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DOMESTIC RELATIONS RECODIFICATION
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Todd D. Weiler
House Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill recodifies and amends statutes related to domestic relations.

Highlighted Provisions:

This bill:

- ▶ recodifies Title 30, Husband and Wife, to Title 81, Utah Domestic Relations Code;
- ▶ recodifies Title 78B, Chapter 12, Utah Child Support Act, to Title 81, Chapter 6, Child Support;
- ▶ defines terms;
- ▶ clarifies provisions related to a claim of a creditor when the joint debtors divorce or are living separately under an order of separate maintenance;
- ▶ clarifies the validation of a marriage to an individual subject to chronic epileptic fits who had not been sterilized;
- ▶ clarifies the validation of an interracial marriage;
- ▶ clarifies the validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease;
- ▶ clarifies provisions regarding the rights and obligations during a marriage;
- ▶ clarifies provisions regarding the dissolution of a marriage, including:
 - an order for separate maintenance;
 - an annulment; and
 - a divorce;
- ▶ provides that a provision regarding a party's retirement being a substantial material change in circumstances for purposes of modifying alimony applies to a divorce decree regardless of the date which the divorce decree was entered;
- ▶ clarifies provisions regarding child support, including:

- 28 • the requirements for a child support order;
- 29 • the general requirements for calculating child support; and
- 30 • the requirements for calculating child support for a sole physical custody case, a joint
- 31 physical custody case, and a split physical custody case;
- 32 ▸ clarifies provisions regarding custody, parent-time, and visitation;
- 33 ▸ repeals statutes related to domestic relations, including a statute on the appointment of
- 34 counsel for a child; and
- 35 ▸ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill provides a special effective date.

40 This bill provides coordination clauses.

41 **Utah Code Sections Affected:**

42 AMENDS:

- 43 **15-4-1 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 327
- 44 **15-4-6.5 (Effective 09/01/24)**, as last amended by Laws of Utah 2000, Chapter 252
- 45 **15-4-6.7 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 327
- 46 **17-16-21 (Effective 09/01/24)**, as last amended by Laws of Utah 2022, Chapter 335
- 47 **23A-4-1102 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 327
- 48 and renumbered and amended by Laws of Utah 2023, Chapter 103
- 49 **26B-1-202 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 302
- 50 **26B-5-316 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
- 51 Chapter 308
- 52 **26B-6-411 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
- 53 Chapter 308
- 54 **26B-8-101 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 306 and
- 55 last amended by Coordination Clause, Laws of Utah 2023, Chapter 306
- 56 **26B-9-101 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 305
- 57 **26B-9-104 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
- 58 Chapter 305
- 59 **26B-9-201 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
- 60 Chapter 305
- 61 **26B-9-202 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,

62 Chapter 305
63 **26B-9-210 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
64 Chapter 305
65 **26B-9-211 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
66 Chapter 305
67 **26B-9-212 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
68 Chapter 305
69 **26B-9-213 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
70 Chapter 305
71 **26B-9-214 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
72 Chapter 305
73 **26B-9-217 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
74 Chapter 305
75 **26B-9-220 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
76 Chapter 305
77 **26B-9-221 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
78 Chapter 305
79 **26B-9-224 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
80 Chapter 305
81 **26B-9-225 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
82 Chapter 305
83 **26B-9-226 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
84 Chapter 305
85 **26B-9-230 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
86 Chapter 305
87 **26B-9-301 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
88 Chapter 305
89 **26B-9-303 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
90 Chapter 305
91 **26B-9-304 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
92 Chapter 305
93 **26B-9-403 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
94 Chapter 305
95 **26B-9-405 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,

96 Chapter 305
97 **26B-9-501 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
98 Chapter 305
99 **31A-22-610.5 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 327
100 **35A-3-307 (Effective 09/01/24)**, as last amended by Laws of Utah 2015, Chapter 221
101 **51-9-408 (Effective 09/01/24)**, as last amended by Laws of Utah 2021, Chapter 262
102 **58-60-112 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 139
103 **63G-20-201 (Effective 09/01/24)**, as enacted by Laws of Utah 2015, Chapter 46
104 **63I-1-278 (Effective 09/01/24)**, as last amended by Laws of Utah 2022, Chapters 188,
105 318, 384, and 423
106 **63I-2-278 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapters 33 and
107 250
108 **63M-15-204 (Effective 09/01/24)**, as enacted by Laws of Utah 2021, Chapter 91
109 **76-8-1201 (Effective 09/01/24)**, as last amended by Laws of Utah 2015, Chapter 221
110 **77-36-1 (Effective 09/01/24)**, as last amended by Laws of Utah 2022, Chapters 185 and
111 430
112 **77-38-615 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 237
113 **78A-2-301 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 330
114 **78A-5a-103 (Effective 10/01/24)**, as enacted by Laws of Utah 2023, Chapter 394
115 **78A-6-103 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapters 115,
116 161, 264, and 330
117 **78A-6-104 (Effective 09/01/24)**, as last amended by Laws of Utah 2022, Chapter 335
118 **78A-6-356 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 330
119 **78B-3-416 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 139
120 **78B-3-426 (Effective 09/01/24)**, as last amended by Laws of Utah 2018, Chapter 440
121 **78B-6-316 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
122 Chapter 3
123 **78B-7-204 (Effective 09/01/24)**, as last amended by Laws of Utah 2021, Chapter 262
124 **78B-15-102 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
125 Chapter 3
126 **78B-15-113 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
127 Chapter 3
128 **78B-15-603 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
129 Chapter 3

130 **78B-15-610 (Effective 09/01/24)**, as last amended by Laws of Utah 2019, Chapter 188
131 **78B-15-623 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
132 Chapter 3
133 **78B-20-403 (Effective 09/01/24)**, as last amended by Laws of Utah 2017, Chapter 224
134 **78B-20-404 (Effective 09/01/24)**, as last amended by Laws of Utah 2017, Chapter 224
135 **80-2-906 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2022,
136 Chapter 334

137 ENACTS:

138 **63I-1-281 (Effective 09/01/24)**, Utah Code Annotated 1953
139 **63I-2-281 (Effective 09/01/24)**, Utah Code Annotated 1953
140 **81-1-101 (Effective 09/01/24)**, Utah Code Annotated 1953
141 **81-1-201 (Effective 09/01/24)**, Utah Code Annotated 1953
142 **81-1-202 (Effective 09/01/24)**, Utah Code Annotated 1953
143 **81-1-204 (Effective 09/01/24)**, Utah Code Annotated 1953
144 **81-2-101 (Effective 09/01/24)**, Utah Code Annotated 1953
145 **81-2-301 (Effective 09/01/24)**, Utah Code Annotated 1953
146 **81-2-401 (Effective 09/01/24)**, Utah Code Annotated 1953
147 **81-3-101 (Effective 09/01/24)**, Utah Code Annotated 1953
148 **81-4-101 (Effective 09/01/24)**, Utah Code Annotated 1953
149 **81-4-201 (Effective 09/01/24)**, Utah Code Annotated 1953
150 **81-4-301 (Effective 09/01/24)**, Utah Code Annotated 1953
151 **81-4-401 (Effective 09/01/24)**, Utah Code Annotated 1953
152 **81-4-402 (Effective 09/01/24)**, Utah Code Annotated 1953
153 **81-4-406 (Effective 09/01/24)**, Utah Code Annotated 1953
154 **81-4-501 (Effective 09/01/24)**, Utah Code Annotated 1953
155 **81-4-502 (Effective 09/01/24)**, Utah Code Annotated 1953
156 **81-4-503 (Effective 09/01/24)**, Utah Code Annotated 1953
157 **81-4-504 (Effective 09/01/24)**, Utah Code Annotated 1953
158 **81-5-101 (Effective 09/01/24)**, Utah Code Annotated 1953
159 **81-6-102 (Effective 09/01/24)**, Utah Code Annotated 1953
160 **81-6-201 (Effective 09/01/24)**, Utah Code Annotated 1953
161 **81-6-204 (Effective 09/01/24)**, Utah Code Annotated 1953
162 **81-6-205 (Effective 09/01/24)**, Utah Code Annotated 1953
163 **81-6-206 (Effective 09/01/24)**, Utah Code Annotated 1953

