
- 9665           (iii) places where the minor child or traveling parent can be reached; and
- 9666           (iv) the name and telephone number of an available third person who would be  
 9667           knowledgeable of the minor child's location.
- 9668       (b) Unchaperoned travel of a minor child under the age of five years is not  
 9669       recommended.

9670       Section 243. Section **81-9-203** is amended to read:

9671       **81-9-203 . Custody and parent-time proceedings -- Requirements for parenting**  
 9672 **plan.**

9673 (1) In a custody or parent-time proceeding that is not a divorce action, the court may require  
 9674       the parents to attend the mandatory educational course described in Section ~~[81-4-106]~~  
 9675       81-4-105.

9676 (2)(a) In a proceeding between parents regarding the custody or parent-time for a minor  
 9677       child, the parent shall file and serve a proposed parenting plan at the time of the filing  
 9678       of the parent's original petition or at the time of filing the parent's answer or  
 9679       counterclaim.

9680       (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting  
 9681       plan, the parent shall file the proposed parenting plan with the petition to modify or  
 9682       the answer or counterclaim to the petition to modify.

9683       (c) A parent who desires joint legal custody shall file a proposed parenting plan in

- 9684 accordance with this section.
- 9685 (3) If a parent files a proposed parenting plan in compliance with this section, the parent  
9686 may move the court for an order of default to adopt the plan if the other parent fails to  
9687 file a proposed parenting plan as required by this section.
- 9688 (4) A parent may file and serve an amended proposed parenting plan according to the Utah  
9689 Rules of Civil Procedure.
- 9690 (5) The parent submitting a proposed parenting plan shall attach a verified statement that  
9691 the plan is proposed by that parent in good faith.
- 9692 (6)(a) Both parents may submit a parenting plan which has been agreed upon.
- 9693 (b) The parents shall attach a verified statement to the parenting plan that is signed by  
9694 both parents.
- 9695 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad  
9696 litem to represent the best interests of the minor child, who may, if necessary, file a  
9697 separate parenting plan reflecting the best interests of the minor child.
- 9698 (8)(a) If a parent is a service member, the parenting plan shall be consistent with  
9699 Subsection (16).
- 9700 (b) If a parent becomes a service member after a parenting plan is adopted, the parents  
9701 shall amend the existing parenting plan as soon as practical to comply with  
9702 Subsection (16).
- 9703 (9) The objectives of a parenting plan are to:
- 9704 (a) provide for the minor child's physical care;
- 9705 (b) maintain the minor child's emotional stability;
- 9706 (c) provide for the minor child's changing needs as the minor child grows and matures in  
9707 a way that minimizes the need for future modifications to the parenting plan;
- 9708 (d) set forth the authority and responsibilities of each parent with respect to the minor  
9709 child consistent with the definitions outlined in this chapter;
- 9710 (e) minimize the minor child's exposure to harmful parental conflict;
- 9711 (f) encourage the parents, where appropriate, to meet the responsibilities to their minor  
9712 child through agreements in the parenting plan rather than relying on judicial  
9713 intervention; and
- 9714 (g) protect the best interests of the minor child.
- 9715 (10)(a) The parenting plan shall contain:
- 9716 (i) provisions for resolution of future disputes between the parents, allocation of  
9717 decision-making authority, and residential provisions for the minor child;

- 9718 (ii) provisions addressing notice and parent-time responsibilities in the event of the  
9719 relocation of a party; and
- 9720 (iii) a process for resolving disputes, unless precluded or limited by statute.
- 9721 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:
- 9722 (i) counseling;
- 9723 (ii) mediation or arbitration by a specified individual or agency; or
- 9724 (iii) court action.
- 9725 (c) In the dispute resolution process under Subsection (10)(b):
- 9726 (i) preference shall be given to the provisions in the parenting plan;
- 9727 (ii) parents shall use the designated process to resolve disputes relating to  
9728 implementation of the plan, except those related to financial support, unless an  
9729 emergency exists;
- 9730 (iii) a written record shall be prepared of any agreement reached in counseling or  
9731 mediation and provided to each party;
- 9732 (iv) if arbitration becomes necessary, a written record shall be prepared and a copy of  
9733 the arbitration award shall be provided to each party;
- 9734 (v) if the court finds that a parent has used or frustrated the dispute resolution process  
9735 without good reason, the court may award attorney fees and financial sanctions to  
9736 the prevailing parent;
- 9737 (vi) the district court has the right of review from the dispute resolution process; and
- 9738 (vii) the provisions of this Subsection (10)(c) shall be set forth in any final decree or  
9739 order.
- 9740 (11)(a) Subject to the other provisions of this Subsection (11), the parenting plan shall  
9741 allocate decision-making authority to one or both parties regarding the minor child's  
9742 education, healthcare, and religious upbringing.
- 9743 (b) The parties may incorporate an agreement related to the care and growth of the minor  
9744 child in these specified areas or in other areas into the plan that are consistent with  
9745 parenting functions and the criteria outlined in Subsection (9).
- 9746 (c) Regardless of the allocation of decision-making in the parenting plan, a parent may  
9747 make emergency decisions affecting the health or safety of the minor child.
- 9748 (d) A minor child's education plan shall designate the following:
- 9749 (i) the home residence for purposes of identifying the appropriate school or another  
9750 specific plan that provides for where the minor child will attend school;
- 9751 (ii) which parent has authority to make education decisions for the minor child if the

- 9752 parents cannot agree; and
- 9753 (iii) whether one or both parents have access to the minor child during school and  
9754 authority to check the minor child out of school.
- 9755 (e) If an education provision is not included in the parenting plan:
- 9756 (i) a parent with sole physical custody shall make the decisions listed in Subsection  
9757 (11)(d);
- 9758 (ii) in the event of joint physical custody when one parent has custody a majority of  
9759 the time as described in Subsection 81-9-205(10):
- 9760 (A) the parent having the minor child the majority of the time shall make the  
9761 decisions listed in Subsections (11)(d)(i) and (ii); and
- 9762 (B) both parents with joint physical custody shall have access to the minor child  
9763 during school and authority to check the child out of school; or
- 9764 (iii) in the event of joint physical custody when the parents have custody an equal  
9765 amount of time:
- 9766 (A) the court shall determine how the decisions listed in Subsections (11)(d)(i)  
9767 and (ii) are made; and
- 9768 (B) both parents with joint physical custody shall have access to the minor child  
9769 during school and authority to check the minor child out of school.
- 9770 (12) Each parent may make decisions regarding the day-to-day care and control of the  
9771 minor child while the minor child is residing with that parent.
- 9772 (13) When mutual decision-making is designated but cannot be achieved, the parties shall  
9773 make a good faith effort to resolve the issue through the dispute resolution process.
- 9774 (14) The parenting plan shall include a residential schedule that designates in which parent's  
9775 home a minor child shall reside on given days of the year, including provisions for  
9776 holidays, birthdays of family members, vacations, and other special occasions.
- 9777 (15)(a) If a parent fails to comply with a provision of the parenting plan or a child  
9778 support order, the other parent's obligations under the parenting plan or the child  
9779 support order are not affected.
- 9780 (b) Failure to comply with a provision of the parenting plan or a child support order  
9781 may result in a finding of contempt of court.
- 9782 (16)(a) If a parent is a service member, the parenting plan shall contain provisions that  
9783 address the foreseeable parenting and custodial issues likely to arise in the event of  
9784 notification of deployment or other contingency, including long-term deployments,  
9785 short-term deployments, death, incapacity, and noncombatant evacuation operations.



9786 (b) The provisions in the parenting plan described in Subsection (16)(a) shall comport  
9787 substantially with the requirements of an agreement made pursuant to Section [  
9788 ~~78B-20-201~~] 81-10-201.

9789 Section 244. Section **81-9-204** is amended to read:

9790 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**  
9791 **Preferences.**

9792 (1) In a proceeding between parents in which the custody and parent-time of a minor child  
9793 is at issue, the court shall consider the best interests of the minor child in determining  
9794 any form of custody and parent-time.

9795 (2) The court shall determine whether an order for custody or parent-time is in the best  
9796 interests of the minor child by a preponderance of the evidence.

9797 (3) In determining any form of custody and parent-time under Subsection (1), the court  
9798 shall consider:

9799 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic  
9800 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a  
9801 household member of the parent;

9802 (b) whether the parent has intentionally exposed the minor child to pornography or  
9803 material harmful to minors, as "material" and "harmful to minors" are defined in  
9804 Section 76-10-1201; and

9805 (c) whether custody and parent-time would endanger the minor child's health or physical  
9806 or psychological safety.

9807 (4) In determining the form of custody and parent-time that is in the best interests of the  
9808 minor child, the court may consider, among other factors the court finds relevant, the  
9809 following for each parent:

9810 (a) evidence of psychological maltreatment;

9811 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the  
9812 developmental needs of the minor child, including the minor child's:

9813 (i) physical needs;

9814 (ii) emotional needs;

9815 (iii) educational needs;

9816 (iv) medical needs; and

9817 (v) any special needs;

9818 (c) the parent's capacity and willingness to function as a parent, including:

9819 (i) parenting skills;

- 9820 (ii) co-parenting skills, including:
- 9821 (A) ability to appropriately communicate with the other parent;
- 9822 (B) ability to encourage the sharing of love and affection; and
- 9823 (C) willingness to allow frequent and continuous contact between the minor child
- 9824 and the other parent, except that, if the court determines that the parent is
- 9825 acting to protect the minor child from domestic violence, neglect, or abuse, the
- 9826 parent's protective actions may be taken into consideration; and
- 9827 (iii) ability to provide personal care rather than surrogate care;
- 9828 (d) the past conduct and demonstrated moral character of the parent as described in
- 9829 Subsection (9);
- 9830 (e) the emotional stability of the parent;
- 9831 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 9832 drinking, or other causes;
- 9833 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 9834 (h) duration and depth of desire for custody or parent-time;
- 9835 (i) the parent's religious compatibility with the minor child;
- 9836 (j) the parent's financial responsibility;
- 9837 (k) the child's interaction and relationship with step-parents, extended family members
- 9838 of other individuals who may significantly affect the minor child's best interests;
- 9839 (l) who has been the primary caretaker of the minor child;
- 9840 (m) previous parenting arrangements in which the minor child has been happy and
- 9841 well-adjusted in the home, school, and community;
- 9842 (n) the relative benefit of keeping siblings together;
- 9843 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 9844 minor child's cognitive ability and emotional maturity;
- 9845 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 9846 quality, and nature of the relationship between the parent and the minor child; and
- 9847 (q) any other factor the court finds relevant.
- 9848 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
- 9849 determines that extenuating circumstances exist that would necessitate the testimony
- 9850 of the minor child be heard and there is no other reasonable method to present the
- 9851 minor child's testimony.
- 9852 (b)(i) The court may inquire and take into consideration the minor child's desires
- 9853 regarding future custody or parent-time schedules, but the expressed desires are

- 9854 not controlling and the court may determine the minor child's custody or  
9855 parent-time otherwise.
- 9856 (ii) The desires of a minor child who is 14 years old or older shall be given added  
9857 weight, but is not the single controlling factor.
- 9858 (c)(i) If an interview with a minor child is conducted by the court in accordance with  
9859 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 9860 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
9861 finds that an interview with a minor child is the only method to ascertain the  
9862 minor child's desires regarding custody.
- 9863 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a  
9864 parent due to a disability, as defined in Section 57-21-2, in awarding custody or  
9865 determining whether a substantial change has occurred for the purpose of modifying  
9866 an award of custody.
- 9867 (b) The court may not consider the disability of a parent as a factor in awarding custody  
9868 or modifying an award of custody based on a determination of a substantial change in  
9869 circumstances, unless the court makes specific findings that:
- 9870 (i) the disability significantly or substantially inhibits the parent's ability to provide  
9871 for the physical and emotional needs of the minor child at issue; and
- 9872 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
9873 available to supplement the parent's ability to provide for the physical and  
9874 emotional needs of the minor child at issue.
- 9875 (c) Nothing in this section may be construed to apply to adoption proceedings under [  
9876 Title 78B, Chapter 6, Part 1, Utah Adoption Act] Chapter 13, Adoption.
- 9877 (7) This section does not establish:
- 9878 (a) a preference for either parent solely because of the gender of the parent; or
- 9879 (b) a preference for or against joint physical custody or sole physical custody, but allows  
9880 the court and the family the widest discretion to choose a parenting plan that is in the  
9881 best interest of the minor child.
- 9882 (8) When an issue before the court involves custodial responsibility in the event of a  
9883 deployment of a parent who is a service member and the service member has not yet  
9884 been notified of deployment, the court shall resolve the issue based on the standards in  
9885 Sections [~~78B-20-306 through 78B-20-309~~] 81-10-306 through 81-10-309.
- 9886 (9) In considering the past conduct and demonstrated moral standards of each party under  
9887 Subsection (4)(d) or any other factor a court finds relevant, the court may not:

- 9888 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
9889 dosage form, a cannabis product in a medicinal dosage form, or a medical  
9890 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production  
9891 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid  
9892 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently  
9893 than the court would consider or treat the lawful possession or use of any  
9894 prescribed controlled substance; or
- 9895 (ii) discriminate against a parent because of the parent's status as a:
- 9896 (A) cannabis production establishment agent, as that term is defined in Section  
9897 4-41a-102;
- 9898 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 9899 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 9900 or
- 9901 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,  
9902 Cannabinoid Research and Medical Cannabis; or
- 9903 (b) discriminate against a parent based upon the parent's agreement or disagreement with  
9904 a minor child of the couple's:
- 9905 (i) assertion that the minor child's gender identity is different from the minor child's  
9906 biological sex; or
- 9907 (ii) practice of having or expressing a different gender identity than the minor child's  
9908 biological sex.
- 9909 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic  
9910 violence is presented.
- 9911 (b) The court shall consider as primary, the safety and well-being of the minor child and  
9912 the parent who experiences domestic violence.
- 9913 (c) A court shall consider an order issued by a court in accordance with Title 78B,  
9914 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or  
9915 substantiated potential harm to the minor child.
- 9916 (d) If a parent relocates because of an act of domestic violence or family violence by the  
9917 other parent, the court shall make specific findings and orders with regards to the  
9918 application of Section 81-9-209.
- 9919 (11) Absent a showing by a preponderance of evidence of real harm or substantiated  
9920 potential harm to the minor child:
- 9921 (a) it is in the best interest of the minor child to have frequent, meaningful, and

- 9922 continuing access to each parent following separation or divorce;
- 9923 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
- 9924 access with the parent's minor child consistent with the minor child's best interests;
- 9925 and
- 9926 (c) it is in the best interest of the minor child to have both parents actively involved in
- 9927 parenting the minor child.
- 9928 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
- 9929 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
- 9930 Section 77-37-2, that resulted in the conception of the minor child unless:
- 9931 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
- 9932 to custody or parent-time and the court determines it is in the best interest of the
- 9933 minor child to award custody or parent-time to the convicted parent; or
- 9934 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
- 9935 cohabit and establish a mutual custodial environment for the minor child.
- 9936 (13) A denial of custody or parent-time under Subsection (12) does not:
- 9937 (a) terminate the parental rights of the parent denied parent-time or custody; or
- 9938 (b) affect the obligation of the convicted parent to financially support the minor child.
- 9939 Section 245. Section **81-9-208** is amended to read:
- 9940 **81-9-208 . Modification or termination of a custody or parent-time order --**
- 9941 **Noncompliance with a parent-time order.**
- 9942 (1) The court has continuing jurisdiction to make subsequent changes to modify:
- 9943 (a) custody of a minor child if there is a showing of a substantial and material change in
- 9944 circumstances since the entry of the order; and
- 9945 (b) parent-time for a minor child if there is a showing that there is a change in
- 9946 circumstances since the entry of the order.
- 9947 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
- 9948 showing by a parent that the other parent:
- 9949 (a) resides with an individual or provides an individual with access to the minor child;
- 9950 and
- 9951 (b) knows that the individual:
- 9952 (i) is required to register as a sex offender[~~-or~~] , a kidnap offender, or a child abuse
- 9953 offender for an offense against a minor child under Title 77, Chapter 41, [~~Sex and~~
- 9954 ~~Kidnap Offender Registry~~] Sex, Kidnap, and Child Abuse Offender Registry; or
- 9955 [~~(ii) is required to register as a child abuse offender under Title 77, Chapter 43,~~

- 9956 ~~Child Abuse Offender Registry; or]~~  
 9957 [(iii)] (ii) has been convicted of:
- 9958 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,  
 9959 76-5-114, or 76-5-208;
- 9960 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual  
 9961 Offenses;
- 9962 (C) an offense for kidnapping or human trafficking of a minor child under Title  
 9963 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 9964 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,  
 9965 Sexual Exploitation Act; or
- 9966 (E) an offense that is substantially similar to an offense under Subsections [  
 9967 (2)(b)(iii)(A)] (2)(b)(ii)(A) through (D).
- 9968 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if  
 9969 they are not the parents, the court may, after a hearing, modify or terminate an order that  
 9970 established joint legal custody or joint physical custody if:
- 9971 (a) the verified petition or accompanying affidavit initially alleges that admissible  
 9972 evidence will show that there has been a substantial and material change in the  
 9973 circumstances of the minor child or one or both parents or joint legal or physical  
 9974 custodians since the entry of the order to be modified;
- 9975 (b) a modification of the terms and conditions of the order would be an improvement for  
 9976 and in the best interest of the minor child; and
- 9977 (c)(i) both parents have complied in good faith with the dispute resolution procedure  
 9978 in accordance with Subsection 81-9-205(8); or
- 9979 (ii) if no dispute resolution procedure is contained in the order that established joint  
 9980 legal custody or joint physical custody, the court orders the parents to participate  
 9981 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)  
 9982 unless the parents certify that, in good faith, they have used a dispute resolution  
 9983 procedure to resolve their dispute.
- 9984 (4)(a) In determining whether the best interest of a minor child will be served by either  
 9985 modifying or terminating the joint legal custody or joint physical custody order, the  
 9986 court shall, in addition to other factors the court considers relevant, consider the  
 9987 factors described in Sections 81-9-204 and 81-9-205.
- 9988 (b) A court order modifying or terminating an existing joint legal custody or joint  
 9989 physical custody order shall contain written findings that:

- 9990 (i) a substantial and material change of circumstance has occurred; and  
9991 (ii) a modification of the terms and conditions of the order would be an improvement  
9992 for and in the best interest of the minor child.
- 9993 (c) The court shall give substantial weight to the existing joint legal custody or joint  
9994 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 9995 (5) The court shall, in every case regarding a petition for termination of a joint legal  
9996 custody or joint physical custody order, consider reasonable alternatives to preserve the  
9997 existing order in accordance with Section 81-9-204.
- 9998 (6) The court may modify the terms and conditions of the existing order in accordance with  
9999 this chapter and may order the parents to file a parenting plan in accordance with  
10000 Section 81-9-203.
- 10001 (7) A parent requesting a modification from sole custody to joint legal custody or joint  
10002 physical custody or both, or any other type of shared parenting arrangement, shall file  
10003 and serve a proposed parenting plan with the petition to modify in accordance with  
10004 Section 81-9-203.
- 10005 (8) If an issue before the court involves custodial responsibility in the event of deployment  
10006 of one or both parents who are service members, and the service member has not yet  
10007 been notified of deployment, the court shall resolve the issue based on the standards in  
10008 Sections ~~[78B-20-306 through 78B-20-309]~~ 81-10-306 through 81-10-309.
- 10009 (9) If the court finds that an action to modify custody or parent-time is filed or answered  
10010 frivolously and, in a manner, designed to harass the other party, the court shall assess  
10011 attorney fees as costs against the offending party.
- 10012 (10) If a petition to modify custody or parent-time provisions of a court order is made and  
10013 denied, the court shall order the petitioner to pay the reasonable attorney fees expended  
10014 by the prevailing party in that action if the court determines that the petition was without  
10015 merit and not asserted or defended against in good faith.
- 10016 (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a  
10017 visitation order by a grandparent or other member of the immediate family where a  
10018 visitation or parent-time right has been previously granted by the court, the court:
- 10019 (a) may award to the prevailing party:
- 10020 (i) actual attorney fees incurred;
- 10021 (ii) the costs incurred by the prevailing party because of the other party's failure to  
10022 provide or exercise court-ordered visitation or parent-time, including:
- 10023 (A) court costs;

- 10024 (B) child care expenses;
- 10025 (C) transportation expenses actually incurred;
- 10026 (D) lost wages, if ascertainable; or
- 10027 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 10028 (iii) any other appropriate equitable remedy; and
- 10029 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
- 10030 parent-time is not in the best interest of the minor child.

10031 Section 246. Section **81-9-303** is amended to read:

10032 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**

10033 **old.**

- 10034 (1)(a) The optional parent-time schedule in this section applies to a minor child who is
- 10035 five to 18 years old.
- 10036 (b) For purposes of calculating child support, the optional parent-time schedule in this
- 10037 section is 145 overnights.
- 10038 (c) Any impact on child support shall be consistent with joint physical custody.
- 10039 (2) The parents and the court may consider the increased parent-time schedule in this
- 10040 section as a minimum parent-time schedule when the parties agree or the noncustodial
- 10041 parent can demonstrate:
- 10042 (a) the noncustodial parent has been actively involved in the minor child's life;
- 10043 (b) the parties can communicate effectively regarding the minor child or the
- 10044 noncustodial parent has a plan to accomplish effective communications regarding the
- 10045 minor child;
- 10046 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 10047 (d) the increased parent-time would be in the best interest of the minor child; and
- 10048 (e) any other factor the court considers relevant.
- 10049 (3) In determining whether a noncustodial parent has been actively involved in the minor
- 10050 child's life, the court shall consider:
- 10051 (a) demonstrated responsibility in caring for the minor child;
- 10052 (b) involvement in childcare;
- 10053 (c) presence or volunteer efforts in the minor child's school and at extracurricular
- 10054 activities;
- 10055 (d) assistance with the minor child's homework;
- 10056 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- 10057 (f) bonding with the minor child; and



- 10058 (g) any other factor the court considers relevant.
- 10059 (4) In determining whether a noncustodial parent has the ability to facilitate the increased  
10060 parent-time, the court shall consider:
- 10061 (a) the geographic distance between the residences of the parents and the distance  
10062 between the parents' residences and the minor child's school;
- 10063 (b) the noncustodial parent's ability to assist with after school care;
- 10064 (c) the health of the minor child and the noncustodial parent in accordance with  
10065 Subsection [~~81-9-204(5)~~] 81-9-204(4);
- 10066 (d) flexibility of employment or another schedule of the noncustodial parent;
- 10067 (e) ability to provide appropriate playtime with the minor child;
- 10068 (f) history and ability of the noncustodial parent to implement a flexible schedule for the  
10069 minor child;
- 10070 (g) physical facilities of the noncustodial parent's residence; and
- 10071 (h) any other factor the court considers relevant.
- 10072 (5) If the parties agree or the court enters an order for the optional parent-time schedule  
10073 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed  
10074 with any order incorporating the optional parent-time schedule described in Subsection  
10075 (6).
- 10076 (6) The following schedule is considered the optional parent-time to which the noncustodial  
10077 parent is entitled to the minor child:
- 10078 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or  
10079 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the  
10080 following day upon delivering the minor child to school or at 8 a.m. if there is no  
10081 school; or
- 10082 (ii) at the election of the noncustodial parent, one weekday specified by the  
10083 noncustodial parent or the court:
- 10084 (A) beginning at the time the minor child's school is regularly dismissed until the  
10085 following day upon delivering the minor child to school or at 8 a.m. if there is  
10086 no school; or
- 10087 (B) if there is no school, the noncustodial parent is available to be with the minor  
10088 child, and in accommodation with the custodial parent's work schedule,  
10089 beginning at 8 a.m. and ending on the following day upon delivering the minor  
10090 child to school or at 8 a.m. if there is no school;
- 10091 (b)(i) beginning the first weekend after the entry of the decree, alternating weekends

- 10092 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor  
10093 child to school or at 8 a.m. if there is no school; or
- 10094 (ii) at the election of the noncustodial parent, beginning the first weekend after the  
10095 entry of the decree, alternating weekends:
- 10096 (A) beginning at the time the minor child's school is regularly dismissed on Friday  
10097 and ending on Monday upon delivering the minor child to school or at 8 a.m. if  
10098 there is no school; or
- 10099 (B) if there is no school, the noncustodial parent is available to be with the minor  
10100 child, and in accommodation with the custodial parent's work schedule,  
10101 beginning on Friday at 9 a.m. and ending on Monday upon delivering the  
10102 minor child to school or at 8 a.m. if there is no school;
- 10103 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
10104 schedule described in Subsection (15); and
- 10105 (d) extended parent-time with the minor child when school is not in session for summer  
10106 break in accordance with Subsection (7).
- 10107 (7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the  
10108 election of the noncustodial parent, the noncustodial parent is entitled up to four  
10109 weeks of parent-time with the minor child, which may be consecutive, when school is  
10110 not in session for summer break.
- 10111 (b) For the four weeks of extended parent-time for a noncustodial parent under  
10112 Subsection (7)(a):
- 10113 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the  
10114 noncustodial parent; and
- 10115 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent  
10116 for a weekday visit on the same day on which the noncustodial parent is granted  
10117 weekday day parent-time.
- 10118 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
10119 two weeks, which may be consecutive, when school is not in session for summer  
10120 break.
- 10121 (8)(a) Each parent shall provide notification to the other parent of the parent's plans for  
10122 the exercise of parent-time for summer break under Subsection (7).
- 10123 (b) For the notification requirement under Subsection (8)(a):
- 10124 (i) in odd-numbered years:
- 10125 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;

- 10126 and
- 10127 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
- 10128 and
- 10129 (ii) in even-numbered years:
- 10130 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
- 10131 and
- 10132 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 10133 (c)(i) If a parent fails to provide a notification within the time periods described in
- 10134 Subsection (8)(b), the complying parent may determine the schedule for summer
- 10135 break for the noncomplying parent.
- 10136 (ii) If both parents fail to provide notice within the time periods described in
- 10137 Subsection (8)(b), the first parent to provide notice may determine the schedule
- 10138 for summer break for the other parent.
- 10139 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
- 10140 Subsection (7)(b)(ii), the custodial parent shall provide notification to the
- 10141 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
- 10142 on which the custodial parent receives notification of the noncustodial parent's plans
- 10143 for the exercise of interrupted extended parent-time.
- 10144 (9)(a) An election should be made by the noncustodial parent at the time of entry of the
- 10145 divorce decree or court order, except that the election may be changed by mutual
- 10146 agreement, court order, or by the noncustodial parent in the event of a change in the
- 10147 minor child's schedule.
- 10148 (b) An election by either parent concerning parent-time shall be made a part of the
- 10149 decree and made a part of the parent-time order.
- 10150 (10)(a) Changes may not be made to the parent-time schedule under this section, except
- 10151 that if a conflict arises in the parent-time schedule, the following order of precedence
- 10152 shall be applied when determining which parent is entitled to parent-time:
- 10153 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 10154 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
- 10155 uninterrupted extended parent-time under Subsection (7) and takes the minor child
- 10156 away from that parent's residence during the uninterrupted extended parent-time;
- 10157 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
- 10158 Day, Mother's Day, or the minor child's birthday;
- 10159 (iv) extended parent-time under Subsection (7); and

- 10160 (v) the schedule for weekday or weekend parent-time.
- 10161 (b) A parent exercising parent-time for the minor child's birthday may bring other
- 10162 siblings along for the minor child's birthday.
- 10163 (11) A stepparent, grandparent, or other responsible adult designated by the noncustodial
- 10164 parent, may pick up the minor child for parent-time if the custodial parent is aware of
- 10165 the identity of the individual and the noncustodial parent will be with the minor child by
- 10166 7 p.m.
- 10167 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
- 10168 shall be responsible for the minor child's attendance at school for that school day.
- 10169 (13) If there is more than one minor child and the minor children's school schedules vary
- 10170 for purpose of a holiday, at the option of the parent exercising the holiday or the parent's
- 10171 half of the holiday, the minor children may remain together for the holiday period
- 10172 beginning the first evening that all minor children's schools are dismissed for the holiday
- 10173 and ending the evening before any minor child returns to school.
- 10174 (14) If there is a minor child five to 18 years old and a minor child under five years old and
- 10175 both minor children are the children of the parties, the parents and the court should
- 10176 consider an upward deviation for parent-time with all the minor children so that
- 10177 parent-time is uniform based on a schedule under this section.
- 10178 (15) The following table is the holiday schedule for parent-time under this section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
10180 Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or	Odd years	Even years

		(b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.		
10181	President's Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the minor child to school on the day following President's Day; or (b) at 8 a.m. on the day following President's Day if there is no school.	Even years	Odd years
10182	Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends: (a) upon delivering the minor child to school on the day following the end of spring break; or (b) at 8 a.m. on the day following the end of spring break if there is no school.	Odd years	Even years
10183	Memorial Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends:	Even years	Odd years

		(a) upon delivering the minor child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.		
10184	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 designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
10185	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.
10186	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
10187	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
10188	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
10189	Labor Day	(1) Holiday begins Friday at:	Odd years	Even years

		<p>(a) 9 a.m. if school is not in session and the parent can be with the minor 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 minor child to school on the day following Labor Day; or</p> <p>(b) at 8 a.m. on the day following Labor Day if there is no school.</p>		
10190	Columbus Day	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</p> <p>(2) Holiday ends at 7 p.m. on Columbus Day.</p>	Even years	Odd years
10191	Fall Break	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following the end of fall break; or</p> <p>(b) at 8 a.m. on the day following the end of fall break if there is no school.</p>	Odd years	Even years
10192	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

10193	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
10194	Thanksgiving	(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the minor child to school on the Monday following Thanksgiving; or (b) at 8 a.m. on the Monday following Thanksgiving if there is no school.	Even years	Odd years
10195	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
10196	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.	Even years	Odd years
10197	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years



10198	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years
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10199 Section 247. Section **81-9-305** is amended to read:

10200 **81-9-305 . Equal parent-time schedule.**

10201 (1)(a) A court may order the equal parent-time schedule described in this section if the  
10202 court determines that:

10203 (i) the equal parent-time schedule is in the minor child's best interest;

10204 (ii) each parent has been actively involved in the minor child's life; and

10205 (iii) each parent can effectively facilitate the equal parent-time schedule.

10206 (b) To determine whether each parent has been actively involved in the minor child's  
10207 life, the court shall consider:

10208 (i) each parent's demonstrated responsibility in caring for the minor child;

10209 (ii) each parent's involvement in child care;

10210 (iii) each parent's presence or volunteer efforts in the minor child's school and at  
10211 extracurricular activities;

10212 (iv) each parent's assistance with the minor child's homework;

10213 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the  
10214 minor child;

10215 (vi) each parent's bond with the minor child; and

10216 (vii) any other factor the court considers relevant.

10217 (c) To determine whether each parent can effectively facilitate the equal parent-time  
10218 schedule, the court shall consider:

10219 (i) the geographic distance between the residence of each parent and the distance  
10220 between each residence and the minor child's school;

10221 (ii) each parent's ability to assist with the minor child's after school care;

10222 (iii) the health of the minor child and each parent, consistent with Subsection [  
10223 ~~81-9-204(5)~~] 81-9-204(4);

10224 (iv) the flexibility of each parent's employment or other schedule;

10225 (v) each parent's ability to provide appropriate playtime with the minor child;

10226 (vi) each parent's history and ability to implement a flexible schedule for the minor  
10227 child;

10228 (vii) physical facilities of each parent's residence; and

10229 (viii) any other factor the court considers relevant.

- 10230 (2)(a) If the parties agree to or the court orders the equal parent-time schedule described  
10231 in this section, a parenting plan in accordance with Section 81-9-203 shall be filed  
10232 with an order incorporating the equal parent-time schedule.
- 10233 (b) An order under this section shall result in 182 overnights per year for one parent, and  
10234 183 overnights per year for the other parent.
- 10235 (c) Under the equal parent-time schedule, a parent is not considered to have the minor  
10236 child the majority of the time for the purposes of Subsection 81-9-203(11)(e)(ii) or  
10237 81-9-205(10).
- 10238 (d) Child support for the equal parent-time schedule shall be consistent with Section  
10239 81-6-206.
- 10240 (e) A court shall determine which parent receives 182 overnights and which parent  
10241 receives 183 overnights for parent-time.
- 10242 (3)(a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time  
10243 schedule is as follows:
- 10244 (i) one parent shall exercise parent-time starting Monday morning and ending  
10245 Wednesday morning;
- 10246 (ii) the other parent shall exercise parent-time starting Wednesday morning and  
10247 ending Friday morning; and
- 10248 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning  
10249 and ending Monday morning.
- 10250 (b) The child exchange shall take place:
- 10251 (i) at the time the minor child's school begins; or  
10252 (ii) if school is not in session, at 9 a.m.
- 10253 (4)(a) The parents may create a holiday schedule.
- 10254 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the  
10255 court shall:
- 10256 (i) order the holiday schedule described in Section 81-9-302 or 81-9-304; and  
10257 (ii) designate which parent shall exercise parent-time for each holiday described in  
10258 Section 81-9-302 or 81-9-304.
- 10259 (5)(a) Each year, a parent may designate two consecutive weeks to exercise  
10260 uninterrupted parent-time during the summer when school is not in session.
- 10261 (b)(i) One parent may make a designation at any time and the other parent may make  
10262 a designation after May 1.
- 10263 (ii) A parent shall make a designation at least 30 days before the day on which the

- 10264 designated two-week period begins.
- 10265 (c) The court shall designate which parent may make the earlier designation described in  
10266 Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make  
10267 the earlier designation in an odd numbered year.
- 10268 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all  
10269 holidays except for Mother's Day and Father's Day.
- 10270 Section 248. Section **81-9-402** is amended to read:
- 10271 **81-9-402 . Custody and visitation for individuals other than a parent -- Venue.**
- 10272 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a  
10273 parent retain the fundamental right and duty to exercise primary control over the care,  
10274 supervision, upbringing, and education of a minor child of the parent.
- 10275 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's  
10276 best interests.
- 10277 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or  
10278 visitation rights to an individual other than a parent who, by clear and convincing  
10279 evidence, establishes that:
- 10280 (a) the individual has intentionally assumed the role and obligations of a parent;
- 10281 (b) the individual and the minor child have formed a substantial emotional bond and  
10282 created a parent-child type relationship;
- 10283 (c) the individual substantially contributed emotionally or financially to the minor child's  
10284 well being;
- 10285 (d) the assumption of the parental role is not the result of a financially compensated  
10286 surrogate care arrangement;
- 10287 (e) the continuation of the relationship between the individual and the minor child is in  
10288 the minor child's best interest;
- 10289 (f) the loss or cessation of the relationship between the individual and the minor child  
10290 would substantially harm the minor child; and
- 10291 (g) the parent:
- 10292 (i) is absent; or
- 10293 (ii) is found by a court to have abused or neglected the minor child.
- 10294 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,  
10295 an individual shall file a verified petition, or a petition supported by an affidavit, for  
10296 custodial or visitation rights to the minor child in the juvenile court if a matter is pending  
10297 in the juvenile court, or in the district court in the county where the minor child:

- 10298 (a) currently resides; or
- 10299 (b) lived with a parent or an individual other than a parent who acted as a parent within
- 10300 six months before the commencement of the action.
- 10301 (4) An individual may file a petition under this section in a pending divorce, parentage
- 10302 action, or other proceeding, including a proceeding in the juvenile court involving
- 10303 custody of or visitation with a minor child.
- 10304 (5) The petition shall include detailed facts supporting the petitioner's right to file the
- 10305 petition including the criteria set forth in Subsection (2) and residency information
- 10306 described in Section [~~78B-13-209~~] 81-11-209.
- 10307 (6) An individual may not file a petition under this section against a parent who is actively
- 10308 serving outside the state in any branch of the military.
- 10309 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the
- 10310 Utah Rules of Civil Procedure on all of the following:
- 10311 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- 10312 (b) any individual who has court-ordered custody or visitation rights;
- 10313 (c) the minor child's guardian;
- 10314 (d) the guardian ad litem, if one has been appointed;
- 10315 (e) an individual or agency that has physical custody of the minor child or that claims to
- 10316 have custody or visitation rights; and
- 10317 (f) any other individual or agency that has previously appeared in any action regarding
- 10318 custody of or visitation with the minor child.
- 10319 (8) The court may order a custody evaluation to be conducted in any proceeding brought
- 10320 under this section.
- 10321 (9) The court may enter temporary orders in a proceeding brought under this section
- 10322 pending the entry of final orders.
- 10323 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
- 10324 under this section to an individual:
- 10325 (a) who is not the parent of the minor child; and
- 10326 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
- 10327 contest to a felony or attempted felony involving conduct that constitutes any of the
- 10328 following:
- 10329 (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and
- 10330 76-5-114;
- 10331 (ii) child abuse homicide, as described in Section 76-5-208;

- 10332 (iii) child kidnapping, as described in Section 76-5-301.1;
- 10333 (iv) human trafficking of a child, as described in Section 76-5-308.5;
- 10334 (v) sexual abuse of a minor, as described in Section 76-5-401.1;
- 10335 (vi) rape of a child, as described in Section 76-5-402.1;
- 10336 (vii) object rape of a child, as described in Section 76-5-402.3;
- 10337 (viii) sodomy on a child, as described in Section 76-5-403.1;
- 10338 (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual
- 10339 abuse of a child, as described in Section 76-5-404.3;
- 10340 (x) sexual exploitation of a minor, as described in Section 76-5b-201;
- 10341 (xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- 10342 (xii) an offense in another state that, if committed in this state, would constitute an
- 10343 offense described in this Subsection (10).
- 10344 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed
- 10345 in Subsection (10) that prevents a court from granting custody except as provided in
- 10346 this Subsection (11).
- 10347 (b) An individual described in Subsection (10) may only be considered for custody of a
- 10348 minor child if the following criteria are met by clear and convincing evidence:
- 10349 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 10350 (ii) at least 10 years have elapsed from the day on which the individual is
- 10351 successfully released from prison, jail, parole, or probation related to a
- 10352 disqualifying offense;
- 10353 (iii) during the 10 years before the day on which the individual files a petition with
- 10354 the court seeking custody the individual has not been convicted, plead guilty, or
- 10355 plead no contest to an offense greater than an infraction or traffic violation that
- 10356 would likely impact the health, safety, or well-being of the minor child;
- 10357 (iv) the individual can provide evidence of successful treatment or rehabilitation
- 10358 directly related to the disqualifying offense;
- 10359 (v) the court determines that the risk related to the disqualifying offense is unlikely to
- 10360 cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 10361 currently or at any time in the future when considering all of the following:
- 10362 (A) the minor child's age;
- 10363 (B) the minor child's gender;
- 10364 (C) the minor child's development;
- 10365 (D) the nature and seriousness of the disqualifying offense;

- 10366 (E) the preferences of a minor child who is 12 years old or older;
- 10367 (F) any available assessments, including custody evaluations, parenting
- 10368 assessments, psychological or mental health assessments, and bonding
- 10369 assessments; and
- 10370 (G) any other relevant information;
- 10371 (vi) the individual can provide evidence of the following:
- 10372 (A) the relationship with the minor child is of long duration;
- 10373 (B) that an emotional bond exists with the minor child; and
- 10374 (C) that custody by the individual who has committed the disqualifying offense
- 10375 ensures the best interests of the minor child are met;
- 10376 (vii)(A) there is no other responsible relative known to the court who has or likely
- 10377 could develop an emotional bond with the minor child and does not have a
- 10378 disqualifying offense; or
- 10379 (B) if there is a responsible relative known to the court that does not have a
- 10380 disqualifying offense, Subsection (11)(d) applies; and
- 10381 (viii) that the continuation of the relationship between the individual with the
- 10382 disqualifying offense and the minor child could not be sufficiently maintained
- 10383 through any type of visitation if custody were given to the relative with no
- 10384 disqualifying offense described in Subsection (11)(d).
- 10385 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 10386 why placement with that individual is in the best interest of the minor child over
- 10387 another responsible relative or equally situated individual who does not have a
- 10388 disqualifying offense.
- 10389 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
- 10390 the court who does not have a disqualifying offense:
- 10391 (i) preference for custody is given to a relative who does not have a disqualifying
- 10392 offense; and
- 10393 (ii) before the court may place custody with the individual who has the disqualifying
- 10394 offense over another responsible, willing, and able relative:
- 10395 (A) an impartial custody evaluation shall be completed; and
- 10396 (B) a guardian ad litem shall be assigned.
- 10397 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
- 10398 decision on custody has not been made and to a case filed on or after March 25, 2017.
- 10399 Section 249. Section **81-10-101**, which is renumbered from Section 78B-20-102 is renumbered

10400 and amended to read:

10401 **CHAPTER 10. UNIFORM DEPLOYED PARENTS CUSTODY, PARENT-TIME,**

10402

**AND VISITATION ACT**

10403

**Part 1. General Provisions**

10404 **[78B-20-102] 81-10-101 . Definitions.**

10405 As used in this chapter:

10406 (1) "Adult" means an individual who ~~[has attained]~~ is at least 18 years old or is an  
10407 emancipated minor child.

