

**Representative Paul A. Cutler** proposes the following substitute bill:

**CHILD CUSTODY PROCEEDINGS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul A. Cutler**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill concerns the protection of children in certain judicial proceedings.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
  - ▶ in certain proceedings involving child custody and parent-time:
    - specifies requirements for the admission of expert evidence; and
    - requires a court to consider specific evidence when determining custody and parent-time;
  - ▶ amends provisions regarding the supervision of supervised parent-time;
  - ▶ imposes certain requirements and limitations regarding orders to improve the relationship between a parent and a child;
  - ▶ requires the state court administrator to make recommendations regarding the education and training of court personnel involving child custody and related proceedings;
  - ▶ requires that certain protective order proceedings comply with specific standards;
- and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **30-3-10**, as last amended by Laws of Utah 2023, Chapters 44, 327

33 **30-3-10.1**, as last amended by Laws of Utah 2023, Chapter 44

34 **30-3-10.10**, as enacted by Laws of Utah 2006, Chapter 287

35 **30-3-34**, as last amended by Laws of Utah 2021, Chapter 399

36 **30-3-34.5**, as last amended by Laws of Utah 2022, Chapter 430

37 ENACTS:

38 **30-3-41**, Utah Code Annotated 1953

39 **78A-2-232**, Utah Code Annotated 1953

40 **78B-7-121**, Utah Code Annotated 1953

41 REPEALS:

42 **30-3-32**, as last amended by Laws of Utah 2022, Chapter 471



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

45 Section 1. Section **30-3-10** is amended to read:

46 **30-3-10. Custody of a child -- Custody factors.**

47 (1) If a married couple having one or more minor children are separated, or the married  
48 couple's marriage is declared void or dissolved, the court shall enter, and has continuing  
49 jurisdiction to modify, an order of custody and parent-time.

50 (2) (a) In determining any form of custody and parent-time under Subsection (1), the  
51 court shall consider the best interest of the child [~~and may consider among other factors the~~  
52 ~~court finds relevant, the following for each parent:~~].

53 (b) A court shall consider as primary the physical and psychological safety and  
54 well-being of a child and a parent who experiences domestic or family violence.

55 (3) In determining any form of custody and parent-time under Subsection (1), the court  
56 shall consider:

57 (a) for each parent, and in accordance with Section 30-3-41, evidence of domestic  
58 violence, physical abuse, or sexual abuse involving the child, the parent, or a household  
59 member of the parent;

60 (b) whether the parent has intentionally exposed the child to pornography or material  
61 harmful to minors, as "material" and "harmful to minors" are defined in Section 76-10-1201;  
62 and

63 (c) whether custody and parent-time would endanger the child's health or physical or  
64 psychological safety.

65 (4) In determining any form of custody and parent-time under Subsection (1), the court  
66 may consider, among other factors the court finds relevant, the following for each parent:

67 (a) evidence of [~~domestic violence, neglect, physical abuse, sexual abuse, or emotional~~  
68 ~~abuse, involving the child, the parent, or a household member of the parent]~~ psychological  
69 maltreatment;

70 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet  
71 the developmental needs of the child, including the child's:

72 (i) physical needs;

73 (ii) emotional needs;

74 (iii) educational needs;

75 (iv) medical needs; and

76 (v) any special needs;

77 (c) the parent's capacity and willingness to function as a parent, including:

78 (i) parenting skills;

79 (ii) co-parenting skills, including:

80 (A) ability to appropriately communicate with the other parent;

81 (B) ability to encourage the sharing of love and affection; and

82 (C) willingness to allow frequent and continuous contact between the child and the  
83 other parent, except that, if the court determines that the parent is acting to protect the child  
84 from domestic violence, neglect, or abuse, the parent's protective actions may be taken into  
85 consideration; and

86 (iii) ability to provide personal care rather than surrogate care;

87 (d) in accordance with Subsection [~~(10)~~] (12), the past conduct and demonstrated moral

88 character of the parent;

89 (e) the emotional stability of the parent;

90 (f) the parent's inability to function as a parent because of drug abuse, excessive  
91 drinking, or other causes;

92 ~~[(g) whether the parent has intentionally exposed the child to pornography or material  
93 harmful to minors, as "material" and "harmful to minors" are defined in Section 76-10-1201;]~~

94 ~~[(h)]~~ (g) the parent's reasons for having relinquished custody or parent-time in the past;

95 ~~[(i)]~~ (h) duration and depth of desire for custody or parent-time;