164 **81-6-207 (Effective 09/01/24)**, Utah Code Annotated 1953

165 **81-6-212 (Effective 09/01/24)**, Utah Code Annotated 1953

166 **81-6-213 (Effective 09/01/24)**, Utah Code Annotated 1953

167 **81-6-301 (Effective 09/01/24)**, Utah Code Annotated 1953

168 **81-6-401 (Effective 09/01/24)**, Utah Code Annotated 1953

169 **81-7-101 (Effective 09/01/24)**, Utah Code Annotated 1953

170 **81-8-101 (Effective 09/01/24)**, Utah Code Annotated 1953

171 **81-9-201 (Effective 09/01/24)**, Utah Code Annotated 1953

172 **81-9-301 (Effective 09/01/24)**, Utah Code Annotated 1953

173 RENUMBERS AND AMENDS:

174 **81-1-203 (Effective 09/01/24)**, (Renumbered from 30-3-3, as last amended by Laws of
175 Utah 2020, Chapter 142)

176 **81-2-102 (Effective 09/01/24)**, (Renumbered from 30-1-4.1, as enacted by Laws of
177 Utah 2004, Chapter 261)

178 **81-2-201 (Effective 09/01/24)**, (Renumbered from 30-1-36, as last amended by Laws
179 of Utah 2018, Chapter 347)

180 **81-2-202 (Effective 09/01/24)**, (Renumbered from 30-1-30, as last amended by Laws
181 of Utah 2018, Chapter 347)

182 **81-2-203 (Effective 09/01/24)**, (Renumbered from 30-1-31, as enacted by Laws of
183 Utah 1971, Chapter 64)

184 **81-2-204 (Effective 09/01/24)**, (Renumbered from 30-1-32, as last amended by Laws
185 of Utah 2011, Chapter 297)

186 **81-2-205 (Effective 09/01/24)**, (Renumbered from 30-1-33, as last amended by Laws
187 of Utah 2011, Chapter 297)

188 **81-2-206 (Effective 09/01/24)**, (Renumbered from 30-1-34, as last amended by Laws
189 of Utah 2021, Chapter 91)

190 **81-2-207 (Effective 09/01/24)**, (Renumbered from 30-1-35, as last amended by Laws
191 of Utah 2011, Chapter 297)

192 **81-2-208 (Effective 09/01/24)**, (Renumbered from 30-1-37, as last amended by Laws
193 of Utah 2011, Chapter 297)

194 **81-2-209 (Effective 09/01/24)**, (Renumbered from 30-1-38, as enacted by Laws of
195 Utah 1971, Chapter 64)

196 **81-2-302 (Effective 09/01/24)**, (Renumbered from 30-1-7, as last amended by Laws of
197 Utah 2021, Chapter 305)

- 198 **81-2-303 (Effective 09/01/24)**, (Renumbered from 30-1-8, as last amended by Laws of
199 Utah 2021, Chapter 305)
- 200 **81-2-304 (Effective 09/01/24)**, (Renumbered from 30-1-9, as last amended by Laws of
201 Utah 2021, Chapter 305)
- 202 **81-2-305 (Effective 09/01/24)**, (Renumbered from 30-1-6, as last amended by Laws of
203 Utah 2022, Chapter 444)
- 204 **81-2-306 (Effective 09/01/24)**, (Renumbered from 30-1-12, as last amended by Laws
205 of Utah 2023, Chapter 327)
- 206 **81-2-402 (Effective 09/01/24)**, (Renumbered from 30-1-1, as last amended by Laws of
207 Utah 2022, Chapter 217)
- 208 **81-2-403 (Effective 09/01/24)**, (Renumbered from 30-1-2, as last amended by Laws of
209 Utah 2019, Chapters 300 and 317)
- 210 **81-2-404 (Effective 09/01/24)**, (Renumbered from 30-1-2.1, as enacted by Laws of
211 Utah 1963, Chapter 41)
- 212 **81-2-405 (Effective 09/01/24)**, (Renumbered from 30-1-2.2, as last amended by Laws
213 of Utah 1995, Chapter 20)
- 214 **81-2-406 (Effective 09/01/24)**, (Renumbered from 30-1-2.3, as last amended by Laws
215 of Utah 1995, Chapter 20)
- 216 **81-2-407 (Effective 09/01/24)**, (Renumbered from 30-1-4, as last amended by Laws of
217 Utah 2019, Chapter 300)
- 218 **81-2-408 (Effective 09/01/24)**, (Renumbered from 30-1-4.5, as last amended by Laws
219 of Utah 2021, Chapter 186)
- 220 **81-2-409 (Effective 09/01/24)**, (Renumbered from 30-1-3, as repealed and reenacted by
221 Laws of Utah 2022, Chapter 217)
- 222 **81-3-102 (Effective 09/01/24)**, (Renumbered from 30-2-2, Utah Code Annotated 1953)
- 223 **81-3-103 (Effective 09/01/24)**, (Renumbered from 30-2-3, Utah Code Annotated 1953)
- 224 **81-3-104 (Effective 09/01/24)**, (Renumbered from 30-2-4, Utah Code Annotated 1953)
- 225 **81-3-105 (Effective 09/01/24)**, (Renumbered from 30-2-5, as last amended by Laws of
226 Utah 2023, Chapter 327)
- 227 **81-3-106 (Effective 09/01/24)**, (Renumbered from 30-2-6, Utah Code Annotated 1953)
- 228 **81-3-107 (Effective 09/01/24)**, (Renumbered from 30-2-7, as last amended by Laws of
229 Utah 2011, Chapter 297)
- 230 **81-3-108 (Effective 09/01/24)**, (Renumbered from 30-2-8, Utah Code Annotated 1953)
- 231 **81-3-109 (Effective 09/01/24)**, (Renumbered from 30-2-9, as last amended by Laws of