10408 (2)(a) "Caretaking authority" means the right to live with and care for a child on a  
10409 day-to-day basis.

10410 (b) "Caretaking authority" includes physical custody, parent-time, right to access, and  
10411 visitation.

10412 (3) "Child" means:

10413 (a) ~~[an unemancipated individual who has not attained 18 years old]~~ a minor child; or

10414 (b) an adult son or daughter by birth or adoption, or under the law of this state other than  
10415 this chapter, who is the subject of a court order concerning custodial responsibility.

10416 (4) "Court" means a tribunal, including an administrative agency, authorized under the law  
10417 of this state other than this chapter to make, enforce, or modify a decision regarding  
10418 custodial responsibility.

10419 (5)(a) "Custodial responsibility" includes all powers and duties relating to caretaking  
10420 authority and decision-making authority for a child. ~~[The term]~~

10421 (b) "Custodial responsibility" includes physical custody, legal custody, parent-time, right  
10422 to access, visitation, and authority to grant limited contact with a child.

10423 (6)(a) "Decision-making authority" means the power to make important decisions  
10424 regarding a child, including decisions regarding the child's education, religious  
10425 training, health care, extracurricular activities, and travel. ~~[The term]~~

10426 (b) "Decision-making authority" does not include the power to make decisions that  
10427 necessarily accompany a grant of caretaking authority.

10428 (7) "Deploying parent" means a service member who is deployed or has been notified of  
10429 impending deployment and is:

10430 (a) a parent of a child under the law of this state other than this chapter; or

10431 (b) an individual who has custodial responsibility for a child under the law of this state

- 10432 other than this chapter.
- 10433 (8) "Deployment" means the movement or mobilization of a service member for more than  
10434 90 days but less than 18 months pursuant to uniformed service orders that:
- 10435 (a) are designated as unaccompanied;
- 10436 (b) do not authorize dependent travel; or
- 10437 (c) otherwise do not permit the movement of family members to the location to which  
10438 the service member is deployed.
- 10439 (9) "Family care plan" means a formal written contingency plan mandated by regulation of  
10440 the various departments and components of the uniformed service that requires certain  
10441 service member parents of minor children to plan in advance for the smooth, rapid  
10442 transfer of parental responsibilities to designees during the absence of the service  
10443 member due to death, incapacity, short-term absences, long-term absences, including  
10444 deployments, or noncombatant evacuation operations.
- 10445 (10) "Family member" means a sibling, aunt, uncle, cousin, stepparent, or grandparent of a  
10446 child, or an individual recognized to be in a familial relationship with a child under the  
10447 law of this state other than this chapter.
- 10448 (11)(a) "Limited contact" means the authority of a nonparent to visit a child for a  
10449 limited time.
- 10450 (b) "Limited contact" includes authority to take the child to a place other than the  
10451 residence of the child.
- 10452 (12) "Nonparent" means an individual other than a deploying parent or other parent.
- 10453 (13) "Other parent" means an individual who, in common with a deploying parent, is:
- 10454 (a) a parent of a child under the law of this state other than this chapter; or
- 10455 (b) an individual who has custodial responsibility for a child under the law of this state  
10456 other than this chapter.
- 10457 (14) "Record" means information that is inscribed on a tangible medium or that is stored in  
10458 an electronic or other medium and is retrievable in perceivable form.
- 10459 (15) "Return from deployment" means the conclusion of a service member's deployment as  
10460 specified in uniformed service orders.
- 10461 (16) "Service member" means a member of a uniformed service.
- 10462 (17) "Sign" means, with present intent to authenticate or adopt a record:
- 10463 (a) to execute or adopt a tangible symbol; or
- 10464 (b) to attach to or logically associate with the record an electronic symbol, sound, or  
10465 process.



10466 (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
 10467 United States Virgin Islands, or any territory or insular possession subject to the  
 10468 jurisdiction of the United States.

10469 (19) "Uniformed service" means:

- 10470 (a) active and reserve components of the United States armed forces;
- 10471 (b) the United States Merchant Marine;
- 10472 (c) the commissioned corps of the United States Public Health Service;
- 10473 (d) the commissioned corps of the National Oceanic and Atmospheric Administration of  
 10474 the United States; or
- 10475 (e) the National Guard of a state.

10476 Section 250. Section **81-10-102**, which is renumbered from Section 78B-20-103 is renumbered  
 10477 and amended to read:

10478 **[78B-20-103] 81-10-102 . Remedies for noncompliance.**

10479 In addition to other remedies under the law of this state other than this chapter, if a court  
 10480 finds that a party to a proceeding under this chapter has acted in bad faith or intentionally  
 10481 failed to comply with this chapter or a court order issued under this chapter, the court may  
 10482 assess reasonable attorney fees and costs against the party and order other appropriate relief.

10483 Section 251. Section **81-10-103**, which is renumbered from Section 78B-20-104 is renumbered  
 10484 and amended to read:

10485 **[78B-20-104] 81-10-103 . Jurisdiction.**

10486 (1) A court may issue an order regarding custodial responsibility under this chapter only if  
 10487 the court has jurisdiction under [~~Title 78B, Chapter 13, Utah Uniform Child Custody~~  
 10488 ~~Jurisdiction and Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and  
 10489 Enforcement Act.

10490 (2) If a court has issued a temporary order regarding custodial responsibility pursuant to  
 10491 Part 3, Judicial Procedure for Granting Custodial Responsibility During Deployment, the  
 10492 residence of the deploying parent is not changed by reason of the deployment for the  
 10493 purposes of [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~  
 10494 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act,  
 10495 during the deployment.

10496 (3) If a court has issued a permanent order regarding custodial responsibility before notice  
 10497 of deployment and the parents modify that order temporarily by agreement pursuant to  
 10498 Part 2, Agreement Addressing Custodial Responsibility During Deployment, the  
 10499 residence of the deploying parent is not changed by reason of the deployment for the

10500 purposes of [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~  
 10501 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.

10502 (4) If a court in another state has issued a temporary order regarding custodial responsibility  
 10503 as a result of impending or current deployment, the residence of the deploying parent is  
 10504 not changed by reason of the deployment for the purposes of [~~Title 78B, Chapter 13,~~  
 10505 ~~Utah Uniform Child Custody Jurisdiction and Enforcement Act~~] Chapter 11, Uniform  
 10506 Child Custody Jurisdiction and Enforcement Act.

10507 (5) This section does not prevent a court from exercising temporary emergency jurisdiction  
 10508 under [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~  
 10509 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.

10510 Section 252. Section **81-10-104**, which is renumbered from Section 78B-20-105 is renumbered  
 10511 and amended to read:

10512 **[78B-20-105] 81-10-104 . Notification required of deploying parent.**

10513 (1)(a) Except as otherwise provided in Subsection (4) and subject to Subsection (3), a  
 10514 deploying parent shall in a record notify the other parent of a pending deployment not  
 10515 later than seven days after receiving notice of deployment unless reasonably  
 10516 prevented from doing so by the circumstances of service.

10517 (b) If the circumstances of service prevent giving notification within the seven days, the  
 10518 deploying parent shall give the notification as soon as reasonably possible.

10519 (2)(a) Except as otherwise provided in Subsection (4) and subject to Subsection (3),  
 10520 each parent shall in a record provide the other parent with a plan for fulfilling that  
 10521 parent's share of custodial responsibility during deployment.

10522 (b) Each parent shall provide the plan as soon as reasonably possible after notification of  
 10523 deployment is given under Subsection (1).

10524 (3)(a) If a court order currently in effect prohibits disclosure of the address or contact  
 10525 information of the other parent, notification of deployment under Subsection (1), or  
 10526 notification of a plan for custodial responsibility during deployment under Subsection  
 10527 (2), may be made only to the issuing court.

10528 (b) If the address of the other parent is available to the issuing court, the court shall  
 10529 forward the notification to the other parent.

10530 (c) The court shall keep confidential the address or contact information of the other  
 10531 parent.

10532 (4) Notification in a record under Subsection (1) or (2) is not required if the parents are  
 10533 living in the same residence and both parents have actual notice of the deployment or

10534 plan.

10535 (5) In a proceeding regarding custodial responsibility, a court may consider the  
10536 reasonableness of a parent's efforts to comply with this section.

10537 Section 253. Section **81-10-105**, which is renumbered from Section 78B-20-106 is renumbered  
10538 and amended to read:

10539 **[78B-20-106] 81-10-105 . Duty to notify of change of address.**

10540 (1)(a) Except as otherwise provided in Subsection (2), an individual to whom custodial  
10541 responsibility has been granted during deployment pursuant to Part 2, Agreement  
10542 Addressing Custodial Responsibility During Deployment, or Part 3, Judicial  
10543 Procedure for Granting Custodial Responsibility During Deployment, shall notify the  
10544 deploying parent and any other individual with custodial responsibility of a child of  
10545 any change of the individual's mailing address or residence until the grant is  
10546 terminated.

10547 (b) The individual shall provide notice to any court that has issued a custody or child  
10548 support order concerning the child, which is in effect.

10549 (2)(a) If a court order currently in effect prohibits disclosure of the address or contact  
10550 information of an individual to whom custodial responsibility has been granted, a  
10551 notification under Subsection (1) may be made only to the court that issued the order.

10552 (b) The court shall keep confidential the mailing address or residence of the individual to  
10553 whom custodial responsibility has been granted.

10554 Section 254. Section **81-10-106**, which is renumbered from Section 78B-20-107 is renumbered  
10555 and amended to read:

10556 **[78B-20-107] 81-10-106 . General consideration in custody proceeding of parent's**  
10557 **military service.**

10558 In a proceeding for custodial responsibility of a child of a service member, a court may  
10559 not consider a parent's past deployment or possible future deployment in itself in determining  
10560 the best interest of the child but may consider any significant impact on the best interest of the  
10561 child of the parent's past or possible future deployment.

10562 Section 255. Section **81-10-201**, which is renumbered from Section 78B-20-201 is renumbered  
10563 and amended to read:

10564 **Part 2. Agreement Addressing Custodial Responsibility During Deployment**

10565 **[78B-20-201] 81-10-201 . Form of agreement.**

10566 (1)(a) The parents of a child may enter into a temporary agreement under this part  
10567 granting custodial responsibility during deployment.

- 10568        (b) When the parents of a child include one or more servicemembers, the parents should  
10569                enter into an agreement granting custodial responsibility before notice of deployment,  
10570                but may also enter into an agreement granting custodial responsibility following  
10571                notice of deployment.
- 10572        (2) An agreement under Subsection (1) shall be:
- 10573                (a) in writing; and
- 10574                (b) signed by both parents and any nonparent to whom custodial responsibility is granted.
- 10575        (3) Subject to Subsection (4), an agreement under Subsection (1), if feasible, shall:
- 10576                (a) identify the destination, duration, and conditions of the deployment that is the basis  
10577                for the agreement if the deployment has been noticed;
- 10578                (b) specify the allocation of caretaking authority among the deploying parent, the other  
10579                parent, and any nonparent;
- 10580                (c) specify any decision-making authority that accompanies a grant of caretaking  
10581                authority;
- 10582                (d) specify any grant of limited contact to a nonparent;
- 10583                (e) if under the agreement custodial responsibility is shared by the other parent and a  
10584                nonparent, or by other nonparents, provide a process to resolve any dispute that may  
10585                arise;
- 10586                (f) specify the frequency, duration, and means, including electronic means, by which the  
10587                deploying parent will have contact with the child, any role to be played by the other  
10588                parent in facilitating the contact, and the allocation of any costs of contact;
- 10589                (g) specify the contact between the deploying parent and child during the time the  
10590                deploying parent is on leave or is otherwise available;
- 10591                (h) acknowledge that any party's child-support obligation cannot be modified by the  
10592                agreement, and that changing the terms of the obligation during deployment requires  
10593                modification in the appropriate court;
- 10594                (i) provide that the agreement will terminate according to the procedures under Part 4,  
10595                Return from Deployment, after the deploying parent returns from deployment; and
- 10596                (j) if the agreement is required to be filed pursuant to Section ~~[78B-20-205]~~ 81-10-205,  
10597                specify which parent is required to file the agreement.
- 10598        (4) The omission of any of the items specified in Subsection (3) does not invalidate an  
10599                agreement under this section.
- 10600        (5) A servicemember shall ensure that the servicemember's family care plan reflects orders  
10601                and agreements entered and filed ~~[pursuant to]~~ in accordance with this chapter.

10602 Section 256. Section **81-10-202**, which is renumbered from Section 78B-20-202 is renumbered  
10603 and amended to read:

10604 **~~[78B-20-202]~~ 81-10-202 . Nature of authority created by agreement.**

10605 (1)(a) An agreement under this part is temporary and terminates pursuant to Part 4,  
10606 Return from Deployment, after the deploying parent returns from deployment, unless  
10607 the agreement has been terminated before that time by court order or modification  
10608 under Section ~~[78B-2-203]~~ 81-10-203.

10609 (b) The agreement may not create an independent, continuing right to caretaking  
10610 authority, decision-making authority, or limited contact in an individual to whom  
10611 custodial responsibility is given.

10612 (2) A nonparent who has caretaking authority, decision-making authority, or limited contact  
10613 by an agreement under this part has standing to enforce the agreement until it has been  
10614 terminated by court order, by modification under Section ~~[78B-20-203]~~ 81-10-203, or  
10615 under Part 4, Return from Deployment.

10616 Section 257. Section **81-10-203**, which is renumbered from Section 78B-20-203 is renumbered  
10617 and amended to read:

10618 **~~[78B-20-203]~~ 81-10-203 . Modification of agreement.**

10619 (1) By mutual consent, the parents of a child may modify an agreement regarding custodial  
10620 responsibility made ~~[pursuant to]~~ in accordance with this part.

10621 (2) If an agreement is modified under Subsection (1) before deployment of a deploying  
10622 parent, the modification shall be in writing and signed by both parents and any  
10623 nonparent who will exercise custodial responsibility under the modified agreement.

10624 (3) If an agreement is modified under Subsection (1) during deployment of a deployed  
10625 parent, the modification shall be agreed to in a record by both parents and any nonparent  
10626 who will exercise custodial responsibility under the modified agreement.

10627 Section 258. Section **81-10-204**, which is renumbered from Section 78B-20-204 is renumbered  
10628 and amended to read:

10629 **~~[78B-20-204]~~ 81-10-204 . Power of attorney.**

10630 (1) A deploying parent, by power of attorney, may delegate all or part of custodial  
10631 responsibility to an adult nonparent for the period of deployment if no other parent  
10632 possesses custodial responsibility under the law of this state other than this chapter or if  
10633 a court order currently in effect prohibits contact between the child and the other parent.

10634 (2) The deploying parent may revoke the power of attorney by signing a revocation of the  
10635 power.

10636 Section 259. Section **81-10-205**, which is renumbered from Section 78B-20-205 is renumbered  
10637 and amended to read:

10638 **[78B-20-205] 81-10-205 . Filing agreement or power of attorney with court.**

10639 (1)(a) An agreement or power of attorney under this part shall be filed within a  
10640 reasonable time with any court that has entered an order on custodial responsibility or  
10641 child support that is in effect concerning the child who is the subject of the agreement  
10642 or power.

10643 (b) The case number and heading of the pending case concerning custodial responsibility  
10644 or child support shall be provided to the court with the agreement or power.

10645 (2) Notwithstanding Subsection (1), failure to file an agreement or power of attorney does  
10646 not invalidate an otherwise valid agreement or power of attorney.

10647 Section 260. Section **81-10-301**, which is renumbered from Section 78B-20-301 is renumbered  
10648 and amended to read:

10649 **Part 3. Judicial Procedure for Granting Custodial Responsibility During Deployment**

10650 **[78B-20-301] 81-10-301 . Definitions for part.**

10651 [In] As used in this part, "close and substantial relationship" means a relationship in  
10652 which a significant bond exists between a child and a nonparent.

10653 Section 261. Section **81-10-302**, which is renumbered from Section 78B-20-302 is renumbered  
10654 and amended to read:

10655 **[78B-20-302] 81-10-302 . Proceeding for temporary custody -- Order.**

10656 (1)(a) After a deploying parent receives notice of deployment and until the deployment  
10657 terminates, a court may issue a temporary order granting custodial responsibility  
10658 unless prohibited by Section 39A-6-105 and the Servicemembers Civil Relief Act, 50  
10659 U.S.C. Appendix Sections 521 and 522.

10660 (b) A court may not issue a permanent order granting custodial responsibility without  
10661 the consent of the deploying parent.

10662 (2)(a) At any time after a deploying parent receives notice of deployment, either parent  
10663 may file a motion regarding custodial responsibility of a child during deployment.

10664 (b) The motion shall be filed in a pending proceeding for custodial responsibility in a  
10665 court with jurisdiction under Section [78B-20-104] 81-10-103 or, if there is no  
10666 pending proceeding in a court with jurisdiction under Section [78B-20-104] 81-10-103,  
10667 in a new action for granting custodial responsibility during deployment.

10668 Section 262. Section **81-10-303**, which is renumbered from Section 78B-20-303 is renumbered  
10669 and amended to read:

10670 **[78B-20-303] 81-10-303 . Expedited hearing.**

10671 If a motion to grant custodial responsibility is filed under Subsection [78B-20-302(2)]  
10672 81-10-302(2) before a deploying parent deploys, the court shall conduct an expedited hearing.

10673 Section 263. Section **81-10-304**, which is renumbered from Section 78B-20-304 is renumbered  
10674 and amended to read:

10675 **[78B-20-304] 81-10-304 . Testimony by electronic means.**

10676 In a proceeding under this part, a party or witness who is not reasonably available to  
10677 appear personally may appear, provide testimony, and present evidence by electronic means  
10678 unless the court finds good cause to require a personal appearance.

10679 Section 264. Section **81-10-305**, which is renumbered from Section 78B-20-305 is renumbered  
10680 and amended to read:

10681 **[78B-20-305] 81-10-305 . Effect of prior judicial order or agreement.**

10682 In a proceeding for a grant of custodial responsibility [~~pursuant to~~] in accordance with  
10683 this part, the following rules apply:

10684 (1) a prior judicial order designating custodial responsibility in the event of deployment is  
10685 binding on the court unless the circumstances meet the requirements of the law of this  
10686 state other than this chapter for modifying a judicial order regarding custodial  
10687 responsibility; and

10688 (2) the court shall enforce a prior written agreement between the parents for designating  
10689 custodial responsibility in the event of deployment, including an agreement executed  
10690 under Part 2, Agreement Addressing Custodial Responsibility During Deployment,  
10691 unless the court finds that the agreement is contrary to the best interest of the child.

10692 Section 265. Section **81-10-306**, which is renumbered from Section 78B-20-306 is renumbered  
10693 and amended to read:

10694 **[78B-20-306] 81-10-306 . Grant of caretaking or decision-making authority to**  
10695 **nonparent.**

10696 (1) On motion of a deploying parent and in accordance with the law of this state other than  
10697 this chapter, if it is in the best interest of the child a court may grant caretaking authority  
10698 to a nonparent who is an adult family member of the child with whom the child has a  
10699 close and substantial relationship.

10700 (2) Unless a grant of caretaking authority to a nonparent under Subsection (1) is agreed to  
10701 by the other parent, the grant is limited to an amount of time not greater than:

10702 (a) the amount of time granted to the deploying parent under a permanent custody order,  
10703 but the court may add unusual travel time necessary to transport the child; or

10704 (b) in the absence of a permanent custody order that is currently in effect, the amount of  
 10705 time that the deploying parent habitually cared for the child before being notified of  
 10706 deployment, but the court may add unusual travel time necessary to transport the  
 10707 child.

10708 (3)(a) A court may grant part of a deploying parent's decision-making authority, if the  
 10709 deploying parent is unable to exercise that authority, to a nonparent who is an adult  
 10710 family member of the child with whom the child has a close and substantial  
 10711 relationship.

10712 (b) If a court grants the authority to a nonparent, the court shall specify the  
 10713 decision-making powers granted, including decisions regarding the child's education,  
 10714 religious training, health care, extracurricular activities, and travel.

10715 Section 266. Section **81-10-307**, which is renumbered from Section 78B-20-307 is renumbered  
 10716 and amended to read:

10717 **[78B-20-307] 81-10-307 . Grant of limited contact.**

10718 On motion of a deploying parent, and in accordance with the law of this state other than  
 10719 this chapter, unless the court finds that the contact would be contrary to the best interest of the  
 10720 child, a court shall grant limited contact to a nonparent who is a family member of the child or  
 10721 an individual with whom the child has a close and substantial relationship.

10722 Section 267. Section **81-10-308**, which is renumbered from Section 78B-20-308 is renumbered  
 10723 and amended to read:

10724 **[78B-20-308] 81-10-308 . Nature of authority created by temporary custody**  
 10725 **order.**

10726 (1)(a) A grant of authority under this part is temporary and terminates under Part 4,  
 10727 Return from Deployment, after the return from deployment of the deploying parent,  
 10728 unless the grant has been terminated before that time by court order.

10729 (b) The grant may not create an independent, continuing right to caretaking authority,  
 10730 decision-making authority, or limited contact in an individual to whom it is granted.

10731 (2) A nonparent granted caretaking authority, decision-making authority, or limited contact  
 10732 under this part has standing to enforce the grant until it is terminated by court order or  
 10733 under Part 4, Return from Deployment.

10734 Section 268. Section **81-10-309**, which is renumbered from Section 78B-20-309 is renumbered  
 10735 and amended to read:

10736 **[78B-20-309] 81-10-309 . Content of temporary custody order.**

10737 (1) An order granting custodial responsibility under this part shall:



- 10738 (a) designate the order as temporary; and  
 10739 (b) identify to the extent feasible the destination, duration, and conditions of the  
 10740 deployment.
- 10741 (2) If applicable, an order for custodial responsibility under this part shall:
- 10742 (a) specify the allocation of caretaking authority, decision-making authority, or limited  
 10743 contact among the deploying parent, the other parent, and any nonparent;
- 10744 (b) if the order divides caretaking or decision-making authority between individuals, or  
 10745 grants caretaking authority to one individual and limited contact to another, provide a  
 10746 process to resolve any dispute that may arise;
- 10747 (c) provide for liberal communication between the deploying parent and the child during  
 10748 deployment, including through electronic means, unless contrary to the best interest  
 10749 of the child, and allocate any costs of communications;
- 10750 (d) provide for liberal contact between the deploying parent and the child during the  
 10751 time the deploying parent is on leave or otherwise available, unless contrary to the  
 10752 best interest of the child;
- 10753 (e) provide for reasonable contact between the deploying parent and the child after  
 10754 return from deployment until the temporary order is terminated, even if the time of  
 10755 contact exceeds the time the deploying parent spent with the child before entry of the  
 10756 temporary order; and
- 10757 (f) provide that the order will terminate [~~pursuant to~~] in accordance with Part 4, Return  
 10758 from Deployment, after the deploying parent returns from deployment.

10759 Section 269. Section **81-10-310**, which is renumbered from Section 78B-20-310 is renumbered  
 10760 and amended to read:

10761 **[78B-20-310] 81-10-310 . Order for child support.**

10762 If a court has issued an order granting caretaking authority under this part, or an  
 10763 agreement granting caretaking authority has been executed under Part 2, Agreement  
 10764 Addressing Custodial Responsibility During Deployment, the court may enter a temporary  
 10765 order for child support consistent with the law of this state other than this chapter if the court  
 10766 has jurisdiction under [~~Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act~~]  
 10767 Chapter 8, Uniform Interstate Family Support Act.

10768 Section 270. Section **81-10-311**, which is renumbered from Section 78B-20-311 is renumbered  
 10769 and amended to read:

10770 **[78B-20-311] 81-10-311 . Modifying or terminating grant of custodial**  
 10771 **responsibility to nonparent.**

- 10772 (1)(a) Except for an order under Section ~~[78B-20-305]~~ 81-10-305, except as otherwise  
 10773 provided in Subsection (2), and consistent with Section 39A-6-105 and the  
 10774 Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521 and 522, on  
 10775 motion of a deploying parent, other parent, or any nonparent to whom caretaking  
 10776 authority, decision-making authority, or limited contact has been granted, the court  
 10777 may modify or terminate the grant if the modification or termination is consistent  
 10778 with this part and it is in the best interest of the child.
- 10779 (b) A modification is temporary and terminates ~~[pursuant to]~~ in accordance with Part 4,  
 10780 Return from Deployment, after the deploying parent returns from deployment, unless  
 10781 the grant has been terminated before that time by court order.
- 10782 (2) On motion of a deploying parent, the court shall terminate a grant of limited contact.  
 10783 Section 271. Section **81-10-401**, which is renumbered from Section 78B-20-401 is renumbered  
 10784 and amended to read:

#### Part 4. Return from Deployment

##### **~~[78B-20-401]~~ 81-10-401 . Procedure for terminating temporary grant of custodial responsibility established by agreement.**

- 10788 (1) At any time after return from deployment, a temporary agreement granting custodial  
 10789 responsibility under Part 2, Agreement Addressing Custodial Responsibility During  
 10790 Deployment, may be terminated by an agreement to terminate signed by the deploying  
 10791 parent and the other parent.
- 10792 (2) A temporary agreement under Part 2, Agreement Addressing Custodial Responsibility  
 10793 During Deployment, granting custodial responsibility terminates:
- 10794 (a) if an agreement to terminate under Subsection (1) specifies a date for termination, on  
 10795 that date; or
- 10796 (b) if the agreement to terminate does not specify a date, on the date the agreement to  
 10797 terminate is signed by the deploying parent and the other parent.
- 10798 (3) In the absence of an agreement under Subsection (1) to terminate, a temporary  
 10799 agreement granting custodial responsibility terminates under Part 2, Agreement  
 10800 Addressing Custodial Responsibility During Deployment, 30 days after the deploying  
 10801 parent gives notice to the other parent that the deploying parent returned from  
 10802 deployment.
- 10803 (4)(a) If a temporary agreement granting custodial responsibility was filed with a court [  
 10804 ~~pursuant to Section 78B-20-205]~~ in accordance with Section 81-10-205, an agreement  
 10805 to terminate the temporary agreement shall also be filed with that court within a

10806 reasonable time after the signing of the agreement.

10807 (b) The case number and heading of the case concerning custodial responsibility or child  
10808 support shall be provided to the court with the agreement to terminate.

10809 Section 272. Section **81-10-402**, which is renumbered from Section 78B-20-402 is renumbered  
10810 and amended to read:

10811 **[78B-20-402] 81-10-402 . Consent procedure for terminating temporary grant of**  
10812 **custodial responsibility established by court order.**

10813 (1) At any time after a deploying parent returns from deployment, the deploying parent  
10814 and the other parent may file with the court an agreement to terminate a temporary order  
10815 for custodial responsibility issued under Part 3, Judicial Procedure for Granting  
10816 Custodial Responsibility During Deployment.

10817 (2) After an agreement has been filed, the court shall issue an order terminating the  
10818 temporary order effective on the date specified in the agreement.

10819 (3) If a date is not specified, the order is effective immediately.

10820 Section 273. Section **81-10-403**, which is renumbered from Section 78B-20-403 is renumbered  
10821 and amended to read:

10822 **[78B-20-403] 81-10-403 . Visitation before termination of temporary grant of**  
10823 **custodial responsibility.**

10824 After a deploying parent returns from deployment until a temporary agreement or  
10825 order for custodial responsibility established under Part 2, Agreement Addressing Custodial  
10826 Responsibility During Deployment, or a provision of a court order specifying temporary  
10827 custodial responsibility during deployment issued under Part 3, Judicial Procedure for  
10828 Granting Custodial Responsibility During Deployment, or [~~Title 81,~~]Chapter 9, Custody,  
10829 Parent-time, and Visitation, is terminated, the court shall issue a temporary order granting the  
10830 deploying parent reasonable contact with the child unless it is contrary to the best interest of  
10831 the child, even if the time of contact exceeds the time the deploying parent spent with the child  
10832 before deployment.

10833 Section 274. Section **81-10-404**, which is renumbered from Section 78B-20-404 is renumbered  
10834 and amended to read:

10835 **[78B-20-404] 81-10-404 . Termination by operation of law of temporary grant of**  
10836 **custodial responsibility established by court order.**

10837 (1) If an agreement between the parties to terminate a court order for temporary custodial  
10838 responsibility during deployment under Part 3, Judicial Procedure for Granting  
10839 Custodial Responsibility During Deployment, or to terminate a provision of an order for

10840 temporary custodial responsibility during deployment entered under [Title 81,]Chapter  
10841 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order  
10842 terminates 30 days after the day on which the deploying parent gives notice to the other  
10843 parent and any nonparent granted custodial responsibility that the deploying parent has  
10844 returned from deployment.

10845 (2) A proceeding seeking to prevent termination of a temporary order for custodial  
10846 responsibility is governed by the law of this state other than this chapter.

10847 Section 275. Section **81-10-501**, which is renumbered from Section 78B-20-501 is renumbered  
10848 and amended to read:

10849 **Part 5. Applicability Provisions**

10850 **[78B-20-501] 81-10-501 . Uniformity of application and construction.**

10851 In applying and construing this [~~uniform act~~] chapter, consideration shall be given to the  
10852 need to promote uniformity of the law with respect to [its] this uniform law's subject matter  
10853 among states that enact [it] this uniform law.

10854 Section 276. Section **81-10-502**, which is renumbered from Section 78B-20-502 is renumbered  
10855 and amended to read:

10856 **[78B-20-502] 81-10-502 . Relation to Electronic Signatures in Global and**  
10857 **National Commerce Act.**

10858 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and  
10859 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede  
10860 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of  
10861 the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

10862 Section 277. Section **81-10-503**, which is renumbered from Section 78B-20-503 is renumbered  
10863 and amended to read:

10864 **[78B-20-503] 81-10-503 . Savings clause.**

10865 This chapter does not affect the validity of a temporary court order concerning custodial  
10866 responsibility during deployment that was entered before May 10, 2016.

10867 Section 278. Section **81-11-101**, which is renumbered from Section 78B-13-102 is renumbered  
10868 and amended to read:

10869 **CHAPTER 11. UNIFORM CHILD CUSTODY JURISDICTION AND**

10870

**ENFORCEMENT ACT**

10871

**Part 1. General Provisions**

10872 **[78B-13-102] 81-11-101 . Definitions for chapter.**

10873 As used in this chapter:

10874 (1) "Abandoned" means left without provision for reasonable and necessary care or  
10875 supervision.

10876 [~~(2) "Child" means an individual under 18 years of age and not married.~~]

10877 [~~(3)~~] (2)(a) "Child custody determination" means a judgment, decree, or other order of a  
10878 court providing for the legal custody, physical custody, or parent-time with respect to  
10879 a minor child. [~~The term~~]

10880 (b) "Child custody determination" includes a permanent, temporary, initial, and  
10881 modification order. [~~The term~~]

10882 (c) "Child custody determination" does not include an order relating to child support or  
10883 other monetary obligation of an individual.

10884 [~~(4)~~] (3)(a) "Child custody proceeding" means a proceeding in which legal custody,  
10885 physical custody, or parent-time with respect to a minor child is an issue. [~~The term~~]

10886 (b) "Child custody proceeding" includes a proceeding for divorce, separation, neglect,  
10887 abuse, dependency, guardianship, paternity, termination of parental rights, and  
10888 protection from domestic violence, in which the issue may appear. [~~The term~~]

10889 (c) "Child custody proceeding" does not include a proceeding involving juvenile  
10890 delinquency, contractual emancipation, or enforcement under Part 3, Enforcement.

10891 [~~(5)~~] (4) "Commencement" means the filing of the first pleading in a proceeding.

10892 [~~(6)~~] (5) "Court" means an entity authorized under the law of a state to establish, enforce, or  
10893 modify a child custody determination.

10894 [~~(7)~~] (6) "Home state" means:

10895 (a) if the minor child is six months old or older, the state in which a minor child lived  
10896 with a parent or a person acting as a parent for at least six consecutive months  
10897 immediately before the commencement of a child custody proceeding[~~.- In the case~~  
10898 ~~of a child less than six months of age, the term means ] , including any period of  
10899 temporary absence of the parent or the person acting as a parent during that time  
10900 period; or~~

10901 (b) if the minor child is younger than six months old, the state in which the minor child  
10902 lived from birth with [any of the persons mentioned. A period of temporary absence  
10903 of any of the mentioned persons is part of the period.] a parent or a person acting as  
10904 parent, including any period of temporary absence of the parent or the person acting  
10905 as a parent during that time period.

10906 [(8)] (7) "Initial determination" means the first child custody determination concerning a  
 10907 particular minor child.

10908 [(9)] (8) "Issuing court" means the court that makes a child custody determination for which  
 10909 enforcement is sought under this chapter.

10910 [(10)] (9) "Issuing state" means the state in which a child custody determination is made.

10911 [(11)] (10) "Modification" means a child custody determination that changes, replaces,  
 10912 supersedes, or is otherwise made after a previous determination concerning the same  
 10913 minor child, whether or not it is made by the court that made the previous determination.

10914 [(12)] (11) "Person" includes government, governmental subdivision, agency, or  
 10915 instrumentality, or any other legal or commercial entity.

10916 [(13)] (12) "Person acting as a parent" means a person, other than a parent, who:

10917 (a) has physical custody of the minor child or has had physical custody for a period of  
 10918 six consecutive months, including any temporary absence, within one year  
 10919 immediately before the commencement of a child custody proceeding; and

10920 (b) has been awarded legal custody by a court or claims a right to legal custody under  
 10921 the law of this state.

10922 [(14)] (13) "Physical custody" means the physical care and supervision of a minor child.

10923 [(15)] (14) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
 10924 the United States Virgin Islands, or any territory or insular possession subject to the  
 10925 jurisdiction of the United States.

10926 [(16)] (15) "Tribe" means an Indian tribe, or band, or Alaskan Native village which is  
 10927 recognized by federal law or formally acknowledged by a state.

10928 [(17)] (16) "Writ of assistance" means an order issued by a court authorizing law  
 10929 enforcement officers to take physical custody of a minor child.

10930 Section 279. Section **81-11-102**, which is renumbered from Section 78B-13-103 is renumbered  
 10931 and amended to read:

10932 **[78B-13-103] 81-11-102 . Proceedings governed by other law.**

10933 (1) ~~[For purposes of]~~ As used in this section, "adoption proceeding" means any proceeding  
 10934 under ~~[Title 78B, Chapter 6, Part 1, Utah Adoption Act]~~ Chapter 13, Adoption.

10935 (2) This chapter does not govern:

10936 (a) an adoption proceeding; or

10937 (b) a proceeding pertaining to the authorization of emergency medical care for a minor  
 10938 child.

10939 Section 280. Section **81-11-103**, which is renumbered from Section 78B-13-104 is renumbered

10940 and amended to read:

10941 **[78B-13-104] 81-11-103 . Application to Indian tribes.**

10942 (1) A child custody proceeding that pertains to an Indian child as defined in the Indian  
10943 Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to this chapter to the extent that  
10944 it is governed by the Indian Child Welfare Act.

10945 (2) A court of this state shall treat a tribe as a state of the United States for purposes of Part  
10946 1, General Provisions, and Part 2, Jurisdiction.

10947 (3) A child custody determination made by a tribe under factual circumstances in  
10948 substantial conformity with the jurisdictional standards of this chapter shall be  
10949 recognized and enforced under the provisions of Part 3, Enforcement.

10950 Section 281. Section **81-11-104**, which is renumbered from Section 78B-13-105 is renumbered  
10951 and amended to read:

10952 **[78B-13-105] 81-11-104 . International application of chapter.**

10953 (1) A court of this state shall treat a foreign country as a state of the United States for  
10954 purposes of applying Part 1, General Provisions, and Part 2, Jurisdiction.

10955 (2) A child custody determination made in a foreign country under factual circumstances in  
10956 substantial conformity with the jurisdictional standards of this chapter shall be  
10957 recognized and enforced under Part 3, Enforcement.

10958 (3) The court need not apply the provisions of this chapter when the child custody law of  
10959 the other country violates fundamental principles of human rights.

10960 Section 282. Section **81-11-105**, which is renumbered from Section 78B-13-106 is renumbered  
10961 and amended to read:

10962 **[78B-13-106] 81-11-105 . Binding force of child custody determination.**

10963 (1) A child custody determination made by a court of this state that had jurisdiction  
10964 under this chapter binds all persons who have:

10965 (a)(i) been served in accordance with the laws of this state or notified in accordance  
10966 with Section ~~[78B-13-108 or who have]~~ 81-11-107; or

10967 (ii) submitted to the jurisdiction of the court~~[-, and who have-]~~ ; and

10968 (b) been given an opportunity to be heard.

10969 (2) The determination is conclusive as to ~~[them]~~ the persons described in Subsection (1) as  
10970 to all decided issues of law and fact except to the extent the determination is modified.

10971 Section 283. Section **81-11-106**, which is renumbered from Section 78B-13-107 is renumbered  
10972 and amended to read:

10973 **[78B-13-107] 81-11-106 . Priority.**

10974 If a question of existence or exercise of jurisdiction under this chapter is raised in a child  
10975 custody proceeding, the question, upon request of a party, shall be given priority on the  
10976 calendar and handled expeditiously.

10977 Section 284. Section **81-11-107**, which is renumbered from Section 78B-13-108 is renumbered  
10978 and amended to read:

10979 **[78B-13-108] 81-11-107 . Notice to persons outside state.**

10980 (1)(a) Notice required for the exercise of jurisdiction when a person is outside this state  
10981 may be given in a manner prescribed by the law of this state for the service of process  
10982 or by the law of the state in which the service is made.

10983 (b) Notice shall be given in a manner reasonably calculated to give actual notice, but  
10984 may be by publication if other means are not effective.

10985 (2) Proof of service may be made in the manner prescribed by the law of this state or by the  
10986 law of the state in which the service is made.

10987 (3) Notice is not required for the exercise of jurisdiction with respect to a person who  
10988 submits to the jurisdiction of the court.

10989 Section 285. Section **81-11-108**, which is renumbered from Section 78B-13-109 is renumbered  
10990 and amended to read:

10991 **[78B-13-109] 81-11-108 . Appearance and limited immunity.**

10992 (1) A party to a child custody proceeding who is not subject to personal jurisdiction in this  
10993 state and is a responding party under Part 2, Jurisdiction, a party in a proceeding to  
10994 modify a child custody determination under Part 2, Jurisdiction, or a petitioner in a  
10995 proceeding to enforce or register a child custody determination under Part 3,  
10996 Enforcement, may appear and participate in the proceeding without submitting to  
10997 personal jurisdiction over the party for another proceeding or purpose.

10998 (2)(a) A party is not subject to personal jurisdiction in this state solely by being  
10999 physically present for the purpose of participating in a proceeding under this chapter.

11000 (b) If a party is subject to personal jurisdiction in this state on a basis other than physical  
11001 presence, the party may be served with process in this state.

11002 (c) If a party present in this state is subject to the jurisdiction of another state, service of  
11003 process allowable under the laws of that state may be accomplished in this state.

11004 (3) The immunity granted by this section does not extend to civil litigation based on acts  
11005 unrelated to the participation in a proceeding under this chapter committed by an  
11006 individual while present in this state.

11007 Section 286. Section **81-11-109**, which is renumbered from Section 78B-13-110 is renumbered



11008 and amended to read:

11009 **[78B-13-110] 81-11-109 . Communication between courts.**

11010 (1) As used in this section:

11011 (a) "Record" means information that is inscribed on a tangible medium or that which is  
11012 stored in an electronic or other medium and is retrievable in perceivable form.

11013 (b) "Record" includes:

11014 (i) notes or transcripts of a court reporter who listened to a conference call between  
11015 the courts;

11016 (ii) an electronic recording of a telephone call;

11017 (iii) a memorandum or an electronic record of the communication between the courts;

11018 or

11019 (iv) a memorandum or an electronic record made by a court after the communication.

11020 [(4)] (2) A court of this state may communicate with a court in another state concerning a  
11021 proceeding arising under this chapter.

11022 [(2)] (3)(a) The court may allow the parties to participate in the communication.

11023 (b) If the parties are not able to participate in the communication, the parties shall be  
11024 given the opportunity to present facts and legal arguments before a decision on  
11025 jurisdiction is made.

11026 [(3)] (4)(a) A communication between courts on schedules, calendars, court records, and  
11027 similar matters may occur without informing the parties.

11028 (b) A record need not be made of that communication.

11029 [(4)] (5)(a) Except as provided in Subsection [(3)] (4), a record shall be made of the  
11030 communication.

11031 (b) The parties shall be informed promptly of the communication and granted access to  
11032 the record.