96 ~~[(j)]~~ (i) the parent's religious compatibility with the child;

97 ~~[(k)]~~ (j) the parent's financial responsibility;

98 ~~[(l)]~~ (k) the child's interaction and relationship with step-parents, extended family  
99 members of other individuals who may significantly affect the child's best interests;

100 ~~[(m)]~~ (l) who has been the primary caretaker of the child;

101 ~~[(n)]~~ (m) previous parenting arrangements in which the child has been happy and  
102 well-adjusted in the home, school, and community;

103 ~~[(o)]~~ (n) the relative benefit of keeping siblings together;

104 ~~[(p)]~~ (o) the stated wishes and concerns of the child, taking into consideration the  
105 child's cognitive ability and emotional maturity;

106 ~~[(q)]~~ (p) the relative strength of the child's bond with the parent, meaning the depth,  
107 quality, and nature of the relationship between the parent and the child; and

108 ~~[(r)]~~ (q) any other factor the court finds relevant.

109 ~~[(s)]~~ (5) There is a rebuttable presumption that joint legal custody, as defined in  
110 Section 30-3-10.1, is in the best interest of the child, except in cases when there is:

111 (a) in accordance with Section 30-3-41, evidence of domestic violence, neglect,  
112 physical abuse, sexual abuse, or emotional abuse involving the child, a parent, or a household  
113 member of the parent;

114 (b) special physical or mental needs of a parent or child, making joint legal custody  
115 unreasonable;

116 (c) physical distance between the residences of the parents, making joint decision  
117 making impractical in certain circumstances; or

118 (d) any other factor the court considers relevant including those listed in this section

119 and Section 30-3-10.2.

120 ~~[(4)]~~ (6) (a) The person who desires joint legal custody shall file a proposed parenting  
121 plan in accordance with Sections 30-3-10.8 and 30-3-10.9.

122 (b) A presumption for joint legal custody may be rebutted by a showing by a  
123 preponderance of the evidence that it is not in the best interest of the child.

124 ~~[(5)]~~ (7) (a) A child may not be required by either party to testify unless the trier of fact  
125 determines that extenuating circumstances exist that would necessitate the testimony of the  
126 child be heard and there is no other reasonable method to present the child's testimony.

127 (b) (i) The court may inquire of the child's and take into consideration the child's  
128 desires regarding future custody or parent-time schedules, but the expressed desires are not  
129 controlling and the court may determine the child's custody or parent-time otherwise.

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

132 (c) (i) If an interview with a child is conducted by the court pursuant to Subsection  
133 ~~[(5)(b)]~~ (7)(b), the interview shall be conducted by the judge in camera.

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

137 ~~[(6)]~~ (8) (a) Except as provided in Subsection ~~[(6)(b)]~~ (8)(b), a court may not  
138 discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding  
139 custody or determining whether a substantial change has occurred for the purpose of modifying  
140 an award of custody.

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

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

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

149 (c) Nothing in this section may be construed to apply to adoption proceedings under

150 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

151 ~~[(7)]~~ (9) This section does not establish a preference for either parent solely because of  
152 the gender of the parent.

153 ~~[(8)]~~ (10) This section establishes neither a preference nor a presumption for or against  
154 joint physical custody or sole physical custody, but allows the court and the family the widest  
155 discretion to choose a parenting plan that is in the best interest of the child.

156 ~~[(9)]~~ (11) When an issue before the court involves custodial responsibility in the event  
157 of a deployment of one or both parents who are service members and the service member has  
158 not yet been notified of deployment, the court shall resolve the issue based on the standards in  
159 Sections 78B-20-306 through 78B-20-309.

160 ~~[(10)]~~ (12) In considering the past conduct and demonstrated moral standards of each  
161 party under Subsection ~~[(2)]~~~~(d)~~ (4)(c) or any other factor a court finds relevant, the court may  
162 not:

163 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
164 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in  
165 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies,  
166 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection  
167 58-37-3.7(2) or (3) any differently than the court would consider or treat the lawful possession  
168 or use of any prescribed controlled substance; or

169 (b) discriminate against a parent because of the parent's status as a:

170 (i) cannabis production establishment agent, as that term is defined in Section  
171 4-41a-102;

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

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

174 (iv) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,  
175 Cannabinoid Research and Medical Cannabis.

176 Section 2. Section 30-3-10.1 is amended to read:

177 **30-3-10.1. Definitions -- Joint legal custody -- Joint physical custody.**

178 As used in this chapter:

179 (1) "Abuse" means the same as that term is defined in Section 80-1-102.