- 232 Utah 2015, Chapter 457)
- 233 **81-3-110 (Effective 09/01/24)**, (Renumbered from 30-2-10, as last amended by Laws
234 of Utah 1977, Chapter 122)
- 235 **81-3-111 (Effective 09/01/24)**, (Renumbered from 30-2-11, as last amended by Laws
236 of Utah 2008, Chapters 3 and 382)
- 237 **81-3-201 (Effective 09/01/24)**, (Renumbered from 30-8-2, as enacted by Laws of Utah
238 1994, Chapter 105)
- 239 **81-3-202 (Effective 09/01/24)**, (Renumbered from 30-8-3, as last amended by Laws of
240 Utah 2011, Chapter 297)
- 241 **81-3-203 (Effective 09/01/24)**, (Renumbered from 30-8-4, as enacted by Laws of Utah
242 1994, Chapter 105)
- 243 **81-3-204 (Effective 09/01/24)**, (Renumbered from 30-8-5, as enacted by Laws of Utah
244 1994, Chapter 105)
- 245 **81-3-205 (Effective 09/01/24)**, (Renumbered from 30-8-6, as enacted by Laws of Utah
246 1994, Chapter 105)
- 247 **81-3-206 (Effective 09/01/24)**, (Renumbered from 30-8-7, as enacted by Laws of Utah
248 1994, Chapter 105)
- 249 **81-3-207 (Effective 09/01/24)**, (Renumbered from 30-8-8, as enacted by Laws of Utah
250 1994, Chapter 105)
- 251 **81-3-208 (Effective 09/01/24)**, (Renumbered from 30-8-9, as enacted by Laws of Utah
252 1994, Chapter 105)
- 253 **81-4-102 (Effective 09/01/24)**, (Renumbered from 30-1-17.4, as enacted by Laws of
254 Utah 1971, Chapter 65)
- 255 **81-4-103 (Effective 09/01/24)**, (Renumbered from 30-4a-1, as enacted by Laws of
256 Utah 1983, Chapter 118)
- 257 **81-4-104 (Effective 09/01/24)**, (Renumbered from 30-3-4.5, as last amended by Laws
258 of Utah 2010, Chapter 34)
- 259 **81-4-105 (Effective 09/01/24)**, (Renumbered from 30-3-11.4, as last amended by
260 Laws of Utah 2022, Chapter 272)
- 261 **81-4-106 (Effective 09/01/24)**, (Renumbered from 30-3-11.3, as last amended by
262 Laws of Utah 2022, Chapter 272)
- 263 **81-4-202 (Effective 09/01/24)**, (Renumbered from 30-4-1, as last amended by Laws of
264 Utah 1993, Chapter 137)
- 265 **81-4-203 (Effective 09/01/24)**, (Renumbered from 30-4-2, as last amended by Laws of

266 Utah 1977, Chapter 122)
267 **81-4-204 (Effective 09/01/24)**, (Renumbered from 30-4-3, as last amended by Laws of
268 Utah 1991, Chapter 257)
269 **81-4-205 (Effective 09/01/24)**, (Renumbered from 30-4-4, Utah Code Annotated 1953)
270 **81-4-206 (Effective 09/01/24)**, (Renumbered from 30-4-5, as last amended by Laws of
271 Utah 1977, Chapter 122)
272 **81-4-302 (Effective 09/01/24)**, (Renumbered from 30-1-17.1, as enacted by Laws of
273 Utah 1971, Chapter 65)
274 **81-4-303 (Effective 09/01/24)**, (Renumbered from 30-1-17, as last amended by Laws
275 of Utah 2019, Chapter 300)
276 **81-4-403 (Effective 09/01/24)**, (Renumbered from 30-3-39, as last amended by Laws
277 of Utah 2008, Chapter 3)
278 **81-4-404 (Effective 09/01/24)**, (Renumbered from 30-3-5.2, as last amended by Laws
279 of Utah 2022, Chapter 335)
280 **81-4-405 (Effective 09/01/24)**, (Renumbered from 30-3-1, as last amended by Laws of
281 Utah 1997, Chapter 47)
282 **81-6-101 (Effective 09/01/24)**, (Renumbered from 78B-12-102, as last amended by
283 Laws of Utah 2023, Chapters 330 and 333)
284 **81-6-103 (Effective 09/01/24)**, (Renumbered from 78B-12-103, as renumbered and
285 amended by Laws of Utah 2008, Chapter 3)
286 **81-6-104 (Effective 09/01/24)**, (Renumbered from 78B-12-105, as renumbered and
287 amended by Laws of Utah 2008, Chapter 3)
288 **81-6-105 (Effective 09/01/24)**, (Renumbered from 78B-12-105.1, as enacted by
289 Laws of Utah 2021, Chapters 111 and 111)
290 **81-6-106 (Effective 09/01/24)**, (Renumbered from 78B-12-113, as last amended by
291 Laws of Utah 2023, Chapter 330)
292 **81-6-107 (Effective 09/01/24)**, (Renumbered from 78B-12-201, as renumbered and
293 amended by Laws of Utah 2008, Chapter 3)
294 **81-6-108 (Effective 09/01/24)**, (Renumbered from 78B-12-109, as renumbered and
295 amended by Laws of Utah 2008, Chapter 3)
296 **81-6-109 (Effective 09/01/24)**, (Renumbered from 78B-12-115, as renumbered and
297 amended by Laws of Utah 2008, Chapter 3)
298 **81-6-110 (Effective 09/01/24)**, (Renumbered from 78B-12-114, as renumbered and
299 amended by Laws of Utah 2008, Chapter 3)

300 **81-6-202 (Effective 09/01/24)**, (Renumbered from 78B-12-210, as last amended by
301 Laws of Utah 2022, Chapter 470)
302 **81-6-203 (Effective 09/01/24)**, (Renumbered from 78B-12-203, as last amended by
303 Laws of Utah 2017, Chapter 368)
304 **81-6-208 (Effective 09/01/24)**, (Renumbered from 78B-12-212, as last amended by
305 Laws of Utah 2023, Chapter 333)
306 **81-6-209 (Effective 09/01/24)**, (Renumbered from 78B-12-214, as renumbered and
307 amended by Laws of Utah 2008, Chapter 3)
308 **81-6-210 (Effective 09/01/24)**, (Renumbered from 78B-12-217, as renumbered and
309 amended by Laws of Utah 2008, Chapter 3)
310 **81-6-211 (Effective 09/01/24)**, (Renumbered from 78B-12-216, as last amended by
311 Laws of Utah 2023, Chapter 330)
312 **81-6-214 (Effective 09/01/24)**, (Renumbered from 78B-12-218, as renumbered and
313 amended by Laws of Utah 2008, Chapter 3)
314 **81-6-302 (Effective 09/01/24)**, (Renumbered from 78B-12-301, as last amended by
315 Laws of Utah 2022, Chapter 470)
316 **81-6-303 (Effective 09/01/24)**, (Renumbered from 78B-12-302, as last amended by
317 Laws of Utah 2022, Chapter 470)
318 **81-6-304 (Effective 09/01/24)**, (Renumbered from 78B-12-303, as enacted by
319 Laws of Utah 2022, Chapter 470)
320 **81-6-305 (Effective 09/01/24)**, (Renumbered from 78B-12-304, as enacted by
321 Laws of Utah 2022, Chapter 470)
322 **81-6-402 (Effective 09/01/24)**, (Renumbered from 78B-12-401, as last amended by
323 Laws of Utah 2018, Chapter 21)
324 **81-6-403 (Effective 09/01/24)**, (Renumbered from 78B-12-402, as last amended by
325 Laws of Utah 2023, Chapter 330)
326 **81-6-404 (Effective 09/01/24)**, (Renumbered from 78B-12-403, as repealed and
327 reenacted by Laws of Utah 2010, Chapter 286)
328 **81-7-102 (Effective 09/01/24)**, (Renumbered from 78B-12-112, as last amended by
329 Laws of Utah 2023, Chapter 330)
330 **81-7-103 (Effective 09/01/24)**, (Renumbered from 30-3-3.5, as enacted by Laws of
331 Utah 2020, Chapter 182)
332 **81-9-101 (Effective 09/01/24)**, (Renumbered from 30-3-10.1, as last amended by
333 Laws of Utah 2023, Chapter 44)