11033 [(5) For the purposes of this section, "record" means information that is inscribed on a  
11034 tangible medium or that which is stored in an electronic or other medium and is  
11035 retrievable in perceivable form. A record includes notes or transcripts of a court reporter  
11036 who listened to a conference call between the courts, an electronic recording of a  
11037 telephone call, a memorandum or an electronic record of the communication between  
11038 the courts, or a memorandum or an electronic record made by a court after the  
11039 communication.]

11040 Section 287. Section **81-11-110**, which is renumbered from Section 78B-13-111 is renumbered  
11041 and amended to read:

11042 **[78B-13-111] 81-11-110 . Taking testimony in another state.**

11043 (1)(a) In addition to other procedures available to a party, a party to a child custody  
11044 proceeding may offer testimony of witnesses who are located in another state,  
11045 including testimony of the parties and the minor child, by deposition or other means  
11046 allowable in this state for testimony taken in another state.

11047 (b) The court on [its] the court's own motion may:

11048 (i) order that the testimony of a person be taken in another state; and [may-]

11049 (ii) prescribe the manner in which and the terms upon which the testimony is taken.

11050 (2)(a) A court of this state may permit an individual residing in another state to be  
11051 deposed or to testify by telephone, audiovisual means, or other electronic means  
11052 before a designated court or at another location in that state.

11053 (b) A court of this state shall cooperate with courts of other states in designating an  
11054 appropriate location for the deposition or testimony.

11055 (3) Documentary evidence transmitted from another state to a court of this state by  
11056 technological means that do not produce an original writing may not be excluded from  
11057 evidence on an objection based on the means of transmission.

11058 Section 288. Section **81-11-111**, which is renumbered from Section 78B-13-112 is renumbered  
11059 and amended to read:

11060 **[78B-13-112] 81-11-111 . Cooperation between courts -- Preservation of records.**

11061 (1) A court of this state may request the appropriate court of another state to:

11062 (a) hold an evidentiary hearing;

11063 (b) order a person to produce or give evidence under procedures of that state;

11064 (c) order that an evaluation be made with respect to the custody of a minor child  
11065 involved in a pending proceeding;

11066 (d) forward to the court of this state a certified copy of the transcript of the record of the  
11067 hearing, the evidence otherwise presented, and any evaluation prepared in  
11068 compliance with the request; and

11069 (e) order a party to a child custody proceeding or any person having physical custody of  
11070 the minor child to appear in the proceeding with or without the minor child.

11071 (2) Upon request of a court of another state, a court of this state may:

11072 (a) hold a hearing or enter an order described in Subsection (1); or

11073 (b) order a person in this state to appear alone or with the minor child in a custody  
11074 proceeding in another state.

11075 (3)(a) A court of this state may condition compliance with a request under Subsection

11076 (2)(b) upon assurance by the other state that travel and other necessary expenses will  
11077 be advanced or reimbursed.

11078 (b) If ~~[the person]~~ an individual who has physical custody of the minor child cannot be  
11079 served or fails to obey the order, or it appears the order will be ineffective, the court  
11080 may issue a warrant of arrest against ~~[the person to secure his]~~ the individual to secure  
11081 the individual's appearance with the minor child in the other state.

11082 (4) Travel and other necessary and reasonable expenses incurred under Subsections (1) and  
11083 (2) may be assessed against the parties according to the law of this state.

11084 (5)(a) A court of this state shall preserve the pleadings, orders, decrees, records of  
11085 hearings, evaluations, and other pertinent records with respect to a child custody  
11086 proceeding until the ~~[child attains 18 years of age]~~ minor child is 18 years old.

11087 (b) Upon appropriate request by a court or law enforcement official of another state, the  
11088 court shall forward a certified copy of these records.

11089 Section 289. Section **81-11-201**, which is renumbered from Section 78B-13-201 is renumbered  
11090 and amended to read:

11091 **Part 2. Jurisdiction**

11092 **~~[78B-13-201]~~ 81-11-201 . Initial child custody jurisdiction.**

11093 (1) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this state  
11094 has jurisdiction to make an initial child custody determination only if:

11095 (a) this state is the home state of the minor child on the date of the commencement of the  
11096 proceeding, or was the home state of the minor child within six months before the  
11097 commencement of the proceeding and the minor child is absent from this state but a  
11098 parent or person acting as a parent continues to live in this state;

11099 (b) a court of another state does not have jurisdiction under Subsection (1)(a), or a court  
11100 of the home state of the minor child has declined to exercise jurisdiction on the  
11101 ground that this state is the more appropriate forum under Section ~~[78B-13-207 or~~  
11102 ~~78B-13-208;]~~ 81-11-207 or 81-11-208, and:

11103 (i) the minor child and the minor child's parents, or the minor child and at least one  
11104 parent or a person acting as a parent have a significant connection with this state  
11105 other than mere physical presence; and

11106 (ii) substantial evidence is available in this state concerning the minor child's care,  
11107 protection, training, and personal relationships;

11108 (c) all courts having jurisdiction under Subsection (1)(a) or (b) have declined to exercise  
11109 jurisdiction on the ground that a court of this state is the more appropriate forum to

11110 determine the custody of the minor child under Section [~~78B-13-207 or 78B-13-208~~  
 11111 81-11-207 or 81-11-208; or

11112 (d) no state would have jurisdiction under Subsection (1)(a), (b), or (c).

11113 (2) Subsection (1) is the exclusive jurisdictional basis for making a child custody  
 11114 determination by a court of this state.

11115 (3) Physical presence of, or personal jurisdiction over, a party or a minor child is neither  
 11116 necessary nor sufficient to make a child custody determination.

11117 Section 290. Section **81-11-202**, which is renumbered from Section 78B-13-202 is renumbered  
 11118 and amended to read:

11119 **~~[78B-13-202]~~ 81-11-202 . Exclusive, continuing jurisdiction.**

11120 (1) Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204, a court of this state  
 11121 that has made a child custody determination consistent with Section [~~78B-13-201 or~~  
 11122 ~~78B-13-203~~] 81-11-201 or 81-11-203 has exclusive, continuing jurisdiction over the  
 11123 determination until:

11124 (a) a court of this state determines that [~~neither-~~]the minor child, the minor child and one  
 11125 parent, [~~nor~~] and the minor child and a person acting as a parent do not have a  
 11126 significant connection with this state and that substantial evidence is no longer  
 11127 available in this state concerning the minor child's care, protection, training, and  
 11128 personal relationships; or

11129 (b) a court of this state or a court of another state determines that [~~neither the child, nor a~~  
 11130 ~~parent, nor~~] the minor child, a parent, and any person acting as a parent [~~presently~~  
 11131 ~~resides~~] do not presently reside in this state.

11132 (2) A court of this state that has exclusive, continuing jurisdiction under this section may  
 11133 decline to exercise [~~its~~] the court's jurisdiction if the court determines that it is an  
 11134 inconvenient forum under Section [~~78B-13-207~~] 81-11-207.

11135 (3) A court of this state that has made a child custody determination and does not have  
 11136 exclusive, continuing jurisdiction under this section may modify that determination only  
 11137 if [~~it~~] the court has jurisdiction to make an initial determination under Section [~~78B-13-201~~]  
 11138 81-11-201.

11139 Section 291. Section **81-11-203**, which is renumbered from Section 78B-13-203 is renumbered  
 11140 and amended to read:

11141 **~~[78B-13-203]~~ 81-11-203 . Jurisdiction to modify determination.**

11142 Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204, a court of this state  
 11143 may not modify a child custody determination made by a court of another state unless a court

11144 of this state has jurisdiction to make an initial determination under Subsection [  
11145 ~~78B-13-201(1)(a)~~ 81-11-201(1)(a) or (b) and:

11146 (1) the court of the other state determines [it] the court no longer has exclusive, continuing  
11147 jurisdiction under Section [~~78B-13-202~~] 81-11-202 or that a court of this state would be a  
11148 more convenient forum under Section [~~78B-13-207~~] 81-11-207; or

11149 (2) a court of this state or a court of the other state determines that [~~neither the child, nor a~~  
11150 ~~parent, nor~~] the minor child, a parent, and any person acting as a parent presently [resides]  
11151 do not reside in the other state.

11152 Section 292. Section **81-11-204**, which is renumbered from Section 78B-13-204 is renumbered  
11153 and amended to read:

11154 **~~[78B-13-204]~~ 81-11-204 . Temporary emergency jurisdiction.**

11155 (1) A court of this state has temporary emergency jurisdiction if the minor child is present  
11156 in this state and the minor child has been abandoned or it is necessary in an emergency  
11157 to protect the minor child because the minor child, or a sibling or parent of the minor  
11158 child, is subjected to or threatened with mistreatment or abuse.

11159 (2)(a) If there is no previous child custody determination that is entitled to be enforced  
11160 under this chapter, and if no child custody proceeding has been commenced in a court  
11161 of a state having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~]  
11162 81-11-201 through 81-11-203, a child custody determination made under this section  
11163 remains in effect until an order is obtained from a court of a state having jurisdiction  
11164 under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through 81-11-203.

11165 (b) If a child custody proceeding has not been or is not commenced in a court of a state  
11166 having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201  
11167 through 81-11-203, a child custody determination made under this section becomes a  
11168 final determination, if:

11169 [~~(a)~~] (i) it so provides; and

11170 [~~(b)~~] (ii) this state becomes the home state of the minor child.

11171 (3)(a) If there is a previous child custody determination that is entitled to be enforced  
11172 under this chapter, or a child custody proceeding has been commenced in a court of a  
11173 state having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201  
11174 through 81-11-203, any order issued by a court of this state under this section shall  
11175 specify in the order a period of time which the court considers adequate to allow the  
11176 person seeking an order to obtain an order from the state having jurisdiction under  
11177 Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through 81-11-203.

11178 (b) The order issued in this state remains in effect until an order is obtained from the  
11179 other state within the period specified or the period expires.

11180 (4)(a) A court of this state that has been asked to make a child custody determination  
11181 under this section, upon being informed that a child custody proceeding has been  
11182 commenced, or a child custody determination has been made, by a court of a state  
11183 having jurisdiction under Sections ~~[78B-13-201 through 78B-13-203]~~ 81-11-201  
11184 through 81-11-203, shall immediately communicate with the other court.

11185 (b) A court of this state that is exercising jurisdiction ~~[pursuant to Sections 78B-13-201~~  
11186 ~~through 78B-13-203]~~ in accordance with Sections 81-11-201 through 81-11-203,  
11187 upon being informed that a child custody proceeding has been commenced, or a child  
11188 custody determination has been made by a court of another state under a statute  
11189 similar to this section shall immediately communicate with the court of that state.

11190 (c) The purpose of the communication is to resolve the emergency, protect the safety of  
11191 the parties and the minor child, and determine a period for the duration of the  
11192 temporary order.

11193 Section 293. Section **81-11-205**, which is renumbered from Section 78B-13-205 is renumbered  
11194 and amended to read:

11195 **[78B-13-205] 81-11-205 . Notice -- Opportunity to be heard -- Joinder.**

11196 (1) Before a child custody determination is made under this chapter, notice and an  
11197 opportunity to be heard in accordance with the standards of Section ~~[78B-13-108]~~  
11198 81-11-107 shall be given to all persons entitled to notice under the law of this state as in  
11199 child custody proceedings between residents of this state, any parent whose parental  
11200 rights have not been previously terminated, and any person having physical custody of  
11201 the minor child.

11202 (2) This chapter does not govern the enforceability of a child custody determination made  
11203 without notice and an opportunity to be heard.

11204 (3) The obligation to join a party and the right to intervene as a party in a child custody  
11205 proceeding under this chapter are governed by the law of this state as in child custody  
11206 proceedings between residents of this state.

11207 Section 294. Section **81-11-206**, which is renumbered from Section 78B-13-206 is renumbered  
11208 and amended to read:

11209 **[78B-13-206] 81-11-206 . Simultaneous proceedings.**

11210 (1) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this state  
11211 may not exercise its jurisdiction under this chapter if at the time of the commencement

11212 of the proceeding a proceeding concerning the custody of the minor child had been  
 11213 previously commenced in a court of another state having jurisdiction substantially in  
 11214 conformity with this chapter, unless the proceeding has been terminated or is stayed by  
 11215 the court of the other state because a court of this state is a more convenient forum under  
 11216 Section ~~[78B-13-207]~~ 81-11-207.

11217 (2)(a) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this  
 11218 state, before hearing a child custody proceeding, shall examine the court documents  
 11219 and other information supplied by the parties ~~[pursuant to Section 78B-13-209]~~ in  
 11220 accordance with Section 81-11-209.

11221 (b) If the court determines that a child custody proceeding was previously commenced  
 11222 in a court in another state having jurisdiction substantially in accordance with this  
 11223 chapter, the court of this state shall stay ~~[its]~~ the court's proceeding and communicate  
 11224 with the court of the other state.

11225 (c) If the court of the state having jurisdiction substantially in accordance with this  
 11226 chapter does not determine that the court of this state is a more appropriate forum, the  
 11227 court of this state shall dismiss the proceeding.

11228 (3)(a) In a proceeding to modify a child custody determination, a court of this state shall  
 11229 determine whether a proceeding to enforce the determination has been commenced in  
 11230 another state.

11231 (b) If a proceeding to enforce a child custody determination has been commenced in  
 11232 another state, the court may:

11233 ~~[(a)]~~ (i) stay the proceeding for modification pending the entry of an order of a court  
 11234 of the other state enforcing, staying, denying, or dismissing the proceeding for  
 11235 enforcement;

11236 ~~[(b)]~~ (ii) enjoin the parties from continuing with the proceeding for enforcement; or

11237 ~~[(c)]~~ (iii) proceed with the modification under conditions it considers appropriate.

11238 Section 295. Section **81-11-207**, which is renumbered from Section 78B-13-207 is renumbered  
 11239 and amended to read:

11240 ~~[78B-13-207]~~ 81-11-207 . **Inconvenient forum.**

11241 (1)(a) A court of this state that has jurisdiction under this chapter to make a child  
 11242 custody determination may decline to exercise its jurisdiction at any time if ~~[it]~~ the  
 11243 court determines that ~~[it]~~ the court is an inconvenient forum under the circumstances  
 11244 and that a court of another state is a more appropriate forum.

11245 (b) The issue of inconvenient forum may be raised upon the court's own motion, request

11246 of another court, or motion of a party.

11247 (2)(a) Before determining whether [it] the court is an inconvenient forum, a court of this  
 11248 state shall consider whether it is appropriate that a court of another state exercise  
 11249 jurisdiction.

11250 (b) [~~For this purpose~~] In making a determination under Subsection (2)(a), the court shall:

11251 (i) allow the parties to submit information[~~and shall~~] ; and

11252 (ii) consider all relevant factors, including:

11253 [~~(a)~~] (A) whether domestic violence has occurred and is likely to continue in the  
 11254 future and which state could best protect the parties and the minor child;

11255 [~~(b)~~] (B) the length of time the minor child has resided outside this state;

11256 [~~(c)~~] (C) the distance between the court in this state and the court in the state that  
 11257 would assume jurisdiction;

11258 [~~(d)~~] (D) the relative financial circumstances of the parties;

11259 [~~(e)~~] (E) any agreement of the parties as to which state should assume jurisdiction;

11260 [~~(f)~~] (F) the nature and location of the evidence required to resolve the pending  
 11261 litigation, including the testimony of the minor child;

11262 [~~(g)~~] (G) the ability of the court of each state to decide the issue expeditiously and  
 11263 the procedures necessary to present the evidence; and

11264 [~~(h)~~] (H) the familiarity of the court of each state with the facts and issues of the  
 11265 pending litigation.

11266 (3) If a court of this state determines that [it] the court is an inconvenient forum and that a  
 11267 court of another state is a more appropriate forum, [it] the court shall stay the  
 11268 proceedings upon condition that a child custody proceeding be promptly commenced in  
 11269 another designated state and may impose any other condition the court considers just  
 11270 and proper.

11271 (4) A court of this state may decline to exercise [its] the court's jurisdiction under this  
 11272 chapter if a child custody determination is incidental to an action for divorce or another  
 11273 proceeding while still retaining jurisdiction over the divorce or other proceeding.

11274 Section 296. Section **81-11-208**, which is renumbered from Section 78B-13-208 is renumbered  
 11275 and amended to read:

11276 **[78B-13-208] 81-11-208 . Jurisdiction declined by reason of conduct.**

11277 (1) Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204 or by other law of this  
 11278 state, if a court of this state has jurisdiction under this chapter because a person invoking  
 11279 the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise [



11280 its] the court's jurisdiction unless:

11281 (a) the parents and all persons acting as parents have acquiesced in the exercise of  
11282 jurisdiction;

11283 (b) a court of the state otherwise having jurisdiction under Sections [~~78B-13-201~~  
11284 ~~through 78B-13-203~~] 81-11-201 through 81-11-203 determines that this state is a  
11285 more appropriate forum under Section [~~78B-13-207~~] 81-11-207; or

11286 (c) no other state would have jurisdiction under Sections [~~78B-13-201 through~~  
11287 ~~78B-13-203~~] 81-11-201 through 81-11-203.

11288 (2) If a court of this state declines to exercise [its] the court's jurisdiction [~~pursuant to~~] in  
11289 accordance with Subsection (1), [it] the court may fashion an appropriate remedy to  
11290 ensure the safety of the minor child and prevent a repetition of the wrongful conduct,  
11291 including staying the proceeding until a child custody proceeding is commenced in a  
11292 court having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201  
11293 through 81-11-203.

11294 (3)(a) If a court dismisses a petition or stays a proceeding because it declines to exercise [  
11295 ~~its jurisdiction pursuant to~~] the court's jurisdiction in accordance with Subsection (1), [  
11296 it] the court shall charge the party invoking the jurisdiction of the court with necessary  
11297 and reasonable expenses including costs, communication expenses, attorney fees,  
11298 investigative fees, expenses for witnesses, travel expenses, and child care during the  
11299 course of the proceedings, unless the party from whom fees are sought establishes  
11300 that the award would be clearly inappropriate.

11301 (b) The court may not assess fees, costs, or expenses against this state except as  
11302 otherwise provided by law other than this chapter.

11303 Section 297. Section **81-11-209**, which is renumbered from Section 78B-13-209 is renumbered  
11304 and amended to read:

11305 **[~~78B-13-209~~] 81-11-209 . Information to be submitted to court.**

11306 (1)(a) In a child custody proceeding, each party, in [its] the party's first pleading or in an  
11307 attached affidavit, shall give information, if reasonably ascertainable, under oath as to  
11308 the minor child's present address, the places where the minor child has lived during  
11309 the last five years, and the names and present addresses of the persons with whom the  
11310 minor child has lived during that period.

11311 (b) The pleading or affidavit shall state whether the party:

11312 [(a)] (i) has participated, as a party or witness or in any other capacity, in any other  
11313 proceeding concerning the custody of or parent-time with the minor child and, if

11314 so, identify the court, the case number of the proceeding, and the date of the child  
11315 custody determination, if any;

11316 [(b)] (ii) knows of any proceeding that could affect the current proceeding, including  
11317 proceedings for enforcement and proceedings relating to domestic violence,  
11318 protective orders, termination of parental rights, and adoptions and, if so, identify  
11319 the court and the case number and the nature of the proceeding; and

11320 [(e)] (iii) knows the names and addresses of any person not a party to the proceeding  
11321 who has physical custody of the minor child or claims rights of legal custody or  
11322 physical custody of, or parent-time with, the minor child and, if so, the names and  
11323 addresses of those persons.

11324 (2) If the information required by Subsection (1) is not furnished, the court, upon [its] the  
11325 court's own motion or that of a party, may stay the proceeding until the information is  
11326 furnished.

11327 (3)(a) If the declaration as to any of the items described in Subsection (1) is in the  
11328 affirmative, the declarant shall give additional information under oath as required by  
11329 the court.

11330 (b) The court may examine the parties under oath as to details of the information  
11331 furnished and other matters pertinent to the court's jurisdiction and the disposition of  
11332 the case.

11333 (4) Each party has a continuing duty to inform the court of any proceeding in this or any  
11334 other state that could affect the current proceeding.

11335 (5) If a party alleges in an affidavit or a pleading under oath that the health, safety, or  
11336 liberty of a party or minor child would be put at risk by the disclosure of identifying  
11337 information, that information shall be sealed and not disclosed to the other party or the  
11338 public unless the court orders the disclosure to be made after a hearing in which the  
11339 court takes into consideration the health, safety, or liberty of the party or minor child and  
11340 determines that the disclosure is in the interest of justice.

11341 Section 298. Section **81-11-210**, which is renumbered from Section 78B-13-210 is renumbered  
11342 and amended to read:

11343 **[78B-13-210] 81-11-210 . Appearance of parties and child.**

11344 (1)(a) A court of this state may order a party to a child custody proceeding who is in  
11345 this state to appear before the court personally with or without the minor child.

11346 (b) The court may order any person who is in this state and who has physical custody or  
11347 control of the minor child to appear physically with the minor child.

11348 (2) If a party to a child custody proceeding whose presence is desired by the court is outside  
 11349 this state, the court may order that a notice given [~~pursuant to Section 78B-13-108~~] in  
 11350 accordance with Section 81-11-107 include a statement directing the party to appear  
 11351 personally with or without the minor child and declaring that failure to appear may result  
 11352 in a decision adverse to the party.

11353 (3) The court may enter any orders necessary to ensure the safety of the minor child and of  
 11354 any person ordered to appear under this section.

11355 (4) If a party to a child custody proceeding who is outside this state is directed to appear  
 11356 under Subsection (2) or desires to appear personally before the court with or without the  
 11357 minor child, the court may require another party to pay reasonable and necessary travel  
 11358 and other expenses of the party so appearing and of the minor child.

11359 Section 299. Section **81-11-301**, which is renumbered from Section 78B-13-301 is renumbered  
 11360 and amended to read:

11361 **Part 3. Enforcement**

11362 **~~[78B-13-301]~~ 81-11-301 . Definitions for part.**

11363 As used in this part:

11364 (1) "Petitioner" means a person who seeks enforcement of a child custody determination or  
 11365 enforcement of an order for the return of the minor child under the Hague Convention  
 11366 on the Civil Aspects of International Child Abduction.

11367 (2) "Respondent" means a person against whom a proceeding has been commenced for  
 11368 enforcement of a child custody determination or enforcement of an order for the return  
 11369 of the minor child under the Hague Convention on the Civil Aspects of International  
 11370 Child Abduction.

11371 Section 300. Section **81-11-302**, which is renumbered from Section 78B-13-302 is renumbered  
 11372 and amended to read:

11373 **~~[78B-13-302]~~ 81-11-302 . Scope -- Hague Convention Enforcement.**

11374 This chapter may be invoked to enforce:

11375 (1) a child custody determination; and

11376 (2) an order for the return of the minor child made under the Hague Convention on the Civil  
 11377 Aspects of International Child Abduction.

11378 Section 301. Section **81-11-303**, which is renumbered from Section 78B-13-303 is renumbered  
 11379 and amended to read:

11380 **~~[78B-13-303]~~ 81-11-303 . Duty to enforce.**

11381 (1) A court of this state shall recognize and enforce a child custody determination of a court

11382 of another state if the latter court exercised jurisdiction that was in substantial  
11383 conformity with this chapter or the determination was made under factual circumstances  
11384 meeting the jurisdictional standards of this chapter and the determination has not been  
11385 modified in accordance with this chapter.

11386 (2)(a) A court may utilize any remedy available under other law of this state to enforce  
11387 a child custody determination made by a court of another state.

11388 (b) The procedure provided by this part does not affect the availability of other remedies  
11389 to enforce a child custody determination.

11390 Section 302. Section **81-11-304**, which is renumbered from Section 78B-13-304 is renumbered  
11391 and amended to read:

11392 **[78B-13-304] 81-11-304 . Temporary parent-time.**

11393 (1) A court of this state which does not have jurisdiction to modify a child custody  
11394 determination may issue a temporary order enforcing:

11395 (a) a parent-time schedule made by a court of another state; or

11396 (b) the parent-time provisions of a child custody determination of another state that does  
11397 not provide for a specific parent-time schedule.

11398 (2)(a) If a court of this state makes an order under Subsection (1)(b), [it] the court shall  
11399 specify in the order a period that [it] the court considers adequate to allow the  
11400 petitioner to obtain an order from a court having jurisdiction under the criteria  
11401 specified in Part 2, Jurisdiction.

11402 (b) The order remains in effect until an order is obtained from the other court or the  
11403 period expires.

11404 Section 303. Section **81-11-305**, which is renumbered from Section 78B-13-305 is renumbered  
11405 and amended to read:

11406 **[78B-13-305] 81-11-305 . Registration of child custody determination.**

11407 (1) A child custody determination issued by a court of another state may be registered in  
11408 this state, with or without a simultaneous request for enforcement, by sending to the  
11409 district court in this state:

11410 (a) a letter or other document requesting registration;

11411 (b) two copies, including one certified copy, of the determination sought to be  
11412 registered, and a statement under penalty of perjury that to the best of the knowledge  
11413 and belief of the person seeking registration the order has not been modified; and

11414 (c) except as otherwise provided in Section [~~78B-13-209~~] 81-11-209, the name and  
11415 address of the person seeking registration and any parent or person acting as a parent

- 11416 who has been awarded custody or parent-time in the child custody determination  
 11417 sought to be registered.
- 11418 (2) On receipt of the documents required by Subsection (1), the registering court shall:  
 11419 (a) cause the determination to be filed as a foreign judgment, together with one copy of  
 11420 any accompanying documents and information, regardless of their form; and  
 11421 (b) serve notice upon ~~[the persons named pursuant to Subsection (1)(c) and provide them]~~  
 11422 a person named as described in Subsection (1)(c) and provide the person with an  
 11423 opportunity to contest the registration in accordance with this section.
- 11424 (3) The notice required by Subsection (2)(b) shall state:  
 11425 (a) that a registered determination is enforceable as of the date of the registration in the  
 11426 same manner as a determination issued by a court of this state;  
 11427 (b) that a hearing to contest the validity of the registered determination shall be  
 11428 requested within 20 days after service of notice; and  
 11429 (c) that failure to contest the registration will result in confirmation of the child custody  
 11430 determination and preclude further contest of that determination with respect to any  
 11431 matter that could have been asserted.
- 11432 (4)(a) A person seeking to contest the validity of a registered order shall request a  
 11433 hearing within 20 days after service of the notice.
- 11434 (b) At that hearing, the court shall confirm the registered order unless the person  
 11435 contesting registration establishes that:  
 11436 ~~[(a)]~~ (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;  
 11437 ~~[(b)]~~ (ii) the child custody determination sought to be registered has been vacated,  
 11438 stayed, or modified by a court of a state having jurisdiction to do so under Part 2,  
 11439 Jurisdiction; or  
 11440 ~~[(c)]~~ (iii) the person contesting registration was entitled to notice, but notice was not  
 11441 given in accordance with the standards of Section ~~[78B-13-108]~~ 81-11-107 in the  
 11442 proceedings before the court that issued the order for which registration is sought.
- 11443 (5) If a timely request for a hearing to contest the validity of the registration is not made,  
 11444 the registration is confirmed as a matter of law and the person requesting registration  
 11445 and all persons served shall be notified of the confirmation.
- 11446 (6) Confirmation of a registered order, whether by operation of law or after notice and  
 11447 hearing, precludes further contest of the order with respect to any matter which could  
 11448 have been asserted at the time of registration.
- 11449 Section 304. Section **81-11-306**, which is renumbered from Section 78B-13-306 is renumbered

11450 and amended to read:

11451 **[78B-13-306] 81-11-306 . Enforcement of registered determination.**

- 11452 (1) A court of this state may grant any relief normally available under the law of this state  
11453 to enforce a registered child custody determination made by a court of another state.  
11454 (2) A court of this state shall recognize and enforce, but may not modify except in  
11455 accordance with Part 2, Jurisdiction, a registered child custody determination of another  
11456 state.

11457 Section 305. Section **81-11-307**, which is renumbered from Section 78B-13-307 is renumbered  
11458 and amended to read:

11459 **[78B-13-307] 81-11-307 . Simultaneous proceedings.**

- 11460 (1) If a proceeding for enforcement under this part has been or is commenced in this  
11461 state and a court of this state determines that a proceeding to modify the determination  
11462 has been commenced in another state having jurisdiction to modify the determination  
11463 under Part 2, Jurisdiction, the enforcing court shall immediately communicate with the  
11464 modifying court.  
11465 (2) The proceeding for enforcement continues unless the enforcing court, after consultation  
11466 with the modifying court, stays or dismisses the proceeding.

11467 Section 306. Section **81-11-308**, which is renumbered from Section 78B-13-308 is renumbered  
11468 and amended to read:

11469 **[78B-13-308] 81-11-308 . Expedited enforcement of child custody determination.**

- 11470 (1)(a) A petition under this part shall be verified.  
11471 (b) Certified copies of all orders sought to be enforced and of the order confirming  
11472 registration, if any, shall be attached to the petition.  
11473 (c) A copy of a certified copy of an order may be attached instead of the original.  
11474 (2) A petition for enforcement of a child custody determination shall state:  
11475 (a) whether the court that issued the determination identified the jurisdictional basis [it]  
11476 the court relied upon in exercising jurisdiction and, if so, what the basis was;  
11477 (b) whether the determination for which enforcement is sought has been vacated, stayed,  
11478 or modified by a court whose decision shall be enforced under this chapter or federal  
11479 law and, if so, identify the court, the case number of the proceeding, and the action  
11480 taken;  
11481 (c) whether any proceeding has been commenced that could affect the current  
11482 proceeding, including proceedings relating to domestic violence, protective orders,  
11483 termination of parental rights, and adoptions and, if so, identify the court and the case

- 11484 number and the nature of the proceeding;
- 11485 (d) the present physical address of the minor child and the respondent, if known; and
- 11486 (e) whether relief in addition to the immediate physical custody of the minor child and
- 11487 attorney fees is sought, including a request for assistance from law enforcement
- 11488 officials and, if so, the relief sought.
- 11489 (3) If the child custody determination has been registered and confirmed under Section [
- 11490 ~~78B-13-305~~] 81-11-305, the petition shall also state the date and place of registration.
- 11491 (4) The court shall issue an order directing the respondent to appear with or without the
- 11492 minor child at a hearing and may enter any orders necessary to ensure the safety of the
- 11493 parties and the minor child.
- 11494 (5)(a) The hearing shall be held on the next judicial day following service of process
- 11495 unless that date is impossible.
- 11496 (b) In that event, the court shall hold the hearing on the first day possible.
- 11497 (c) The court may extend the date of hearing at the request of the petitioner.
- 11498 (6) The order shall:
- 11499 (a) state the time and place of the hearing~~[-and shall]~~ ; and
- 11500 (b) advise the respondent that at the hearing the court will order the delivery of the child
- 11501 and the payment of fees, costs, and expenses under Section [~~78B-13-312, and may~~]
- 11502 81-11-312.
- 11503 (7) The order may set an additional hearing to determine whether further relief is
- 11504 appropriate, unless the respondent appears and establishes that:
- 11505 (a) the child custody determination has not been registered and confirmed under Section [
- 11506 ~~78B-13-305~~] 81-11-305, and that:
- 11507 (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
- 11508 (ii) the child custody determination for which enforcement is sought has been
- 11509 vacated, stayed, or modified by a court of a state having jurisdiction to do so
- 11510 under Part 2, Jurisdiction, or federal law; or
- 11511 (iii) the respondent was entitled to notice, but notice was not given in accordance
- 11512 with the standards of Section [~~78B-13-108~~] 81-11-107 in the proceedings before
- 11513 the court that issued the order for which enforcement is sought; or
- 11514 (b) the child custody determination for which enforcement is sought was registered and
- 11515 confirmed under Section [~~78B-13-305~~] 81-11-305, but has been vacated, stayed, or
- 11516 modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction,
- 11517 or federal law.

11518 Section 307. Section **81-11-309**, which is renumbered from Section 78B-13-309 is renumbered  
11519 and amended to read:

11520 **~~[78B-13-309]~~ 81-11-309 . Service of petition and order.**

11521 Except as otherwise provided in Section ~~[78B-13-311]~~ 81-11-311, the petition and order  
11522 shall be served, by any method authorized by the law of this state, upon respondent and any  
11523 person who has physical custody of the minor child.

11524 Section 308. Section **81-11-310**, which is renumbered from Section 78B-13-310 is renumbered  
11525 and amended to read:

11526 **~~[78B-13-310]~~ 81-11-310 . Hearing and order.**

11527 (1) Unless the court enters a temporary emergency order ~~[pursuant to Section 78B-13-204]~~  
11528 in accordance with Section 81-11-204, upon a finding that a petitioner is entitled to the  
11529 physical custody of the minor child immediately, the court shall order the minor child  
11530 delivered to the petitioner unless the respondent establishes that:

11531 (a) the child custody determination has not been registered and confirmed under Section [  
11532 ~~78B-13-305]~~ 81-11-305, and that:

11533 (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;

11534 (ii) the child custody determination for which enforcement is sought has been  
11535 vacated, stayed, or modified by a court of a state having jurisdiction to do so  
11536 under Part 2, Jurisdiction, or federal law; or

11537 (iii) the respondent was entitled to notice, but notice was not given in accordance  
11538 with the standards of Section ~~[78B-13-108]~~ 81-11-107 in the proceedings before  
11539 the court that issued the order for which enforcement is sought; or

11540 (b) the child custody determination for which enforcement is sought was registered and  
11541 confirmed under Section ~~[78B-13-305]~~ 81-11-305, but has been vacated, stayed, or  
11542 modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction,  
11543 or federal law.

11544 (2) The court shall award the fees, costs, and expenses authorized under Section [  
11545 ~~78B-13-312]~~ 81-11-312 and may grant additional relief, including a request for the  
11546 assistance of law enforcement officials, and set a further hearing to determine whether  
11547 additional relief is appropriate.

11548 (3) If a party called to testify refuses to answer on the ground that the testimony may be  
11549 self-incriminating, the court may draw an adverse inference from the refusal.

11550 (4) A privilege against disclosure of communications between spouses and a defense of  
11551 immunity based on the relationship of husband and wife or parent and minor child may



11552 not be invoked in a proceeding under this chapter.

11553 Section 309. Section **81-11-311**, which is renumbered from Section 78B-13-311 is renumbered  
11554 and amended to read:

11555 **[78B-13-311] 81-11-311 . Writ to take physical custody of child.**

11556 (1) Upon the filing of a petition seeking enforcement of a child custody determination, the  
11557 petitioner may file a verified application for the issuance of a writ of assistance to take  
11558 physical custody of the minor child if the minor child is likely to suffer serious imminent  
11559 physical harm or removal from this state.

11560 (2)(a) If the court, upon the testimony of the petitioner or other witness, finds that the  
11561 minor child is likely to suffer serious imminent physical harm or be imminently  
11562 removed from this state, [it] the court may issue a writ of assistance to take physical  
11563 custody of the minor child.

11564 (b) The petition shall be heard within 72 hours after the writ is executed.

11565 (c) The writ shall include the statements required by Subsection [78B-13-308(2)]  
11566 81-11-308(2).

11567 (3) A writ to take physical custody of a minor child shall:

11568 (a) recite the facts upon which a conclusion of serious imminent physical harm or  
11569 removal from the jurisdiction is based;

11570 (b) direct law enforcement officers to take physical custody of the minor child  
11571 immediately; and

11572 (c) provide for the placement of the minor child pending final relief.

11573 (4) The respondent shall be served with the petition, writ, and order immediately after the  
11574 minor child is taken into physical custody.

11575 (5)(a) A writ of assistance to take physical custody of a minor child is enforceable  
11576 throughout this state.

11577 (b) If the court finds on the basis of the testimony of the petitioner or other witness that a  
11578 less intrusive remedy is not effective, [it] the court may authorize law enforcement  
11579 officers to enter private property to take physical custody of the minor child.

11580 (c) If required by the exigency of the case, the court may authorize law enforcement  
11581 officers to make a forcible entry at any hour.

11582 (6) The court may impose conditions upon placement of a minor child to ensure the  
11583 appearance of the minor child and the minor child's custodian.

11584 Section 310. Section **81-11-312**, which is renumbered from Section 78B-13-312 is renumbered  
11585 and amended to read:

11586 **[78B-13-312] 81-11-312 . Costs, fees, and expenses.**

- 11587 (1) The court shall award the prevailing party, including a state, necessary and reasonable  
 11588 expenses incurred by or on behalf of the party, including costs, communication  
 11589 expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses, and  
 11590 child care during the course of the proceedings, unless the party from whom fees or  
 11591 expenses are sought establishes that the award would be clearly inappropriate.
- 11592 (2) The court may not assess fees, costs, or expenses against a state except as otherwise  
 11593 provided by law other than this chapter.

11594 Section 311. Section **81-11-313**, which is renumbered from Section 78B-13-313 is renumbered  
 11595 and amended to read:

11596 **[78B-13-313] 81-11-313 . Recognition and enforcement.**

11597 A court of this state shall accord full faith and credit to an order made consistently with  
 11598 this chapter which enforces a child custody determination by a court of another state unless the  
 11599 order has been vacated, stayed, or modified by a court authorized to do so under Part 2,  
 11600 Jurisdiction.

11601 Section 312. Section **81-11-314**, which is renumbered from Section 78B-13-314 is renumbered  
 11602 and amended to read:

11603 **[78B-13-314] 81-11-314 . Appeals.**

- 11604 (1) An appeal may be taken from an order in a proceeding under this chapter in  
 11605 accordance with expedited appellate procedures in other civil cases.
- 11606 (2) Unless the court enters a temporary emergency order under Section [78B-13-204]  
 11607 81-11-204, the enforcing court may not stay an order enforcing a child custody  
 11608 determination pending appeal.

11609 Section 313. Section **81-11-315**, which is renumbered from Section 78B-13-315 is renumbered  
 11610 and amended to read:

11611 **[78B-13-315] 81-11-315 . Role of prosecutor or attorney general.**

- 11612 (1) In a case arising under this chapter or involving the Hague Convention on the Civil  
 11613 Aspects of International Child Abduction, the prosecutor or [~~Attorney General~~] attorney  
 11614 general may take any lawful action, including resort to a proceeding under this chapter  
 11615 or any other available civil proceeding to locate a minor child, obtain the return of a  
 11616 minor child, or enforce a child custody determination if there is:
- 11617 (a) an existing child custody determination;
- 11618 (b) a request from a court in a pending child custody case;
- 11619 (c) a reasonable belief that a criminal statute has been violated; or

11620 (d) a reasonable belief that the minor child has been wrongfully removed or retained in  
 11621 violation of the Hague Convention on the Civil Aspects of International Child  
 11622 Abduction.

11623 (2) A prosecutor or attorney general acts on behalf of the court and may not represent any  
 11624 party to a child custody determination.

11625 Section 314. Section **81-11-316**, which is renumbered from Section 78B-13-316 is renumbered  
 11626 and amended to read:

11627 **[78B-13-316] 81-11-316 . Role of law enforcement.**

11628 At the request of a prosecutor or the attorney general acting under Section ~~[78B-13-315]~~  
 11629 81-11-315, a law enforcement officer may take any lawful action reasonably necessary to  
 11630 locate a minor child or a party and assist a prosecutor or attorney general with responsibilities  
 11631 under Section ~~[78B-13-315]~~ 81-11-315.

11632 Section 315. Section **81-11-317**, which is renumbered from Section 78B-13-317 is renumbered  
 11633 and amended to read:

11634 **[78B-13-317] 81-11-317 . Costs and expenses.**

11635 If the respondent is not the prevailing party, the court may assess against the respondent  
 11636 all direct expenses and costs incurred by the prosecutor or attorney general and law  
 11637 enforcement officers under Section ~~[78B-13-315 or 78B-13-316]~~ 81-11-315 or 81-11-316.

11638 Section 316. Section **81-11-318**, which is renumbered from Section 78B-13-318 is renumbered  
 11639 and amended to read:

11640 **[78B-13-318] 81-11-318 . Transitional provision.**

11641 A motion or other request for relief made in a child custody or enforcement proceeding [  
 11642 ~~which]~~ that was commenced before ~~[the effective date of this chapter]~~ July 1, 2000, is governed  
 11643 by the law in effect at the time the motion or other request was made.

11644 Section 317. Section **81-12-101**, which is renumbered from Section 78B-16-102 is renumbered  
 11645 and amended to read:

11646 **CHAPTER 12. UNIFORM CHILD ABDUCTION PREVENTION ACT**

11647 **[78B-16-102] 81-12-101 . Definitions for chapter.**

11648 [~~In~~] As used in this chapter:

11649 (1) "Abduction" means the wrongful removal or wrongful retention of a minor child.

11650 [~~(2) "Child" means an unemancipated individual who is less than 18 years of age.~~]

11651 [~~(3)~~] (2)(a) "Child custody determination" means a judgment, decree, or other order of a  
 11652 court providing for the legal custody, physical custody, or visitation with respect to a  
 11653 minor child. [~~The term]~~

11654 (b) "Child custody determination" includes a permanent, temporary, initial, and  
 11655 modification order.