180 (2) (a) "Custodial responsibility" includes all powers and duties relating to caretaking

181 authority and decision-making authority for a child.

182 (b) "Custodial responsibility" includes physical custody, legal custody, parenting time,  
183 right to access, visitation, and authority to grant limited contact with a child.

184 [~~(2)~~] (3) "Domestic violence" means the same as that term is defined in Section  
185 77-36-1.

186 (4) "Joint legal custody":

187 (a) means the sharing of the rights, privileges, duties, and powers of a parent by both  
188 parents, where specified;

189 (b) may include an award of exclusive authority by the court to one parent to make  
190 specific decisions;

191 (c) does not affect the physical custody of the child except as specified in the order of  
192 joint legal custody;

193 (d) is not based on awarding equal or nearly equal periods of physical custody of and  
194 access to the child to each of the parents, as the best interest of the child often requires that a  
195 primary physical residence for the child be designated; and

196 (e) does not prohibit the court from specifying one parent as the primary caretaker and  
197 one home as the primary residence of the child.

198 [~~(3)~~] (5) "Joint physical custody":

199 (a) means the child stays with each parent overnight for more than 30% of the year, and  
200 both parents contribute to the expenses of the child in addition to paying child support;

201 (b) can mean equal or nearly equal periods of physical custody of and access to the  
202 child by each of the parents, as required to meet the best interest of the child;

203 (c) may require that a primary physical residence for the child be designated; and

204 (d) does not prohibit the court from specifying one parent as the primary caretaker and  
205 one home as the primary residence of the child.

206 (6) "Protective order" means:

207 (a) a civil protective order, as that term is defined in Section 78B-7-102;

208 (b) an ex parte civil protective order, as that term is defined in Section 78B-7-102; or

209 (c) a foreign protection order, as that term is defined in Section 78B-7-302.

210 (7) "Psychological maltreatment" means a repeated pattern or extreme incident of  
211 caretaker behavior that:

212 (a) intentionally thwarts a child's basic psychological needs, including physical and  
213 psychological safety, cognitive stimulation, and respect;

214 (b) conveys that a child is worthless, defective, or expendable; and

215 (c) may terrorize a child.

216 [~~4~~] (8) "Service member" means a member of a uniformed service.

217 (9) "Sexual abuse" means the same as that term is defined in Section [80-1-102](#).

218 [~~5~~] (10) "Uniformed service" means:

219 (a) active and reserve components of the United States Armed Forces;

220 (b) the United States Merchant Marine;

221 (c) the commissioned corps of the United States Public Health Service;

222 (d) the commissioned corps of the National Oceanic and Atmospheric Administration  
223 of the United States; or

224 (e) the National Guard of a state.

225 Section 3. Section **30-3-10.10** is amended to read:

226 **30-3-10.10. Parenting plan -- Domestic violence.**

227 (1) In any proceeding regarding a parenting plan, the court shall consider evidence of  
228 domestic violence in accordance with Section [30-3-41](#), if presented.

229 (2) If there is a protective order, civil stalking injunction, or the court finds that a  
230 parent has committed domestic violence, the court shall consider the impact of domestic  
231 violence in awarding parent-time, and make specific findings regarding the award of  
232 parent-time.

233 (3) If the court orders parent-time and a protective order or civil stalking injunction is  
234 still in place, it shall consider whether to order the parents to conduct parent-time pick-up and  
235 transfer through a third party. The parent who is the stated victim in the order or injunction  
236 may submit to the court, and the court shall consider, the name of a person considered suitable  
237 to act as the third party.

238 (4) If the court orders the parents to conduct parent-time through a third party, the  
239 parenting plan shall specify the time, day, place, manner, and the third party to be used to  
240 implement the exchange.

241 Section 4. Section **30-3-34** is amended to read:

242 **30-3-34. Parent-time -- Best interests -- Rebuttable presumption.**



243 (1) If the parties are unable to agree on a parent-time schedule, the court may:  
244 (a) establish a parent-time schedule; or  
245 (b) order a parent-time schedule described in Section 30-3-35, 30-3-35.1, 30-3-35.2, or  
246 30-3-35.5.

247 (2) The advisory guidelines as provided in Section 30-3-33 and the parent-time  
248 schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be considered the minimum  
249 parent-time to which the noncustodial parent and the child shall be entitled.

250 (3) In accordance with Section 30-3-41, when ordering a parent-time schedule a court  
251 shall consider:

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

254 (b) whether parent-time would endanger the child's health or physical or psychological  
255 safety.