- 334 **81-9-102 (Effective 09/01/24)**, (Renumbered from 30-3-38, as last amended by Laws
335 of Utah 2023, Chapter 327)
- 336 **81-9-202 (Effective 09/01/24)**, (Renumbered from 30-3-33, as last amended by Laws of
337 Utah 2017, Chapter 224)
- 338 **81-9-203 (Effective 09/01/24)**, (Renumbered from 30-3-10.9, as last amended by
339 Laws of Utah 2018, Chapter 37)
- 340 **81-9-204 (Effective 09/01/24)**, (Renumbered from 30-3-10, as last amended by Laws of
341 Utah 2023, Chapters 44 and 327)
- 342 **81-9-205 (Effective 09/01/24)**, (Renumbered from 30-3-10.2, as last amended by
343 Laws of Utah 2019, Chapter 188)
- 344 **81-9-206 (Effective 09/01/24)**, (Renumbered from 30-3-34, as last amended by Laws
345 of Utah 2021, Chapter 399)
- 346 **81-9-207 (Effective 09/01/24)**, (Renumbered from 30-3-34.5, as last amended by
347 Laws of Utah 2022, Chapter 430)
- 348 **81-9-208 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 44
- 349 **81-9-209 (Effective 09/01/24)**, (Renumbered from 30-3-37, as last amended by Laws
350 of Utah 2020, Chapter 354)
- 351 **81-9-302 (Effective 09/01/24)**, (Renumbered from 30-3-35, as last amended by Laws
352 of Utah 2023, Chapter 437)
- 353 **81-9-303 (Effective 09/01/24)**, (Renumbered from 30-3-35.1, as last amended by
354 Laws of Utah 2023, Chapter 437)
- 355 **81-9-304 (Effective 09/01/24)**, (Renumbered from 30-3-35.5, as last amended by
356 Laws of Utah 2023, Chapter 437)
- 357 **81-9-305 (Effective 09/01/24)**, (Renumbered from 30-3-35.2, as enacted by Laws of
358 Utah 2021, Chapter 399)
- 359 **81-9-401 (Effective 09/01/24)**, (Renumbered from 30-5-1, as last amended by Laws of
360 Utah 2020, Chapter 48)
- 361 **81-9-402 (Effective 09/01/24)**, (Renumbered from 30-5a-103, as last amended by
362 Laws of Utah 2022, Chapters 185, 335, and 430)
- 363 **81-9-403 (Effective 09/01/24)**, (Renumbered from 30-5-2, as last amended by Laws of
364 Utah 2022, Chapter 335)
- 365 **81-9-404 (Effective 09/01/24)**, (Renumbered from 30-5a-104, as enacted by Laws of
366 Utah 2009, Chapter 108)
- 367 REPEALS:

368 **26B-9-227 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2023,
369 Chapter 305
370 **30-1-5 (Effective 09/01/24)**, as last amended by Laws of Utah 2011, Chapter 297
371 **30-1-9.1 (Effective 09/01/24)**, as enacted by Laws of Utah 2001, Chapter 129
372 **30-1-10 (Effective 09/01/24)**, as last amended by Laws of Utah 2019, Chapter 317
373 **30-1-11 (Effective 09/01/24)**, as last amended by Laws of Utah 2019, Chapter 420
374 **30-1-13 (Effective 09/01/24)**, as last amended by Laws of Utah 2019, Chapter 300
375 **30-1-14 (Effective 09/01/24)**, as last amended by Laws of Utah 2019, Chapter 300
376 **30-1-15 (Effective 09/01/24)**, as last amended by Laws of Utah 2001, Chapter 129
377 **30-1-16 (Effective 09/01/24)**, as last amended by Laws of Utah 2013, Chapter 108
378 **30-1-17.2 (Effective 09/01/24)**, as last amended by Laws of Utah 2008, Chapter 3
379 **30-1-17.3 (Effective 09/01/24)**, as last amended by Laws of Utah 2019, Chapter 300
380 **30-3-2 (Effective 09/01/24)**, Utah Code Annotated 1953
381 **30-3-4 (Effective 09/01/24)**, as last amended by Laws of Utah 2018, Chapter 470
382 **30-3-5 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapters 327 and
383 418
384 **30-3-5.1 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 327
385 **30-3-5.4 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapters 327 and
386 333
387 **30-3-7 (Effective 09/01/24)**, as last amended by Laws of Utah 2012, Chapter 404
388 **30-3-8 (Effective 09/01/24)**, as last amended by Laws of Utah 1988, Chapter 154
389 **30-3-10.3 (Effective 09/01/24)**, as last amended by Laws of Utah 2012, Chapter 271
390 **30-3-10.5 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 327
391 **30-3-10.7 (Effective 09/01/24)**, as last amended by Laws of Utah 2006, Chapter 287
392 **30-3-10.8 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 44
393 **30-3-10.10 (Effective 09/01/24)**, as enacted by Laws of Utah 2006, Chapter 287
394 **30-3-10.17 (Effective 09/01/24)**, as enacted by Laws of Utah 1997, Chapter 232
395 **30-3-11.1 (Effective 09/01/24)**, as enacted by Laws of Utah 1969, Chapter 72
396 **30-3-11.2 (Effective 09/01/24)**, as enacted by Laws of Utah 1969, Chapter 72
397 **30-3-18 (Effective 09/01/24)**, as last amended by Laws of Utah 2018, Chapter 470
398 **30-3-32 (Effective 09/01/24)**, as last amended by Laws of Utah 2022, Chapter 471
399 **30-3-36 (Effective 09/01/24)**, as last amended by Laws of Utah 2001, Chapter 255
400 **30-5a-101 (Effective 09/01/24)**, as last amended by Laws of Utah 2020, Chapter 48
401 **30-5a-102 (Effective 09/01/24)**, as last amended by Laws of Utah 2020, Chapter 48

402 **30-8-1 (Effective 09/01/24)**, as enacted by Laws of Utah 1994, Chapter 105
403 **63I-1-230 (Effective 09/01/24)**, as last amended by Laws of Utah 2021, Chapter 91
404 **75-2b-101 (Effective 09/01/24)**, as enacted by Laws of Utah 2012, Chapter 132
405 **78B-12-101 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
406 Chapter 3
407 **78B-12-104 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
408 Chapter 3
409 **78B-12-106 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
410 Chapter 3
411 **78B-12-107 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
412 Chapter 3
413 **78B-12-108 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
414 Chapter 3
415 **78B-12-110 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
416 Chapter 3
417 **78B-12-111 (Effective 09/01/24)**, as last amended by Laws of Utah 2023, Chapter 330
418 **78B-12-116 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
419 Chapter 3
420 **78B-12-117 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
421 Chapter 3
422 **78B-12-202 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
423 Chapter 3
424 **78B-12-204 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
425 Chapter 3
426 **78B-12-205 (Effective 09/01/24)**, as last amended by Laws of Utah 2022, Chapter 470
427 **78B-12-206 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
428 Chapter 3
429 **78B-12-207 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
430 Chapter 3
431 **78B-12-208 (Effective 09/01/24)**, as last amended by Laws of Utah 2021, Chapter 399
432 **78B-12-209 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
433 Chapter 3
434 **78B-12-211 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
435 Chapter 3

436 **78B-12-212.1 (Effective 09/01/24)**, as enacted by Laws of Utah 2021, Chapters 111 and
 437 111

438 **78B-12-213 (Effective 09/01/24)**, as renumbered and amended by Laws of Utah 2008,
 439 Chapter 3

440 **78B-12-215 (Effective 09/01/24)**, as last amended by Laws of Utah 2013, Chapter 467

441 **78B-12-219 (Effective 09/01/24)**, as last amended by Laws of Utah 2021, Chapter 262

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

443 **30-1-2.2**, as last amended by Laws of Utah 1995, Chapter 20

444 **30-1-2.4**, Utah Code Annotated 1953

445 **30-1-4.5**, as last amended by Laws of Utah 2021, Chapter 186

446 **30-1-6**, as last amended by Laws of Utah 2022, Chapter 444

447 **30-1-8**, as last amended by Laws of Utah 2021, Chapter 305

448 **30-3-4.5**, as last amended by Laws of Utah 2010, Chapter 34

449 **30-3-10**, as last amended by Laws of Utah 2023, Chapters 44 and 327

450 **30-3-10.4**, as last amended by Laws of Utah 2023, Chapter 44

451 **30-3-11.3**, as last amended by Laws of Utah 2022, Chapter 272

452 **30-3-11.4**, as last amended by Laws of Utah 2022, Chapter 272

453 **30-3-33**, as last amended by Laws of Utah 2017, Chapter 224

454 **51-9-408**, as last amended by Laws of Utah 2021, Chapter 262

455 **78B-15-610**, as last amended by Laws of Utah 2019, Chapter 188

456 **81-4-401**, Utah Code Annotated 1953

457 **81-4-402**, Utah Code Annotated 1953

458

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

460 Section 1. Section **15-4-1** is amended to read:

461 **15-4-1 (Effective 09/01/24). Definitions.**

462 As used in this chapter:

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

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

465 [(1)] (3) "Obligation" includes a liability in tort and contractual obligations.