11656 [(4)] (3)(a) "Child custody proceeding" means a proceeding in which legal custody,  
 11657 physical custody, visitation, or parent-time with respect to a minor child is at issue. [  
 11658 ~~The term~~]

11659 (b) "Child custody proceeding" includes a proceeding for divorce, dissolution of  
 11660 marriage, separation, neglect, abuse, dependency, guardianship, paternity,  
 11661 termination of parental rights, or protection from domestic violence.

11662 [(5)] (4) "Court" means an entity authorized under the law of a state to establish, enforce, or  
 11663 modify a child custody determination.

11664 [(6)] (5) "Petition" includes a motion or [its] the motion's equivalent.

11665 [(7)] (6) "Record" means information inscribed on a tangible medium or stored in an  
 11666 electronic or other medium and is retrievable in perceivable form.

11667 [(8)] (7)(a) "State" means a state of the United States, the District of Columbia, Puerto  
 11668 Rico, the United States Virgin Islands, or any territory or insular possession subject  
 11669 to the jurisdiction of the United States. [~~The term~~]

11670 (b) "State" includes a federally recognized Indian tribe or nation.

11671 [(9)] (8)(a) "Travel document" means records relating to a travel itinerary, including  
 11672 travel tickets, passes, reservations for transportation, or accommodations. [~~The term~~]

11673 (b) "Travel document" does not include a passport or visa.

11674 [(10)] (9) "Wrongful removal" means the taking of a minor child that breaches rights of  
 11675 custody, visitation, or parent-time given or recognized under the law of this state.

11676 [(11)] (10) "Wrongful retention" means the keeping or concealing of a minor child that  
 11677 breaches rights of custody, visitation, or parent-time given or recognized under the law  
 11678 of this state.

11679 Section 318. Section **81-12-102**, which is renumbered from Section 78B-16-103 is renumbered  
 11680 and amended to read:

11681 **[78B-16-103] 81-12-102 . Cooperation and communication among courts.**

11682 Sections [~~78B-13-110, 78B-13-111, and 78B-13-112~~] 81-11-109, 81-11-110, and  
 11683 81-11-111 apply to cooperation and communications among courts in proceedings under this  
 11684 chapter.

11685 Section 319. Section **81-12-103**, which is renumbered from Section 78B-16-104 is renumbered  
 11686 and amended to read:

11687 **[78B-16-104] 81-12-103 . Actions for abduction prevention measures.**

11688 (1) A court on [its] the court's own motion may order abduction prevention measures in a  
 11689 child custody proceeding if the court finds that the evidence establishes a credible risk of  
 11690 abduction of the minor child.

11691 (2) A party to a child custody determination or another individual or entity having a right  
 11692 under the law of this state or any other state to seek a child custody determination for the  
 11693 minor child may file a petition seeking abduction prevention measures to protect the  
 11694 minor child under this chapter.

11695 (3) A prosecutor or public authority designated under Section [~~78B-13-315~~] 81-11-315 may  
 11696 seek a warrant to take physical custody of a minor child under Section [~~78B-16-109~~]  
 11697 81-12-108 or other appropriate prevention measures.

11698 Section 320. Section **81-12-104**, which is renumbered from Section 78B-16-105 is renumbered  
 11699 and amended to read:

11700 **[78B-16-105] 81-12-104 . Jurisdiction.**

11701 (1) A petition under this chapter may be filed only in a court that has jurisdiction to make a  
 11702 child custody determination with respect to the minor child at issue under [~~Title 78B,~~  
 11703 ~~Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act~~] Chapter 11,  
 11704 Uniform Child Custody Jurisdiction and Enforcement Act.

11705 (2) A court of this state has temporary emergency jurisdiction under Section [~~78B-13-204~~]  
 11706 81-11-204 if the court finds a credible risk of abduction.

11707 Section 321. Section **81-12-105**, which is renumbered from Section 78B-16-106 is renumbered  
 11708 and amended to read:

11709 **[78B-16-106] 81-12-105 . Contents of petition.**

11710 (1)(a) A petition under this chapter must be verified and include a copy of any existing  
 11711 child custody determination, if available.

11712 (b) The petition must specify the risk factors for abduction, including the relevant factors  
 11713 described in Section [~~78B-16-107~~] 81-12-106.

11714 (2) Subject to Subsection [~~78B-13-209(5)~~] 81-11-209(5), if reasonably ascertainable, the  
 11715 petition must contain:

11716 (a) the name, date of birth, and gender of the minor child;

11717 (b) the customary address and current physical location of the minor child;

11718 (c) the identity, customary address, and current physical location of the respondent;

11719 (d) a statement of whether a prior action to prevent abduction or domestic violence has  
 11720 been filed by a party or other individual or entity having custody of the minor child,  
 11721 and the date, location, and disposition of the action;

- 11722 (e) a statement of whether a party to the proceeding has been arrested for a crime related  
11723 to domestic violence, stalking, or child abuse or neglect, and the date, location, and  
11724 disposition of the case; and
- 11725 (f) any other information required to be submitted to the court for a child custody  
11726 determination under Section ~~[78B-13-209]~~ 81-11-209.
- 11727 Section 322. Section **81-12-106**, which is renumbered from Section 78B-16-107 is renumbered  
11728 and amended to read:
- 11729 **~~[78B-16-107]~~ 81-12-106 . Factors to determine risk of abduction.**
- 11730 (1) In determining whether there is a credible risk of abduction of a minor child, the court  
11731 shall consider any evidence that the petitioner or respondent:
- 11732 (a) has previously abducted or attempted to abduct the minor child;
- 11733 (b) has threatened to abduct the minor child;
- 11734 (c) has recently engaged in activities that may indicate a planned abduction, including:
- 11735 (i) abandoning employment;
- 11736 (ii) selling a primary residence;
- 11737 (iii) terminating a lease;
- 11738 (iv) closing bank or other financial management accounts, liquidating assets, hiding  
11739 or destroying financial documents, or conducting any unusual financial activities;
- 11740 (v) applying for a passport or visa or obtaining travel documents for the respondent, a  
11741 family member, or the minor child; or
- 11742 (vi) seeking to obtain the minor child's birth certificate or school or medical records;
- 11743 (d) has engaged in domestic violence, stalking, or child abuse or neglect;
- 11744 (e) has refused to follow a child custody determination;
- 11745 (f) lacks strong familial, financial, emotional, or cultural ties to the state or the United  
11746 States;
- 11747 (g) has strong familial, financial, emotional, or cultural ties to another state or country;
- 11748 (h) is likely to take the minor child to a country that:
- 11749 (i) is not a party to the Hague Convention on the Civil Aspects of International Child  
11750 Abduction and does not provide for the extradition of an abducting parent or for  
11751 the return of an abducted minor child;
- 11752 (ii) is a party to the Hague Convention on the Civil Aspects of International Child  
11753 Abduction but:
- 11754 (A) the Hague Convention on the Civil Aspects of International Child Abduction  
11755 is not in force between the United States and that country;

- 11756 (B) is noncompliant according to the most recent compliance report issued by the  
11757 United States Department of State; or
- 11758 (C) lacks legal mechanisms for immediately and effectively enforcing a return  
11759 order under the Hague Convention on the Civil Aspects of International Child  
11760 Abduction;
- 11761 (iii) poses a risk that the minor child's physical or emotional health or safety would be  
11762 endangered in the country because of specific circumstances relating to the minor  
11763 child or because of human rights violations committed against [~~children~~] a minor  
11764 child;
- 11765 (iv) has laws or practices that would:
- 11766 (A) enable the respondent, without due cause, to prevent the petitioner from  
11767 contacting the minor child;
- 11768 (B) restrict the petitioner from freely traveling to or exiting from the country  
11769 because of the petitioner's gender, nationality, marital status, or religion; or
- 11770 (C) restrict the minor child's ability legally to leave the country after the minor  
11771 child reaches the age of majority because of a minor child's gender, nationality,  
11772 or religion;
- 11773 (v) is included by the United States Department of State on a current list of state  
11774 sponsors of terrorism;
- 11775 (vi) does not have an official United States diplomatic presence in the country; or
- 11776 (vii) is engaged in active military action or war, including a civil war, to which the  
11777 minor child may be exposed;
- 11778 (i) is undergoing a change in immigration or citizenship status that would adversely  
11779 affect the respondent's ability to remain in the United States legally;
- 11780 (j) has had an application for United States citizenship denied;
- 11781 (k) has forged or presented misleading or false evidence on government forms or  
11782 supporting documents to obtain or attempt to obtain a passport, a visa, travel  
11783 documents, a [~~Social Security~~] social security card, a driver license, or other  
11784 government-issued identification card or has made a misrepresentation to the United  
11785 States government;
- 11786 (l) has used multiple names to attempt to mislead or defraud; or
- 11787 (m) has engaged in any other conduct the court considers relevant to the risk of  
11788 abduction.
- 11789 (2) In the hearing on a petition under this chapter, the court shall consider any evidence that

11790 the respondent believed in good faith that the respondent's conduct was necessary to  
11791 avoid imminent harm to the minor child or respondent and any other evidence that may  
11792 be relevant to whether the respondent may be permitted to remove or retain the minor  
11793 child.

11794 Section 323. Section **81-12-107**, which is renumbered from Section 78B-16-108 is renumbered  
11795 and amended to read:

11796 **[78B-16-108] 81-12-107 . Provisions and measures to prevent abduction.**

11797 (1) If a petition is filed under this chapter, the court may enter an order [~~which~~] that must  
11798 include:

- 11799 (a) the basis for the court's exercise of jurisdiction;
- 11800 (b) the manner in which notice and opportunity to be heard were given to the persons  
11801 entitled to notice of the proceeding;
- 11802 (c) a detailed description of each party's custody and visitation rights and residential  
11803 arrangements for the minor child;
- 11804 (d) a provision stating that a violation of the order may subject the party in violation to  
11805 civil and criminal penalties; and
- 11806 (e) identification of the minor child's country of habitual residence at the time of the  
11807 issuance of the order.

11808 (2)(a) If, at a hearing on a petition under this chapter or on the court's own motion, the  
11809 court after reviewing the evidence finds a credible risk of abduction of the minor  
11810 child, the court shall enter an abduction prevention order.

11811 (b) The order must include the provisions required by Subsection (1) and measures and  
11812 conditions, including those in Subsections (3), (4), and (5), that are reasonably  
11813 calculated to prevent abduction of the minor child, giving due consideration to the  
11814 custody, visitation, and parent-time rights of the parties.

11815 (c) The court shall consider the age of the minor child, the potential harm to the minor  
11816 child from an abduction, the legal and practical difficulties of returning the minor  
11817 child to the jurisdiction if abducted, and the reasons for the potential abduction,  
11818 including evidence of domestic violence, stalking, or child abuse or neglect.

11819 (3) An abduction prevention order may include one or more of the following:

- 11820 (a) an imposition of travel restrictions that require that a party traveling with the minor  
11821 child outside a designated geographical area provide the other party with the  
11822 following:
  - 11823 (i) the travel itinerary of the minor child;



- 11824 (ii) a list of physical addresses and telephone numbers at which the minor child can  
11825 be reached at specified times; and
- 11826 (iii) copies of all travel documents;
- 11827 (b) a prohibition of the respondent directly or indirectly:
- 11828 (i) removing the minor child from this state, the United States, or another geographic  
11829 area without permission of the court or the petitioner's written consent;
- 11830 (ii) removing or retaining the minor child in violation of a child custody  
11831 determination;
- 11832 (iii) removing the minor child from school or a child-care or similar facility; or  
11833 (iv) approaching the minor child at any location other than a site designated for  
11834 supervised visitation;
- 11835 (c) a requirement that a party to register the order in another state as a prerequisite to  
11836 allowing the child to travel to that state;
- 11837 (d) with regard to the minor child's passport:
- 11838 (i) a direction that the petitioner place the minor child's name in the United States  
11839 Department of State's Child Passport Issuance Alert Program;
- 11840 (ii) a requirement that the respondent surrender to the court or the petitioner's  
11841 attorney any United States or foreign passport issued in the minor child's name,  
11842 including a passport issued in the name of both the parent and the minor child; and
- 11843 (iii) a prohibition upon the respondent from applying on behalf of the minor child for  
11844 a new or replacement passport or visa;
- 11845 (e) as a prerequisite to exercising custody, visitation, or parent-time, a requirement that  
11846 the respondent provide:
- 11847 (i) to the United States Department of State Office of Children's Issues and the  
11848 relevant foreign consulate or embassy, an authenticated copy of the order detailing  
11849 passport and travel restrictions for the minor child;
- 11850 (ii) to the court:
- 11851 (A) proof that the respondent has provided the information in Subsection (3)(e)(i);  
11852 and
- 11853 (B) an acknowledgment in a record from the relevant foreign consulate or  
11854 embassy that no passport application has been made, or passport issued, on  
11855 behalf of the minor child;
- 11856 (iii) to the petitioner, proof of registration with the United States Embassy or other  
11857 United States diplomatic presence in the destination country and with the Central

11858 Authority for the Hague Convention on the Civil Aspects of International Child  
 11859 Abduction, if that convention is in effect between the United States and the  
 11860 destination country, unless one of the parties objects; and

11861 (iv) a written waiver under the Privacy Act, 5 U.S.C. Section 552a, with respect to  
 11862 any document, application, or other information pertaining to the minor child  
 11863 authorizing its disclosure to the court and the petitioner; and

11864 (f) upon the petitioner's request, a requirement that the respondent obtain an order from  
 11865 the relevant foreign country containing terms identical to the child custody  
 11866 determination issued in the United States.

11867 (4) In an abduction prevention order, the court may impose conditions on the exercise of  
 11868 custody or visitation that:

11869 (a) limit visitation or require that visitation with the minor child by the respondent be  
 11870 supervised until the court finds that supervision is no longer necessary and order the  
 11871 respondent to pay the costs of supervision;

11872 (b) require the respondent to post a bond or provide other security in an amount  
 11873 sufficient to serve as a financial deterrent to abduction, the proceeds of which may be  
 11874 used to pay for the reasonable expenses of recovery of the minor child, including  
 11875 reasonable attorney fees and costs if there is an abduction; and

11876 (c) require the respondent to obtain education on the potentially harmful effects to the  
 11877 minor child from abduction.

11878 (5) To prevent imminent abduction of a minor child, a court may:

11879 (a) issue a warrant to take physical custody of the minor child under Section [  
 11880 ~~78B-16-109~~] 81-12-108 or the law of this state other than this chapter;

11881 (b) direct the use of law enforcement to take any action reasonably necessary to locate  
 11882 the minor child, obtain return of the minor child, or enforce a custody determination  
 11883 under this chapter or the law of this state other than this chapter; or

11884 (c) grant any other relief allowed under the law of this state other than this chapter.

11885 (6) The remedies provided in this chapter are cumulative and do not affect the availability  
 11886 of other remedies to prevent abduction.

11887 Section 324. Section **81-12-108**, which is renumbered from Section 78B-16-109 is renumbered  
 11888 and amended to read:

11889 **~~[78B-16-109]~~ 81-12-108 . Warrant to take physical custody of a minor child.**

11890 (1) If a petition under this chapter contains allegations, and the court finds that there is a  
 11891 credible risk that the minor child is imminently likely to be wrongfully removed, the

- 11892 court may issue an ex parte warrant to take physical custody of the minor child.
- 11893 (2)(a) The respondent on a petition under Subsection (1) must be afforded an  
11894 opportunity to be heard at the earliest possible time after the ex parte warrant is  
11895 executed, but not later than the next judicial day unless a hearing on that date is  
11896 impossible.
- 11897 (b) In that event, the court shall hold the hearing on the first judicial day possible.
- 11898 (3) An ex parte warrant under Subsection (1) to take physical custody of a minor child must:  
11899 (a) recite the facts upon which a determination of a credible risk of imminent wrongful  
11900 removal of the minor child is based;  
11901 (b) direct law enforcement officers to take physical custody of the minor child  
11902 immediately;  
11903 (c) state the date and time for the hearing on the petition; and  
11904 (d) provide for the safe interim placement of the minor child pending further order of the  
11905 court.
- 11906 (4) If feasible, before issuing a warrant and before determining the placement of the minor  
11907 child after the warrant is executed, the court may order a search of the relevant databases  
11908 of the National Crime Information Center system and similar state databases to  
11909 determine if either the petitioner or respondent has a history of domestic violence,  
11910 stalking, or child abuse or neglect.
- 11911 (5) The petition and warrant must be served on the respondent when or immediately after  
11912 the minor child is taken into physical custody.
- 11913 (6)(a) A warrant to take physical custody of a minor child, issued by this state or  
11914 another state, is enforceable throughout this state.
- 11915 (b) If the court finds that a less intrusive remedy will not be effective, [it] the court may  
11916 authorize law enforcement officers to enter private property to take physical custody  
11917 of the minor child.
- 11918 (c) If required by exigent circumstances, the court may authorize law enforcement  
11919 officers to make a forcible entry at any hour.
- 11920 (7) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under  
11921 Subsection (1) for the purpose of harassment or in bad faith, the court may award the  
11922 respondent reasonable attorney fees, costs, and other reasonable expenses and losses  
11923 arising out of the issuance of the ex parte warrant.
- 11924 (8) This chapter does not affect the availability of relief allowed under the law of this state  
11925 other than this chapter.

11926 Section 325. Section **81-12-109**, which is renumbered from Section 78B-16-110 is renumbered  
11927 and amended to read:

11928 **[78B-16-110] 81-12-109 . Duration of abduction prevention order.**

11929 An abduction prevention order remains in effect until the earliest of:

- 11930 (1) the time stated in the order;
- 11931 (2) the emancipation of the minor child;
- 11932 (3) the minor child's attaining 18 years [of age] old; or
- 11933 (4) the time the order is modified, revoked, vacated, or superseded by a court with  
11934 jurisdiction under Sections [78B-13-201 through 78B-13-203] 81-11-201 through  
11935 81-11-203.

11936 Section 326. Section **81-12-110**, which is renumbered from Section 78B-16-111 is renumbered  
11937 and amended to read:

11938 **[78B-16-111] 81-12-110 . Uniformity of application and construction.**

- 11939 (1) This chapter is a uniform act.
- 11940 (2) In applying and construing [it] this chapter, consideration must be given to the need to  
11941 promote uniformity of the law with respect to [its] this uniform law's subject matter  
11942 among states that enact [it] this uniform law.

11943 Section 327. Section **81-12-111**, which is renumbered from Section 78B-16-112 is renumbered  
11944 and amended to read:

11945 **[78B-16-112] 81-12-111 . Relation to Electronic Signatures in Global and**  
11946 **National Commerce Act.**

11947 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global  
11948 and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or  
11949 supersede Section 101(c) of the act, 15 U.S.C. Section 7001(c), or authorize electronic delivery  
11950 of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

11951 Section 328. Section **81-13-101**, which is renumbered from Section 78B-6-103 is renumbered  
11952 and amended to read:

11953 **CHAPTER 13. ADOPTION**

11954 **Part 1. General Provisions**

11955 **[78B-6-103] 81-13-101 . Definitions for chapter.**

11956 As used in this [part] chapter:

11957 [(1) "Adoptee" means a person who:]

11958 [(a) is the subject of an adoption proceeding; or]

- 11959        ~~[(b) has been legally adopted.]~~
- 11960        (1) "Adoptee" means:
- 11961            (a) a child adoptee; or
- 11962            (b) an adult adoptee.
- 11963        (2) "Adoption" means ~~[the judicial act that]~~ the process by which an individual seeks to:
- 11964            (a) ~~[creates the]~~ create the legal relationship of parent and child where ~~[it]~~ the relationship
- 11965                did not previously exist; and
- 11966            (b) except as provided in Subsections ~~[78B-6-138(2) and (4), terminates]~~ 81-13-220(2)
- 11967                and (4) and Subsections 81-13-306(2) and (4), terminate the parental rights of any
- 11968                other ~~[person]~~ individual with respect to the child.
- 11969        (3) "Adoption document" means an adoption-related document filed with the office, a
- 11970            petition for adoption, a decree of adoption, an original birth certificate, or evidence
- 11971            submitted in support of a supplementary birth certificate.
- 11972        (4) "Adoption proceeding" means any proceeding under this ~~[part]~~ chapter.
- 11973        (5) "Adoption service provider" means:
- 11974            (a) a child-placing agency;
- 11975            (b) a licensed counselor who has at least one year of experience providing professional
- 11976                social work services to:
- 11977                (i) adoptive parents;
- 11978                (ii) prospective adoptive parents; or
- 11979                (iii) birth parents; or
- 11980            (c) the Office of Licensing within the Department of Health and Human Services.
- 11981        (6) "Adoptive parent" means an individual who has legally adopted an adoptee.
- 11982        (7) "Adult" means an individual who is 18 years old or older.
- 11983        ~~[(8) "Adult adoptee" means an adoptee who is 18 years old or older and was adopted as a~~
- 11984                ~~minor.]~~
- 11985        (8) "Adult adoptee" means an individual:
- 11986            (a) who is an adult and is the subject of an adoption proceeding; or
- 11987            (b) who was adopted when the individual was an adult.
- 11988        (9) "Adult sibling" means ~~[an]~~ an individual:
- 11989            (a) who is a child adoptee's brother or sister~~[-]~~ ;
- 11990            (b) who is 18 years old or older; and
- 11991            (c) whose birth ~~[mother or father]~~ parent is the same as that of the child adoptee.
- 11992        ~~[(10) "Birth mother" means the biological mother of a child.]~~

- 11993 (10) "Birth mother" means the same as that term is defined in Section 81-5-102.
- 11994 (11) "Birth parent" means:
- 11995 ~~[(a) a birth mother;]~~
- 11996 ~~[(b) a man whose paternity of a child is established;]~~
- 11997 (a) an individual that has a parent-child relationship with an adoptee as described in
- 11998 Section 81-5-201;
- 11999 ~~[(c)] (b) a man who:~~
- 12000 (i) has been identified as the father of ~~[a child by the child's]~~ an adoptee by the
- 12001 adoptee's birth mother; and
- 12002 (ii) has not denied paternity; or
- 12003 ~~[(d)] (c) an unmarried biological father.~~
- 12004 (12) "Child adoptee" means an individual:
- 12005 (a) who is a minor child and is the subject of an adoption proceeding; or
- 12006 (b) who was adopted when the individual was a minor child.
- 12007 ~~[(12)] (13) "Child-placing agency" means an agency licensed to place [children] a minor~~
- 12008 child for adoption under Title 26B, Chapter 2, Part 1, Human Services Programs and
- 12009 Facilities.
- 12010 ~~[(13)] (14) "Cohabiting" means residing with another [person] individual and being involved~~
- 12011 in a sexual relationship with that [person] individual.
- 12012 ~~[(14)] (15) "Division" means the Division of Child and Family Services, within the~~
- 12013 Department of Health and Human Services, created in Section 80-2-201.
- 12014 ~~[(15)] (16) "Extra-jurisdictional child-placing agency" means an agency licensed to place~~
- 12015 children for adoption by a district, territory, or state of the United States, other than Utah.
- 12016 ~~[(16)] (17) "Genetic and social history" means a comprehensive report, when obtainable,~~
- 12017 that contains the following information on an adoptee's birth parents, aunts, uncles, and
- 12018 grandparents:
- 12019 (a) medical history;
- 12020 (b) health status;
- 12021 (c) cause of and age at death;
- 12022 (d) height, weight, and eye and hair color;
- 12023 (e) ethnic origins;
- 12024 (f) where appropriate, levels of education and professional achievement; and
- 12025 (g) religion, if any.
- 12026 ~~[(17)] (18) "Health history" means a comprehensive report of the adoptee's health status at~~

- 12027 the time of placement for adoption, and medical history, including neonatal,  
 12028 psychological, physiological, and medical care history.
- 12029 [(18)] (19) "Identifying information" means information that is in the possession of the  
 12030 office and that contains:
- 12031 (a) the name and address of:
- 12032 (i) a pre-existing parent~~[-or an adult adoptee, or-]~~ ; or  
 12033 (ii) a child adoptee who is 18 years old or older; or
- 12034 (b) other specific information that by itself or in reasonable conjunction with other  
 12035 information may be used to identify a pre-existing parent or ~~[an adult adoptee]~~ child  
 12036 adoptee, including information on a birth certificate or in an adoption document.
- 12037 [(19)] (20) "Licensed counselor" means an individual who is licensed by the state, or  
 12038 another state, district, or territory of the United States as a:
- 12039 (a) certified social worker;  
 12040 (b) clinical social worker;  
 12041 (c) psychologist;  
 12042 (d) marriage and family therapist;  
 12043 (e) clinical mental health counselor; or  
 12044 (f) an equivalent licensed professional of another state, district, or territory of the United  
 12045 States.
- 12046 [(20)] (21) "Man" means a male individual~~[-, regardless of]~~ of any age.
- 12047 [(21) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.]
- 12048 (22) "Office" means the Office of Vital Records and Statistics within the Department of  
 12049 Health and Human Services operating under Title 26B, Chapter 8, Part 1, Vital Statistics.
- 12050 [(23) "Parent," for purposes of Subsection 78B-6-112(6) and Section 78B-6-119, means  
 12051 any person described in Subsections 78B-6-120(1)(b) through (f) from whom consent  
 12052 for adoption or relinquishment for adoption is required under Sections 78B-6-120  
 12053 through 78B-6-122.]
- 12054 [(24)] (23) "Potential birth father" means a man who:
- 12055 (a) is identified by a birth mother as a potential biological father of the birth mother's  
 12056 minor child, but whose genetic paternity has not been established; and  
 12057 (b) was not married to the ~~[biological]~~ birth mother of the minor child described in  
 12058 Subsection [(24)(a)] (23)(a) at the time of the minor child's conception or birth.
- 12059 [(25) "Pre-existing parent" means:]
- 12060 [(a) a birth parent; or]

12061 [(b) an individual who, before an adoption decree is entered, is, due to an earlier adoption  
12062 decree, legally the parent of the child being adopted.]

12063 (24)(a) "Pre-existing parent" means an individual who is an adoptee's birth parent  
12064 before an adoption decree is entered for the adoptee.

12065 (b) "Pre-existing parent" includes an individual who is legally the parent of the adoptee,  
12066 due to an earlier adoption decree, before an adoption decree is entered for the adoptee.

12067 [(26)] (25) "Prospective adoptive parent" means an individual who seeks to adopt an  
12068 adoptee.

12069 [(27)] (26) "Relative" means:

12070 (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle,  
12071 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of a minor  
12072 child, or first cousin of a minor child's parent; [and] or

12073 (b) in the case of [a child defined as] a minor child who is an "Indian child" under the  
12074 Indian Child Welfare Act, 25 U.S.C. Sec. 1903, an "extended family member" as  
12075 defined by that statute.

12076 [(28)] (27) "Unmarried biological father" means a man who:

12077 (a) is the biological father of a minor child; and

12078 (b) was not married to the [biological] birth mother of the minor child described in  
12079 Subsection [(28)(a)] (27)(a) at the time of the minor child's conception or birth.

12080 (28) "Vulnerable adult" means:

12081 (a) an individual who is 65 years old or older; or

12082 (b) an adult who has a mental or physical impairment that substantially affects that  
12083 adult's ability to:

12084 (i) provide personal protection;

12085 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;

12086 (iii) obtain services necessary for health, safety, or welfare;

12087 (iv) carry out the activities of daily living;

12088 (v) manage the adult's own resources; or

12089 (vi) comprehend the nature and consequences of remaining in a situation of abuse,  
12090 neglect, or exploitation.

12091 Section 329. Section **81-13-102**, which is renumbered from Section 78B-6-105 is renumbered  
12092 and amended to read:

12093 **[78B-6-105] 81-13-102 . Venue for an adoption proceeding.**

12094 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person shall bring an



- 12095 adoption proceeding in a court with jurisdiction under Title 78A, Judiciary and Judicial  
 12096 Administration:
- 12097 (a) in the [~~county~~] judicial district where the prospective adoptive parent resides;
- 12098 (b) if the prospective adoptive parent is not a resident of this state, in the [~~county~~] judicial  
 12099 district where:
- 12100 (i) the adoptee was born;
- 12101 (ii) the adoptee resides on the day on which the petition is filed; or
- 12102 (iii) a parent of the proposed adoptee resides on the day on which the petition is filed  
 12103 if the proposed adoptee is a minor child; or
- 12104 (c) if the adoption proceeding is brought in the juvenile court, as described in Subsection  
 12105 78A-6-103(2)(a)(xiv) or (xv), in accordance with Section 78A-6-350.
- 12106 (2) All orders, decrees, agreements, and notices in an adoption proceeding shall be filed  
 12107 with the clerk of the court where the adoption proceeding is commenced under  
 12108 Subsection (1).
- 12109 [~~(3) A petition for adoption:~~]
- 12110 [~~(a) may be filed before the birth of a child;~~]
- 12111 [~~(b) may be filed before or after the adoptee is placed in the home of the petitioner for the~~  
 12112 ~~purpose of adoption; and~~]
- 12113 [~~(c) shall be filed no later than 30 days after the day on which the adoptee is placed in the~~  
 12114 ~~home of the petitioners for the purpose of adoption, unless:~~]
- 12115 [~~(i) the time for filing has been extended by the court; or~~]
- 12116 [~~(ii) the adoption is arranged by a child-placing agency in which case the agency may~~  
 12117 ~~extend the filing time.~~]
- 12118 [~~(4)~~] (3)(a) If a person whose consent for the adoption is required under Section [~~78B-6-120 or 78B-6-121~~]  
 12119 81-13-212 or 81-13-213 cannot be found within the state,  
 12120 the fact of the [~~minor's~~] adoptee's presence within the state shall confer jurisdiction on  
 12121 the court in proceedings under this chapter as to such absent person[~~, provided that~~] if  
 12122 due notice has been given in accordance with the Utah Rules of Civil Procedure.
- 12123 (b) The notice may not include the name of:
- 12124 (i) a prospective adoptive parent; or
- 12125 (ii) an unmarried birth mother without [~~her~~] the unmarried birth mother's consent.
- 12126 [~~(5) Service of notice described in Subsection (6) shall vest the court with jurisdiction over~~  
 12127 ~~the person served in the same manner and to the same extent as if the person served was~~  
 12128 ~~served personally within the state.~~]

- 12129 [(6)] (4)(a) In the case of service outside the state, service completed not less than five  
 12130 days before the time set in the notice for appearance of the person served is sufficient  
 12131 to confer jurisdiction.
- 12132 (b) Service of notice described in Subsection (4)(a) shall vest the court with jurisdiction  
 12133 over the person served in the same manner and to the same extent as if the person  
 12134 served was served personally within the state.
- 12135 [(7)] (5) Computation of periods of time not otherwise [set forth] described in this section  
 12136 shall be made in accordance with the Utah Rules of Civil Procedure.
- 12137 Section 330. Section **81-13-103**, which is renumbered from Section 78B-6-141 is renumbered  
 12138 and amended to read:
- 12139 **[78B-6-141] 81-13-103 . Court hearings -- Adoption documents -- Motion to**  
 12140 **intervene.**
- 12141 (1)(a) Notwithstanding Section 80-4-106, [~~court hearings in adoption cases may be~~  
 12142 ~~closed to the public]~~ the court may close to the public any court hearing regarding an  
 12143 adoption upon the request of a party to the [adoption petition and upon court approval]  
 12144 petition for adoption.
- 12145 (b) In a closed hearing, the court may only admit the following individuals[~~may be~~  
 12146 ~~admitted~~]:
- 12147 (i) a party to the proceeding;
- 12148 (ii) the adoptee;
- 12149 (iii) a representative of an agency having custody of the adoptee;
- 12150 (iv) in a hearing to relinquish parental rights, the individual whose rights are to be  
 12151 relinquished and invitees of that individual to provide emotional support;
- 12152 (v) in a hearing on the termination of parental rights, the individual whose rights may  
 12153 be terminated;
- 12154 (vi) in a hearing on a petition to intervene, the proposed intervenor;
- 12155 (vii) in a hearing to finalize an adoption, invitees of the petitioner; and
- 12156 (viii) other individuals for good cause, upon order of the court.
- 12157 (2) [~~And~~] Except as provided in Subsections (3) through (6), an adoption document and any  
 12158 other documents filed in connection with a petition for adoption are sealed.
- 12159 (3) A person may only inspect and copy the documents described in Subsection (2):
- 12160 (a) if the adoption proceeding is pending and the person is a party to the adoption  
 12161 proceeding;
- 12162 (b) within 180 days after the day on which the final decree of adoption is entered if the

- 12163 person is a party to the adoption proceeding;
- 12164 (c) if the court enters an order expressly permitting the inspection or copying the
- 12165 documents after the person filed a motion to intervene and the motion to intervene
- 12166 was granted on appeal;
- 12167 (d) if the court enters an order expressly permitting the inspection or copying of the
- 12168 documents after good cause is shown;
- 12169 (e) if the office is permitted to release the documents to the person as described in
- 12170 Section 81-13-504;
- 12171 (f) when the documents becomes public 100 years after the day on which the final
- 12172 decree of adoption was entered;
- 12173 (g) when the birth certificate becomes public 100 years after the day on which the
- 12174 adoptee was born; or
- 12175 (h) if the person is permitted access to the documents under Subsection (6)(a) or (7).
- 12176 (4) A person who files a motion to intervene in an adoption proceeding:
- 12177 (a) is not a party to the adoption proceeding, unless the motion to intervene is granted;
- 12178 and
- 12179 (b) subject to Subsection (5), may not be granted access to the documents described in
- 12180 Subsection (2), unless the motion to intervene is granted.
- 12181 (5) If the court enters an order under Subsection (3)(c) or a potential birth father is made a
- 12182 party to the adoption proceeding upon a motion to intervene, the court shall:
- 12183 (a) prohibit the person described in Subsection (3)(c) or the potential birth father from
- 12184 inspecting a document described in Subsection (2) that contains identifying
- 12185 information of an adoptive or prospective adoptive parent; and
- 12186 (b) permit the person described in Subsection (3)(c) or the potential birth father to
- 12187 review a copy of the document described in Subsection (5)(a) after the identifying
- 12188 information of the adoptive or prospective adoptive parent is redacted from the
- 12189 document.
- 12190 [~~(3) The documents described in Subsection (2) may only be open to inspection and~~
- 12191 ~~copying:]~~
- 12192 [~~(a) in accordance with Subsection (5)(a), by a party to the adoption proceeding:]~~
- 12193 [~~(i) while the proceeding is pending; or]~~
- 12194 [~~(ii) within six months after the day on which the adoption decree is entered;]~~
- 12195 [~~(b) subject to Subsection (5)(b), if a court enters an order permitting access to the~~
- 12196 ~~documents by an individual who has appealed the denial of that individual's motion to~~

- 12197           intervene;]
- 12198           ~~[(e) upon order of the court expressly permitting inspection or copying, after good cause~~
- 12199           ~~has been shown;]~~
- 12200           ~~[(d) as provided under Section 78B-6-144;]~~
- 12201           ~~[(e) when the adoption document becomes public on the one hundredth anniversary of the~~
- 12202           ~~date the final decree of adoption was entered;]~~
- 12203           ~~[(f) when the birth certificate becomes public on the one hundredth anniversary of the date~~
- 12204           ~~of birth;]~~
- 12205           ~~[(g) to a mature adoptee or a parent who adopted the mature adoptee, without a court order,~~
- 12206           ~~unless the final decree of adoption is entered by the juvenile court under Subsection~~
- 12207           ~~78B-6-115(3)(b); or]~~
- 12208           ~~[(h) to an adult adoptee, to the extent permitted under Subsection (4).]~~
- 12209           ~~[(4)] (6)[(a) An adult adoptee that was born in the state may access an adoption~~
- 12210           ~~document associated with the adult adoptee's adoption without a court order:]~~
- 12211           ~~[(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
- 12212           ~~[(ii) if the birth parents listed on the original birth certificate are deceased.]~~
- 12213           (a) A child adoptee may access an adoption document associated with the child
- 12214           adoptee's adoption without a court order if:
- 12215           (i) the child adoptee is 18 years old or older;
- 12216           (ii) the child adoptee was born in this state; and
- 12217           (iii)(A) a pre-existing parent consents as described in Subsection (6)(b); or
- 12218           (B) the pre-existing parents listed on the original birth certificate are deceased.
- 12219           (b) A [birth] pre-existing parent may:
- 12220           (i) provide consent to allow the access described in Subsection ~~[(4)(a)] (6)(a)~~ by
- 12221           electing, electronically or on a written form provided by the office, allowing the [~~birth~~]
- 12222           pre-existing parent to elect to:
- 12223           (A) allow the office to provide the [adult] child adoptee with the contact
- 12224           information of the [birth] pre-existing parent that the [birth] pre-existing parent
- 12225           indicates;
- 12226           (B) allow the office to provide the [adult] child adoptee with the contact
- 12227           information of an intermediary that the [birth] pre-existing parent indicates;
- 12228           (C) prohibit the office from providing any contact information to the [adult] child
- 12229           adoptee; or
- 12230           (D) allow the office to provide the [adult] child adoptee with a noncertified copy of

- 12231 the original birth certificate; and
- 12232 (ii) at any time, file, electronically or on a written document with the office, to:
- 12233 (A) change the election described in Subsection ~~[(4)(b)]~~ (6)(b); or
- 12234 (B) elect to make other information about the birth parent, including an updated
- 12235 medical history, available for inspection by ~~[an adult]~~ a child adoptee.
- 12236 ~~[(e) A birth parent may not access any identifying information or an adoption document~~
- 12237 ~~under this Subsection (4).]~~
- 12238 ~~[(d)]~~ (c) If two ~~[birth]~~ pre-existing parents are listed on the original birth certificate and
- 12239 only one ~~[birth]~~ pre-existing parent consents under Subsection ~~[(4)(b)]~~ (6)(a) or is
- 12240 deceased, the office may redact the name of the other ~~[birth]~~ pre-existing parent.
- 12241 (7) An adult adoptee, or the adoptive parent of the adult adoptee, may inspect an adoption
- 12242 document associated with the adult adoptee's adoption without a court order, unless the
- 12243 final decree of adoption is entered by the juvenile court.
- 12244 (8) A pre-existing parent may not access the documents described in Subsection (2) or any
- 12245 identifying information under Subsection (6).
- 12246 ~~[(5)(a) An individual who files a motion to intervene in an adoption proceeding:]~~
- 12247 ~~[(i) is not a party to the adoption proceeding, unless the motion to intervene is granted; and]~~
- 12248 ~~[(ii) may not be granted access to the documents described in Subsection (2), unless the~~
- 12249 ~~motion to intervene is granted.]~~
- 12250 ~~[(b) An order described in Subsection (3)(b) shall:]~~
- 12251 ~~[(i) prohibit the individual described in Subsection (3)(b) from inspecting a document~~
- 12252 ~~described in Subsection (2) that contains identifying information of the adoptive or~~
- 12253 ~~prospective adoptive parent; and]~~
- 12254 ~~[(ii) permit the individual described in Subsection (5)(b)(i) to review a copy of a document~~
- 12255 ~~described in Subsection (5)(b)(i) after the identifying information described in~~
- 12256 ~~Subsection (5)(b)(i) is redacted from the document.]~~
- 12257 Section 331. Section **81-13-104**, which is renumbered from Section 78B-6-106 is renumbered
- 12258 and amended to read:
- 12259 **[78B-6-106] 81-13-104 . Responsibility for own actions -- Fraud or**
- 12260 **misrepresentation.**
- 12261 (1) Each parent of ~~[a child]~~ an adoptee conceived or born outside of marriage is responsible
- 12262 for ~~[his or her]~~ the parent's own actions and is not excused from strict compliance with
- 12263 the provisions of this [-]chapter based upon any action, statement, or omission of the
- 12264 other parent or third parties.