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

257 [~~(a) whether parent-time would endanger the child's physical health or mental health,~~  
258 ~~or significantly impair the child's emotional development;]~~

259 [~~(b) (a) evidence of [domestic violence, neglect, physical abuse, sexual abuse, or~~  
260 ~~emotional abuse, involving the child, a parent, or a household member of the parent]~~  
261 ~~psychological maltreatment;~~

262 [~~(c) (b) the distance between the residency of the child and the noncustodial parent;~~

263 [~~(d) a credible allegation of child abuse has been made;]~~

264 [~~(e) (c) the lack of demonstrated parenting skills without safeguards to ensure the~~  
265 ~~child's well-being during parent-time;~~

266 [~~(f) (d) the financial inability of the noncustodial parent to provide adequate food and~~  
267 ~~shelter for the child during periods of parent-time;~~

268 [~~(g) (e) the preference of the child if the court determines the child is of sufficient~~  
269 ~~maturity;~~

270 [~~(h) (f) the incarceration of the noncustodial parent in a county jail, secure youth~~  
271 ~~corrections facility, or an adult corrections facility;~~

272 [~~(i) (g) shared interests between the child and the noncustodial parent;~~

273 [~~(j) (h) the involvement or lack of involvement of the noncustodial parent in the~~

274 school, community, religious, or other related activities of the child;

275 ~~[(k)]~~ (i) the availability of the noncustodial parent to care for the child when the  
276 custodial parent is unavailable to do so because of work or other circumstances;

277 ~~[(h)]~~ (j) a substantial and chronic pattern of missing, canceling, or denying regularly  
278 scheduled parent-time;

279 ~~[(m)]~~ (k) the minimal duration of and lack of significant bonding in the parents'  
280 relationship before the conception of the child;

281 ~~[(n)]~~ (l) the parent-time schedule of siblings;

282 ~~[(o)]~~ (m) the lack of reasonable alternatives to the needs of a nursing child; and

283 ~~[(p)]~~ (n) any other criteria the court determines relevant to the best interests of the  
284 child.

285 ~~[(4)]~~ (5) The court shall enter the reasons underlying the court's order for parent-time  
286 that:

287 (a) incorporates a parent-time schedule provided in Section 30-3-35 or 30-3-35.5; or

288 (b) provides more or less parent-time than a parent-time schedule provided in Section  
289 30-3-35 or 30-3-35.5.

290 ~~[(5)]~~ (6) A court may not order a parent-time schedule unless the court determines by a  
291 preponderance of the evidence that the parent-time schedule is in the best interest of the child.

292 ~~[(6)]~~ (7) Once the parent-time schedule has been established, the parties may not alter  
293 the schedule except by mutual consent of the parties or a court order.

294 Section 5. Section 30-3-34.5 is amended to read:

295 **30-3-34.5. Supervised parent-time.**

296 (1) Considering the fundamental liberty interests of parents and children, it is the  
297 policy of this state that divorcing parents have unrestricted and unsupervised access to their  
298 children. When necessary to protect a child and no less restrictive means is reasonably  
299 available however, and in accordance with Section 30-3-41, a court may order supervised  
300 parent-time if the court finds evidence that the child would be subject to physical or emotional  
301 harm or child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, ~~[and]~~  
302 76-5-114, and 80-1-102, from the noncustodial parent if left unsupervised with the  
303 noncustodial parent.

304 (2) ~~[A court that]~~ If the court finds evidence of domestic violence, child abuse, or an

305 ongoing risk to a child, and orders supervised parent-time, the court shall give preference to  
306 [persons suggested by the parties to supervise, including relatives] supervision by a  
307 professional individual or agency trained in child abuse reporting laws, the developmental  
308 needs of a child, and the dynamics of domestic violence, child abuse, sexual abuse, and  
309 substance abuse.

310 (3) If a professional individual or agency described in Subsection (2) is not available,  
311 affordable, or practicable under the circumstances, a court shall give preference to supervision  
312 by an individual who is:

313 (a) capable and willing to provide physical and psychological safety and security to the  
314 child, and to assist in the avoidance and prevention of domestic and family violence; and

315 (b) is trained in child abuse reporting laws, the developmental needs of a child, and the  
316 dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.