466 [(2)] (4) "Obligee" includes a creditor and a person having a right based on a tort.

467 [(3)] (5) "Obligor" includes a debtor and a person liable for a tort.

468 [(4)] (6) (a) "School fee" means a charge, deposit, rent, or other mandatory payment
 469 imposed by:

- 470 (i) a public school as defined in Section 26B-2-401; or
471 (ii) a private school that provides education to students in any grade from
472 kindergarten through grade 12.
- 473 (b) "School fee" includes:
474 (i) an admission fee;
475 (ii) a transportation charge; or
476 (iii) a charge, deposit, rent, or other mandatory payment imposed by a third party in
477 connection with an activity or function sponsored by a school described in
478 Subsection ~~[(4)(a):]~~ (6)(a).

479 ~~[(5)]~~ (7) "Several obligors" means obligors severally bound for the same performance.
480 ~~[(6)]~~ (8) "Waiver" means the act of not requiring an individual to pay an amount that the
481 individual otherwise owes.

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

483 **15-4-6.5 (Effective 09/01/24). Divorce or separate maintenance of co-obligors.**

- 484 (1) On the entering of a decree of divorce or separate maintenance of joint debtors in
485 contract, the claim of a creditor remains unchanged unless otherwise provided by the
486 contract or until a new contract is entered into between the creditor and the debtors
487 individually.
- 488 (2) In addition to the creditor's duties as a secured party under Title 70A, Chapter 9a,
489 Uniform Commercial Code - Secured Transactions, and the creditor's duties as a trustee
490 or beneficiary of a trust deed under Title 57, Chapter 1, Conveyances, a creditor~~[, who~~
491 ~~has been notified by service of a copy of a court order under Section 30-3-5 or 30-4-3~~
492 ~~that the debtors are divorced or living separately under an order for separate~~
493 ~~maintenance, and who has been expressly advised of the separate, current addresses of~~
494 ~~the debtors either by the court order or by other written notice,]~~ shall provide to the
495 debtors individually all statements, notices, and other similar correspondence required
496 by law or by the contract if:
- 497 (a) the creditor has been notified by service of a copy of a court order under Section
498 81-4-204 or 81-4-406 that the debtors are divorced or living separately under an order
499 for separate maintenance; and
- 500 (b) the creditor has been expressly advised of the separate and current addresses of the
501 debtors by the court order or by other written notice.
- 502 (3) (a) Except as provided in Subsection (3)(b), a creditor may:
503 (b) continue to make negative credit reports of joint debtors under Section 70C-7-107 [

504 ~~and may] ; and~~
 505 (c) report the repayment practices or credit history of joint debtors under Title 7, Chapter
 506 14, Credit Information Exchange.
 507 [(b)] (d) [~~With respect to a debtor~~] If a debtor who is not ordered by the court under [
 508 ~~Sections 30-3-5 or 30-4-3~~] Section 81-4-204 or 81-4-406 to make payments on a joint
 509 obligation, [~~no~~] the creditor may not make a negative credit report under Section
 510 70C-7-107, [~~and no~~] or a report of the debtor's repayment practices or credit history
 511 under Title 7, Chapter 14, Credit Information Exchange, [may be made] regarding the
 512 joint obligation after the creditor is served notice of the court's order as required
 513 under Subsection (2), unless the creditor has made a demand on the debtor for
 514 payment because of the failure to make payments by the other debtor[;] who is
 515 ordered by the court to make the payments.

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

517 **15-4-6.7 (Effective 09/01/24). Medical and miscellaneous expenses of a child --**

518 **Collection and billing pursuant to court or administrative order of child support.**

- 519 (1) When a court or an administrative agency enters an order that provides for the payment
 520 of medical and dental expenses of a [~~minor child under Section 30-3-5, 30-4-3, or~~
 521 ~~78B-12-111, or an administrative order under Section 26B-9-224~~] child as described in
 522 Section 26B-9-224 or 81-6-202, a provider who receives a copy of the order:
 523 (a) at or before the time the provider renders medical or dental services to the [~~minor~~]
 524 ~~child[shall]~~, and upon request from [~~either~~] a parent, shall separately bill each parent
 525 for the share of the medical and dental expenses that the parent is required to pay
 526 under the order; or
 527 (b) within 30 days after the day on which the provider renders the medical or dental
 528 service to the child, may not:
 529 (i) make a claim for unpaid medical and dental expenses against a parent who has
 530 paid in full the share of the medical and dental expenses that the parent is required
 531 to pay under the order; or
 532 (ii) make a negative credit report under Section 70C-7-107, or a report of the debtor's
 533 repayment practices or credit history under Title 7, Chapter 14, Credit Information
 534 Exchange, regarding a parent who has paid in full the share of the medical and
 535 dental expenses that the parent is required to pay under the order.
 536 (2) (a) When a court enters an order that provides for the payment of school fees of a [
 537 ~~minor child under Section 30-3-5 or 30-4-3~~] child in a separate maintenance action

538 under Section 81-4-204 or in a divorce action under Section 81-4-406:

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

543 (ii) a provider, who receives a copy of the order, regardless of whether the provider
544 receives the copy before, on, or after the day on which the provider first issues a
545 bill for the school fee, may not make a negative credit report under Section
546 70C-7-107, or report of the debtor's repayment practices or credit history under
547 Title 7, Chapter 14, Credit Information Exchange, regarding a parent who has paid
548 in full the share of the school fee that the parent is required to pay under the order;
549 and

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

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

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

557 **17-16-21 (Effective 09/01/24). Fees of county officers.**

558 (1) As used in this section, "county officer" means a county officer enumerated in Section
559 17-53-101 except a county recorder, a county constable, or a county sheriff.

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

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

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

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

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

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

569 (c) (i) As long as the Division of Child and Family Services, created in Section

570 80-2-201, has the responsibility under Section 80-2-301 to provide services,

571 including temporary shelter, for victims of domestic violence, the county clerk

- 572 shall:
- 573 (A) collect \$10 in addition to whatever fee for a marriage license is established
- 574 under authority of this section and in addition to the amount described in
- 575 Subsection (2)(b), if an applicant chooses, as provided in Subsection (2)(c)(ii),
- 576 to pay the additional \$10; and
- 577 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
- 578 Division of Finance for distribution to the Division of Child and Family
- 579 Services for the operation of shelters for victims of domestic violence.
- 580 (ii) (A) The county clerk shall provide a method for an applicant for a marriage
- 581 license to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).
- 582 (B) An applicant for a marriage license may choose not to pay the additional \$10
- 583 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be
- 584 issued a marriage license.
- 585 (d) If a county operates an online marriage application system, the county clerk of that
- 586 county:
- 587 (i) may assess \$20 in addition to the other fees for a marriage license established
- 588 under this section;
- 589 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
- 590 license fee to the state treasurer for deposit annually as follows:
- 591 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in
- 592 Title 63M, Chapter 15, Utah Marriage Commission, as dedicated credits for the
- 593 operation of the Utah Marriage Commission; and
- 594 (B) proceeds in excess of \$400,000 shall be deposited into the General Fund; and
- 595 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under
- 596 this Subsection (2)(d) if both individuals seeking the marriage license certify that
- 597 they have completed premarital counseling or education in accordance with
- 598 Section ~~[30-1-34]~~ 81-2-206.
- 599 (3) This section does not apply to a fee currently being assessed by the state but collected
- 600 by a county officer.