- 12265 (2)(a) Any person injured by fraudulent representations or actions in connection with an  
12266 adoption is entitled to pursue civil or criminal penalties in accordance with existing  
12267 law.
- 12268 (b) A fraudulent representation is not a defense to strict compliance with the  
12269 requirements of this chapter and is not a basis for dismissal of a petition for adoption,  
12270 vacation of an adoption decree, or an automatic grant of custody to the offended  
12271 party.
- 12272 (c) [~~Custody determinations~~] For a child adoptee, a custody determination shall be based  
12273 on the best interests of the [~~child,~~] child adoptee in accordance with the provisions of  
12274 Section [~~78B-6-133~~] 81-13-215.
- 12275 (3) A child-placing agency and the employees of a child-placing agency may not:
- 12276 (a) employ any device, scheme, or artifice to defraud;
- 12277 (b) engage in any act, practice, or course of business that operates or would operate as a  
12278 fraud or deceit upon any person;
- 12279 (c) materially and intentionally misrepresent facts or information; or
- 12280 (d) request or require a prospective adoptive parent to grant, as a condition of or in  
12281 connection with entering into an agreement with a child-placing agency, a release of  
12282 either the prospective adoptive parent's claims or the [~~adoptive child's~~] adoptee's  
12283 claims against the child-placing agency regarding any of the following:
- 12284 (i) criminal misconduct;
- 12285 (ii) ethical violations, as established by the Office of Licensing's administrative rules;
- 12286 (iii) bad faith;
- 12287 (iv) intentional torts;
- 12288 (v) fraud;
- 12289 (vi) gross negligence associated with care of the [~~child~~] adoptee, as described in  
12290 Subsection [~~78B-6-134(3)~~] 81-13-210(2);
- 12291 (vii) future misconduct that may arise before the adoption is finalized;
- 12292 (viii) breach of contract; or
- 12293 (ix) gross negligence.
- 12294 (4) Subsection (3) does not prohibit a release of claims against a child-placing agency or a  
12295 child-placing agency's employees for liability arising from the acts or the failure to act of  
12296 a third party.
- 12297 Section 332. Section **81-13-105**, which is renumbered from Section 78B-6-142 is renumbered  
12298 and amended to read:

12299 **[78B-6-142] 81-13-105 . Adoption order from foreign country.**

12300 (1) Except as otherwise provided by federal law, an adoption order rendered to a resident of  
 12301 this state that is made by a foreign country shall be recognized by the courts of this state  
 12302 and enforced as if the order were rendered by a court in this state.

12303 (2) ~~[A person]~~ An individual who adopts ~~[a child]~~ an adoptee in a foreign country may  
 12304 register the order in this state.

12305 (3) A petition for registration of a foreign adoption order may be combined with a petition  
 12306 for a name change.

12307 (4) If the court finds that the foreign adoption order meets the requirements of Subsection  
 12308 (1), the court shall order the ~~[state registrar]~~ office to:

12309 (a) file the order~~[pursuant to Section 78B-6-137]~~; and

12310 (b) file a certificate of birth for the ~~[child pursuant to]~~ adoptee in accordance with Section  
 12311 26B-8-131.

12312 ~~[(3)]~~ (5) If a clerk of the court is unable to establish the fact, time, and place of birth from  
 12313 the documentation provided, a person holding a direct, tangible, and legitimate interest  
 12314 as described in Subsection 26B-8-125(3)(a) or (b) may petition for a court order  
 12315 establishing the fact, time, and place of a birth ~~[pursuant to]~~ in accordance with  
 12316 Subsection 26B-8-119(1).

12317 Section 333. Section **81-13-106**, which is renumbered from Section 78B-6-121.5 is renumbered  
 12318 and amended to read:

12319 **[78B-6-121.5] 81-13-106 . Compact for Interstate Sharing of Putative Father**  
 12320 **Registry Information -- Severability clause.**

12321 ~~OF PUTATIVE FATHER REGISTRY INFORMATION~~

12322 This compact enables the sharing of putative father registry information collected by a  
 12323 state that is a party to the compact with all other ~~parties~~ parties to the compact.

12324 (1) "Putative father" means a man who may be the biological father of a child because  
 12330 the man had a sexual relationship with a woman to whom he is not married.

12331 (2) "Putative father registry" mean a registry of putative fathers maintained and used by  
 12332 a state as part of its legal process for protecting a putative father's rights.

12333 (3) "State" includes a ~~state, territory, or the District of Columbia~~ state.

12334 (1) A state is a party to this compact upon enactment of this compact by the state into  
 12337 state law.

12338 (2) Upon providing at least 60 days' notice of withdrawal from this compact to each  
 12339 party to the compact and repealing the compact from state law, a state is no longer party to this

12340 compact.

12341 (3) This compact is amended upon enactment of the amendment into state law by each  
 12342 party to the compact.

12343 (1) A party to this compact shall communicate information in its putative father registry  
 12346 about a specific putative father to any other party to this compact in a timely manner upon  
 12347 request by the other party.

12348 (2) A party to this compact is not required to have a putative father registry in order to  
 12349 request putative father registry information from another party to the compact.

12350 (3) Putative father registry information requested by a party to this compact from  
 12351 another party to this compact is subject to the laws of the requesting party governing the  
 12352 privacy, retention, and authorized uses of putative father information or, if the requesting party  
 12353 does not have a putative father registry, the laws of the party supplying the information  
 12354 governing the privacy, retention, and authorized uses of putative father information.

12355 (4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or  
 12356 receipt of putative father registry information by a party to this compact from another party to  
 12357 this compact does not affect the application of the requesting party's laws, including laws  
 12358 regarding adoption or the protection of a putative father's rights, except as explicitly provided  
 12359 by the requesting party's laws.

12360 (5) Failure by a party to this compact to provide accurate putative father registry  
 12361 information in a timely manner to another party to this compact upon request does not affect  
 12362 application of the requesting party's laws, including laws governing adoption and the  
 12363 protection of a putative father's rights, except as explicitly provided by the requesting party's  
 12364 laws.

12365 (6) Each party to this compact shall work with every other party to this compact to  
 12366 facilitate the timely communication of putative father registry information between compact  
 12367 parties upon request.

#### SEVERABILITY

12368 The provisions of this compact are severable. If any provision of this compact or the  
 12371 application of any provision of this compact to any person or circumstance is held invalid by a  
 12372 final decision of a court of competent jurisdiction for a state that is a member of this compact,  
 12373 the remainder of this compact shall be given effect within that state without the invalid  
 12374 provision or application. If a provision of this compact is severed in one or more states as a  
 12375 result of one or more court decisions, the provision shall remain in force in all other states that  
 12376 are parties to this compact.

12377 Section 334. Section **81-13-201** is enacted to read:



**Part 2. Adoption of a Minor Child**

- 12378
- 12379 **81-13-201 . Definitions for part.**
- 12380 Reserved.
- 12381 Section 335. Section **81-13-202**, which is renumbered from Section 78B-6-102 is renumbered
- 12382 and amended to read:
- 12383 **[78B-6-102] 81-13-202 . Legislative intent and findings -- Best interest of the**
- 12384 **minor child -- Interests of each party.**
- 12385 (1) It is the intent and desire of the Legislature that in every adoption of a minor child that
- 12386 the best interest of the minor child should govern and be of foremost concern in the
- 12387 court's determination.
- 12388 (2) The court shall make a specific finding regarding the best interest of the [~~child~~] minor
- 12389 child, taking into consideration information provided to the court pursuant to the
- 12390 requirements of this chapter relating to the health, safety, and welfare of the minor child
- 12391 and the moral climate of the potential adoptive placement.
- 12392 (3) The Legislature finds that the rights and interests of all parties affected by an adoption
- 12393 proceeding must be considered and balanced in determining what constitutional
- 12394 protections and processes are necessary and appropriate.
- 12395 (4)(a) The Legislature specifically finds that it is not in a minor child's best interest to
- 12396 be adopted by a person or persons who are cohabiting in a relationship that is not a
- 12397 legally valid and binding marriage under the laws of this state.
- 12398 (b) Nothing in this section limits or prohibits the court's placement of a minor child with
- 12399 a single adult who is not cohabiting or a person who is a relative of the minor child or
- 12400 a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et
- 12401 seq.
- 12402 (5) The Legislature also finds that:
- 12403 (a) the state has a compelling interest in providing a stable and permanent [~~homes for~~
- 12404 ~~adoptive children~~] home for a child adoptee in a prompt manner, in preventing the
- 12405 disruption of [~~adoptive placements~~] an adoptive placement, and in holding parents
- 12406 accountable for meeting the needs of [~~children~~] a child adoptee;
- 12407 (b) an unmarried birth mother, faced with the responsibility of making crucial decisions
- 12408 about the future of a newborn child, is entitled to privacy, and has the right to make
- 12409 timely and appropriate decisions regarding her future and the future of the newborn
- 12410 child, and is entitled to assurance regarding the permanence of an adoptive placement;
- 12411 (c) [~~adoptive children have~~] a child adoptee has a right to permanence and stability in [

- 12412 ~~adoptive placements]~~ an adoptive placement;
- 12413 (d) adoptive parents have a constitutionally protected liberty and privacy interest in  
 12414 retaining custody of ~~[an adopted child]~~ a child adoptee;
- 12415 (e) an unmarried biological father has an inchoate interest that acquires constitutional  
 12416 protection only when ~~[he]~~ the unmarried biological father demonstrates a timely and  
 12417 full commitment to the responsibilities of parenthood, both during pregnancy and  
 12418 upon the ~~[child's]~~ child adoptee's birth; and
- 12419 (f) the state has a compelling interest in requiring ~~[unmarried biological fathers]~~ an  
 12420 unmarried biological father to demonstrate commitment by providing appropriate  
 12421 medical care and financial support and by establishing legal ~~[paternity,]~~ parentage in  
 12422 accordance with the requirements of this chapter.
- 12423 (6)(a) In enacting this chapter, the Legislature has prescribed the conditions for  
 12424 determining whether an unmarried biological father's action is sufficiently prompt  
 12425 and substantial to require constitutional protection.
- 12426 (b) If an unmarried biological father fails to grasp the opportunities to establish a  
 12427 relationship with ~~[his child]~~ the child adoptee that are available to ~~[him, his biological]~~  
 12428 the unmarried biological father, the unmarried biological father's parental interest  
 12429 may be lost entirely, or greatly diminished in constitutional significance by ~~[his]~~ the  
 12430 unmarried biological father's failure to timely exercise ~~[it]~~ the unmarried biological  
 12431 father's parental interest, or by ~~[his]~~ the unmarried biological father's failure to strictly  
 12432 comply with the available legal steps to substantiate ~~[it]~~ the parental interest.
- 12433 (c)(i) A certain degree of finality is necessary in order to facilitate the state's  
 12434 compelling interest.
- 12435 (ii) The Legislature finds that the interests of the state, the birth mother, the child  
 12436 adoptee, and the adoptive parents described in this section outweigh the interest of  
 12437 an unmarried biological father who does not timely grasp the opportunity to  
 12438 establish and demonstrate a relationship with ~~[his child]~~ the child adoptee in  
 12439 accordance with the requirements of this chapter.
- 12440 (d)(i) The Legislature finds no practical way to remove all risk of fraud or  
 12441 misrepresentation in adoption proceedings, and has provided a method for  
 12442 absolute protection of an unmarried biological father's rights by compliance with  
 12443 the provisions of this chapter.
- 12444 (ii) In balancing the rights and interests of the state, and of all parties affected by  
 12445 fraud, specifically the child adoptee, the adoptive parents, and the unmarried

12446 biological father, the Legislature has determined that the unmarried biological  
 12447 father is in the best position to prevent or ameliorate the effects of fraud and that,  
 12448 therefore, the burden of fraud shall be borne by ~~him~~ the unmarried biological  
 12449 father.

12450 (e) An unmarried biological father has the primary responsibility to protect ~~his~~ the  
 12451 unmarried biological father's rights.

12452 (f) An unmarried biological father is presumed to know that the child adoptee may be  
 12453 adopted without ~~his~~ the unmarried biological father's consent unless ~~he~~ the  
 12454 unmarried biological father strictly complies with the provisions of this chapter,  
 12455 manifests a prompt and full commitment to ~~his~~ the unmarried biological father's  
 12456 parental responsibilities, and establishes paternity.

12457 (7) The Legislature finds that an unmarried birth mother has:

12458 (a) a right of privacy with regard to ~~her~~ the unmarried birth mother's pregnancy and  
 12459 adoption plan~~[-and therefore has]~~ ;

12460 (b) no legal obligation to disclose the identity of an unmarried biological father ~~[prior to]~~  
 12461 before or during an adoption proceeding~~[-and has]~~ ; and

12462 (c) no obligation to volunteer information to the court with respect to the father.

12463 Section 336. Section **81-13-203**, which is renumbered from Section 78B-6-117 is renumbered  
 12464 and amended to read:

12465 ~~[78B-6-117]~~ **81-13-203 . Who may adopt -- Adoption of a minor child.**

12466 ~~[(1) A minor child may be adopted by an adult individual, in accordance with this section~~  
 12467 ~~and this part.]~~

12468 (1) An adult may adopt a minor child in accordance with this section and this chapter.

12469 (2) ~~[A]~~ Except as otherwise provided in this section and subject to the placement  
 12470 requirements described in Section 81-13-403, a minor child may be adopted by:

12471 (a) adults who are legally married to each other in accordance with the laws of this state,  
 12472 including adoption by a stepparent; or

12473 (b) ~~[subject to Subsections (3) and (4), a single adult]~~ an adult who is not married.

12474 (3) ~~[A child may not be adopted by an individual who]~~ If an adult is cohabiting in a  
 12475 relationship that is not a legally valid and binding marriage under the laws of this state,  
 12476 the adult may not adopt a minor child unless the individual is a relative of the minor  
 12477 child or a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec.  
 12478 1901 et seq.

12479 ~~[(4) To provide a child who is in the custody of the division with the most beneficial~~

- 12480 family structure, when a child in the custody of the division is placed for adoption, the  
 12481 division or child-placing agency shall place the child with a married couple, unless:]
- 12482 [(a) there are no qualified married couples who:]
- 12483     [(i) have applied to adopt a child;]
- 12484     [(ii) are willing to adopt the child; and]
- 12485     [(iii) are an appropriate placement for the child;]
- 12486 [(b) the child is placed with a relative of the child;]
- 12487 [(c) the child is placed with an individual who has already developed a substantial  
 12488 relationship with the child;]
- 12489 [(d) the child is placed with an individual who:]
- 12490     [(i) is selected by a parent or former parent of the child, if the parent or former parent  
 12491 consented to the adoption of the child; and]
- 12492     [(ii) the parent or former parent described in Subsection (4)(d)(i):]
- 12493         [(A) knew the individual with whom the child is placed before the parent consented to the  
 12494 adoption; or]
- 12495         [(B) became aware of the individual with whom the child is placed through a source other  
 12496 than the division or the child-placing agency that assists with the adoption of the child;  
 or]
- 12497 [(e) it is in the best interests of the child to place the child with a single adult.]
- 12498 (4) A married adult who is lawfully separated from the married adult's spouse may not  
 12499 adopt a minor child without the consent of the married adult's spouse if the spouse is  
 12500 capable of giving consent.
- 12501 (5) An adult may not adopt a minor child unless:
- 12502     (a) the adult is at least 10 years older than the minor child; or
- 12503     (b) at least one adult of a married couple is at least 10 years older than the minor child if  
 12504 a married couple is adopting the minor child.
- 12505 [(5)] (6) Except as provided in Subsection [(6)] (7), an adult may not adopt a minor child if,  
 12506 before adoption is finalized, the adult has been convicted of, pleaded guilty to, or  
 12507 pleaded no contest to a felony or attempted felony involving conduct that constitutes[  
 12508 any of the following]:
- 12509     (a) child abuse, as described in Section 76-5-109;
- 12510     (b) child abuse homicide, as described in Section 76-5-208;
- 12511     (c) child kidnapping, as described in Section 76-5-301.1;
- 12512     (d) human trafficking of a child, as described in Section 76-5-308.5;

- 12513 (e) sexual abuse of a minor, as described in Section 76-5-401.1;
- 12514 (f) rape of a child, as described in Section 76-5-402.1;
- 12515 (g) object rape of a child, as described in Section 76-5-402.3;
- 12516 (h) sodomy on a child, as described in Section 76-5-403.1;
- 12517 (i) sexual abuse of a child, as described in Section 76-5-404.1~~[, or]~~ ;
- 12518 (j) aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- 12519 ~~[(j)]~~ (k) sexual exploitation of a minor, as described in Section 76-5b-201;
- 12520 ~~[(k)]~~ (l) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1;
- 12521 ~~[(l)]~~ (m) aggravated child abuse, as described in Section 76-5-109.2;
- 12522 ~~[(m)]~~ (n) child abandonment, as described in Section 76-5-109.3;
- 12523 ~~[(n)]~~ (o) commission of domestic violence in the presence of a child, as described in
- 12524 Section 76-5-114; or
- 12525 ~~[(o)]~~ (p) an offense in another state that, if committed in this state, would constitute an
- 12526 offense described in this Subsection ~~[(5)]~~ (6).
- 12527 ~~[(6)]~~ (7)(a) ~~[For purpose of]~~ As used in this Subsection ~~[(6)]~~ (7), "disqualifying offense"
- 12528 means an offense listed in Subsection ~~[(5)]~~ (6) that prevents a court from considering [
- 12529 ~~an individual]~~ an adult for adoption of a minor child except as provided in this
- 12530 Subsection ~~[(6)]~~ (7).
- 12531 (b) An ~~[individual]~~ adult described in Subsection ~~[(5)]~~ (6) may only be considered for
- 12532 adoption of a minor child if the following criteria are met by clear and convincing
- 12533 evidence:
- 12534 (i) at least 10 years have elapsed from the day on which the ~~[individual]~~ adult is
- 12535 successfully released from prison, jail, parole, or probation related to a
- 12536 disqualifying offense;
- 12537 (ii) during the 10 years before the day on which the ~~[individual]~~ adult files a petition
- 12538 with the court seeking adoption, the ~~[individual]~~ adult has not been convicted,
- 12539 pleaded guilty, or pleaded no contest to an offense greater than an infraction or
- 12540 traffic violation that would likely impact the health, safety, or well-being of the
- 12541 minor child;
- 12542 (iii) the ~~[individual]~~ adult can provide evidence of successful treatment or
- 12543 rehabilitation directly related to the disqualifying offense;
- 12544 (iv) the court determines that the risk related to the disqualifying offense is unlikely
- 12545 to cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 12546 currently or at any time in the future when considering all of the following:

- 12547 (A) the minor child's age;
- 12548 (B) the minor child's gender;
- 12549 (C) the minor child's development;
- 12550 (D) the nature and seriousness of the disqualifying offense;
- 12551 (E) the preferences of a minor child who is 12 years old or older;
- 12552 (F) any available assessments, including custody evaluations, home studies,
- 12553 pre-placement adoptive evaluations, parenting assessments, psychological or
- 12554 mental health assessments, and bonding assessments; and
- 12555 (G) any other relevant information;
- 12556 (v) the [~~individual~~] adult can provide evidence of all of the following:
- 12557 (A) the relationship with the minor child is of long duration;
- 12558 (B) that an emotional bond exists with the minor child; and
- 12559 (C) that adoption by the individual who has committed the disqualifying offense
- 12560 ensures the best interests of the minor child are met; and
- 12561 (vi) the adoption is by:
- 12562 (A) a stepparent whose spouse is the adoptee's parent and consents to the
- 12563 adoption; or
- 12564 (B) subject to Subsection [~~(6)(d)~~] (7)(d), a relative of the minor child, as defined in
- 12565 Section 80-3-102, and there is not another relative without a disqualifying
- 12566 offense filing an adoption petition.
- 12567 (c) The [~~individual~~] adult with the disqualifying offense bears the burden of proof
- 12568 regarding why adoption with that [~~individual~~] adult is in the best interest of the minor
- 12569 child over another responsible relative or equally situated [~~individual~~] adult who does
- 12570 not have a disqualifying offense.
- 12571 (d) If there is an alternative responsible relative who does not have a disqualifying
- 12572 offense filing an adoption petition[, the following applies]:
- 12573 (i) preference for adoption shall be given to a relative who does not have a
- 12574 disqualifying offense; and
- 12575 (ii) before the court may grant adoption to the [~~individual~~] adult who has the
- 12576 disqualifying offense over another responsible, willing, and able relative:
- 12577 (A) an impartial custody evaluation shall be completed; and
- 12578 (B) a guardian ad litem shall be assigned.
- 12579 [(7)] (8) Subsections [~~(5) and (6)~~] (6) and (7) apply to a case pending on March 25, 2017, for
- 12580 which a final decision on adoption has not been made and to a case filed on or after

12581 March 25, 2017.

12582 Section 337. Section **81-13-204** is enacted to read:

12583 **81-13-204 . Petition for adoption of a minor child.**

12584 (1)(a) A person may bring a petition for adoption of a minor child:

12585 (i) before the birth of the minor child; or

12586 (ii) before or after the minor child is placed in the home of the adoptive parent for the  
12587 purpose of adoption.

12588 (2)(a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child  
12589 shall state whether the minor child was born in another state.

12590 (b) If the minor child was born in another state, the petition and the court's final decree  
12591 of adoption shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate  
12592 Compact on Placement of Children, have been complied with.

12593 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required  
12594 to complete a preplacement adoptive evaluation under Section 81-13-404.

12595 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec.  
12596 1903, a child-placing agency and a petitioner shall comply with the Indian Child  
12597 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

12598 Section 338. Section **81-13-205**, which is renumbered from Section 78B-6-112 is renumbered  
12599 and amended to read:

12600 **[78B-6-112] 81-13-205 . Petition to terminate parental rights of a minor child.**

12601 (1) A party may bring a petition seeking to terminate parental rights [~~in the child~~] of a minor  
12603 child for the purpose of facilitating the adoption of the minor child in a court with  
12604 jurisdiction under Title 78A, Judiciary and Judicial Administration.

12605 (2) A petition to terminate parental rights under this section may be:

12606 (a) joined with a proceeding on an adoption petition; or

12607 (b) filed as a separate proceeding before or after a petition to adopt the minor child is  
12608 filed.

12609 (3) A court may enter a final order terminating parental rights before a final decree of  
12610 adoption is entered.

12611 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to  
12612 proceedings to terminate parental rights as described in Section 78A-6-103.

12613 (b) A court may not terminate parental rights [~~in a~~] of a minor child if the minor child is  
12614 under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency,  
12615 or termination of parental rights proceeding.

- 12616 (5) The court may terminate an individual's parental rights ~~[in a]~~ of a minor child if:
- 12617 (a) the individual executes a voluntary consent to adoption, or relinquishment for
- 12618 adoption, of the minor child, in accordance with:
- 12619 (i) the requirements of this chapter; or
- 12620 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 12621 (b) the individual is an unmarried biological father who is not entitled to consent to
- 12622 adoption, or relinquishment for adoption, under Section ~~[78B-6-120 or 78B-6-121]~~
- 12623 81-13-212 or 81-13-213;
- 12624 (c) the individual:
- 12625 (i) received notice of the adoption proceeding relating to the minor child under
- 12626 Section ~~[78B-6-110]~~ 81-13-207; and
- 12627 (ii) failed to file a motion for relief, under Subsection ~~[78B-6-110(6)]~~ 81-13-207(6),
- 12628 within 30 days after the day on which the individual was served with notice of the
- 12629 adoption proceeding;
- 12630 (d) the court finds, under Section ~~[78B-15-607]~~ 81-5-607, that the individual is not a
- 12631 parent of the minor child; or
- 12632 (e) the individual's parental rights are terminated on grounds described in Title 80,
- 12633 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
- 12634 best interests of the minor child.
- 12635 (6) The court shall appoint an indigent defense service provider in accordance with Title
- 12636 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
- 12637 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
- 12638 Termination and Restoration of Parental Rights, or whose parental rights are subject to
- 12639 termination under this section.
- 12640 (7) If a county incurs expenses in providing indigent defense services to an indigent
- 12641 individual facing any action initiated by a private party under Title 80, Chapter 4,
- 12642 Termination and Restoration of Parental Rights, or termination of parental rights under
- 12643 this section, the county may apply for reimbursement from the Utah Indigent Defense
- 12644 Commission in accordance with Section 78B-22-406.
- 12645 (8) A petition filed under this section is subject to the procedural requirements of this
- 12646 chapter.
- 12647 Section 339. Section **81-13-206**, which is renumbered from Section 78B-6-109 is renumbered
- 12648 and amended to read:
- 12649 **[78B-6-109] 81-13-206 . Determination of rights in an adoption proceeding for a**



12650 **minor child.**

12651 (1)(a) Any interested person may petition a court ~~[having]~~ with jurisdiction over [  
12652 ~~adoption proceedings]~~ an adoption proceeding of a minor child for a determination of  
12653 the rights and interests of any person who may claim an interest in [~~a child under this~~  
12654 ~~part]~~ the minor child under this part.

12655 (b) The petition described in Subsection (1) may be filed at any time before the  
12656 finalization of the adoption, including before:

12657 (i) the minor child's birth;

12658 (ii) a petition for adoption is filed; or

12659 (iii) a petition to terminate parental rights is filed.

12660 (2) If a petition for adoption or a petition to terminate parental rights has been filed [~~in~~  
12661 ~~district court]~~ in a court with jurisdiction under Title 78A, Judiciary and Judicial  
12662 Administration, the petitioner or any interested person may, without filing a separate  
12663 petition, move the court for a determination of the rights and interests of any person who  
12664 may claim an interest in [~~a child under this part]~~ the minor child under this chapter.

12665 Section 340. Section **81-13-207**, which is renumbered from Section 78B-6-110 is renumbered  
12666 and amended to read:

12667 **[78B-6-110] 81-13-207 . Notice of an adoption proceeding for a minor child.**

12668 [~~(1)(a) An unmarried biological father, by virtue of the fact that he has engaged in a sexual~~  
12669 ~~relationship with a woman:]~~

12670 [~~(i) is considered to be on notice that a pregnancy and an adoption proceeding regarding~~  
12671 ~~the child may occur; and]~~

12672 [~~(ii) has a duty to protect his own rights and interests.]~~

12673 [~~(b) An unmarried biological father is entitled to actual notice of a birth or an adoption~~  
12674 ~~proceeding with regard to his child only as provided in this section or Section~~  
12675 ~~78B-6-110.5.]~~

12676 [~~(2)] (1) [Notice of an adoption proceeding shall be served] A petitioner in an adoption  
12677 proceeding described in Section 81-13-204, 81-13-205, or 81-13-206 shall serve a notice  
12678 of the adoption proceeding on each of the following persons:~~

12679 (a) any person or agency whose consent or relinquishment is required under Section [  
12680 ~~78B-6-120 or 78B-6-121]~~ 81-13-212 or 81-13-213, unless that right has been  
12681 terminated by:

12682 (i) waiver;

12683 (ii) relinquishment;

- 12684 (iii) actual or implied consent; or  
 12685 (iv) judicial action;
- 12686 (b) any person who has initiated a [~~paternity~~] parentage proceeding and filed notice of  
 12687 that action with the [~~state registrar of vital statistics within the Department of Health~~  
 12688 ~~and Human Services,~~] the office in accordance with Subsection (3);
- 12689 (c) any legally appointed custodian or guardian of the child adoptee;
- 12690 (d) the petitioner's spouse[~~, if any, only if~~] if the petitioner is married and the petitioner's  
 12691 spouse has not joined in the petition;
- 12692 (e) the child adoptee's spouse[~~, if any~~] if the child adoptee is married;
- 12693 (f) any [~~person who, prior to~~] individual who, before the time the birth mother executes [  
 12694 her] the birth mother's consent for adoption or relinquishes the child adoptee for  
 12695 adoption, is recorded on the birth certificate as the [child's father] child adoptee's  
 12696 parent, with the knowledge and consent of the birth mother;
- 12697 (g) [~~a person~~] any individual who is:
- 12698 (i) openly living in the same household with the child adoptee at the time the consent  
 12699 is executed or relinquishment made; and
- 12700 (ii) holding [~~himself~~] the individual out to be the [~~child's father~~] child adoptee's parent;  
 12701 and
- 12702 (h) [~~any person~~] an individual who is married to the [~~child's~~] child adoptee's birth mother  
 12703 at the time [~~she~~] the birth mother executes [~~her~~] the birth mother's consent to the  
 12704 adoption or relinquishes the child adoptee for adoption, unless the court finds that the  
 12705 mother's spouse is not the [child's father] child adoptee's parent under Section [  
 12706 78B-15-607] 81-5-607.
- 12707 (2)(a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the  
 12708 notice described in Subsection (1) at any time after the petition for the adoption  
 12709 proceeding is filed.
- 12710 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth  
 12711 mother before the birth mother has given birth to the minor child who is the subject  
 12712 of the petition.
- 12713 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior  
 12714 to the final dispositional hearing.
- 12715 (3)(a) An unmarried biological father, by virtue of the fact that the unmarried biological  
 12716 father has engaged in a sexual relationship with a woman:
- 12717 (i) is considered to be on notice that a pregnancy and an adoption proceeding

- 12718 regarding a minor child may occur; and
- 12719 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 12720 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
- 12721 proceeding with regard to the unmarried biological father's minor child only as
- 12722 provided in this section or Section 81-13-209.
- 12723 [(a)] (c) In order to preserve any right to notice, an unmarried biological father shall,
- 12724 consistent with Subsection [(3)(d)] (3)(f):
- 12725 (i) initiate proceedings in a [~~district court of Utah to establish paternity under Title~~
- 12726 ~~78B, Chapter 15, Utah Uniform Parentage Act]~~ court with jurisdiction under Title
- 12727 78A, Judiciary and Judicial Administration, to establish parentage under Chapter
- 12728 5, Uniform Parentage Act; and
- 12729 (ii) file a notice of commencement of the proceedings described in Subsection [~~(3)(a)(i) with the office of vital statistics within the Department of Health and~~
- 12730 ~~Human Services]~~ (3)(c)(i) with the office.
- 12731
- 12732 [(b) ~~If the unmarried, biological father does not know the county in which the birth~~
- 12733 ~~mother resides, he may initiate his action in any county, subject to a change in trial~~
- 12734 ~~pursuant to Section 78B-3a-201.]~~
- 12735 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil
- 12736 Actions, an unmarried biological father may initiate an action described in
- 12737 Subsection (3)(c) in any county if the unmarried biological father does not know the
- 12738 county in which the birth mother resides.
- 12739 [(e)] (e) The Department of Health and Human Services shall provide forms for the
- 12740 purpose of filing the notice described in Subsection [(3)(a)(ii)] (3)(c)(ii), and make
- 12741 those forms available in the office of the county health department in each county.
- 12742 [(d)] (f) When the [~~state registrar of vital statistics]~~ office receives a completed form, the [~~registrar]~~ office shall:
- 12743
- 12744 (i) record the date and time the form was received; and
- 12745 (ii) immediately enter the information provided by the unmarried biological father in
- 12746 the confidential registry [~~established by Subsection 78B-6-121(3)(e)]~~ described in
- 12747 Subsection 81-13-213(4)(c).
- 12748 [(e)] (g) [~~The action and notice described in Subsection (3)(a):]~~
- 12749 (i) [~~may be filed]~~ An unmarried biological father may file the action and notice
- 12750 described in Subsection (3)(c) before or after the minor child's birth[; and] .
- 12751 (ii) [~~shall be filed prior to]~~ An unmarried biological father shall file the action and

- 12752            notice described in Subsection (3)(c) before the mother's:
- 12753            (A) execution of consent to adoption of the minor child; or
- 12754            (B) relinquishment of the minor child for adoption.
- 12755        (h) Notwithstanding Subsection (2)(b), an unmarried biological father is not entitled to
- 12756            notice of an adoption proceeding in a case where it is shown that the minor child was
- 12757            conceived as a result of conduct that constitutes a sexual offense under Title 76,
- 12758            Chapter 5, Part 4, Sexual Offenses, or under the laws of the state where the minor
- 12759            child was conceived, regardless of whether the unmarried biological father is
- 12760            formally charged with or convicted of a criminal offense.
- 12761        (4) Notice provided in accordance with this section need not disclose the name of the birth
- 12762            mother of the minor child who is the subject of an adoption proceeding.
- 12763        (5) The notice required by this section:
- 12764            [~~(a) may be served at any time after the petition for adoption is filed, but may not be~~
- 12765            ~~served on a birth mother before she has given birth to the child who is the subject of~~
- 12766            ~~the petition for adoption;]~~
- 12767            [~~(b) shall be served at least 30 days prior to the final dispositional hearing;]~~
- 12768            [(~~e~~)] (a) shall specifically state that the person served shall fulfill the requirements of
- 12769            Subsection (6)(a) within 30 days after the day on which the person receives service if
- 12770            the person intends to intervene in or contest the adoption;
- 12771            [~~(d)~~] (b) shall state the consequences, described in Subsection (6)(b), for failure of a
- 12772            person to file a motion for relief within 30 days after the day on which the person is
- 12773            served with notice of an adoption proceeding;
- 12774            [(~~e~~)] (c) is not required to include, [~~nor~~] or be accompanied by, a summons or a copy of
- 12775            the petition for adoption;
- 12776            [(~~f~~)] (d) shall state where the person may obtain a copy of the petition for adoption; and
- 12777            [(~~g~~)] (e) shall indicate the right to the appointment of counsel for a party whom the court
- 12778            determines is indigent and at risk of losing the party's parental rights.
- 12779        (6)(a) A person who has been served with notice of an adoption proceeding and who
- 12780            wishes to contest the adoption shall file a motion to intervene in the adoption
- 12781            proceeding:
- 12782            (i) within 30 days after the day on which the person was served with notice of the
- 12783            adoption proceeding;
- 12784            (ii) setting forth specific relief sought; and
- 12785            (iii) accompanied by a memorandum specifying the factual and legal grounds upon

- 12786 which the motion is based.
- 12787 (b) A person who fails to fully and strictly comply with all of the requirements described  
 12788 in Subsection (6)(a) within 30 days after the day on which the person was served with  
 12789 notice of the adoption proceeding:
- 12790 (i) waives any right to further notice in connection with the adoption;
- 12791 (ii) forfeits all rights in relation to the adoptee; and
- 12792 (iii) is barred from thereafter bringing or maintaining any action to assert any interest  
 12793 in the adoptee.
- 12794 (7) ~~[Service of notice under this section shall be made as follows:]~~
- 12795 (a)(i) Subject to Subsection ~~[(5)(e), service on]~~ (5)(c), the petitioner shall serve a  
 12796 person whose consent is necessary under Section ~~[78B-6-120 or 78B-6-121 shall~~  
 12797 ~~be]~~ 81-13-212 or 81-13-213 in accordance with ~~[the provisions of]~~ the Utah Rules  
 12798 of Civil Procedure.
- 12799 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court  
 12800 shall designate the content of the notice regarding the identity of the parties.
- 12801 (iii) The notice described in this Subsection (7)(a) may not include the name of a  
 12802 person seeking to adopt the adoptee.
- 12803 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom  
 12804 notice is required under this section, service by certified mail, return receipt  
 12805 requested, is sufficient.
- 12806 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two  
 12807 attempts, the court may issue an order providing for service by publication,  
 12808 posting, or by any other manner of service.
- 12809 (c) Notice to ~~[a person]~~ an individual, who has initiated a ~~[paternity]~~ parentage  
 12810 proceeding and filed notice of that action with the ~~[state registrar of vital statistics in~~  
 12811 ~~the Department of Health and Human Services]~~ office in accordance with the  
 12812 requirements of Subsection (3), shall be served by certified mail, return receipt  
 12813 requested, at the last address filed with the ~~[registrar]~~ office.
- 12814 (8) The notice required by this section may be waived in writing by the person entitled to  
 12815 receive notice.
- 12816 (9) Proof of service of notice on all persons for whom notice is required by this section  
 12817 shall be filed with the court before the final dispositional hearing on the adoption.
- 12818 (10) Notwithstanding any other provision of law, neither the notice of an adoption  
 12819 proceeding nor any process in that proceeding is required to contain the name of the

12820 person or persons seeking to adopt the child adoptee.

12821 (11) Except as to those persons whose consent to an adoption is required under Section [  
12822 ~~78B-6-120 or 78B-6-121~~] 81-13-212 or 81-13-213, the sole purpose of notice under this  
12823 section is to enable the person served to:

12824 (a) intervene in the adoption; and

12825 (b) present evidence to the court relevant to the best interest of the child adoptee.

12826 Section 341. Section **81-13-208**, which is renumbered from Section 78B-6-110.1 is renumbered  
12827 and amended to read:

12828 **[78B-6-110.1] 81-13-208 . Prebirth notice to birth father of intent to place a**  
12829 **minor child for adoption.**

12830 (1) As used in this section, "birth father" means:

12831 (a) a potential [~~biological~~] birth father; or

12832 (b) an unmarried biological father.

12833 (2) Before the birth of a minor child, the following [~~individuals~~] persons may notify a birth  
12834 father of the minor child that the birth mother of the minor child is considering an  
12835 adoptive placement for the minor child:

12836 (a) the minor child's birth mother;

12837 (b) a licensed child-placing agency;

12838 (c) an attorney representing a prospective adoptive parent of the minor child; or

12839 (d) an attorney representing the birth mother of the minor child.

12840 (3) Providing a birth father with notice under Subsection (2) does not obligate the birth  
12841 mother of the minor child to proceed with an adoptive placement of the minor child.

12842 (4) The notice described in Subsection (2) shall include the name, address, and telephone  
12843 number of the person providing the notice[~~, and shall include~~] and the following  
12844 information:

12845 (a) the birth mother's intent to place the minor child for adoption;

12846 (b) that the birth mother has named the person receiving this notice as a potential birth  
12847 father of [~~her child~~] the minor child;

12848 (c) the requirements to contest the adoption, including taking the following steps within  
12849 30 days after the day on which the notice is served:

12850 (i) initiating proceedings to establish or assert paternity in a [~~district court of Utah~~]  
12851 court with jurisdiction under Title 78A, Judiciary and Judicial Administration,

12852 within 30 days after the day on which notice is served, including filing an affidavit  
12853 stating:

- 12854 (A) that the birth father is fully able and willing to have full custody of the minor  
 12855 child;
- 12856 (B) the birth father's plans to care for the minor child; and
- 12857 (C) that the birth father agrees to pay for child support and expenses incurred in  
 12858 connection with the pregnancy and birth of the minor child; and
- 12859 (ii) filing a notice of commencement of [~~paternity~~] parentage proceedings with the [  
 12860 state registrar of vital statistics within the Utah Department of Health] office;
- 12861 (d) the consequences for failure to comply with Subsection (4)(c), including that:
- 12862 (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to  
 12863 the adoption is irrevocably lost;
- 12864 (ii) the birth father will lose the ability to assert the right to contest any future  
 12865 adoption of the minor child; and
- 12866 (iii) the birth father will lose the right, if any, to notice of any adoption proceedings  
 12867 related to the minor child;
- 12868 (e) that the birth father may consent to the adoption, if any, within 30 days after the day  
 12869 on which the notice is received, and that [~~his~~] the birth father's consent is irrevocable;  
 12870 and
- 12871 (f) that no communication between the birth mother of the minor child and the birth  
 12872 father changes the rights and responsibilities of the birth father described in the notice.
- 12873 (5) If [~~the recipient of the notice described in Subsection (2)] a birth father does not fully  
 12874 and strictly comply with the requirements of Subsection (4)(c) within 30 days after the  
 12875 day on which [~~he~~] the birth father receives the notice, [~~he~~] the birth father will lose:~~
- 12876 (a) the ability to assert the right to consent or refuse to consent to an adoption of the  
 12877 minor child described in the notice;
- 12878 (b) the ability to assert the right to contest any future adoption of the minor child  
 12879 described in the notice; and
- 12880 (c) the right to notice of any adoption proceedings relating to the minor child described  
 12881 in the notice.
- 12882 (6) If [~~an individual~~] a person described in Subsection (2) chooses to notify a birth father  
 12883 under this section, the notice shall be served on a birth father in a manner consistent with  
 12884 the Utah Rules of Civil Procedure or by certified mail.

12885 Section 342. Section **81-13-209**, which is renumbered from Section 78B-6-110.5 is renumbered  
 12886 and amended to read:

12887 **[~~78B-6-110.5~~] 81-13-209 . Declaration regarding each potential birth father for**

12888 **out-of-state birth mother and adoptive parents-- Putative father registry -- Notice to**  
12889 **potential birth father.**

12890 (1) The procedural and substantive requirements of this section [~~shall be~~] are required  
12891 only to the extent that [~~they~~] the requirements do not exceed the requirements of the state  
12892 of conception or the birth mother's state of residence.

12893 [~~(1)(a) For a child who is six months of age or less at the time the child is placed with~~  
12894 ~~prospective adoptive parents, the birth mother shall sign, and the adoptive parents~~  
12895 ~~shall file with the court, a declaration regarding each potential birth father, in~~  
12896 ~~accordance with this section, before or at the time a petition for adoption is filed with~~  
12897 ~~the court, if, at any point during the time period beginning at the conception of the~~  
12898 ~~child and ending at the time the mother executes consent to adoption or~~  
12899 ~~relinquishment of the child for adoption, neither the birth mother nor at least one of~~  
12900 ~~the adoptive parents has resided in the state for 90 total days or more, as described in~~  
12901 ~~Subsection (1)(c).]~~

12902 (2)(a) For a child adoptee who is six months old or younger at the time that the child  
12903 adoptee is placed with the prospective adoptive parents and subject to the rights of a  
12904 birth mother described in Subsection 81-13-202(7), the birth mother shall sign, and  
12905 the prospective adoptive parents shall file with the court, a declaration regarding each  
12906 potential birth father before or at the time a petition for adoption is filed with the  
12907 court.