317 (4) ~~[If the court finds that the persons suggested by the parties are]~~ If an individual  
318 described in Subsection (2) or (3) is not available, affordable, or practicable under the  
319 circumstances, or if the court does not find evidence of domestic violence, child abuse, or an  
320 ongoing risk to a child, a court may order supervised visitation that is supervised by an  
321 individual who is willing to supervise, and [are] is capable of protecting the [children] child  
322 from physical or emotional harm, or child abuse, [the court shall authorize the persons to  
323 supervise parent-time] and the court shall give preference to individuals suggested by the  
324 parties, including relatives.

325 ~~[(3) If the court is unable to authorize any persons to supervise parent-time pursuant to~~  
326 ~~Subsection (2), the court may require that the noncustodial parent seek the services of a~~  
327 ~~professional individual or agency to exercise their supervised parent-time.]~~

328 ~~[(4)]~~ (5) At the time supervised parent-time is imposed, the court shall consider:

329 (a) whether the cost of professional or agency services is likely to prevent the  
330 noncustodial parent from exercising parent-time; and

331 (b) whether the requirement for supervised parent-time should expire after a set period  
332 of time.

333 ~~[(5)]~~ (6) ~~[The]~~ Except when the court makes a finding that, due to abuse by or the  
334 incapacity of the noncustodial parent, supervised parent-time will be necessary indefinitely to  
335 ensure the physical or psychological safety and protection of the child, the court shall, in its

336 order for supervised parent-time, provide specific goals and expectations for the noncustodial  
337 parent to accomplish before unsupervised parent-time may be granted. The court shall schedule  
338 one or more follow-up hearings to revisit the issue of supervised parent-time.

339 ~~[(6)]~~ (7) A noncustodial parent may, at any time, petition the court to modify the order  
340 for supervised parent-time if the noncustodial parent can demonstrate that the specific goals  
341 and expectations set by the court in Subsection ~~[(5)]~~ (6) have been accomplished.

342 Section 6. Section 30-3-41 is enacted to read:

343 **30-3-41. Definitions -- Expert evidence -- Violence or abuse findings -- Child**  
344 **relationship and reunification.**

345 (1) As used in this section:

346 (a) (i) "Child custody proceeding" means a civil proceeding between the parents of a  
347 child that involves the care or custody of the child, including proceedings involving:

348 (A) divorce;

349 (B) separation;

350 (C) visitation;

351 (D) paternity;

352 (E) child support; or

353 (F) legal or physical custody of the child.

354 (ii) "Child custody proceeding" does not include:

355 (A) a child protective, abuse, or neglect proceeding;

356 (B) a juvenile justice proceeding; or

357 (C) a child placement proceeding in which a state, local, or tribal government, a  
358 designee of such a government, or any contracted child welfare agency or child protective  
359 services agency of such a government is a party to the proceeding.

360 (b) "Forensic" means professional activities undertaken pursuant to a court order or for  
361 use in litigation, including the evaluation or treatment of a parent, child, or other individual  
362 who is involved in a child custody proceeding.

363 (c) "Reunification treatment" means a treatment or therapy aimed at reuniting or  
364 reestablishing a relationship between a child and an estranged or rejected parent or other family  
365 member of the child.

366 (2) In a child custody proceeding, if a parent is alleged to have committed domestic

367 violence or abuse, including sexual abuse:

368 (a) the court may admit expert evidence from a court-appointed or outside professional  
369 relating to alleged domestic violence or abuse only if the professional possesses demonstrated  
370 expertise and adequate experience in working with victims of domestic violence or abuse,  
371 including sexual abuse, that is not solely of a forensic nature; and

372 (b) in making a finding regarding an allegation of domestic violence or abuse,  
373 including sexual abuse, the court shall consider evidence of past domestic violence, sexual  
374 violence, or abuse committed by the accused parent, including:

375 (i) any past or current protective order against the accused parent; or

376 (ii) any charge, arrest, or conviction of the accused parent for domestic violence, sexual  
377 violence, or abuse.

378 (3) Subsection (2) does not preclude the court from admitting expert evidence, subject  
379 to rules of evidence, from a court-appointed or outside professional relating to issues other than  
380 alleged domestic violence or abuse.

381 (4) As part of a child custody proceeding, a court may not, solely in order to improve a  
382 deficient relationship between the other parent and a child:

383 (a) remove the child from a parent or litigating party:

384 (i) who is competent and not physically or sexually abusive; and

385 (ii) with whom the child is bonded; or

386 (b) restrict reasonable contact between the child and a parent or litigating party:

387 (i) who is competent and not physically or sexually abusive; and

388 (ii) with whom the child is bonded.