601 Section 5. Section **23A-4-1102** is amended to read:

602 **23A-4-1102 (Effective 09/01/24). Issuance of license, permit, or tag prohibited**
 603 **for failure to pay child support.**

604 (1) As used in this section:

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

- 606 26B-9-101.
- 607 (b) "Delinquent on a child support obligation" means that:
- 608 (i) an individual owes at least \$2,500 on an arrearage obligation of child support
- 609 based on an administrative or judicial order;
- 610 (ii) the individual has not obtained a judicial order staying enforcement of the
- 611 individual's obligation on the amount in arrears; and
- 612 (iii) the office has obtained a statutory judgment lien pursuant to Section 26B-9-214.
- 613 (c) "Office" means the Office of Recovery Services created in Section 26B-9-103.
- 614 (d) "Wildlife license agent" means a person authorized under Section 23A-4-501 to sell
- 615 a license, permit, or tag in accordance with this chapter.
- 616 (2) (a) An individual who is delinquent on a child support obligation may not apply for,
- 617 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule
- 618 made by the Wildlife Board under this title, or by an order or proclamation.
- 619 (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit,
- 620 or tag in violation of Subsection (2)(a) violates Section 23A-4-1101.
- 621 (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.
- 622 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag
- 623 violates Section 23A-5-309.
- 624 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective
- 625 until the office notifies the division that the individual who is delinquent on a child
- 626 support obligation has:
- 627 (i) paid the delinquency in full; or
- 628 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive
- 629 months with a payment schedule entered into with the office.
- 630 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:
- 631 (i) pay the current child support obligation in full each month; and
- 632 (ii) pays an additional amount as assessed by the office pursuant to Section 26B-9-219
- 633 towards the child support arrears.
- 634 (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the
- 635 payment schedule described in Subsection (3)(b), the office may notify the division
- 636 and the individual is considered to be an individual who is delinquent on a child
- 637 support obligation and cannot obtain a new license, permit, or tag without complying
- 638 with this Subsection (3).
- 639 (d) If an individual fails to comply with the payment schedule described in Subsection

640 (3)(b) for one month of the 12-month period because of a transition to new
641 employment, the individual may obtain a license, permit, or tag and is considered in
642 compliance with this Subsection (3) if the individual:

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

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

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

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

653 (b) The division is not required to hold or reserve a license, permit, or tag opportunity
654 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance
655 to that individual upon compliance with Subsection (3).

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

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

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

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

667 (a) Section 23A-4-1106;

668 (b) Subsection 23A-5-311(1); and

669 (c) Section 23A-2-505.

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

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

673 **26B-1-202 (Effective 09/01/24). Department authority and duties.**

- 674 The department may, subject to applicable restrictions in state law and in addition
675 to all other authority and responsibility granted to the department by law:
- 676 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
677 Act, and not inconsistent with law, as the department may consider necessary or
678 desirable for providing health and social services to the people of this state;
 - 679 (2) establish and manage client trust accounts in the department's institutions and
680 community programs, at the request of the client or the client's legal guardian or
681 representative, or in accordance with federal law;
 - 682 (3) purchase, as authorized or required by law, services that the department is responsible to
683 provide for legally eligible persons;
 - 684 (4) conduct adjudicative proceedings for clients and providers in accordance with the
685 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
 - 686 (5) establish eligibility standards for the department's programs, not inconsistent with state
687 or federal law or regulations;
 - 688 (6) take necessary steps, including legal action, to recover money or the monetary value of
689 services provided to a recipient who was not eligible;
 - 690 (7) set and collect fees for the department's services;
 - 691 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
692 limited by law;
 - 693 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
694 department, not inconsistent with state law;
 - 695 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
696 proceeds thereof, may be credited to the program designated by the donor, and may be
697 used for the purposes requested by the donor, as long as the request conforms to state
698 and federal policy; all donated funds shall be considered private, nonlapsing funds and
699 may be invested under guidelines established by the state treasurer;
 - 700 (11) accept and employ volunteer labor or services; the department is authorized to
701 reimburse volunteers for necessary expenses, when the department considers that
702 reimbursement to be appropriate;
 - 703 (12) carry out the responsibility assigned in the workforce services plan by the State
704 Workforce Development Board;
 - 705 (13) carry out the responsibility assigned by Section [~~62A-5a-105~~] 26B-1-430 with respect
706 to coordination of services for students with a disability;
 - 707 (14) provide training and educational opportunities for the department's staff;

- 708 (15) collect child support payments and any other money due to the department;
- 709 (16) apply the provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81,
710 Chapter 6, Child Support, to parents whose child lives out of the home in a department
711 licensed or certified setting;
- 712 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
713 cases where the Division of Child and Family Services or the Division of Juvenile
714 Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
715 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor
716 found not competent to proceed under Section 80-6-403, including:
- 717 (a) designation of interagency teams for each juvenile court district in the state;
- 718 (b) delineation of assessment criteria and procedures;
- 719 (c) minimum requirements, and timeframes, for the development and implementation of
720 a collaborative service plan for each minor placed in department custody; and
- 721 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 722 (18) carry out the responsibilities assigned to the department by statute;
- 723 (19) examine and audit the expenditures of any public funds provided to a local substance
724 abuse authority, a local mental health authority, a local area agency on aging, and any
725 person, agency, or organization that contracts with or receives funds from those
726 authorities or agencies. Those local authorities, area agencies, and any person or entity
727 that contracts with or receives funds from those authorities or area agencies, shall
728 provide the department with any information the department considers necessary. The
729 department is further authorized to issue directives resulting from any examination or
730 audit to a local authority, an area agency, and persons or entities that contract with or
731 receive funds from those authorities with regard to any public funds. If the department
732 determines that it is necessary to withhold funds from a local mental health authority or
733 local substance abuse authority based on failure to comply with state or federal law,
734 policy, or contract provisions, the department may take steps necessary to ensure
735 continuity of services. For purposes of this Subsection (19) "public funds" means the
736 same as that term is defined in Section [~~62A-15-102~~] 26B-5-101;
- 737 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
738 persons to provide intercountry adoption services;
- 739 (21) within legislative appropriations, promote and develop a system of care and
740 stabilization services:
- 741 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