12908 (b) A declaration is not required under Subsection (2)(a) if the birth mother or one of the  
12909 adoptive parents has resided in the state for 90 total days or more at any point during  
12910 the time period beginning at the conception of the child adoptee and ending at the  
12911 time that the birth mother executes consent to the adoption or relinquishment of the  
12912 child adoptee for adoption.

12913 [~~(b)~~] (3) The child-placing agency or prospective adoptive parents shall search the putative  
12914 father registry of each state where the birth mother believes the child adoptee may have  
12915 been conceived and each state where the birth mother lived during her pregnancy, if the  
12916 state has a putative father registry, to determine whether a potential birth father  
12917 registered with the state's putative father registry.

12918 [~~(e)~~] (4) In determining whether the 90-day requirement described in Subsection (2) is  
12919 satisfied, the following apply:

12920 [(i)] (a) the 90 days are not required to be consecutive;

12921 [(ii)] (b) no absence from the state may be for more than seven consecutive days;



12922           ~~[(iii)]~~ (c) any day on which the individual is absent from the state does not count toward  
12923                   the total 90-day period; and

12924           ~~[(iv)]~~ (d) the 90-day period begins and ends during a period that is no more than 120  
12925                   consecutive days.

12926   ~~[(2)]~~ (5) The declaration filed under Subsection ~~[(1)]~~ (2) regarding a potential birth father  
12927           shall include, for each potential birth father, the following information:

12928           (a) if known, the potential birth father's name, date of birth, social security number, and  
12929                   address;

12930           (b) with regard to a state's putative father registry in each state described in Subsection [  
12931                   ~~(1)(b)~~] (3):

12932                   (i) whether the state has a putative father registry; and

12933                   (ii) for each state that has a putative father registry, with the declaration, a certificate  
12934                         or written statement from the state's putative father registry that a search of the  
12935                         state's putative father registry was made and disclosing the results of the search;

12936           (c) whether the potential birth father was notified of:

12937                   (i) the birth mother's pregnancy;

12938                   (ii) the fact that he is a potential birth father; or

12939                   (iii) the fact that the birth mother intends to consent to adoption or relinquishment of  
12940                         the child adoptee for adoption[;] in Utah;

12941           (d) each state where the birth mother lived during the pregnancy;

12942           (e) if known, the state in which the child adoptee was conceived;

12943           (f) whether the birth mother informed the potential birth father that she was traveling to  
12944                   or planning to reside in Utah;

12945           (g) whether the birth mother has contacted the potential birth father while she was  
12946                   located in Utah;

12947           (h) whether, and for how long, the potential birth father has ever lived with the child  
12948                   adoptee;

12949           (i) whether the potential birth father has given the birth mother money or offered to pay  
12950                   for any of ~~[her]~~ the birth mother's expenses during pregnancy or the ~~[child's]~~ child  
12951                   adoptee's birth;

12952           (j) whether the potential birth father has offered to pay child support;

12953           (k) if known, whether the potential birth father has taken any legal action to establish  
12954                   paternity of the child adoptee, either in Utah or in any other state, and, if known,  
12955                   what action ~~[he]~~ the potential birth father has taken; and

- 12956 (l) whether the birth mother has ever been involved in a domestic violence matter with  
 12957 the potential birth father.
- 12958 ~~[(3)]~~ (6) Except as provided in Subsection ~~[(5)]~~ (8), based on the declaration regarding the  
 12959 potential birth father, the court shall order the birth mother to serve a potential birth  
 12960 father notice that she intends to consent or has consented to adoption or relinquishment  
 12961 of the child adoptee for adoption, if the court finds that the potential birth father:
- 12962 (a) has taken sufficient action to demonstrate an interest in the child adoptee;
- 12963 (b) has taken sufficient action to attempt to preserve ~~[his]~~ the potential birth father's legal  
 12964 rights as a birth father, including by filing a legal action to establish ~~[paternity]~~  
 12965 parentage or filing with a state's putative father registry; or
- 12966 (c) does not know, and does not have a reason to know, that:
- 12967 (i) the mother or child adoptee are present in Utah;
- 12968 (ii) the mother intended to give birth to the child adoptee in Utah;
- 12969 (iii) the child adoptee was born in Utah; or
- 12970 (iv) the mother intends to consent to adoption or relinquishment of the child adoptee  
 12971 for adoption in Utah.
- 12972 ~~[(4)]~~ (7) Notice under this section shall be made in accordance with Subsections [  
 12973 ~~78B-6-110(7) through (11);~~ 81-13-207(7) through (11).]
- 12974 ~~[(5)]~~ (8) A court may only order the notice requirements in Subsection ~~[(3)]~~ (6) to the extent  
 12975 that they do not exceed the notice requirements of:
- 12976 (a) the state of conception; or
- 12977 (b) the birth mother's state of residence.
- 12978 Section 343. Section **81-13-210**, which is renumbered from Section 78B-6-134 is renumbered  
 12979 and amended to read:
- 12980 **[78B-6-134] 81-13-210 . Custody pending final decree.**
- 12981 ~~[(1)(a) A licensed child-placing agency, or a petitioner if the petition for adoption is filed  
 12982 before a child's birth, may seek an order establishing that the agency or petitioner shall  
 12983 have temporary custody of the child from the time of birth.]~~
- 12984 ~~[(b) The court shall grant an order for temporary custody under Subsection (1)(a) upon  
 12985 determining that:]~~
- 12986 ~~[(i) the birth mother or both birth parents consent to the order;]~~
- 12987 ~~[(ii) the agency or petitioner is willing and able to take custody of the child; and]~~
- 12988 ~~[(iii) an order will be in the best interest of the child.]~~
- 12989 (e) The court shall vacate an order if, prior to the child's birth, the birth mother or birth

12990 ~~parents withdraw their consent.]~~

12991 [(2)] (1) Except as otherwise provided by the court, once a petitioner has received the  
 12992 adoptee into [his] the petitioner's home and a petition for adoption has been filed, the  
 12993 petitioner is entitled to the custody and control of the child adoptee and is responsible  
 12994 for the care, maintenance, and support of the adoptee, including any necessary medical  
 12995 or surgical treatment, pending further order of the court.

12996 [(3)] (2)(a) Once [~~a child~~] a child adoptee has been placed with, relinquished to, or  
 12997 ordered into the custody of a child-placing agency for purposes of adoption, the  
 12998 agency shall have custody and control of the child adoptee and is responsible for [his]  
 12999 the child adoptee's care, maintenance, and support.

13000 (b) [~~The~~] Subject to Subsection (3)(c), the child-placing agency may delegate the  
 13001 responsibility for care, maintenance, and support, including any necessary medical or  
 13002 surgical treatment, to the petitioner once the petitioner has received the [child into his  
 13003 home. However, until] adoptee into the petitioner's home, including a temporary  
 13004 place of abode for the petitioner.

13005 (c) Until the final decree of adoption is entered by the court, the child-placing agency  
 13006 has the right to the custody and control of the child adoptee.

13007 (3)(a) A licensed child-placing agency, or a petition if the petition of adoption is filed  
 13008 before a child adoptee's birth, may seek an order establishing that the child-placing  
 13009 agency or petitioner shall have temporary custody of the child adoptee from the time  
 13010 of the child adoptee's birth.

13011 (b) The court shall grant an order for temporary custody under Subsection (3)(a) upon  
 13012 determining that:

13013 (i) the birth mother or both birth parents consent to the order;

13014 (ii) the child-placing agency or petitioner is willing and able to take custody of the  
 13015 child adoptee; and

13016 (iii) an order will be in the best interest of the child adoptee.

13017 (c) The court shall vacate an order if, before the child adoptee's birth, the birth mother or  
 13018 both birth parents withdraw consent to the order.

13019 Section 344. Section **81-13-211**, which is renumbered from Section 78B-6-119 is renumbered  
 13020 and amended to read:

13021 **[78B-6-119] 81-13-211 . Counseling for parents.**

13022 (1) As used in this section, "parent" means a person described in Subsections

13023 81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for

- 13024 the adoption is required.
- 13025 [(1)] (2) Subject to Subsection [(2)(a)] (3)(a), before relinquishing a minor child to a
- 13026 child-placing agency, or consenting to the adoption of a child adoptee, a parent of the
- 13027 child adoptee has the right to participate in, or elect to participate in, counseling:
- 13028 (a) by a licensed counselor or an adoption service provider selected by the parent
- 13029 participating in the counseling;
- 13030 (b) for up to three sessions of at least 50 minutes per session completed [~~prior to~~] before
- 13031 relinquishing a child adoptee or within [~~three months~~] 120 days following the
- 13032 relinquishment of a child adoptee; and
- 13033 (c) subject to Subsection [(2)(b)] (3)(b), at the expense of the:
- 13034 (i) child-placing agency; or
- 13035 (ii) prospective adoptive parents.
- 13036 [(2)] (3)(a) Notwithstanding Subsection [(1)] (2), a parent who has the right to participate
- 13037 in the counseling [~~described in this section~~] under Subsection (1) may waive that right.
- 13038 (b) Notwithstanding Subsection [(1)(e)] (2)(c), the total amount required to be paid by a
- 13039 child-placing agency or the prospective adoptive parents for the counseling described
- 13040 in Subsection [(1)] (2) may not exceed \$400, unless an agreement for a greater
- 13041 amount is signed by:
- 13042 (i) the parent who receives the counseling; and
- 13043 (ii) the child-placing agency or prospective adoptive parents.
- 13044 [(3)] (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents
- 13045 to the adoption of a child adoptee, the parent shall be informed of the right described in
- 13046 Subsection (1) by the:
- 13047 (a) child-placing agency;
- 13048 (b) prospective adoptive parents; or
- 13049 (c) representative of a person described in Subsection [(3)(a)] (4)(a) or (b).
- 13050 [(4)] (5) If the parent who is entitled to the counseling as described in Subsection (1) elects
- 13051 to attend one or more counseling sessions following the relinquishment of a child
- 13052 adoptee:
- 13053 (a) the parent of the child adoptee shall inform the child-placing agency or prospective
- 13054 adoptive parents of this election prior to relinquishing the child adoptee to a
- 13055 child-placing agency or consenting to the adoption of the child adoptee; and
- 13056 (b) the parent of the child adoptee and the child-placing agency or attorney representing
- 13057 a prospective adoptive parent of the child adoptee shall enter into an agreement to

- 13058 pay for the counseling in accordance with this section.
- 13059 ~~[(5)]~~ (6)(a) Subject to Subsections ~~[(3)(b)]~~ (4)(b) and (c), before the day on which a final
- 13060 decree of adoption is entered, a statement shall be filed with the court that:
- 13061 (i) is signed by each parent who:
- 13062 (A) relinquishes the parent's parental rights; or
- 13063 (B) consents to the adoption; and
- 13064 (ii) states that, before the parent took the action described in Subsection ~~[(5)(a)(i)(A)]~~
- 13065 (6)(a)(i)(A) or (B), the parent was advised of the parent's right to participate in the
- 13066 counseling described in this section at the expense of the:
- 13067 (A) child-placing agency; or
- 13068 (B) prospective adoptive parents.
- 13069 (b) The statement described in Subsection ~~[(5)(a)]~~ (6)(a) may be included in the
- 13070 document that:
- 13071 (i) relinquishes the parent's parental rights; or
- 13072 (ii) consents to the adoption.
- 13073 (c) Failure by a person to give the notice described in Subsection ~~[(3)]~~ (4), or pay for the
- 13074 counseling described in this section:
- 13075 (i) shall not constitute grounds for invalidating a:
- 13076 (A) relinquishment of parental rights; or
- 13077 (B) consent to adoption; and
- 13078 (ii) shall give rise to a cause of action for the recovery of damages suffered, if any, by
- 13079 the parent or guardian who took the action described in Subsection ~~[(5)(e)(i)(A)]~~
- 13080 (6)(c)(i)(A) or (B) against the person required to:
- 13081 (A) give the notice described in Subsection ~~[(3)]~~ (4); or
- 13082 (B) pay for the counseling described in this section.

13083 Section 345. Section **81-13-212**, which is renumbered from Section 78B-6-120 is renumbered

13084 and amended to read:

13085 **[78B-6-120] 81-13-212 . Necessary consent to adoption or relinquishment for**

13086 **adoption of a minor child -- Implied consent.**

- 13087 (1) Except as provided in Subsection ~~[(2), consent to adoption of a child, or relinquishment~~
- 13088 ~~of a child for adoption, is required from]~~ (2), the following persons are required to
- 13089 consent to an adoption of a minor child, or to relinquishment of a minor child, before an
- 13090 adoption of the minor child is granted:
- 13091 (a) ~~[the adoptee, if the adoptee is more than 12 years old,]~~ if the child adoptee is 12 years

- 13092 old or older, the child adoptee unless the child adoptee does not have the mental  
 13093 capacity to consent;
- 13094 (b) a man or woman who:
- 13095 (i) by operation of law under Section ~~[78B-15-204]~~ 81-5-204, is recognized as the  
 13096 father or mother of the proposed adoptee, unless:
- 13097 (A) the presumption is rebutted under Section ~~[78B-15-607]~~ 81-5-607;
- 13098 (B) at the time of the marriage, the man or woman knew or reasonably should  
 13099 have known that the marriage to the mother of the proposed child adoptee was  
 13100 or could be declared invalid; or
- 13101 (C) the man or woman was not married to the mother of the proposed child  
 13102 adoptee until after the mother consented to adoption, or relinquishment for  
 13103 adoption, of the proposed child adoptee; or
- 13104 (ii) is the ~~[father]~~ parent of the child adoptee by a previous legal adoption;
- 13105 (c) the birth mother of the child adoptee;
- 13106 (d) ~~[a biological parent]~~ an individual who has been adjudicated to be the ~~[child's~~  
 13107 biological father by a court of competent jurisdiction prior to the] child adoptee's  
 13108 parent by a court with jurisdiction before the birth mother's execution of consent to  
 13109 adoption or [her] the birth mother's relinquishment of the child adoptee for adoption;
- 13110 (e) consistent with Subsection (3), ~~[a biological parent]~~ an individual who has executed  
 13111 and filed a voluntary declaration of paternity with the ~~[state registrar of vital statistics~~  
 13112 within the Department of Health in accordance with Title 78B, Chapter 15, Utah  
 13113 Uniform Parentage Act, prior to the] office in accordance with Chapter 5, Uniform  
 13114 Parentage Act, before the birth mother's execution of consent to adoption or [her] the  
 13115 birth mother's relinquishment of the child adoptee for adoption;
- 13116 (f) an unmarried biological father~~[- of an]~~ of the child adoptee, whose consent is not  
 13117 required under Subsection (1)(d) or (1)(e), ~~[only if he]~~ only if the unmarried  
 13118 biological father fully and strictly complies with the requirements of ~~[Sections~~  
 13119 78B-6-121 and 78B-6-122] Section 81-13-213; and
- 13120 (g) the person or agency to whom an adoptee has been relinquished and that is placing  
 13121 the child adoptee for adoption.
- 13122 (2)~~(a)~~ The consent of a person described in Subsections (1)(b) through (g) is not  
 13123 required if the adoptee is 18 years old or older.]
- 13124 ~~(b)~~ The consent or relinquishment of ~~[a person]~~ an individual described in Subsections [  
 13125 (1)(b) through (f)] (1)(b) through (f) is not required if the ~~[person's]~~ individual's

- 13126 parental rights relating to the child adoptee have been terminated by a court.
- 13127 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered  
13128 filed when [it] the voluntary declaration is entered into a database that:
- 13129 (a) can be accessed by the Department of Health and Human Services; and  
13130 (b) is designated by the [~~state registrar of vital statistics~~] office as the official database for  
13131 voluntary declarations of paternity.
- 13132 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1)  
13133 may execute a consent or relinquishment at any time, including before the birth of the  
13134 child adoptee.
- 13135 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish  
13136 control or custody of the child adoptee, until at least 24 hours after the birth of the  
13137 child adoptee.
- 13138 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at  
13139 least 12 years old.
- 13140 (5)(a) A birth parent who is younger than 18 years old has the power to:
- 13141 (i) consent to the adoption of the birth parent's minor child; and  
13142 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 13143 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the  
13144 same force and effect as a consent or relinquishment executed by a birth parent who  
13145 is an adult.
- 13146 (c) A birth parent, who is younger than 18 years old and has executed a consent or  
13147 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years  
13148 old or otherwise becoming emancipated.
- 13149 (6) A consent or relinquishment is effective when the consent or relinquishment is signed  
13150 and may not be revoked.
- 13151 (7)(a) As used in this Subsection (7):
- 13152 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the  
13153 pregnancy, to offer and provide financial and emotional support to the birth  
13154 mother for a period of 180 days before the day on which the child adoptee is born.
- 13155 (ii) "Emotional support" means a pattern of statements or actions that indicate to a  
13156 reasonable person that a birth parent intends to provide for the physical and  
13157 emotional well-being of an unborn child adoptee.
- 13158 (b) A consent or relinquishment required by Subsection (1) may be implied by any of  
13159 the following acts:

- 13160 (i) abandonment;  
 13161 (ii) leaving the child adoptee with a third party for 30 consecutive days without  
 13162 providing the third party with the birth parent's identification;  
 13163 (iii) knowingly leaving the child adoptee with another person for 180 consecutive  
 13164 days without providing for support, communicating, or otherwise maintaining a  
 13165 substantial relationship with the child adoptee; or  
 13166 (iv) receiving notification of a pending adoption proceeding as described in Section  
 13167 81-13-207, or of a termination proceeding described in Section 81-13-205, and  
 13168 failing to respond as required.
- 13169 (c) For purposes of this Subsection (7), a court may not:
- 13170 (i) determine that a birth parent abandoned the birth mother if the birth parent failed  
 13171 to provide financial or emotional support because the birth mother refused to  
 13172 accept support; or
- 13173 (ii) find that the birth parent failed to provide emotional support if the individual's  
 13174 failure was due to impossibility of performance.
- 13175 (d) Implied consent under this Subsection (7) may not be withdrawn.
- 13176 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an  
 13177 unmarried biological father.

13178 Section 346. Section **81-13-213**, which is renumbered from Section 78B-6-121 is renumbered  
 13179 and amended to read:

13180 **[78B-6-121] 81-13-213 . Consent of unmarried biological father.**

- 13181 (1) As used in this section, "qualifying circumstance" means that, at any point during the  
 13182 time period beginning at the conception of the child adoptee and ending at the time that  
 13183 the birth mother executes a consent to adoption or relinquishment of the child adoptee  
 13184 for adoption:
- 13185 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or  
 13186 a temporary basis of no less than 30 consecutive days, in the state;  
 13187 (b) the birth mother intended to give birth to the child adoptee in the state;  
 13188 (c) the child adoptee was born in the state; or  
 13189 (d) the birth mother intended to execute a consent to adoption or relinquishment of the  
 13190 child adoptee for adoption in the state or under the laws of the state.
- 13191 [(4)] (2) Except as provided in [~~Subsections (2)(a) and 78B-6-122(1)] Subsections (3)(a) and~~  
 13192 ~~(8), and subject to Subsections [(5) and (6), with regard to a child who is placed with~~  
 13193 ~~prospective adoptive parents more than six months after birth,] (6) and (7), the consent of~~



13194 an unmarried biological father to the adoption of a child adoptee, who is placed with  
 13195 prospective adoptive parents more than 180 days after birth, is not required unless the  
 13196 unmarried biological father:

13197 (a)(i) developed a substantial relationship with the child adoptee by:

13198 (A) visiting the child adoptee monthly, unless the unmarried biological father was  
 13199 physically or financially unable to visit the child adoptee on a monthly basis; or

13200 (B) engaging in regular communication with the child adoptee or with the person  
 13201 or authorized agency that has lawful custody of the child adoptee;

13202 (ii) took some measure of responsibility for the child adoptee and the [child's] child  
 13203 adoptee's future; and

13204 (iii) demonstrated a full commitment to the responsibilities of parenthood by  
 13205 financial support of the child adoptee of a fair and reasonable sum in accordance  
 13206 with the unmarried biological father's ability; or

13207 (b)(i) if the child adoptee is younger than one year old, openly lived with the child  
 13208 adoptee immediately preceding placement of the child adoptee with the  
 13209 prospective adoptive parents for a period of at least 180 days during the period of  
 13210 time beginning on the day on which the child adoptee is born and ending on the  
 13211 day on which the child adoptee is placed with prospective adoptive parents;

13212 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee  
 13213 immediately preceding placement of the child adoptee with the prospective  
 13214 adoptive parents for a period of at least 180 days during the one-year period  
 13215 immediately preceding the day on which the child adoptee is placed with  
 13216 prospective adoptive parents; or

13217 (iii) openly held himself out to be the father of the child adoptee during the 180-day  
 13218 period described in Subsection (2)(b)(i) or (ii).

13219 [~~(b)(i) openly lived with the child:~~]

13220 [~~(A)(I) if the child is one year old or older, for a period of at least six months during~~  
 13221 ~~the one-year period immediately preceding the day on which the child is placed with~~  
 13222 ~~prospective adoptive parents; or]~~

13223 [~~(H) if the child is less than one year old, for a period of at least six months during the~~  
 13224 ~~period of time beginning on the day on which the child is born and ending on the~~  
 13225 ~~day~~

13225 ~~on which the child is placed with prospective adoptive parents; and]~~

13226 [~~(B) immediately preceding placement of the child with prospective adoptive parents;~~

13227 and]

13228 [(ii) openly held himself out to be the father of the child during the six-month period

13229 described in Subsection (1)(b)(i)(A).]

13230 [(2)] (3)(a) If an unmarried biological father was prevented from complying with [a

13231 requirement of Subsection (1)] a requirement described in Subsection (2) by the

13232 person or authorized agency having lawful custody of the child adoptee, the

13233 unmarried biological father is not required to comply with that requirement.

13234 (b) The subjective intent of an unmarried biological father, whether expressed or

13235 otherwise, that is unsupported by evidence that the requirements in Subsection [(1)]

13236 (2) have been met, shall not preclude a determination that the unmarried biological

13237 father failed to meet the requirements of Subsection [(1)] (2).

13238 [(3)] (4) Except as provided in [~~Subsections (6) and 78B-6-122(1)~~] Subsections (7) and (8),

13239 and subject to Subsection [(5), with regard to a child who is six months old or less at the

13240 time the child is placed with prospective adoptive parents,] (6), the consent of an

13241 unmarried biological father to the adoption of a child adoptee, who is 180 days old or

13242 younger at the time that the child adoptee is placed with the prospective adoptive parents,

13243 is not required unless, [~~prior to the time the mother executes her~~] before the time that the

13244 birth mother executes the birth mother's consent for adoption or relinquishes the child

13245 adoptee for adoption, the unmarried biological father:

13246 (a) initiates proceedings in [~~a district court of Utah to establish paternity under Title~~

13247 ~~78B, Chapter 15, Utah Uniform Parentage Act]~~ a court with jurisdiction under Title

13248 78A, Judiciary and Judicial Administration, to establish parentage under Chapter 5,

13249 Uniform Parentage Act;

13250 (b) files with the court that is presiding over the [~~paternity]~~ parentage proceeding a sworn

13251 affidavit:

13252 (i) stating that [~~he~~] the unmarried biological father is fully able and willing to have

13253 full custody of the child adoptee;

13254 (ii) setting forth [~~his~~] the unmarried biological father's plans for care of the child

13255 adoptee; and

13256 (iii) agreeing to a court order of child support and the payment of expenses incurred

13257 in connection with the birth mother's pregnancy and the [child's] child adoptee's

13258 birth;

13259 (c) consistent with Subsection [(4)] (5), files notice of the commencement of [~~paternity~~

13260 ~~proceedings,~~] parentage proceedings described in Subsection [(3)(a)] (4)(a), with the [

13261 ~~state registrar of vital statistics within the Department of Health and Human Services,]~~  
 13262 office in a confidential registry established by the [~~department~~] office for that  
 13263 purpose; and

13264 (d) offered to pay and paid, during the pregnancy and after the [~~child's~~] child adoptee's  
 13265 birth, a fair and reasonable amount of the expenses incurred in connection with the  
 13266 birth mother's pregnancy and the [~~child's~~] child adoptee's birth, in accordance with [~~his~~]  
 13267 the unmarried biological father's financial ability, unless:

13268 (i) [~~he~~] the unmarried biological father did not have actual knowledge of the  
 13269 pregnancy;

13270 (ii) [~~he~~] the unmarried biological father was prevented from paying the expenses by  
 13271 the person or authorized agency having lawful custody of the child adoptee; or

13272 (iii) the birth mother refused to accept the unmarried biological father's offer to pay  
 13273 the expenses described in this Subsection [~~(3)(d)~~] (4)(d).

13274 [~~(4)~~] (5)(a) The notice described in Subsection [~~(3)(e)~~] (4)(c) is considered filed when  
 13275 received by the [~~state registrar of vital statistics~~] office.

13276 (b) If the unmarried biological father fully complies with the requirements of Subsection [~~(3)~~]  
 13277 (4), and an adoption of the child adoptee is not completed, the unmarried  
 13278 biological father shall, without any order of the court, be legally obligated for a  
 13279 reasonable amount of child support, pregnancy expenses, and child birth expenses, in  
 13280 accordance with [~~his~~] the unmarried biological father's financial ability.

13281 [~~(5)~~] (6) Unless [~~his~~] the unmarried biological father's ability to assert the right to consent  
 13282 has been lost for failure to comply with Section [~~78B-6-110.1~~] 81-13-208, or lost under  
 13283 another provision of Utah law, an unmarried biological father shall have at least one  
 13284 business day after the [~~child's~~] child adoptee's birth to fully and strictly comply with the  
 13285 requirements of Subsection [~~(3)~~] (4).

13286 [~~(6)~~] (7) [~~Consent~~] The consent of an unmarried biological father to the adoption of a child  
 13287 adoptee is not required under this section if:

13288 (a) the court determines, in accordance with the requirements and procedures of Title 80,  
 13289 Chapter 4, Termination and Restoration of Parental Rights, that the unmarried  
 13290 biological father's rights should be terminated, based on the petition of any interested  
 13291 party;

13292 (b)(i) a voluntary declaration of paternity declaring the unmarried biological father  
 13293 to be the father of the child adoptee is rescinded under Section [~~78B-15-306~~]  
 13294 81-5-306; and

- 13295 (ii) the unmarried biological father fails to comply with Subsection [(3)] (4) within 10  
13296 business days after the day that notice of the rescission described in Subsection [  
13297 (6)(b)(i)] (7)(b)(i) is mailed by the [~~Office of Vital Records within the Department~~  
13298 ~~of Health and Human Services~~] office as provided in Section [78B-15-306]  
13299 81-5-306; or
- 13300 (c) the unmarried biological father is notified under Section [78B-6-110.1] 81-13-208  
13301 and fails to preserve [his] the unmarried biological father's rights in accordance with  
13302 the requirements of [~~that section~~] Section 81-13-208.
- 13303 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father  
13304 to the adoption of a child adoptee is required if:
- 13305 (a)(i) the unmarried biological father did not know, and through the exercise of  
13306 reasonable diligence could not have known, before the time the birth mother  
13307 executed a consent to adoption or relinquishment of the child adoptee for adoption  
13308 that a qualifying circumstance existed;
- 13309 (ii) before the birth mother executed a consent to adoption or relinquishment of the  
13310 child adoptee for adoption, the unmarried biological father fully complied with the  
13311 requirements to establish parental rights and duties in the child adoptee, and to  
13312 preserve the right to notice of a proceeding in connection with the adoption of the  
13313 child adoptee, imposed by:
- 13314 (A) the last state where the unmarried biological father knew, or through the  
13315 exercise of reasonable diligence should have known, that the birth mother  
13316 resided in before the birth mother executed the consent to adoption or  
13317 relinquishment of the child adoptee for adoption; or
- 13318 (B) the state where the child adoptee was conceived; and
- 13319 (iii) the unmarried biological father has demonstrated, based on the totality of the  
13320 circumstances, a full commitment to the unmarried biological father's parental  
13321 responsibilities as described in Subsection (9); or
- 13322 (b)(i) the unmarried biological father knew, or through the exercise of reasonable  
13323 diligence should have known, before the time the birth mother executed a consent  
13324 to adoption or relinquishment of the child adoptee for adoption that a qualifying  
13325 circumstance existed; and
- 13326 (ii) the unmarried biological father complied with the requirements of Subsections (2)  
13327 through (7) before the later of:
- 13328 (A) 20 days after the day that the unmarried biological father knew, or through the

- 13329 exercise of reasonable diligence should have known, that a qualifying  
13330 circumstance existed; or
- 13331 (B) the time that the birth mother executed a consent to adoption or  
13332 relinquishment of the child adoptee for adoption.
- 13333 (9) When determining whether an unmarried biological father has demonstrated a full  
13334 commitment to the unmarried biological father's parental responsibilities for purposes of  
13335 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,  
13336 if applicable:
- 13337 (a) the efforts the unmarried biological father has taken to discover the location of the  
13338 child adoptee or the child adoptee's birth mother;
- 13339 (b) whether the unmarried biological father has expressed and demonstrated an interest  
13340 in taking responsibility for the child adoptee;
- 13341 (c) whether, and to what extent, the unmarried biological father has developed, or  
13342 attempted to develop, a relationship with the child adoptee;
- 13343 (d) whether the unmarried biological father offered to provide and, unless the offer was  
13344 rejected, did provide, financial support for the child adoptee or the child adoptee's  
13345 birth mother;
- 13346 (e) whether, and to what extent, the unmarried biological father has communicated, or  
13347 attempted to communicate, with the child adoptee or the child adoptee's birth mother;
- 13348 (f) whether the unmarried biological father has timely filed legal proceedings to  
13349 establish the unmarried biological father's parentage of, and take responsibility for,  
13350 the child adoptee; and
- 13351 (g) whether the unmarried biological father has timely filed a notice with a public  
13352 official or agency relating to:
- 13353 (i) the unmarried biological father's parentage of the child adoptee;
- 13354 (ii) legal proceedings to establish the unmarried biological father's parentage of the  
13355 child adoptee; or
- 13356 (iii) other evidence that shows whether the unmarried biological father has  
13357 demonstrated a full commitment to the unmarried biological father's parental  
13358 responsibilities.
- 13359 (10) An unmarried biological father who does not fully and strictly comply with the  
13360 requirements of this section is considered to have waived and surrendered any right in  
13361 relation to the child adoptee, including the right to:
- 13362 (a) notice of any judicial proceeding in connection with the adoption of the child

13363 adoptee; and

13364 (b) consent, or refuse to consent, to the adoption of the child adoptee.

13365 (11) Notwithstanding any other provision of this section, the consent of an unmarried  
 13366 biological father is not required in a case where it is shown that the child adoptee was  
 13367 conceived as a result of conduct that constitutes a sexual offense under Title 76, Chapter  
 13368 5, Part 4, Sexual Offenses, or under the laws of the state where the child adoptee was  
 13369 conceived, regardless of whether the unmarried biological father is formally charged  
 13370 with or convicted of a criminal offense.

13371 ~~[(7)]~~ (12) Unless the child adoptee is conceived or born within a marriage, the petitioner in  
 13372 an adoption proceeding shall, [prior to] before entrance of a final decree of adoption, file  
 13373 with the court a certificate from the [state registrar of vital statistics within the  
 13374 Department of Health and Human Services] office, stating:

13375 (a) that a diligent search has been made of the registry of notices from unmarried  
 13376 biological fathers described in Subsection [(3)(d)] (4)(c); and

13377 (b)(i) that no filing has been found pertaining to the unmarried biological father of  
 13378 the child adoptee in question; or

13379 (ii) if a filing is found, the name of the [putative] unmarried biological father and the  
 13380 time and date of filing.

13381 (13) Unless an individual who is an unmarried biological father has fully and strictly  
 13382 complied with the requirements of this section and Section 81-13-212, an out-of-state  
 13383 order that adjudicates parentage, or an out-of-state declaration or acknowledgment of  
 13384 paternity:

13385 (a) only has the effect of establishing that the individual is an unmarried biological  
 13386 father of the child adoptee to whom the order, declaration, or acknowledgment  
 13387 relates; and

13388 (b) does not entitle the individual to:

13389 (i) notice of any judicial proceeding related to the adoption of the child adoptee;

13390 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or

13391 (iii) the right to custody of, control over, or visitation with the child adoptee.

13392 Section 347. Section **81-13-214**, which is renumbered from Section 78B-6-124 is renumbered  
 13393 and amended to read:

13394 ~~[78B-6-124]~~ **81-13-214 . Persons who may take consents and relinquishments.**

13395 (1) ~~[A consent or relinquishment by a birth mother or an adoptee shall be signed before]~~ A  
 13396 birth mother shall sign a consent or relinquishment, or a child adoptee shall sign a

- 13397 consent, before:
- 13398 (a) a judge of any court that has jurisdiction over adoption proceedings;
- 13399 (b) subject to Subsection (6), a person appointed by the judge described in Subsection
- 13400 (1)(a) to take consents or relinquishments; or
- 13401 (c) subject to Subsection (6), a person who is authorized by a child-placing agency to
- 13402 take consents or relinquishments[;] if the consent or relinquishment grants legal
- 13403 custody of the child adoptee to a child-placing agency or an extra-jurisdictional
- 13404 child-placing agency.
- 13405 (2) If the consent or relinquishment of a birth mother or child adoptee is taken out of state[
- 13406 ~~it shall be signed] out-of-state, the birth mother or child adoptee shall sign the consent or~~
- 13407 relinquishment before:
- 13408 (a) subject to Subsection (6), a person who is authorized by a child-placing agency to
- 13409 take consents or relinquishments[;] if the consent or relinquishment grants legal
- 13410 custody of the child adoptee to a child-placing agency or an extra-jurisdictional
- 13411 child-placing agency;
- 13412 (b) subject to Subsection (6), a person authorized or appointed to take consents or
- 13413 relinquishments by a court of this state that has jurisdiction over adoption
- 13414 proceedings;
- 13415 (c) a court that has jurisdiction over adoption proceedings in the state where the consent
- 13416 or relinquishment is taken; or
- 13417 (d) a person authorized[~~, under the laws of the state where the consent or relinquishment~~
- 13418 ~~is taken,] to take consents or relinquishments of a birth mother or child adoptee under~~
- 13419 the laws of the state where the consent or relinquishment is taken.
- 13420 (3) [The] A person described in Subsection 81-13-211(1) that is not the birth mother or the
- 13421 child adoptee may sign a consent or relinquishment [of any other person or agency as
- 13422 required by Section 78B-6-120 may be signed before a Notary Public] before a notary
- 13423 public or any person authorized to take a consent or relinquishment under Subsection (1)
- 13424 or (2).
- 13425 (4) A person, authorized by Subsection (1) or (2) to take consents or relinquishments, shall
- 13426 certify to the best of [his] the person's information and belief that the person executing
- 13427 the consent or relinquishment has read and understands the consent or relinquishment
- 13428 and has signed [it] the consent or relinquishment freely and voluntarily.
- 13429 (5) A person executing a consent or relinquishment is entitled to receive a copy of the
- 13430 consent or relinquishment.

13431 (6) A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:

13432 (a) notarized; or

13433 (b) witnessed by two individuals who are not members of the birth mother's or the child  
13434 adoptee's immediate family.

13435 (7) Except as provided in Subsection 26B-2-127(2), a transfer of relinquishment from one  
13436 child-placing agency to another child-placing agency shall be signed before a [~~Notary~~  
13437 ~~Public~~] notary public.

13438 Section 348. Section **81-13-215**, which is renumbered from Section 78B-6-133 is renumbered  
13439 and amended to read:

13440 **[78B-6-133] 81-13-215 . Contested adoption of a minor child -- Rights of parties**

13441 **-- Determination of custody.**

13442 (1) If [~~a person~~] an individual whose consent for an adoption of a minor child is required [  
13443 ~~pursuant to Subsection 78B-6-120(1)(b)~~] as described in Subsection 81-13-212(1)(b), (c),  
13444 (d), (e), or (f) refused to consent, the court shall determine whether proper grounds exist  
13445 for the termination of that [~~person's rights pursuant to the provisions of~~] individual's  
13446 rights in accordance with this chapter or Title 80, Chapter 4, Termination and  
13447 Restoration of Parental Rights.

13448 (2)(a) If there are proper grounds to terminate the [~~person's~~] individual's parental rights,  
13449 the court shall order that the [~~person's~~] individual's rights be terminated.

13450 (b) If there are not proper grounds to terminate the [~~person's~~] individual's parental rights,  
13451 the court shall:

13452 (i) dismiss the adoption petition;

13453 (ii) conduct an evidentiary hearing to determine who should have custody of the child  
13454 adoptee; and

13455 (iii) award custody of the child adoptee in accordance with the [~~child's~~] child adoptee's  
13456 best interest.

13457 (c) Termination of [~~a person's~~] an individual's parental rights does not terminate the right  
13458 of a relative of the parent to seek adoption of the child adoptee.

13459 (3) Evidence considered at the custody hearing may include:

13460 (a) evidence of psychological or emotional bonds that the child adoptee has formed with  
13461 a third person, including the prospective adoptive parent; and

13462 (b) any detriment that a change in custody may cause the child adoptee.