389 (5) As part of a child custody proceeding:

390 (a) a court may not order a reunification treatment unless there is generally accepted  
391 proof of the physical and psychological safety, effectiveness, and therapeutic value of the  
392 reunification treatment;

393 (b) a court may not order a reunification treatment that is predicated on cutting off a  
394 child from a parent:

395 (i) who is competent and not physically or sexually abusive; and

396 (ii) with whom the child is bonded;

397 (c) any order to remediate the resistance of a child to have contact with a violent or

398 abusive parent shall primarily address the behavior of that parent or the contributions of that  
399 parent to the resistance of the child; and

400 (d) any order to a parent who meets the criteria in Subsections (5)(b)(i) and (ii), and  
401 that requires the parent to take steps to potentially improve the child's relationship with a  
402 violent or abusive parent, shall:

403 (i) prioritize the child's physical and psychological safety and psychological needs; and

404 (ii) be narrowly tailored to address specific behavior.

405 Section 7. Section 78A-2-232 is enacted to read:

406 **78A-2-232. Child abuse and domestic abuse education and training for judges,**  
407 **court commissioners, and court personnel.**

408 (1) As used in this section:

409 (a) "Advocacy services provider" means the same as that term is defined in Section  
410 [77-38-403](#).

411 (b) "Child custody proceeding" means a civil proceeding between the parents of a child  
412 that involves the care or custody of the child including proceedings involving:

413 (i) divorce;

414 (ii) separation;

415 (iii) visitation;

416 (iv) paternity;

417 (v) child support;

418 (vi) legal or physical custody of a child; or

419 (vii) a civil protective order as that term is defined in Section [78B-7-102](#).

420 (2) The state court administrator described in Section [78A-2-105](#) shall develop or  
421 recommend a proposed training and education program that:

422 (a) shall be designed to improve the ability of the courts to:

423 (i) recognize domestic violence and child abuse in child custody proceedings; and

424 (ii) make appropriate custody decisions that prioritize a child's physical and  
425 psychological safety and well-being;

426 (b) shall focus solely on domestic and sexual violence and child abuse, including:

427 (i) child sexual abuse;

428 (ii) physical abuse;

429           (iii) emotional abuse;  
430           (iv) coercive control;  
431           (v) implicit and explicit bias, including biases relating to parents with disabilities;  
432           (vi) trauma;  
433           (vii) long-term and short-term impacts of domestic violence and child abuse on  
434 children; and  
435           (viii) victim and perpetrator behavior patterns and relationship dynamics within the  
436 cycle of violence;  
437           (c) shall require training to be provided by a professional with substantial experience in  
438 assisting survivors of domestic violence or child abuse, including an advocacy services  
439 provider;  
440           (d) may include input from a survivor of domestic violence or child physical or sexual  
441 abuse; and  
442           (e) may incorporate curriculum, best practices, or other materials developed for or used  
443 in similar training and education programs.  
444           (3) (a) The state court administrator shall present the proposed or recommended  
445 training and education program to the Judiciary Interim Committee on or before the  
446 committee's September 2024 interim meeting.  
447           (b) The presentation described in Subsection (3)(a) shall include:  
448           (i) recommendations for the specific personnel positions that will be required to  
449 participate in the program;  
450           (ii) recommended performance metrics for the program and how those metrics may be  
451 tracked;  
452           (iii) an estimate of the costs to implement the program; and  
453           (iv) an identification of potential grant sources, if any, that may be available to fund the  
454 program in whole or in part.  
455           Section 8. Section **78B-7-121** is enacted to read:  
456           **78B-7-121. Requirements for proceedings between the parents of a child.**  
457           (1) (a) As used in this section, "relevant proceeding" means a civil proceeding under  
458 this chapter:  
459           (i) between the parents of a child;

460           (ii) that involves the care or custody of the child; and  
461           (iii) that concerns a protective order under this chapter.  
462           (b) "Relevant proceeding" does not include:  
463           (i) any child protective, abuse, or neglect proceeding;  
464           (ii) a juvenile justice proceeding; or  
465           (iii) any child placement proceeding in which a state, local, or tribal government, a  
466 designee of such a government, or any contracted child welfare agency or child protective  
467 services agency of such a government is a party to the proceeding.  
468           (2) In a relevant proceeding, the court shall comply with the standards described in  
469 Section [30-3-41](#).  
470           Section 9. **Repealer.**  
471           This bill repeals:  
472           Section [30-3-32](#), **Parent-time -- Definitions -- Considerations for parent-time --**  
473 **Relocation.**  
474           Section 10. **Effective date.**  
475           This bill takes effect on May 1, 2024.