- 742 (b) that encompasses the department, department contractors, and the divisions, offices,
743 or institutions within the department, to:
- 744 (i) navigate services, funding resources, and relationships to the benefit of the
745 children and families whom the department serves;
 - 746 (ii) centralize department operations, including procurement and contracting;
 - 747 (iii) develop policies that govern business operations and that facilitate a system of
748 care approach to service delivery;
 - 749 (iv) allocate resources that may be used for the children and families served by the
750 department or the divisions, offices, or institutions within the department, subject
751 to the restrictions in Section 63J-1-206;
 - 752 (v) create performance-based measures for the provision of services; and
 - 753 (vi) centralize other business operations, including data matching and sharing among
754 the department's divisions, offices, and institutions;
- 755 (22) ensure that any training or certification required of a public official or public
756 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
757 Chapter 22, State Training and Certification Requirements, if the training or certification
758 is required:
- 759 (a) under this title;
 - 760 (b) by the department; or
 - 761 (c) by an agency or division within the department;
- 762 (23) enter into cooperative agreements with the Department of Environmental Quality to
763 delineate specific responsibilities to assure that assessment and management of risk to
764 human health from the environment are properly administered;
- 765 (24) consult with the Department of Environmental Quality and enter into cooperative
766 agreements, as needed, to ensure efficient use of resources and effective response to
767 potential health and safety threats from the environment, and to prevent gaps in
768 protection from potential risks from the environment to specific individuals or
769 population groups;
- 770 (25) to the extent authorized under state law or required by federal law, promote and protect
771 the health and wellness of the people within the state;
- 772 (26) establish, maintain, and enforce rules authorized under state law or required by federal
773 law to promote and protect the public health or to prevent disease and illness;
- 774 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
775 affecting the public health;

- 776 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
777 any other disease or health hazard which the department considers to be dangerous,
778 important, or likely to affect the public health;
- 779 (29) collect and report information on causes of injury, sickness, death, and disability and
780 the risk factors that contribute to the causes of injury, sickness, death, and disability
781 within the state;
- 782 (30) collect, prepare, publish, and disseminate information to inform the public concerning
783 the health and wellness of the population, specific hazards, and risks that may affect the
784 health and wellness of the population and specific activities which may promote and
785 protect the health and wellness of the population;
- 786 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
787 communicable diseases affecting the public health;
- 788 (32) make necessary sanitary and health investigations and inspections in cooperation with
789 local health departments as to any matters affecting the public health;
- 790 (33) establish laboratory services necessary to support public health programs and medical
791 services in the state;
- 792 (34) establish and enforce standards for laboratory services which are provided by any
793 laboratory in the state when the purpose of the services is to protect the public health;
- 794 (35) cooperate with the Labor Commission to conduct studies of occupational health
795 hazards and occupational diseases arising in and out of employment in industry, and
796 make recommendations for elimination or reduction of the hazards;
- 797 (36) cooperate with the local health departments, the Department of Corrections, the
798 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the
799 Crime Victim Reparations and Assistance Board to conduct testing for HIV infection of
800 alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- 801 (37) investigate the causes of maternal and infant mortality;
- 802 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
803 and drivers of motor vehicles killed in highway accidents be examined for the presence
804 and concentration of alcohol, and provide the Commissioner of Public Safety with
805 monthly statistics reflecting the results of these examinations, with necessary safeguards
806 so that information derived from the examinations is not used for a purpose other than
807 the compilation of these statistics;
- 808 (39) establish qualifications for individuals permitted to draw blood under Subsection
809 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),

- 810 and to issue permits to individuals the department finds qualified, which permits may be
811 terminated or revoked by the department;
- 812 (40) establish a uniform public health program throughout the state which includes
813 continuous service, employment of qualified employees, and a basic program of disease
814 control, vital and health statistics, sanitation, public health nursing, and other preventive
815 health programs necessary or desirable for the protection of public health;
- 816 (41) conduct health planning for the state;
- 817 (42) monitor the costs of health care in the state and foster price competition in the health
818 care delivery system;
- 819 (43) establish methods or measures for health care providers, public health entities, and
820 health care insurers to coordinate among themselves to verify the identity of the
821 individuals the providers serve;
- 822 (44) designate Alzheimer's disease and related dementia as a public health issue and, within
823 budgetary limitations, implement a state plan for Alzheimer's disease and related
824 dementia by incorporating the plan into the department's strategic planning and
825 budgetary process;
- 826 (45) coordinate with other state agencies and other organizations to implement the state
827 plan for Alzheimer's disease and related dementia;
- 828 (46) ensure that any training or certification required of a public official or public
829 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
830 Chapter 22, State Training and Certification Requirements, if the training or certification
831 is required by the agency or under this title, Title 26, Utah Health Code, or [~~Title 62A,~~
832 ~~Utah Human Services Code~~] Title 26B, Utah Health and Human Services Code;
- 833 (47) oversee public education vision screening as described in Section 53G-9-404; and
- 834 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
835 Alert.

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

837 **26B-5-316 (Effective 09/01/24). Responsibility for cost of care.**

- 838 (1) The division shall estimate and determine, as nearly as possible, the actual expense per
839 annum of caring for and maintaining a patient in the state hospital, and that amount or
840 portion of that amount shall be assessed to and paid by the applicant, patient, spouse,
841 parents, child or children who are of sufficient financial ability to do so, or by the
842 guardian of the patient who has funds of the patient that may be used for that purpose.
- 843 (2) In addition to the expenses described in Subsection (1), parents are responsible for the

844 support of their child while the child is in the care of the state hospital [~~pursuant to Title~~
 845 ~~78B, Chapter 12, Utah Child Support Act, and] in accordance with Title 26B, Chapter 9,
 846 Recovery Services and Administration of Child Support, and Title 81, Chapter 6, Child
 847 Support.~~

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

849 **26B-6-411 (Effective 09/01/24). Parent liable for cost and support of minor --**
 850 **Guardian liable for costs.**

- 851 (1) Parents of a person who receives services or support from the division, who are
 852 financially responsible, are liable for the cost of the actual care and maintenance of that
 853 person and for the support of the child in accordance with [~~Title 78B, Chapter 12, Utah~~
 854 ~~Child Support Act] Title 81, Chapter 6, Child Support, and Chapter 9, Part 1, Office of
 855 Recovery Services, until the person reaches 18 years old.~~
- 856 (2) A guardian of a person who receives services or support from the division is liable for
 857 the cost of actual care and maintenance of that person, regardless of his age, where funds
 858 are available in the guardianship estate established on his behalf for that purpose.
 859 However, if the person who receives services is a beneficiary of a trust created in
 860 accordance with Section 26B-6-412, or if the guardianship estate meets the requirements
 861 of a trust described in that section, the trust income prior to distribution to the
 862 beneficiary, and the trust principal are not subject to payment for services or support for
 863 that person.
- 864 (3) If, at the time a person who receives services or support from the division is discharged
 865 from a facility or program owned or operated by or under contract with the division, or
 866 after the death and burial of a resident of the developmental center, there remains in the
 867 custody of the division or the superintendent any money paid by a parent or guardian for
 868 the support or maintenance of that person, it shall be repaid upon demand.

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

870 **26B-8-101 (Effective 09/01/24). Definitions.**

871 As used in this part:

- 872 (1) "Adoption document" means an adoption-related document filed with the office, a
 873 petition for adoption, a decree of adoption, an original birth certificate, or evidence
 874 submitted in support of a supplementary birth certificate.
- 875 (2) "Biological sex at birth" means an individual's sex, as being male or female,
 876 according to distinct reproductive roles as manifested by sex and reproductive organ
 877 anatomy, chromosomal makeup, and endogenous hormone profiles.