13463 (4) If the court dismisses the adoption petition, the fact that [~~a person~~] an individual  
13464 relinquished a child adoptee for adoption or consented to the adoption may not be



- 13465 considered as evidence in a custody proceeding described in this section, or in any  
 13466 subsequent custody proceeding, that it is not in the [child's] child adoptee's best interest  
 13467 for custody to be awarded to such person or that:
- 13468 (a) the [person] individual is unfit or incompetent to be a parent;  
 13469 (b) the [person] individual has neglected or abandoned the child adoptee;  
 13470 (c) the [person] individual is not interested in having custody of the child adoptee; or  
 13471 (d) the [person] individual has forfeited the [person's] individual's parental presumption.
- 13472 (5) Any custody order entered [~~pursuant to~~] under this section may also:
- 13473 (a) include provisions for:
- 13474 (i) parent-time; or  
 13475 (ii) visitation by an interested third party, including the prospective adoptive parent;  
 13476 and
- 13477 (b) provide for the financial support of the child adoptee.
- 13478 (6)(a) If a person [~~or entity~~] whose consent is required for an adoption under Subsection [  
 13479 78B-6-120(1)(a)] 81-13-212(1)(a) or (g) refuses to consent, the court shall proceed  
 13480 with an evidentiary hearing and award custody as [~~set forth~~] described in Subsection  
 13481 (2).
- 13482 (b) The court may also finalize the adoption if doing so is in the best interest of the child  
 13483 adoptee.
- 13484 (7)(a) A person may not contest an adoption after the final decree of adoption is  
 13485 entered, if that person:
- 13486 (i) was a party to the adoption proceeding;  
 13487 (ii) was served with notice of the adoption proceeding; or  
 13488 (iii) executed a consent to the adoption or relinquishment for adoption.
- 13489 (b) No person may contest an adoption after one year from the day on which the final  
 13490 decree of adoption is entered.
- 13491 (c) The limitations on contesting an adoption action, described in this Subsection (7),  
 13492 apply to all attempts to contest an adoption:
- 13493 (i) regardless of whether the adoption is contested directly or collaterally; and  
 13494 (ii) regardless of the basis for contesting the adoption, including claims of fraud,  
 13495 duress, undue influence, lack of capacity or competency, mistake of law or fact, or  
 13496 lack of jurisdiction.
- 13497 (d) The limitations on contesting an adoption action, described in this Subsection (7), do  
 13498 not prohibit a timely appeal of:

- 13499 (i) a final decree of adoption; or
- 13500 (ii) a decision in an action challenging an adoption, if the action was brought within
- 13501 the time limitations described in Subsections (7)(a) and (b).
- 13502 (8) A court that has jurisdiction over a child adoptee for whom more than one petition for
- 13503 adoption is filed shall grant a hearing only under the following circumstances:
- 13504 (a) to a petitioner:
- 13505 (i) with whom the child adoptee is placed;
- 13506 (ii) who has custody or guardianship of the child adoptee;
- 13507 (iii) who has filed a written statement with the court within [~~eight months~~] 240 days
- 13508 after the day on which the shelter hearing is held:
- 13509 (A) requesting immediate placement of the child adoptee with the petitioner; and
- 13510 (B) expressing the petitioner's intention of adopting the child adoptee;
- 13511 (iv) who is a relative with whom the child adoptee has a significant and substantial
- 13512 relationship and who was unaware, within [~~the first eight months~~] 240 days after
- 13513 the day on which the shelter hearing is held, of the [~~child's~~] child adoptee's
- 13514 removal from the [~~child's~~] child adoptee's parent; or
- 13515 (v) who is a relative with whom the child adoptee has a significant and substantial
- 13516 relationship and, in a case where the child adoptee is not placed with a relative or
- 13517 is placed with a relative that is unable or unwilling to adopt the child adoptee:
- 13518 (A) was actively involved in the [~~child's~~] child adoptee's child welfare case with
- 13519 the division or the juvenile court while the [~~child's~~] child adoptee's parent
- 13520 engaged in reunification services; and
- 13521 (B) filed a written statement with the court that includes the information described
- 13522 in Subsections (8)(a)(iii)(A) and (B) within 30 days after the day on which the
- 13523 court terminated reunification services; or
- 13524 (b) if the child adoptee:
- 13525 (i) has been in the current placement for less than 180 days before the day on which
- 13526 the petitioner files the petition for adoption; or
- 13527 (ii) is placed with, or is in the custody or guardianship of, an individual who
- 13528 previously informed the division or the court that the individual is unwilling or
- 13529 unable to adopt the child adoptee.
- 13530 (9)(a) If the court grants a hearing on more than one petition for adoption, there is a
- 13531 rebuttable presumption that it is in the best interest of a child adoptee to be placed for
- 13532 adoption with a petitioner:

- 13533 (i) who has fulfilled the requirements [~~described in Title 78B, Chapter 6, Part 1, Utah~~  
 13534 ~~Adoption Act~~] of this chapter; and
- 13535 (ii)(A) with whom the child adoptee has continuously resided for [~~six months~~] 180  
 13536 days;
- 13537 (B) who has filed a written statement with the court within [~~eight months~~] 240 days  
 13538 after the day on which the shelter hearing is held, as described in Subsection  
 13539 (8)(a)(iii); or
- 13540 (C) who is a relative described in Subsection (8)(a)(iv).
- 13541 (b) The court may consider other factors relevant to the best interest of the child adoptee  
 13542 to determine whether the presumption is rebutted.
- 13543 (c) The court shall weigh the best interest of the child adoptee uniformly between  
 13544 petitioners if more than one petitioner satisfies a rebuttable presumption condition  
 13545 described in Subsection (9)(a).
- 13546 (10) Nothing in this section shall be construed to prevent the division or the [~~child's~~] child  
 13547 adoptee's guardian ad litem from appearing or participating in any proceeding for a  
 13548 petition for adoption.
- 13549 (11) The division shall use best efforts to provide a known relative with timely information  
 13550 relating to the relative's rights or duties under this section.
- 13551 Section 349. Section **81-13-216**, which is renumbered from Section 78B-6-146 is renumbered  
 13552 and amended to read:
- 13553 **[78B-6-146] 81-13-216 . Postadoption contact agreement.**
- 13554 (1) As used in this section:
- 13555 (a) "Postadoption contact agreement" means a document, agreed upon prior to the  
 13556 finalization of an adoption of a minor child in the custody of the division, that  
 13557 outlines the relationship between an adoptive parent, birth parent, or other birth  
 13558 relative, and [~~an adopted child~~] the minor child after the finalization of adoption.
- 13559 (b) "Other birth relative" means a grandparent, stepparent, sibling, stepsibling, aunt, or  
 13560 uncle of the [~~prospective adoptive child~~] child adoptee.
- 13561 (2)(a) Notwithstanding any other provision in this chapter, if a child adoptee in the  
 13562 custody of the division is placed for adoption, the prospective adoptive parent and  
 13563 birth parent, or other birth relative, may enter into a postadoption contact agreement  
 13564 as provided in this section.
- 13565 (b) A birth parent is not required to be a party to a postadoption contact agreement in  
 13566 order to permit an open adoption agreement between a prospective adoptive parent

- 13567 and another birth relative of the child adoptee.
- 13568 (3) In order to be legally enforceable, a postadoption contact agreement shall be:
- 13569 (a) approved by the court before the finalization of the adoption, with the court making a
- 13570 specific finding that the agreement is in the best interest of the child adoptee;
- 13571 (b) signed by each party claiming a right or obligation in the agreement; and
- 13572 (c) if the [~~adopted-child~~] child adoptee is 12 years old or older, approved by the child
- 13573 adoptee.
- 13574 (4) A postadoption contact agreement shall:
- 13575 (a) describe:
- 13576 (i) visits, if any, that shall take place between the birth parent, other birth relative,
- 13577 adoptive parent, and [~~adopted-child~~] child adoptee;
- 13578 (ii) the degree of supervision, if any, that shall be required during a visit between a
- 13579 birth parent, other birth relative, and [~~adopted-child~~] child adoptee;
- 13580 (iii) the information, if any, that shall be provided to a birth parent, or other birth
- 13581 relative, about the [~~adopted-child~~] child adoptee and how often that information
- 13582 shall be provided;
- 13583 (iv) the grounds, if any, on which the adoptive parent may:
- 13584 (A) decline to permit visits, described in Subsection (4)(a)(i), between the birth
- 13585 parent, or other birth relative, and [~~adopted-child~~] child adoptee; or
- 13586 (B) cease providing the information described in Subsection (4)(a)(iii) to the birth
- 13587 parent or other birth relative; and
- 13588 (b) state that following the adoption, the court shall presume that the adoptive parent's
- 13589 judgment about the best interest of the child adoptee is correct in any action seeking
- 13590 to enforce, modify, or terminate the agreement.
- 13591 (5) A postadoption contact agreement may not limit the adoptive parent's ability to move
- 13592 out of state.
- 13593 (6) A postadoption contact agreement may only be modified with the consent of the
- 13594 adoptive parent.
- 13595 (7) In an action seeking enforcement of a postadoption contact agreement:
- 13596 (a) an adoptive parent's judgment about the best interest of the child adoptee is entitled
- 13597 to a presumption of correctness;
- 13598 (b) if the party seeking to enforce the postadoption contact agreement successfully
- 13599 rebuts the presumption described in Subsection (7)(a), the court shall consider
- 13600 whether:

- 13601 (i) the parties performed the duties outlined in the open adoption agreement in good  
13602 faith;
- 13603 (ii) there is a reasonable alternative that fulfills the spirit of the open adoption  
13604 agreement without ordering mandatory compliance with the open adoption  
13605 agreement; and
- 13606 (iii) enforcement of the open adoption agreement is in the best interest of the [  
13607 ~~adopted child~~] child adoptee; and
- 13608 (c) the court shall order the parties to attend mediation, if the presumption in Subsection  
13609 (7)(a) is successfully rebutted and mediation is in the [~~child's~~] child adoptee's best  
13610 interest.
- 13611 (8) An open adoption agreement that has been found not to be in the best interest of the [  
13612 ~~adopted child~~] child adoptee shall not be enforced.
- 13613 (9) Violation of an open adoption agreement is not grounds:
- 13614 (a) to set aside an adoption; or
- 13615 (b) for an award of money damages.
- 13616 (10) Nothing in this section shall be construed to mean that an open adoption agreement is  
13617 required before an adoption may be finalized.
- 13618 (11) Refusal or failure to agree to a postadoption contact agreement is not admissible in any  
13619 adoption proceeding.
- 13620 (12) The court that approves a postadoption contact agreement retains jurisdiction over  
13621 modification, termination, and enforcement of an approved postadoption contact  
13622 agreement.
- 13623 Section 350. Section **81-13-217**, which is renumbered from Section 78B-6-140 is renumbered  
13624 and amended to read:
- 13625 **[78B-6-140] 81-13-217 . Affidavit regarding fees and expenses before final decree**  
13626 **of adoption of a minor child.**
- 13627 (1)(a) Except as provided in Subsection (5), before the date that a final decree of  
13628 adoption for a child adoptee is entered, a prospective adoptive parent or, if the child  
13629 adoptee was placed by a child-placing agency, the person or agency placing the child  
13630 adoptee shall file with the court an affidavit regarding fees and expenses on a form  
13631 prescribed by the Judicial Council in accordance with Subsection (2).
- 13632 (b) An affidavit filed pursuant to Subsection (1)(a) shall be signed by each prospective  
13633 adoptive parent and, if the child adoptee was placed by a child-placing agency, the  
13634 person or agency placing the child adoptee.

- 13635 (c) The court shall review an affidavit filed under this section for completeness and  
13636 compliance with the requirements of this section.
- 13637 (d) The results of the court's review under Subsection (1)(c) shall be noted in the court's  
13638 record.
- 13639 (2)(a) The Judicial Council shall prescribe a uniform form for the affidavit described in  
13640 Subsection (1).
- 13641 (b) The uniform affidavit form shall require itemization of the following items in  
13642 connection with the adoption:
- 13643 (i) all legal expenses that have been or will be paid to or on behalf of the preexisting  
13644 parents of the child adoptee, including the source of payment;
- 13645 (ii) all maternity expenses that have been or will be paid to or on behalf of the  
13646 preexisting parents of the child adoptee, including the source of payment;
- 13647 (iii) all medical or hospital expenses that have been or will be paid to or on behalf of  
13648 the preexisting parents of the child adoptee, including the source of payment;
- 13649 (iv) all living expenses that have been or will be paid to or on behalf of the  
13650 preexisting parents of the child adoptee, including the source of payment;
- 13651 (v) fees paid by the prospective adoptive parent or parents in connection with the  
13652 adoption;
- 13653 (vi) all gifts, property, or other items that have been or will be provided to the  
13654 preexisting parents, including the source and approximate value of the gifts,  
13655 property, or other items;
- 13656 (vii) all public funds used for any medical or hospital costs in connection with the:  
13657 (A) pregnancy;  
13658 (B) delivery of the child adoptee; or  
13659 (C) care of the child adoptee; and
- 13660 (viii) if a child-placing agency placed the child adoptee:
- 13661 (A) a description of services provided to the prospective adoptive parents or  
13662 preexisting parents in connection with the adoption;
- 13663 (B) all expenses associated with matching the prospective adoptive parent or  
13664 parents and the birth mother;
- 13665 (C) all expenses associated with advertising; and
- 13666 (D) any other agency fees or expenses paid by an adoptive parent that are not  
13667 itemized under one of the other categories described in this Subsection (2)(b),  
13668 including a description of the reason for the fee or expense.

- 13669 (c) The uniform affidavit form shall require:
- 13670 (i) a statement of the state of residence of the:
- 13671 (A) birth mother or the preexisting parents; and
- 13672 (B) prospective adoptive parent or parents;
- 13673 (ii) a declaration that Section 76-7-203 has not been violated; and
- 13674 (iii) if the affidavit includes an itemized amount for both of the categories described
- 13675 in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or
- 13676 hospital expenses were paid by a source other than public funds.
- 13677 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit
- 13678 that is submitted in a form accepted by the Office of Licensing within the Department
- 13679 of Health and Human Services if the affidavit contains the same information and is in
- 13680 a reasonably equivalent format as the uniform affidavit form prescribed by the
- 13681 Judicial Council.
- 13682 (3)(a) If a child-placing agency, that is licensed by this state, placed the child adoptee,
- 13683 the child-placing agency shall provide a copy of the affidavit described in Subsection
- 13684 (1) to the Office of Licensing within the Department of Health and Human Services.
- 13685 (b) Before August 30 of each even-numbered year, the Office of Licensing within the
- 13686 Department of Health and Human Services shall provide a written report to the
- 13687 Health and Human Services Interim Committee and to the Judicial Council regarding
- 13688 the cost of adoptions in the state that includes:
- 13689 (i) the total number of affidavits provided to the Office of Licensing during the
- 13690 previous year;
- 13691 (ii) for each of the categories described in Subsection (2)(b):
- 13692 (A) the average amount disclosed on affidavits submitted during the previous
- 13693 year; and
- 13694 (B) the range of amounts disclosed on affidavits submitted during the previous
- 13695 year;
- 13696 (iii) the average total amount disclosed on affidavits submitted during the previous
- 13697 year;
- 13698 (iv) the range of total amounts disclosed on affidavits submitted during the previous
- 13699 year; and
- 13700 (v) any recommended legislation that may help reduce the cost of adoptions.
- 13701 (c) The Health and Human Services Interim Committee shall, based on information in
- 13702 reports provided under Subsection (3)(b) and in consultation with a consortium

13703 described in Subsection 26B-2-127(8), consider:

- 13704 (i) what constitutes reasonable fees and expenses related to adoption; and  
 13705 (ii) the standards that may be used to determine whether fees and expenses related to  
 13706 adoption are reasonable in a specific case.

13707 (4) The Judicial Council shall make a copy of each report provided by the Office of  
 13708 Licensing under Subsection (3)(b) available to each court that may be required to review  
 13709 an affidavit under Subsection (1)(c).

13710 (5) This section does not apply if the prospective adoptive parent is the legal spouse of a  
 13711 preexisting parent.

13712 Section 351. Section **81-13-218**, which is renumbered from Section 78B-6-136 is renumbered  
 13713 and amended to read:

13714 **[78B-6-136] 81-13-218 . Final decree of adoption of a minor child -- Agreement**  
 13715 **by adoptive parent or parents.**

13716 (1)(a) Before entering a final decree of adoption, the court shall examine separately  
 13717 each person appearing before the court in accordance with this chapter.

13718 (b) If the court is satisfied that the interests of the child adoptee will be promoted by the  
 13719 adoption, the court shall enter a final decree of adoption in accordance with Section  
 13720 81-13-219 declaring that:

13721 (i) the child adoptee is adopted by the adoptive parent or parents; and

13722 (ii) the child adoptee is regarded and treated in all respects as the child of the  
 13723 adoptive parent or parents.

13724 [~~(1)~~] (2) Except as provided in Subsection [~~(2)~~] (3), before the court enters a final decree of  
 13725 adoption of a child adoptee:

13726 (a) the prospective adoptive parent or parents and the child adoptee being adopted shall  
 13727 appear before the appropriate court; and

13728 (b) the prospective adoptive parent or parents shall execute an agreement stating that the  
 13729 child adoptee shall be adopted and treated in all respects as the adoptive parent's or  
 13730 parents' own lawful child.

13731 [~~(2)~~] (3) [~~Except as provided in Subsection 78B-6-115(4), a~~] The court may waive the  
 13732 requirement [~~-~~]described in Subsection [~~(1)(a)~~] (2)(a) if:

13733 (a) the adoption is not contested;

13734 (b) the prospective adoptive parent or parents:

13735 (i) execute an agreement stating that the child adoptee shall be adopted and treated in  
 13736 all respects as the parent's or parents' own lawful child;



13737 (ii) have the agreement described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i) notarized; and  
 13738 (iii) file the agreement described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i) with the court; and  
 13739 (c) all requirements of this chapter to obtain a final decree of adoption are otherwise  
 13740 complied with.

13741 (4) At the time that a final decree of adoption is entered, the child adoptee may take the  
 13742 family name of the adoptive parent or parents.

13743 (5) After a final decree of adoption is entered, the adoptive parent or parents and the child  
 13744 adoptee shall:

13745 (a) sustain the legal relationship of a parent and child; and

13746 (b) have all the rights and be subject to all the duties of a parent-child relationship.

13747 Section 352. Section **81-13-219**, which is renumbered from Section 78B-6-136.5 is renumbered  
 13748 and amended to read:

13749 **[78B-6-136.5] 81-13-219 . Timing of entry of final decree of adoption of a minor**  
 13750 **child -- Posthumous adoption of a minor child.**

13751 (1)(a) ~~Except as provided in Subsection (1)(b) or (2), [a final decree of adoption may~~  
 13752 ~~not be entered]~~ the court may not enter a final decree of adoption for a child adoptee  
 13753 until the earlier of:

13754 ~~[(a)]~~ (i) when the child adoptee has lived in the home of the prospective adoptive  
 13755 parent for ~~[three months]~~ 90 days; or

13756 ~~[(b)]~~ (ii) when the child adoptee has been placed for adoption with the prospective  
 13757 adoptive parent for ~~[three months]~~ 90 days.

13758 (b) Notwithstanding Subsection (1)(a), the court may enter a final decree of adoption at  
 13759 an earlier or later time than described in Subsection (1) if the court finds that there is  
 13760 good cause.

13761 (2)(a) If the prospective adoptive parent is the spouse of the preexisting parent, ~~[a final~~  
 13762 ~~decree of adoption may not be entered until the child]~~ the court may not enter a final  
 13763 decree of adoption for a child adoptee until the child adoptee has lived in the home of  
 13764 that prospective adoptive parent for [six months, unless, based on a finding of good  
 13765 cause, the court orders that the final decree of adoption may be entered at an earlier  
 13766 time] 180 days.

13767 (b) Notwithstanding Subsection (2)(a), the court may enter a final decree of adoption at  
 13768 an earlier time than described in Subsection (2)(a) if the court finds that there is good  
 13769 cause.

13770 ~~[(b)]~~ The court may, based on a finding of good cause, order that the final decree of

- 13771 adoption be entered at a later time than described in Subsection (1).]
- 13772 (3) The court [~~has authority to~~] may enter a final decree of adoption for a child adoptee after [~~a child's~~] the child adoptee's death upon the request of the prospective adoptive parent or
- 13773
- 13774 parents of the child adoptee if:
- 13775 (a) the child adoptee dies during the time that the child adoptee is placed in the home of
- 13776 a prospective adoptive parent or parents for the purpose of adoption; or
- 13777 (b) the prospective adoptive parent is the spouse of a preexisting parent of the child
- 13778 adoptee and the child adoptee lived with the prospective adoptive parent before the [~~a~~]
- 13779 child's] child adoptee's death.
- 13780 (4) The court may enter a final decree of adoption for a child adoptee declaring that [~~a child~~]
- 13781 the child adoptee is adopted by:
- 13782 (a) both a deceased and a surviving adoptive parent if after the child adoptee is placed in
- 13783 the home of the [~~a~~] child's] child adoptee's prospective adoptive parents:
- 13784 (i) one of the prospective adoptive parents dies;
- 13785 (ii) the surviving prospective adoptive parent requests that the court enter the decree;
- 13786 and
- 13787 (iii) the decree is entered after the child adoptee has lived in the home of the
- 13788 surviving prospective adoptive parent for at least [~~three months~~] 180 days; or
- 13789 (b) a spouse of a preexisting parent if after the child adoptee has lived with the spouse of
- 13790 the preexisting parent:
- 13791 (i) the preexisting parent, or the spouse of the preexisting parent, dies;
- 13792 (ii) the preexisting parent, or the spouse of the preexisting parent, requests that the
- 13793 court enter the decree; and
- 13794 (iii) the child adoptee has lived in the same home as the spouse of the preexisting
- 13795 parent for at least [~~six months~~] 180 days.
- 13796 (5) Upon request of a surviving preexisting parent, or a surviving parent for whom adoption
- 13797 of a child adoptee has been finalized, the court may enter a final decree of adoption
- 13798 declaring that a child adoptee is adopted by a deceased adoptive parent who was the
- 13799 spouse of the surviving parent at the time of the prospective adoptive parent's death.
- 13800 (6) The court may enter a final decree of adoption declaring that a child adoptee is adopted
- 13801 by both deceased prospective adoptive parents if:
- 13802 (a) both of the prospective adoptive parents die after the child adoptee is placed in the
- 13803 prospective adoptive parents' home; and
- 13804 (b) it is in the best interests of the child adoptee to enter the decree.

13805 (7) Nothing in this section shall be construed to grant any rights to the preexisting parents  
 13806 of a child adoptee to assert any interest in the child adoptee during the [~~three-month or~~  
 13807 ~~six-month~~] time periods described in this section.

13808 Section 353. Section **81-13-220**, which is renumbered from Section 78B-6-138 is renumbered  
 13809 and amended to read:

13810 **~~[78B-6-138]~~ 81-13-220 . Effect of adoption of a minor child on pre-existing parent.**

13811 (1) A pre-existing parent of [~~an adopted child~~] a child adoptee:

13812 (a) is released from all parental rights and duties toward and all responsibilities for the [  
 13813 ~~adopted child~~] child adoptee, including residual parental rights and duties, as defined  
 13814 in Section 80-1-102[~~, and~~] ; and

13815 (b) has no further parental rights or duties with regard to [~~that adopted child~~] the child  
 13816 adoptee at the earlier of:

13817 [(a)] (i) the time the pre-existing parent's parental rights are terminated; or

13818 [(b)] (ii) except as provided in Subsection (2), and subject to Subsections (3) and (4),  
 13819 the time the final decree of adoption is entered.

13820 (2) The parental rights and duties of a pre-existing parent who, at the time the child adoptee  
 13821 is adopted, is lawfully married to the [~~person adopting the child~~] individual adopting the  
 13822 child adoptee are not released under Subsection (1)(b).

13823 (3) The parental rights and duties of a pre-existing parent who, at the time the child adoptee  
 13824 is adopted, is not lawfully married to the [~~person adopting the child~~] individual adopting  
 13825 the child adoptee are released under Subsection (1)(b).

13826 (4)(a) Notwithstanding the provisions of this section, the court may allow a prospective  
 13827 adoptive parent to adopt a child adoptee without releasing the pre-existing parent  
 13828 from parental rights and duties under Subsection (1)(b), if:

13829 (i) the pre-existing parent and the prospective adoptive parent were lawfully married  
 13830 at some time during the [~~child's~~] child adoptee's life;

13831 (ii) the pre-existing parent consents to the prospective adoptive parent's adoption of  
 13832 the [~~child;~~] child adoptee or is unable to consent because the pre-existing parent is  
 13833 deceased or incapacitated;

13834 (iii) notice of the adoption proceeding is provided in accordance with Section [  
 13835 ~~78B-6-110]~~ 81-13-207;

13836 (iv) consent to the adoption is provided in accordance with [~~Section 78B-6-120]~~  
 13837 Section 81-13-212; and

13838 (v) the court finds that it is in the best interest of the child adoptee to grant the

13839 adoption without releasing the pre-existing parent from parental rights and duties.

13840 (b) This Subsection (4) does not permit a child adoptee to have more than two [natural  
13841 ~~parents, as that term is defined in Section 80-1-102]~~ parents.

13842 (5) This section may not be construed as terminating any child support obligation of a  
13843 parent incurred before the adoption.

13844 Section 354. Section **81-13-301** is enacted to read:

13845 **Part 3. Adoption of an Adult**

13846 **81-13-301 . Definitions for part.**

13847 Reserved.

13848 Section 355. Section **81-13-302**, which is renumbered from Section 78B-6-115 is renumbered  
13849 and amended to read:

13850 **[78B-6-115] 81-13-302 . Who may adopt an adult.**

13851 [(1) ~~As used in this section, "vulnerable adult" means:~~]

13852 [(a) ~~an individual who is 65 years old or older; or]~~

13853 [(b) ~~an adult who is 18 years old or older, and who has a mental or physical impairment  
13854 that substantially affects that adult's ability to:~~]

13855 [(i) ~~provide personal protection;~~]

13856 [(ii) ~~provide necessities such as food, shelter, clothing, or medical or other health care;~~]

13857 [(iii) ~~obtain services necessary for health, safety, or welfare;~~]

13858 [(iv) ~~carry out the activities of daily living;~~]

13859 [(v) ~~manage the adult's own resources; or]~~

13860 [(vi) ~~comprehend the nature and consequences of remaining in a situation of abuse,  
13861 neglect, or exploitation.]~~

13862 [(2) ~~Subject to this section and Section 78B-6-117, any adult may be adopted by another  
13863 adult.]~~

13864 [(3) ~~The following provisions of this part apply to the adoption of an adult just as though  
13865 the individual being adopted were a minor:]~~

13866 [(a)(i) ~~Section 78B-6-108;~~]

13867 [(ii) ~~Section 78B-6-114;~~]

13868 [(iii) ~~Section 78B-6-116;~~]

13869 [(iv) ~~Section 78B-6-118;~~]

13870 [(v) ~~Section 78B-6-124;~~]

13871 [(vi) ~~Section 78B-6-136;~~]

13872 [(vii) ~~Section 78B-6-137;~~]

- 13873           ~~[(viii) Section 78B-6-138;]~~
- 13874           ~~[(ix) Section 78B-6-139;]~~
- 13875           ~~[(x) Section 78B-6-141; and]~~
- 13876           ~~[(xi) Section 78B-6-142;]~~
- 13877           ~~[(b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the juvenile~~
- 13878           ~~court does not have jurisdiction over a proceeding for adoption of an adult, unless the~~
- 13879           ~~adoption arises from a case where the juvenile court has continuing jurisdiction over the~~
- 13880           ~~mature adoptee; and]~~
- 13881           ~~[(e) if the mature adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131,~~
- 13882           ~~regardless of whether the mature adoptee resides, or will reside, with the adopters,~~
- 13883           ~~unless the court, based on a finding of good cause, waives the requirements of those~~
- 13884           ~~sections.]~~
- 13885           ~~[(4) Before a court enters a final decree of adoption of a mature adoptee, the mature~~
- 13886           ~~adoptee and the prospective adoptive parent or parents shall appear before the court~~
- 13887           ~~presiding over the adoption proceeding and execute consent to the adoption.]~~
- 13888           ~~[(5) No provision of this part, other than those listed or described in this section or Section~~
- 13889           ~~78B-6-117, apply to the adoption of an adult.]~~
- 13890           (1) Except as provided in Subsections (2) and (3), an adult may adopt another adult.
- 13891           (2) A married adult who is lawfully separated from the married adult's spouse may not
- 13892           adopt another adult without the consent of the married adult's spouse if the spouse is
- 13893           capable of giving consent.
- 13894           (3) An individual adopting an adult may not adopt the adult unless:
- 13895           (a) the individual is at least 10 years older than the adult; or
- 13896           (b) at least one individual of a married couple is at least 10 years older than the adult if a
- 13897           married couple is adopting the adult.
- 13898           (4) The placement requirements described in Part 4, Placement of a Minor Child or
- 13899           Vulnerable Adult for Adoption, apply to an adult adoptee that is a vulnerable adult
- 13900           regardless of whether the adult adoptee resides, or will reside, with the adoptive parents,
- 13901           unless the court waives the placement requirements upon a finding of good cause.
- 13902           Section 356. Section **81-13-303**, which is renumbered from Section 78B-6-116 is renumbered
- 13903           and amended to read:
- 13904           **[78B-6-116] 81-13-303 . Notice of adoption of an adult.**
- 13905           ~~[(1)(a) Consent to the adoption of an adult is required from:]~~
- 13906           ~~[(i) the mature adoptee;]~~

13907            [(ii) any person who is adopting the adult;]

13908            [(iii) the spouse of a person adopting the adult; and]

13909            [(iv) any legally appointed guardian or custodian of the adult adoptee.]

13910            [(b) No person, other than a person described in Subsection (1)(a), may consent, or

13911            withhold consent, to the adoption of an adult.]

13912            [(2)] (1)(a) Except as provided in Subsection [(2)(b)], notice of a proceeding for the

13913            adoption of an adult shall be served on each person described in Subsection (1)(a)

13914            and the spouse of the mature adoptee.] (1)(c), a petitioner in an adoption proceeding

13915            shall serve notice of the proceeding on:

13916            (i) the adult adoptee;

13917            (ii) the spouse of the petitioner if the petitioner is married;

13918            (iii) any legally appointed guardian or custodian of the adult adoptee; and

13919            (iv) the spouse of the adult adoptee if the adult adoptee is married.

13920            (b) The petitioner shall serve the notice described in Subsection (1)(a) at least 30 days

13921            before the day on which the adoption is finalized.

13922            [(b)] (c) The notice described in Subsection [(2)(a)] (1)(a) may be waived, in writing, by

13923            the person entitled to receive notice.

13924            [(3)] (2) The notice described in Subsection [(2)] (1):

13925            [(a) shall be served at least 30 days before the day on which the adoption is finalized;]

13926            [(b)] (a) shall specifically state that the person served must respond to the petition within

13927            30 days of service if the person intends to intervene in the adoption proceeding;

13928            [(e)] (b) shall state the name of the [person to be adopted] adult adoptee;

13929            [(d)] (c) may not state the name of a person adopting the [mature] adult adoptee, unless

13930            the person consents, in writing, to disclosure of the person's name;

13931            [(e)] (d) with regard to a person described in Subsection (1)(a):

13932            (i) except as provided in Subsection [(2)(b)] (2)(a), shall be in accordance with the

13933            provisions of the Utah Rules of Civil Procedure; and

13934            (ii) may not be made by publication; and

13935            [(f)] (e) with regard to the spouse of the [mature] adult adoptee, may be made:

13936            (i) in accordance with the provisions of the Utah Rules of Civil Procedure;

13937            (ii) by certified mail, return receipt requested; or

13938            (iii) by publication, posting, or other means if:

13939            (A) the service described in Subsection [(3)(f)(ii)] (2)(e)(ii) cannot be completed

13940            after two attempts; and

13941 (B) the court issues an order providing for service by publication, posting, or other  
13942 means.

13943 [~~(4)~~] (3) Proof of service of the notice on each person to whom notice is required by this  
13944 section shall be filed with the court before the adoption is finalized.

13945 [~~(5)~~] (4)(a) Any person who is served with notice of a proceeding for the adoption of an  
13946 adult adoptee and who wishes to intervene in the adoption shall file a motion in the  
13947 adoption proceeding:

13948 (i) within 30 days after the day on which the person is served with notice of the  
13949 adoption proceeding;

13950 (ii) that sets forth the specific relief sought; and

13951 (iii) that is accompanied by a memorandum specifying the factual and legal grounds  
13952 upon which the motion is made.

13953 (b) A person who fails to file the motion described in Subsection [~~(5)(a)~~] (4)(a) within  
13954 the time described in Subsection [~~(5)(a)(i)~~] (4)(a)(i):

13955 (i) waives any right to further notice of the adoption proceeding; and

13956 (ii) is barred from intervening in, or bringing or maintaining any action challenging,  
13957 the adoption proceeding.

13958 [~~(6)~~] (5) Except as provided in Subsection [~~(7)~~] (6), after a court enters a final decree of  
13959 adoption of an adult adoptee, the ~~[mature]~~ adult adoptee shall:

13960 (a) serve notice of the finalization of the adoption, [~~pursuant to~~] in accordance with the  
13961 Utah Rules of Civil Procedure, on each person who was a legal parent of the adult  
13962 adoptee before the final decree of adoption described in this Subsection [~~(6)~~] (5) was  
13963 entered; and

13964 (b) file with the court proof of service of the notice described in Subsection [~~(6)(a)~~] (5)(a).

13965 [~~(7)~~] (6) A court may [~~-, based on a finding of good cause,]~~ waive the notification  
13966 requirement described in Subsection [~~(6)~~] (5) upon a finding of good cause.

13967 Section 357. Section **81-13-304** is enacted to read:

13968 **81-13-304 . Necessary consent to adoption of an adult -- Persons who may take**  
13969 **consents.**

13970 (1) The following persons are required to consent to an adoption of an adult adoptee before  
13971 the adoption is granted:

13972 (a) the adult adoptee;

13973 (b) any individual who is adopting the adult adoptee;

13974 (c) the spouse of the individual adopting the adult adoptee if the individual is married;

- 13975           and
- 13976           (d) any legally appointed guardian or custodian of the adult adoptee.
- 13977    (2) An adult adoptee shall sign a consent before:
- 13978           (a) the court with jurisdiction over the adoption proceeding; or
- 13979           (b) a person appointed by the court to take the consent.
- 13980    (3) If the consent of the adult adoptee is taken out of state, the adult adoptee shall sign the
- 13981           consent before:
- 13982           (a) a person authorized or appointed to take a consent by a court of this state that has
- 13983                   jurisdiction over adoption proceedings;
- 13984           (b) a court that has jurisdiction over adoption proceedings in the state where the consent
- 13985                   is taken; or
- 13986           (c) a person authorized, under the laws of the state where the consent is taken, to take a
- 13987                   consent of the adult adoptee.
- 13988    (4) A person other than the adult adoptee may sign the consent before a notary or any
- 13989                   person authorized to take the consent as described in Subsection (2) or (3).
- 13990    (5) A person authorized by Subsection (2) or (3) to take a consent shall certify to the best of
- 13991                   the person's information and belief that the person executing the consent has read and
- 13992                   understands the consent and has signed the consent freely and voluntarily.
- 13993    (6) A person executing a consent is entitled to receive a copy of the consent.
- 13994    (7) A signature described in Subsection (2)(b) or (3)(a), shall be:
- 13995           (a) notarized; or
- 13996           (b) witnessed by two individuals who are not members of the adult adoptee's immediate
- 13997                   family.
- 13998           Section 358. Section **81-13-305** is enacted to read:
- 13999           **81-13-305 . Final decree of adoption of an adult -- Agreement by adoptive parent**
- 14000    **or parents.**
- 14001    (1) Before entering a final decree of adoption of an adult adoptee, the court shall examine
- 14002                   separately each person appearing before the court in accordance with this chapter.
- 14003    (2) If the court is satisfied that the interests of the adult adoptee will be promoted by the
- 14004                   adoption, the court shall enter a final decree of adoption declaring that:
- 14005           (a) the adult adoptee is adopted by the adoptive parent or parents; and
- 14006           (b) the adult adoptee is regarded and treated in all respects as the child of the adoptive
- 14007                   parent or parents.
- 14008    (3) Before the court enters a final decree of adoption of an adult adoptee, the prospective



- 14009 adoptive parent or parents and the adult adoptee shall:
- 14010 (a) appear before the court;
- 14011 (b) execute a consent to the adoption as described in Section 81-13-304; and
- 14012 (c) execute an agreement stating that the adult adoptee shall be adopted and treated in all
- 14013 respects as the adoptive parent's or parents' own lawful child.
- 14014 (4) When a final decree of adoption is entered, the adult adoptee may take the family name
- 14015 of the adoptive parent or parents.
- 14016 (5) After a final decree of adoption is entered, the adoptive parent or parents and the adult
- 14017 adoptee shall:
- 14018 (a) sustain the legal relationship of a parent and child; and
- 14019 (b) have all the rights and be subject to all the duties of a parent-child relationship.
- 14020 Section 359. Section **81-13-306** is enacted to read:
- 14021 **81-13-306 . Effect of adoption of an adult on pre-existing parent.**
- 14022 (1) A pre-existing parent of an adult adoptee:
- 14023 (a) is released from all parental rights and duties toward and all responsibilities for the
- 14024 adult adoptee, including residual parental rights and duties, as defined in Section
- 14025 80-1-102; and
- 14026 (b) has no further parental rights or duties with regard to the adult adoptee at the earlier
- 14027 of:
- 14028 (i) the time the pre-existing parent's parental rights are terminated; or
- 14029 (ii) except as provided in Subsection (2), and subject to Subsections (3) and (4), the
- 14030 time the final decree of adoption is entered.
- 14031 (2) The parental rights and duties of a pre-existing parent who, at the time the adult adoptee
- 14032 is adopted, is lawfully married to the individual adopting the adult adoptee are not
- 14033 released under Subsection (1)(b).
- 14034 (3) The parental rights and duties of a pre-existing parent who, at the time the adult adoptee
- 14035 is adopted, is not lawfully married to the individual adopting the adult adoptee are
- 14036 released under Subsection (1)(b).
- 14037 (4)(a) Notwithstanding the provisions of this section, the court may allow a prospective
- 14038 adoptive parent to adopt an adult adoptee without releasing the pre-existing parent
- 14039 from parental rights and duties under Subsection (1)(b) if:
- 14040 (i) the pre-existing parent and the prospective adoptive parent were lawfully married
- 14041 at some time during the adult adoptee's life;
- 14042 (ii) the pre-existing parent consents to the prospective adoptive parent's adoption of

14043 the adult adoptee or is unable to consent because the pre-existing parent is  
14044 deceased or incapacitated;  
14045 (iii) notice of the adoption proceeding is provided in accordance with Section  
14046 81-13-303;  
14047 (iv) consent to the adoption is provided in accordance with Section 81-13-304; and  
14048 (v) the court finds that it is in the best interest of the adult adoptee to grant the  
14049 adoption without releasing the pre-existing parent from parental rights and duties.

14050 (b) This Subsection (4) does not permit an adult adoptee to have more than two parents.

14051 (5) This section may not be construed as terminating any child support obligation of a  
14052 parent incurred before the adoption.

14053 Section 360. Section **81-13-401** is enacted to read:

14054 **Part 4. Placement of a Minor Child or Vulnerable Adult for Adoption**

14055 **81-13-401 . Definitions for part.**

14056 Reserved.

14057 Section 361. Section **81-13-402**, which is renumbered from Section 78B-6-131 is renumbered  
14058 and amended to read:

14059 **[78B-6-131] 81-13-402 . Placement of an adoptee in custody of state -- Priority**  
14060 **placement.**

14061 (1) To provide a minor child, who is in the legal custody of the division, with the most  
14062 beneficial family structure when the minor child is placed for adoption, the division or  
14063 child-placing agency shall place the minor child with a married couple, unless:

14064 (a) there are no qualified married couples who:

14065 (i) have applied to adopt a minor child;

14066 (ii) are willing to adopt the minor child; and

14067 (iii) are an appropriate placement for the minor child;

14068 (b) the minor child is placed with a relative of the minor child;

14069 (c) the minor child is placed with an individual who has already developed a substantial  
14070 relationship with the minor child;

14071 (d) the minor child is placed with an individual who:

14072 (i) is selected by a birth parent or former parent of the minor child if the birth parent  
14073 or former parent consented to the adoption of the minor child; and

14074 (ii) the parent or former parent described in Subsection (1)(d)(i):

14075 (A) knew the individual with whom the minor child is placed before the parent  
14076 consented to the adoption; or

14077                   (B) became aware of the individual with whom the minor child is placed through a  
 14078                                 source other than the division or the child-placing agency that assists with the  
 14079                                 adoption of the minor child; or

14080                   (iii) it is in the best interests of the minor child to place the minor child with a single  
 14081                                 adult.

14082 [(+) (2) Notwithstanding Sections [78B-6-128 through 78B-6-130] 81-13-403 through  
 14083 81-13-405, and except as provided in Subsection [(2), a child] (3), an adoptee, who is a  
 14084 minor child or vulnerable adult in the legal custody of the state, may not be placed with  
 14085 a prospective foster parent or a prospective adoptive parent, unless, before the [child]  
 14086 adoptee is placed with the prospective foster parent or the prospective adoptive parent:  
 14087 (a) a fingerprint based [FBI] Federal Bureau of Investigation national criminal history  
 14088 records check is conducted on the prospective foster parent, prospective adoptive  
 14089 parent, and any other adult residing in the household;  
 14090 (b) the Department of Health and Human Services conducts a check of the child abuse  
 14091 and neglect registry in each state where the prospective foster parent or prospective  
 14092 adoptive parent resided in the five years immediately preceding the day on which the  
 14093 prospective foster parent or prospective adoptive parent applied to be a foster parent  
 14094 or adoptive parent, to determine whether the prospective foster parent or prospective  
 14095 adoptive parent is listed in the registry as having a substantiated or supported finding  
 14096 of child abuse or neglect;  
 14097 (c) the Department of Health and Human Services conducts a check of the child abuse  
 14098 and neglect registry of each state where each adult living in the home of the  
 14099 prospective foster parent or prospective adoptive parent described in Subsection [  
 14100 (+)(b)] (2)(b) resided in the five years immediately preceding the day on which the  
 14101 prospective foster parent or prospective adoptive parent applied to be a foster parent  
 14102 or adoptive parent, to determine whether the adult is listed in the registry as having a  
 14103 substantiated or supported finding of child abuse or neglect; and  
 14104 (d) each person required to undergo a background check described in this section passes  
 14105 the background check, pursuant to the provisions of Section 26B-2-120.

14106 [(2)] (3) The requirements under Subsection [(+) (2)] do not apply to the extent that:

14107 (a) federal law or rule permits otherwise; or  
 14108 (b) the requirements would prohibit the division or a court from placing [a-child] an  
 14109 adoptee, who is a minor child or vulnerable adult in the legal custody of the state,  
 14110 with:

- 14111 (i) a noncustodial parent, under Section 80-2a-301, 80-3-302, or 80-3-303; or  
 14112 (ii) a relative, under Section 80-2a-301, 80-3-302, or 80-3-303, pending completion  
 14113 of the background check described in Subsection [~~(1)~~] (2).

14114 (4) When an adoption petition is to be finalized in this state with regard to any prospective  
 14115 adoptive parent who is not a resident of this state at the time an adoptee, who is a minor  
 14116 child or vulnerable adult, is placed in the prospective adoptive parent's home, the  
 14117 prospective adoptive parent shall comply with Sections 81-13-403 through 81-13-405.

14118 Section 362. Section **81-13-403**, which is renumbered from Section 78B-6-128 is renumbered  
 14119 and amended to read:

14120 **[78B-6-128] 81-13-403 . Preplacement adoptive evaluations -- Exceptions.**

14121 (1)(a) Except as otherwise provided in this section, [~~a child~~] an adoptee, who is a minor  
 14122 child or vulnerable adult, may not be placed in an adoptive home until a  
 14123 preplacement adoptive evaluation, assessing the prospective adoptive parent and the  
 14124 prospective adoptive home, has been conducted in accordance with the requirements  
 14125 of this section.

14126 (b) Except as provided in Section [~~78B-6-131~~] 81-13-402, the court may, at any time,  
 14127 authorize temporary placement of [~~a child~~] an adoptee, who is a minor child or  
 14128 vulnerable adult, in a prospective adoptive home pending completion of a  
 14129 preplacement adoptive evaluation described in this section.

14130 (c)(i) Subsection (1)(a) does not apply if a pre-existing parent has legal custody of  
 14131 the [~~child~~] adoptee to be adopted and the prospective adoptive parent is related to  
 14132 that [~~child~~] adoptee or the pre-existing parent as a stepparent, sibling by half or  
 14133 whole blood or by adoption, grandparent, aunt, uncle, or first cousin, unless the  
 14134 court otherwise requests the preplacement adoption.

14135 (ii) The prospective adoptive parent described in this Subsection (1)(c) shall obtain  
 14136 the information described in Subsections (2)(a) and (b), and file that  
 14137 documentation with the court prior to finalization of the adoption.

14138 (d)(i) The preplacement adoptive evaluation shall be completed or updated within  
 14139 the 12-month period immediately preceding the placement of [~~a child~~] the adoptee  
 14140 with the prospective adoptive parent.

14141 (ii) If the prospective adoptive parent has previously received custody of [~~a child~~] an  
 14142 adoptee, who is a minor child or vulnerable adult, for the purpose of adoption, the  
 14143 preplacement adoptive evaluation shall be completed or updated within the  
 14144 12-month period immediately preceding the placement of [~~a child~~] an adoptee,

14145 who is a minor child or vulnerable adult, with the prospective adoptive parent and  
 14146 after the placement of the previous [child] adoptee with the prospective adoptive  
 14147 parent.

14148 (2) The preplacement adoptive evaluation shall include:

14149 (a) a criminal history background check regarding each prospective adoptive parent and  
 14150 any other adult living in the prospective home, prepared no earlier than 18 months  
 14151 immediately preceding placement of the [child] adoptee in accordance with the  
 14152 following:

14153 (i) if the [child] adoptee is in state custody, each prospective adoptive parent and any  
 14154 other adult living in the prospective home shall submit fingerprints to the  
 14155 Department of Health and Human Services, which shall perform a criminal history  
 14156 background check in accordance with Section 26B-2-120; or

14157 (ii) subject to Subsection (3), if the [child] adoptee is not in state custody, an adoption  
 14158 service provider or an attorney representing a prospective adoptive parent shall  
 14159 submit fingerprints from the prospective adoptive parent and any other adult  
 14160 living in the prospective home to:

14161 (A) ~~the [Criminal and Technical Services Division of Public Safety] Bureau of~~  
 14162 Criminal Identification within the Department of Public Safety for a regional  
 14163 and nationwide background check~~[-, to] ;~~ ;

14164 (B) the Office of Background Processing within the Department of Health and  
 14165 Human Services for a background check in accordance with Section 26B-2-120[  
 14166 ~~-, or to] ; or~~ ; or

14167 (C) the Federal Bureau of Investigation;

14168 (b) a report containing all information regarding reports and investigations of child  
 14169 abuse, neglect, and dependency, with respect to each prospective adoptive parent and  
 14170 any other adult living in the prospective home, obtained no earlier than 18 months  
 14171 immediately preceding the day on which the [child] adoptee is placed in the  
 14172 prospective home, pursuant to waivers executed by each prospective adoptive parent  
 14173 and any other adult living in the prospective home, that:

14174 (i) if the prospective adoptive parent or the adult living in the prospective adoptive  
 14175 parent's home is a resident of Utah, is prepared by the Department of Health and  
 14176 Human Services from the records of the Department of Health and Human  
 14177 Services; or

14178 (ii) if the prospective adoptive parent or the adult living in the prospective adoptive

- 14179 parent's home is not a resident of Utah, prepared by the Department of Health and  
 14180 Human Services, or a similar agency in another state, district, or territory of the  
 14181 United States, where each prospective adoptive parent and any other adult living  
 14182 in the prospective home resided in the five years immediately preceding the day  
 14183 on which the ~~[child]~~ adoptee is placed in the prospective adoptive home;
- 14184 (c) in accordance with Subsection (6), a home study conducted by an adoption service  
 14185 provider that is:
- 14186 (i) an expert in family relations approved by the court;  
 14187 (ii) a certified social worker;  
 14188 (iii) a clinical social worker;  
 14189 (iv) a marriage and family therapist;  
 14190 (v) a psychologist;  
 14191 (vi) a social service worker, if supervised by a certified or clinical social worker;  
 14192 (vii) a clinical mental health counselor; or  
 14193 (viii) an Office of Licensing employee within the Department of Health and Human  
 14194 Services who is trained to perform a home study; and
- 14195 (d) in accordance with Subsection (7), if the ~~[child to be adopted is a child who]~~ adoptee  
 14196 is in the custody of any public child welfare agency~~[-, and is a child who]~~ and has a  
 14197 special need as defined in Section 80-2-801, the preplacement adoptive evaluation  
 14198 shall be conducted by the Department of Health and Human Services or a  
 14199 child-placing agency that has entered into a contract with the department to conduct  
 14200 the preplacement adoptive evaluations for ~~[children]~~ adoptees with special needs.
- 14201 (3) For purposes of Subsection (2)(a)(ii), subject to Subsection (4), the criminal history  
 14202 background check described in Subsection (2)(a)(ii) shall be submitted in a manner  
 14203 acceptable to the court that will:
- 14204 (a) preserve the chain of custody of the results; and  
 14205 (b) not permit tampering with the results by a prospective adoptive parent or other  
 14206 interested party.
- 14207 (4) In order to comply with Subsection (3), the manner in which the criminal history  
 14208 background check is submitted shall be approved by the court.
- 14209 (5) Except as provided in Subsection ~~[78B-6-131(2)]~~ 81-13-402(3), and in addition to the  
 14210 other requirements of this section, ~~[before a child in state custody is placed with a~~  
 14211 ~~prospective foster parent or a prospective adoptive parent,-]~~ the Department of Health  
 14212 and Human Services shall comply with Section ~~[78B-6-131]~~ 81-13-402 before an

- 14213 adoptee, who is a minor child or vulnerable adult in state custody, is placed with a  
 14214 prospective foster parent or a prospective adoptive parent.
- 14215 (6)(a) An individual described in Subsections (2)(c)(i) through (vii) shall be licensed to  
 14216 practice under the laws of:
- 14217 (i) this state; or
  - 14218 (ii) the state, district, or territory of the United States where the prospective adoptive  
 14219 parent or other person living in the prospective adoptive home resides.
- 14220 (b) ~~Neither the~~ The Department of Health and Human Services ~~nor~~ , or any of the  
 14221 department's divisions, may not proscribe who qualifies as an expert in family  
 14222 relations or who may conduct a home study under Subsection (2)(c).
- 14223 (c) The home study described in Subsection (2)(c) shall be a written document that  
 14224 contains the following:
- 14225 (i) a recommendation to the court regarding the suitability of the prospective adoptive  
 14226 parent for placement of ~~[a child]~~ an adoptee who is a minor child or vulnerable  
 14227 adult;
  - 14228 (ii) a description of in-person interviews with the prospective adoptive parent, the  
 14229 prospective adoptive parent's children, and other individuals living in the home;
  - 14230 (iii) a description of character and suitability references from at least two individuals  
 14231 who are not related to the prospective adoptive parent and with at least one  
 14232 individual who is related to the prospective adoptive parent;
  - 14233 (iv) a medical history and a doctor's report, based upon a doctor's physical  
 14234 examination of the prospective adoptive parent, made within two years before the  
 14235 date of the application; and
  - 14236 (v) a description of an inspection of the home to determine whether sufficient space  
 14237 and facilities exist to meet the needs of the ~~[child]~~ adoptee and whether basic  
 14238 health and safety standards are maintained.
- 14239 (7) Any fee assessed by the evaluating agency described in Subsection (2)(d) is the  
 14240 responsibility of the adopting parent.
- 14241 (8) The person conducting the preplacement adoptive evaluation shall, in connection with  
 14242 the preplacement adoptive evaluation, provide the prospective adoptive parent with  
 14243 literature approved by the ~~[Division of Child and Family Services]~~ division relating to  
 14244 adoption, including information relating to:
- 14245 (a) the adoption process;
  - 14246 (b) developmental issues that may require early intervention; and

- 14247 (c) community resources that are available to the prospective adoptive parent.  
 14248 (9) A copy of the preplacement adoptive evaluation shall be filed with the court.  
 14249 (10) A home study completed for the purposes of foster care licensing in accordance with  
 14250 Title 80, Chapter 2, Part 3, Division Responsibilities, shall be accepted by the court for a  
 14251 proceeding under this part.

14252 Section 363. Section **81-13-404**, which is renumbered from Section 78B-6-129 is renumbered  
 14253 and amended to read:

14254 **[78B-6-129] 81-13-404 . Postplacement adoptive evaluations.**

- 14255 (1) Except as provided in Subsections (2) and (3), a postplacement evaluation shall be  
 14256 conducted and submitted to the court [~~prior to~~] before the final hearing in an adoption  
 14257 proceeding for a minor child or a vulnerable adult.  
 14258 (2) The postplacement evaluation under Subsection (1) shall include:  
 14259 (a) verification of the allegations of fact contained in the petition for adoption;  
 14260 (b) an evaluation of the progress of the [~~child's~~] adoptee's placement in the adoptive  
 14261 home; and  
 14262 (c) a recommendation regarding whether the adoption is in the best interest of the [~~child~~]  
 14263 adoptee.  
 14264 [~~(2)~~] (3) The exemptions from and requirements for evaluations, described in Subsections [~~(~~  
 14265 ~~78B-6-128(1)(e)] 81-13-403(1)(c), (2)(c), (6), and (8), also apply to postplacement  
 14266 adoptive evaluations.  
 14267 [~~(3)~~] (4) Upon the request of the petitioner, the court may waive the postplacement adoptive  
 14268 evaluation, unless [~~it~~] the court determines that it is in the best interest of the [~~child~~]  
 14269 adoptee to require the postplacement evaluation.~~

14270 Section 364. Section **81-13-405**, which is renumbered from Section 78B-6-130 is renumbered  
 14271 and amended to read:

14272 **[78B-6-130] 81-13-405 . Preplacement and postplacement adoptive evaluations --**  
 14273 **Review by court.**

- 14274 (1)(a) If the person conducting the preplacement adoptive evaluation or postplacement  
 14275 adoptive evaluation disapproves the adoptive placement, the court may dismiss the  
 14276 petition for adoption.  
 14277 (b) Upon request by a prospective adoptive parent, the court shall:  
 14278 (i) order that an additional preplacement adoptive evaluation or postplacement  
 14279 adoptive evaluation be conducted [~~, and shall~~] ; and  
 14280 (ii) hold a hearing on the suitability of the adoption, including testimony of interested



14281 parties.

14282 (2) Before finalization of a petition for adoption the court shall review and consider the  
 14283 information and recommendations contained in the preplacement adoptive evaluation  
 14284 and postplacement adoptive evaluation described in Sections [~~78B-6-128 and 78B-6-129~~  
 14285 81-13-403 and 81-13-404].

14286 (3) With respect to the home study required as part of the preplacement adoptive evaluation  
 14287 described in Subsection [~~78B-6-128(2)(e)~~] 81-13-403(2)(c), a court may review and  
 14288 consider information other than the information contained in the home study described  
 14289 in Subsection [~~78B-6-128(6)(e)~~] 81-13-403(6)(c).

14290 Section 365. Section **81-13-501** is enacted to read:

14291 **Part 5. Post Adoption**

14292 **81-13-501 . Definitions for part.**

14293 Reserved.

14294 Section 366. Section **81-13-502**, which is renumbered from Section 78B-6-104 is renumbered  
 14295 and amended to read:

14296 **~~[78B-6-104]~~ 81-13-502 . Applicability of part.**

14297 (1) Sections [~~78B-6-143~~] 81-13-503 through [~~78B-6-145~~] 81-13-505 do not apply to [  
 14298 adoptions] an adoption of a minor child by a stepparent whose spouse is the adoptee's  
 14299 parent.

14300 (2) Sections [~~78B-6-143~~] 81-13-503 through [~~78B-6-145~~] 81-13-505 apply only to [  
 14301 adoptions of adoptees] an adoption of an adoptee born in this state.

14302 Section 367. Section **81-13-503**, which is renumbered from Section 78B-6-143 is renumbered  
 14303 and amended to read:

14304 **~~[78B-6-143]~~ 81-13-503 . Nonidentifying health history of adoptee filed with office**  
 14305 **-- Limited availability.**

14306 (1)(a) Upon finalization of an adoption in this state of a minor child, the person who  
 14307 proceeded on behalf of the petitioner for adoption, or a child-placing agency if an  
 14308 agency is involved in the adoption, shall file a report with the office, in the form  
 14309 established by the office.

14310 (b) The report described in Subsection (1)(a) shall include a detailed health history, and  
 14311 a genetic and social history of the adoptee.

14312 (2) The report described in Subsection (1)(a) may not contain identifying information or  
 14313 any information that identifies the adoptee's [~~birth~~] pre-existing parents or members of  
 14314 their families.

- 14315 (3) When the report described in Subsection (1)(a) is filed, a duplicate report shall be  
 14316 provided to the adoptive parents.
- 14317 (4) The report described in Subsection (1)(a) shall only be available upon request, and upon  
 14318 presentation of positive identification, to the following persons:
- 14319 (a) the adoptive parents;
- 14320 (b) in the event of the death of the adoptive parents, the adoptee's legal guardian;
- 14321 (c) the adoptee;
- 14322 (d) in the event of the death of the adoptee, the adoptee's spouse[;] if the spouse is the  
 14323 parent or guardian of the adoptee's child;
- 14324 (e) the adoptee's child or descendant;
- 14325 (f) the adoptee's [~~birth~~] pre-existing parent; and
- 14326 (g) the adoptee's adult sibling.
- 14327 (5) No identifying information or information that identifies a [~~birth~~] pre-existing parent or  
 14328 the [~~birth~~] pre-existing parent's family may be disclosed under this section.
- 14329 (6) The actual cost of providing information under this section shall be paid by the person  
 14330 requesting the information.
- 14331 (7) A child-placing agency may provide a copy of the report described in Subsection (1)(a)  
 14332 and information in the child-placing agency's files, except identifying information, to [~~an~~  
 14333 adult adoptee, a birth] a child adoptee who is 18 years old or older, a pre-existing parent,  
 14334 or an adoptive parent.
- 14335 (8) Notwithstanding Subsection (7), identifying information may be released to the extent  
 14336 that the individual who is the subject of the information provides written authorization  
 14337 of the information's release.

14338 Section 368. Section **81-13-504**, which is renumbered from Section 78B-6-144 is renumbered  
 14339 and amended to read:

14340 ~~[78B-6-144]~~ **81-13-504 . Mutual-consent, voluntary adoption registry --**

14341 **Procedures -- Fees.**

14342 (1) As used in this section, "adopted individual" means a child adoptee who is 18 years old  
 14343 or older.

14344 [(1)] (2) The office shall establish a mutual-consent, voluntary adoption registry.

14345 (3)(a) An [~~adult adoptee~~] adopted individual or a [~~birth~~] pre-existing parent of an [~~adult~~  
 14346 ~~adoptee~~] adopted individual, upon presentation of positive identification, may request  
 14347 identifying information from the office, in the form established by the office.

14348 (b) A court [~~of competent jurisdiction~~] or a child-placing agency may accept that request

14349 from the ~~[adult adoptee or birth]~~ adopted individual or pre-existing parent, in the form  
 14350 provided by the office, and transfer that request to the office.

14351 (c) The ~~[adult adoptee or birth]~~ adopted individual or pre-existing parent is responsible  
 14352 for notifying the office of any change in information contained in the request.

14353 ~~[(b)]~~ (d) Except as otherwise provided in this ~~[part]~~ chapter, the office may only release  
 14354 identifying information to an ~~[adult adoptee or birth]~~ adopted individual or  
 14355 pre-existing parent when ~~[it]~~ the office receives requests from both the ~~[adoptee and~~  
 14356 ~~the adoptee's birth]~~ adopted individual and the adopted individual's pre-existing parent.

14357 ~~[(e)]~~ (e) After matching the request of an ~~[adult adoptee]~~ adopted individual with that of  
 14358 at least one of the ~~[adoptee's birth]~~ adopted individual's pre-existing parents, the office  
 14359 shall notify both the ~~[adult adoptee]~~ adopted individual and the ~~[birth]~~ pre-existing  
 14360 parent that the requests have been matched, and disclose the identifying information  
 14361 to those parties. ~~[However, if that adult adoptee]~~

14362 (f) Notwithstanding Subsection (3)(c) or (d), if an adopted individual has a sibling of the  
 14363 same ~~[birth]~~ pre-existing parent who is under ~~[the age of 18 years,]~~ 18 years old and  
 14364 who was raised in the same family setting as the ~~[adult adoptee]~~ adopted individual,  
 14365 the office may not disclose the requested identifying information to that ~~[adult~~  
 14366 ~~adoptee]~~ adopted individual or the ~~[adoptee's birth]~~ adopted individual's pre-existing  
 14367 parent.

14368 ~~[(2)]~~ (4)(a) ~~[Adult adoptees and adult siblings of adult adoptees]~~ An adopted individual  
 14369 or an adult sibling of an adopted individual, upon presentation of positive  
 14370 identification, may request identifying information from the office~~;~~ in the form  
 14371 established by the office.

14372 (b) A court ~~[of competent jurisdiction]~~ or a child-placing agency may accept that request  
 14373 from the ~~[adult adoptee]~~ adopted individual or adult sibling~~;~~ in the form provided by  
 14374 the office,~~-]~~ and transfer that request to the office.

14375 (c) The ~~[adult adoptee]~~ adopted individual or adult sibling is responsible for notifying the  
 14376 office of any change in information contained in the request.

14377 ~~[(b)]~~ (d) The office may only release identifying information to an ~~[adult adoptee]~~  
 14378 adopted individual or adult sibling when ~~[it]~~ the office receives requests from both  
 14379 the ~~[adult adoptee]~~ adopted individual and the ~~[adult adoptee's]~~ adopted individual's  
 14380 adult sibling.

14381 ~~[(e)]~~ (e) After matching the request of an ~~[adult adoptee]~~ adopted individual with that of  
 14382 the ~~[adoptee's]~~ adopted individual's adult sibling, if the office determines that the

14383 office has sufficient information to make that match, the office shall notify both the [  
 14384 ~~adult adoptee~~] adopted individual and the adopted individual's adult sibling that the  
 14385 requests have been matched, and disclose the identifying information to those parties.

14386 [(d)] (5) After receiving a request for information from an [~~adult adoptee and a birth~~]  
 14387 adopted individual and a pre-existing parent under this section, the office shall:

14388 [(i)] (a) search the office's vital records for the [~~adult adoptee's birth~~] adopted individual's  
 14389 pre-existing parent; and

14390 [(ii)] (b) if the search described in Subsection [(2)(d)(i)] (5)(a) reveals that the [~~birth~~]  
 14391 pre-existing parent who had requested information under this section is dead, inform  
 14392 the [~~adult adoptee~~] adopted individual that the [~~birth~~] pre-existing parent is dead and  
 14393 disclose the identity of the [~~birth~~] pre-existing parent.

14394 [(e)] (6) The office shall attempt to notify an individual who requests information under this  
 14395 section:

14396 [(f)] (a) of the results of the initial search for a match; and

14397 [(f)] (b) if the initial search does not produce a match, that the office will keep the  
 14398 request on file and will attempt to notify the individual in the event of a match.

14399 [(3)] (7) Information registered with the office under this section is available only to a  
 14400 registered [~~adult adoptee~~] adopted individual and the [~~adoptee's registered birth~~] adopted  
 14401 individual's pre-existing parent or registered adult sibling[;] under the terms of this  
 14402 section.

14403 [(4)] (8) [~~Except as provided in Section 78B-6-141, the~~] The office may not disclose  
 14404 information regarding a [~~birth~~] pre-existing parent who has not registered a request with  
 14405 the office.

14406 [(5)] (9) Nothing in this section limits the disclosure of information in accordance with  
 14407 Section [~~78B-6-141~~] 81-13-103.

14408 Section 369. Section **81-13-505**, which is renumbered from Section 78B-6-144.5 is renumbered  
 14409 and amended to read:

14410 **[78B-6-144.5] 81-13-505 . Adoption information -- Adoption records fees.**

14411 (1)(a) The office may not disclose information maintained or filed with the office under  
 14412 this chapter unless the disclosure is permitted by this chapter or by a court order.

14413 (b) Any person who discloses information obtained from the office's voluntary adoption  
 14414 registry in violation of this part, or knowingly allows that information to be disclosed  
 14415 in violation of this chapter, is guilty of a class A misdemeanor.

14416 [(1)] (2)(a) The office shall, in accordance with Section 63J-1-504, establish a fee to be

14417 paid by an individual who requests information or other services under Section [  
 14418 ~~78B-6-141 or Section 78B-6-144]~~ 81-13-103 or 81-13-504, and to cover the costs  
 14419 related to providing the information, services, and improvements described in  
 14420 Subsection (2).

14421 (b) The office may accept donations or grants from public or private entities to cover the  
 14422 costs related to providing the information, services, and improvements described in  
 14423 Subsection (2).

14424 ~~[(2)]~~ (3) The office shall deposit fees and donations collected under Subsection ~~[(1)]~~ (2) into  
 14425 the General Fund as dedicated credits and may be used only to:

14426 (a) fund, automate, and improve the provision of services described in Sections [  
 14427 ~~78B-6-141 and 78B-6-144]~~ 81-13-103 and 81-13-504; or

14428 (b) implement means of maximizing potential matches for the services described in  
 14429 Sections ~~[78B-6-141 and 78B-6-144]~~ 81-13-103 and 81-13-504, including the use of  
 14430 broad search terms and methods.

14431 Section 370. Section **81-14-101**, which is renumbered from Section 78B-24-101 is renumbered  
 14432 and amended to read:

14433 **CHAPTER 14. UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT**

14434 **Part 1. General Provisions**

14435 ~~[78B-24-101]~~ **81-14-101 . Definitions.**

14436 As used in this chapter:

14437 ~~[(1) "Child" means an unemancipated individual under 18 years old.]~~

14438 ~~[(2)]~~ (1)(a) "Child-placing agency" means a person with authority under other law of this  
 14439 state to identify or place a minor child for adoption.

14440 (b) "Child-placing agency" does not include a parent of a minor child.

14441 ~~[(3)]~~ (2) "Custody" means the exercise of physical care and supervision of a minor child.

14442 ~~[(4)]~~ (3)(a) "Intercountry adoption" means an adoption or placement for adoption of a  
 14443 minor child who resides in a foreign country at the time of adoption or placement.

14444 (b) "Intercountry adoption" includes an adoption finalized in the minor child's country of  
 14445 residence or in a state.

14446 ~~[(5) "Parent" means an individual recognized as a parent under other law of this state.]~~

14447 ~~[(6)]~~ (4) "Person" means an individual, estate, business or nonprofit entity, public  
 14448 corporation, government or governmental subdivision, agency, or instrumentality, or  
 14449 other legal entity.

14450 [(7)] (5) "Record" means information:

14451 (a) inscribed on a tangible medium; or

14452 (b) stored in an electronic or other medium and retrievable in perceivable form.

14453 [(8)] (6)(a) "State" means a state of the United States, the District of Columbia, Puerto

14454 Rico, the United States Virgin Islands, or any other territory or possession subject to  
14455 the jurisdiction of the United States.

14456 (b) "State" includes a federally recognized Indian tribe.

14457 Section 371. Section **81-14-102**, which is renumbered from Section 78B-24-102 is renumbered  
14458 and amended to read:

14459 **[78B-24-102] 81-14-102 . Limitations on applicability.**

14460 This chapter does not apply to custody of an Indian child, as defined in the Indian Child  
14461 Welfare Act, 25 U.S.C. Sec. 1903, to the extent governed by the Indian Child Welfare Act, 25  
14462 U.S.C. Sec. 1901 through 1963.

14463 Section 372. Section **81-14-201**, which is renumbered from Section 78B-24-201 is renumbered  
14464 and amended to read:

14465 **Part 2. Prohibition of Unregulated Custody Transfer**

14466 **[78B-24-201] 81-14-201 . Definitions for part.**

14467 As used in this part:

14468 (1) "Guardian" means a person recognized as a guardian under other law of this state.

14469 (2) "Intermediary" means a person that assists or facilitates a transfer of custody of a minor  
14470 child, whether or not for compensation.

14471 Section 373. Section **81-14-202**, which is renumbered from Section 78B-24-202 is renumbered  
14472 and amended to read:

14473 **[78B-24-202] 81-14-202 . Applicability.**

14474 This part does not apply to a transfer of custody of a minor child by a parent or guardian  
14475 of the minor child to:

14476 (1) a parent of the minor child;

14477 (2) a stepparent of the minor child;

14478 (3) an adult who is related to the minor child by blood, marriage, or adoption;

14479 (4) an adult who, at the time of the transfer, had a close relationship with the minor child or  
14480 the parent or guardian of the minor child for a substantial period, and whom the parent  
14481 or guardian reasonably believed, at the time of the transfer, to be a fit custodian of the  
14482 minor child;

14483 (5) an Indian custodian, as defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, of

14484 the minor child; or

14485 (6) a member of the minor child's customary family unit recognized by the minor child's  
14486 indigenous group.

14487 Section 374. Section **81-14-203**, which is renumbered from Section 78B-24-203 is renumbered  
14488 and amended to read:

14489 **~~[78B-24-203]~~ 81-14-203 . Prohibited custody transfer.**

14490 (1) Except as provided in Subsection (2), a parent or guardian of a minor child, or an  
14491 individual with whom a minor child has been placed for adoption, may not transfer  
14492 custody of the minor child to another person with the intent, at the time of the transfer,  
14493 to abandon the rights and responsibilities concerning the minor child.

14494 (2) A parent or guardian of a minor child or an individual with whom a minor child has  
14495 been placed for adoption may transfer custody of the minor child to another person with  
14496 the intent, at the time of the transfer, to abandon the rights and responsibilities  
14497 concerning the minor child only through:

14498 (a) adoption or guardianship;

14499 (b) judicial award of custody;

14500 (c) placement by or through a child-placing agency;

14501 (d) other judicial or tribal action; or

14502 (e) safe relinquishment under Title 80, Chapter 4, Part 5, Safe Relinquishment of a  
14503 Newborn Child.

14504 (3)(a) A person may not receive custody of a minor child, or act as an intermediary in a  
14505 transfer of custody of a minor child, if the person knows or reasonably should know  
14506 the transfer violates Subsection (1).

14507 (b) This subsection does not apply if the person as soon as practicable after the transfer,  
14508 notifies the Division of Child and Family Services of the transfer or takes appropriate  
14509 action to establish custody under Subsection (2).

14510 (4) A violation of this section is a class B misdemeanor.

14511 (5) A violation of Subsection (1) is not established solely because a parent or guardian that  
14512 transfers custody of a minor child does not regain custody.

14513 Section 375. Section **81-14-204**, which is renumbered from Section 78B-24-204 is renumbered  
14514 and amended to read:

14515 **~~[78B-24-204]~~ 81-14-204 . Authority and responsibility of the Division of Child  
14516 and Family Services.**

14517 (1) If the Division of Child and Family Services has a reasonable basis to believe that a

14518 person has transferred or will transfer custody of a minor child in violation of Subsection [  
 14519 ~~78B-24-203(1)~~ 81-14-203(1), the Division of Child and Family Services may conduct a  
 14520 home visit as provided by other law of this state and take appropriate action to protect  
 14521 the welfare of the minor child.

14522 (2) If the Division of Child and Family Services conducts a home visit for a minor child  
 14523 adopted or placed through an intercountry adoption, the Division of Child and Family  
 14524 Services shall:

14525 (a) prepare a report on the welfare and plan for permanent placement of the minor child;  
 14526 and

14527 (b) provide a copy of the report to the United States Department of State.

14528 (3) This chapter does not prevent the Division of Child and Family Services from taking  
 14529 appropriate action under law of this state.

14530 Section 376. Section **81-14-205**, which is renumbered from Section 78B-24-205 is renumbered  
 14531 and amended to read:

14532 **~~[78B-24-205]~~ 81-14-205 . Prohibited soliciting or advertising.**

14533 (1) A person may not solicit or advertise to:

14534 (a) find a person to which to make a transfer of custody in violation of Subsection [  
 14535 ~~78B-24-203(1)~~ 81-14-203(1);

14536 (b) identify a minor child for a transfer of custody in violation of Subsection [  
 14537 ~~78B-24-203(3)~~ 81-14-203(3)]; or

14538 (c) act as an intermediary in a transfer of custody in violation of Subsection [  
 14539 ~~78B-24-203(3)~~ 81-14-203(3)].

14540 (2) A violation of this section is a class B misdemeanor.

14541 Section 377. Section **81-14-301**, which is renumbered from Section 78B-24-301 is renumbered  
 14542 and amended to read:

14543 **Part 3. Information and Guidance**

14544 **~~[78B-24-301]~~ 81-14-301 . Definitions for part.**

14545 As used in this part, "prospective adoptive parent" means an individual who has been  
 14546 approved or permitted under other law of this state to adopt a minor child.

14547 Section 378. Section **81-14-302**, which is renumbered from Section 78B-24-302 is renumbered  
 14548 and amended to read:

14549 **~~[78B-24-302]~~ 81-14-302 . Scope.**

14550 This part applies to placement for adoption of a minor child who:

14551 (1) has been or is in foster or institutional care;



- 14552 (2) previously has been adopted in a state;
- 14553 (3) has been or is being adopted under the law of a foreign country;
- 14554 (4) has come or is coming to a state from a foreign country to be adopted;
- 14555 (5) is not a citizen of the United States;
- 14556 (6) has an attachment or trauma-related disorder; or
- 14557 (7) suffered from prenatal exposure to alcohol or drugs.

14558 Section 379. Section **81-14-303**, which is renumbered from Section 78B-24-303 is renumbered  
14559 and amended to read:

14560 **~~[78B-24-303]~~ 81-14-303 . General adoption information.**

- 14561 (1) Within a reasonable time before a child-placing agency places a minor child for  
14562 adoption with a prospective adoptive parent, the child-placing agency shall provide or  
14563 cause to be provided to the prospective adoptive parent general adoption information.
- 14564 (2) The information under Subsection (1) shall address:
- 14565 (a) possible physical, mental, emotional, and behavioral issues concerning:
- 14566 (i) identity, loss, and trauma that a minor child might experience before, during, or  
14567 after adoption; and
- 14568 (ii) a minor child leaving familiar ties and surroundings;
- 14569 (b) the effect that access to resources, including health insurance, might have on the  
14570 ability of an adoptive parent to meet the needs of a minor child;
- 14571 (c) causes of disruption of an adoptive placement or dissolution of an adoption and  
14572 resources available to help avoid disruption or dissolution; and
- 14573 (d) prohibitions under Sections ~~[78B-24-203 and 78B-24-205]~~ 81-14-203 and 81-14-205.

14574 Section 380. Section **81-14-304**, which is renumbered from Section 78B-24-304 is renumbered  
14575 and amended to read:

14576 **~~[78B-24-304]~~ 81-14-304 . Information about a minor child.**

- 14577 (1)(a) Except as prohibited by other law of this state, within a reasonable time before a  
14578 child-placing agency places a minor child for adoption with a prospective adoptive  
14579 parent, the agency shall provide or cause to be provided to the prospective adoptive  
14580 parent information specific to the minor child that is known or reasonably obtainable  
14581 by the child-placing agency and material to the prospective adoptive parents  
14582 informed decision to adopt the minor child.
- 14583 (b) The information under Subsection (1)(a) shall include:
- 14584 (i) the minor child's family, cultural, racial, religious, ethnic, linguistic, and  
14585 educational background;

- 14586 (ii) the minor child's physical, mental, emotional, and behavioral health;
- 14587 (iii) circumstances that may adversely affect the minor child's physical, mental,
- 14588 emotional, or behavioral health;
- 14589 (iv) the minor child's medical history, including immunizations;
- 14590 (v) the medical history of the minor child's genetic parents and siblings;
- 14591 (vi) the history of an adoptive or out-of-home placement of the minor child and the
- 14592 reason the adoption or placement ended;
- 14593 (vii) the minor child's United States immigration status;
- 14594 (viii) medical, therapeutic, and educational resources, including language-acquisition
- 14595 training, available to the adoptive parent and minor child after placement or
- 14596 adoption to assist in responding effectively to physical, mental, emotional, or
- 14597 behavioral issues; and
- 14598 (ix) available records relevant to the information in Subsections (1)(b)(i) through
- 14599 (viii).

14600 (2) If, before an adoption is finalized, additional information under Subsection (1) that is

14601 material to a prospective adoptive parent's informed decision to adopt the minor child

14602 becomes known or reasonably obtainable by the child-placing agency, the child-placing

14603 agency shall provide the information to the prospective adoptive parent.

14604 (3) If, after an adoption is finalized, additional information under Subsection (1) becomes

14605 known to the child-placing agency, the child-placing agency shall make a reasonable

14606 effort to provide the information to the adoptive parent.

14607 Section 381. Section **81-14-305**, which is renumbered from Section 78B-24-305 is renumbered

14608 and amended to read:

14609 **[78B-24-305] 81-14-305 . Guidance and instruction.**

14610 (1) A child-placing agency placing a minor child for adoption shall provide or cause to be

14611 provided to the prospective adoptive parent guidance and instruction specific to the

14612 minor child to help prepare the parent to respond effectively to needs of the child [which]

14613 that are known or reasonably ascertainable by the child-placing agency.

14614 (2) The guidance and instruction under Subsection (1) shall address, if applicable:

- 14615 (a) the potential effect on the minor child of:
- 14616 (i) previous adoption or out-of-home placement;
- 14617 (ii) multiple previous adoptions or out-of-home placements;
- 14618 (iii) trauma, insecure attachment, fetal alcohol exposure, or malnutrition;
- 14619 (iv) neglect, abuse, drug exposure, or similar adversity;

- 14620 (v) separation from a sibling or significant caregiver; and  
 14621 (vi) a difference in ethnicity, race, or cultural identity between the minor child and  
 14622 the prospective adoptive parent or other minor child of the parent;  
 14623 (b) information available from the federal government on the process for the child to  
 14624 acquire United States citizenship; and  
 14625 (c) any other matter the child-placing agency considers material to the adoption.  
 14626 (3) The guidance and instruction under Subsection (1) shall be provided:  
 14627 (a) for adoption of a minor child residing in the United States, a reasonable time before  
 14628 the adoption is finalized; or  
 14629 (b) for an intercountry adoption, in accordance with federal law.

14630 Section 382. Section **81-14-306**, which is renumbered from Section 78B-24-306 is renumbered  
 14631 and amended to read:

14632 **~~[78B-24-306]~~ 81-14-306 . Information about financial assistance and support  
 14633 services.**

14634 On request of a minor child who was placed for adoption or the minor child's adoptive  
 14635 parent, the child-placing agency placing the minor child or the Division of Child and Family  
 14636 Services shall provide information about how to obtain financial assistance or support services:

- 14637 (1) to assist the minor child or parent to respond effectively to adjustment, behavioral, and  
 14638 other challenges; and  
 14639 (2) to help preserve the placement or adoption.

14640 Section 383. Section **81-14-307**, which is renumbered from Section 78B-24-307 is renumbered  
 14641 and amended to read:

14642 **~~[78B-24-307]~~ 81-14-307 . Child-placing agency compliance.**

- 14643 (1) The Division of Licensing and Background Checks, created in Section 26B-2-103, may  
 14644 investigate an allegation that a child-placing agency has failed to comply with this part  
 14645 and commence an action for injunctive or other relief or initiate administrative  
 14646 proceedings against the child-placing agency to enforce this part.  
 14647 (2)(a) The Office of Licensing may initiate a proceeding to determine whether a  
 14648 child-placing agency has failed to comply with this part.  
 14649 (b) If the Office of Licensing finds that the child-placing agency has failed to comply,  
 14650 the Office of Licensing may suspend or revoke the child-placing agency's license or  
 14651 take other action permitted by law of the state.

14652 Section 384. Section **81-14-308**, which is renumbered from Section 78B-24-308 is renumbered  
 14653 and amended to read:

14654 **[78B-24-308] 81-14-308 . Rulemaking by Division of Licensing and Background**  
14655 **Checks.**

14656 The Division of Licensing and Background Checks, created in Section 26B-2-103, may  
14657 adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement  
14658 Sections [78B-24-303, 78B-24-304, 78B-24-305, and 78B-24-306] 81-14-303, 81-14-304,  
14659 81-14-305, and 81-14-306.

14660 Section 385. Section **81-14-401**, which is renumbered from Section 78B-24-401 is renumbered  
14661 and amended to read:

14662 **Part 4. Applicability and Severability Provisions**

14663 **[78B-24-401] 81-14-401 . Uniformity of application and construction.**

14664 In applying and construing this [~~uniform act~~] chapter, a court shall consider the  
14665 promotion of uniformity of the law among jurisdictions that enact the uniform act.

14666 Section 386. Section **81-14-402**, which is renumbered from Section 78B-24-402 is renumbered  
14667 and amended to read:

14668 **[78B-24-402] 81-14-402 . Relation to Electronic Signatures in Global and**  
14669 **National Commerce Act.**

14670 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and  
14671 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede  
14672 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in 15  
14673 U.S.C. Sec. 7003(b).

14674 Section 387. Section **81-14-403**, which is renumbered from Section 78B-24-403 is renumbered  
14675 and amended to read:

14676 **[78B-24-403] 81-14-403 . Transitional provisions.**

14677 (1) Part 2, Prohibition of Unregulated Custody Transfer, applies to:

14678 (a) a transfer of custody on or after May 4, 2022; and

14679 (b) soliciting or advertising on or after May 4, 2022.

14680 (2) Part 3, Information and Guidance, applies to placement of a minor child for adoption  
14681 more than 60 days after May 4, 2022.

14682 Section 388. Section **81-14-404**, which is renumbered from Section 78B-24-404 is renumbered  
14683 and amended to read:

14684 **[78B-24-404] 81-14-404 . Severability.**

14685 If a provision of this chapter or the provision's application to a person or circumstance is  
14686 held invalid, the invalidity does not affect another provision or application that can be given  
14687 effect without the invalid provision.

- 14688 Section 389. **Repealer.**
- 14689 This bill repeals:
- 14690 Section **78B-6-101, Title.**
- 14691 Section **78B-6-107, Compliance with the Interstate Compact on Placement of Children**
- 14692 **-- Compliance with the Indian Child Welfare Act.**
- 14693 Section **78B-6-108, Alien child -- Evidence of lawful admission to United States**
- 14694 **required.**
- 14695 Section **78B-6-111, Criminal sexual offenses.**
- 14696 Section **78B-6-113, Prospective adoptive parent not a resident -- Preplacement**
- 14697 **requirements.**
- 14698 Section **78B-6-114, Adoption by married persons -- Consent.**
- 14699 Section **78B-6-118, Relative ages.**
- 14700 Section **78B-6-120.1, Implied consent.**
- 14701 Section **78B-6-122, Qualifying circumstance.**
- 14702 Section **78B-6-122.5, Effect of out-of-state paternity adjudication, declaration, or**
- 14703 **acknowledgment.**
- 14704 Section **78B-6-123, Power of a minor to consent or relinquish.**
- 14705 Section **78B-6-125, Time period prior to birth mother's consent.**
- 14706 Section **78B-6-126, When consent or relinquishment effective.**
- 14707 Section **78B-6-127, Parents whose rights have been terminated.**
- 14708 Section **78B-6-137, Decree of adoption -- Best interest of child -- Legislative findings.**
- 14709 Section **78B-6-139, Name and status of adopted child.**
- 14710 Section **78B-6-145, Restrictions on disclosure of information -- Violations -- Penalty.**
- 14711 Section **78B-7-101, Title.**
- 14712 Section **78B-13-101, Title.**
- 14713 Section **78B-14-101, Title.**
- 14714 Section **78B-15-101, Title.**
- 14715 Section **78B-15-105, Protection of participants.**
- 14716 Section **78B-15-106, Determination of maternity.**
- 14717 Section **78B-15-107, Effect.**
- 14718 Section **78B-15-108, Obligation to provide address.**
- 14719 Section **78B-15-109, Limitation on recovery from the obligor.**
- 14720 Section **78B-15-110, Duty of attorney general and county attorney.**
- 14721 Section **78B-15-111, Default judgment.**

- 14722 Section **78B-15-112, Standard of proof.**
- 14723 Section **78B-15-113, Parent-time rights of father.**
- 14724 Section **78B-15-114, Social Security number in tribunal records.**
- 14725 Section **78B-15-115, Settlement agreements.**
- 14726 Section **78B-16-101, Title.**
- 14727 Section **78B-20-101, Title.**
- 14728 Section 390. **Effective Date.**
- 14729 This bill takes effect on May 7, 2025.