- 878 (3) "Certified nurse midwife" means an individual who:
- 879 (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a, Nurse
- 880 Midwife Practice Act; and
- 881 (b) has completed an education program regarding the completion of a certificate of
- 882 death developed by the department by rule made in accordance with Title 63G,
- 883 Chapter 3, Utah Administrative Rulemaking Act.
- 884 (4) "Custodial funeral service director" means a funeral service director who:
- 885 (a) is employed by a licensed funeral establishment; and
- 886 (b) has custody of a dead body.
- 887 (5) "Dead body" means a human body or parts of a human body from the condition of
- 888 which it reasonably may be concluded that death occurred.
- 889 (6) "Decedent" means the same as a dead body.
- 890 (7) "Dead fetus" means a product of human conception, other than those circumstances
- 891 described in Subsection 76-7-301(1):
- 892 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
- 893 period began to the date of delivery; and
- 894 (b) that was not born alive.
- 895 (8) "Declarant father" means a male who claims to be the genetic father of a child, and,
- 896 along with the biological mother, signs a voluntary declaration of paternity to establish
- 897 the child's paternity.
- 898 (9) "Dispositioner" means:
- 899 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as having
- 900 the right and duty to control the disposition of the decedent, if the person voluntarily
- 901 acts as the dispositioner; or
- 902 (b) the next of kin of the decedent, if:
- 903 (i) (A) a person has not been designated as described in Subsection (9)(a); or
- 904 (B) the person described in Subsection (9)(a) is unable or unwilling to exercise the
- 905 right and duty described in Subsection (9)(a); and
- 906 (ii) the next of kin voluntarily acts as the dispositioner.
- 907 (10) "Fetal remains" means:
- 908 (a) an aborted fetus as that term is defined in Section 26B-2-232; or
- 909 (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- 910 (11) "File" means the submission of a completed certificate or other similar document,
- 911 record, or report as provided under this part for registration by the state registrar or a

- 912 local registrar.
- 913 (12) "Funeral service director" means the same as that term is defined in Section 58-9-102.
- 914 (13) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- 915 (14) "Health care professional" means a physician, physician assistant, nurse practitioner, or
916 certified nurse midwife.
- 917 (15) "Intersex individual" means an individual who:
- 918 (a) is born with external biological sex characteristics that are irresolvably ambiguous;
- 919 (b) is born with 46, XX chromosomes with virilization;
- 920 (c) is born with 46, XY chromosomes with undervirilization;
- 921 (d) has both ovarian and testicular tissue; or
- 922 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with
923 abnormal:
- 924 (i) sex chromosome structure;
- 925 (ii) sex steroid hormone production; or
- 926 (iii) sex steroid hormone action for a male or female.
- 927 (16) "Licensed funeral establishment" means:
- 928 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
929 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act;
930 or
- 931 (b) if located in a state, district, or territory of the United States other than Utah, a
932 funeral service establishment that complies with the licensing laws of the jurisdiction
933 where the establishment is located.
- 934 (17) "Live birth" means the birth of a child who shows evidence of life after the child is
935 entirely outside of the mother.
- 936 (18) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).
- 937 (19) "Nurse practitioner" means an individual who:
- 938 (a) is licensed to practice as an advanced practice registered nurse under Title 58,
939 Chapter 31b, Nurse Practice Act; and
- 940 (b) has completed an education program regarding the completion of a certificate of
941 death developed by the department by administrative rule made in accordance with
942 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 943 (20) "Office" means the Office of Vital Records and Statistics within the department.
- 944 (21) "Physician" means a person licensed to practice as a physician or osteopath in this state
945 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah

- 946 Osteopathic Medical Practice Act.
- 947 (22) "Physician assistant" means an individual who:
- 948 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah
949 Physician Assistant Act; and
- 950 (b) has completed an education program regarding the completion of a certificate of
951 death developed by the department by administrative rule made in accordance with
952 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 953 (23) "Presumed father" means the same as that term is defined in Section 78B-15-102.
- 954 [~~(23) "Presumed father" means the father of a child conceived or born during a marriage as
955 defined in Section 30-1-17.2.]~~
- 956 (24) "Registration" or "register" means acceptance by the local or state registrar of a
957 certificate and incorporation of the certificate into the permanent records of the state.
- 958 (25) "State registrar" means the state registrar of vital records appointed under Section
959 26B-8-102.
- 960 (26) "Vital records" means:
- 961 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
962 dissolution of marriage, or annulment;
- 963 (b) amendments to any of the registered certificates or reports described in Subsection
964 (26)(a);
- 965 (c) an adoption document; and
- 966 (d) other similar documents.
- 967 (27) "Vital statistics" means the data derived from registered certificates and reports of
968 birth, death, fetal death, induced termination of pregnancy, marriage, divorce,
969 dissolution of marriage, or annulment.
- 970 Section 10. Section **26B-9-101** is amended to read:
- 971 **26B-9-101 (Effective 09/01/24). Definitions.**
- 972 As used in this part:
- 973 (1) "Account" means a demand deposit account, checking or negotiable withdrawal order
974 account, savings account, time deposit account, or money-market mutual fund account.
- 975 (2) "Assistance" means public assistance.
- 976 [~~(3) "Cash medical support" means an obligation to equally share all reasonable and
977 necessary medical and dental expenses of children.]~~
- 978 [~~(4) "Child support" means the same as that term is defined in Section 26B-9-301.]~~
- 979 (3) "Child" means the same as that term is defined in Section 81-6-101.

- 980 (4) (a) "Child support" means a base child support award as defined in Section 81-6-101,
981 or a financial award for uninsured monthly medical expenses, ordered by a tribunal
982 for the support of a child, including current periodic payments, all arrearages that
983 accrue under an order for current periodic payments, and sum certain judgments
984 awarded for arrearages, medical expenses, and child care costs.
- 985 (b) "Child support" includes obligations ordered by a tribunal for the support of a spouse
986 or former spouse with whom the child resides if the spousal support is collected with
987 the child support.
- 988 (5) "Child support services" means services provided pursuant to Part D of Title IV of the
989 Social Security Act, 42 U.S.C. Sec. 651, et seq.
- 990 (6) "Director" means the director of the Office of Recovery Services.
- 991 [~~7~~] ~~"Disposable earnings" means that part of the earnings of an individual remaining after~~
992 ~~the deduction of all amounts required by law to be withheld.]~~
- 993 [~~8~~] (7) "Financial institution" means:
- 994 (a) a depository institution as defined in Section 7-1-103 or the Federal Deposit
995 Insurance Act, 12 U.S.C. Sec. 1813(c);
- 996 (b) an institution-affiliated party as defined in the Federal Deposit Insurance Act, 12
997 U.S.C. Sec. 1813(u);
- 998 (c) any federal credit union or state credit union as defined in the Federal Credit Union
999 Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit
1000 union as defined in 12 U.S.C. Sec. 1786(r);
- 1001 (d) a broker-dealer as defined in Section 61-1-13; or
- 1002 (e) any benefit association, insurance company, safe deposit company, money-market
1003 mutual fund, or similar entity authorized to do business in the state.
- 1004 [~~9~~] (8) "Financial record" means the same as that term is defined in the Right to Financial
1005 Privacy Act of 1978, 12 U.S.C. Sec. 3401.
- 1006 [~~10~~] (9) (a) "Income" means earnings, compensation, or other payment due to an
1007 individual, regardless of source, whether denominated as wages, salary, commission,
1008 bonus, pay, or contract payment, or denominated as advances on future wages, salary,
1009 commission, bonus, pay, allowances, contract payment, or otherwise, including
1010 severance pay, sick pay, and incentive pay.
- 1011 (b) "Income" includes:
- 1012 (i) all gain derived from capital assets, labor, or both, including profit gained through
1013 sale or conversion of capital assets;

- 1014 (ii) interest and dividends;
- 1015 (iii) periodic payments made under pension or retirement programs or insurance
- 1016 policies of any type;
- 1017 (iv) unemployment compensation benefits;
- 1018 (v) workers' compensation benefits; and
- 1019 (vi) disability benefits.
- 1020 ~~[(11)]~~ (10) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651
- 1021 et seq.
- 1022 ~~[(12)]~~ (11) "IV-D child support services" means ~~[the same as]~~ child support services.
- 1023 ~~[(13)]~~ (12) "New hire registry" means the centralized new hire registry created in Section
- 1024 35A-7-103.
- 1025 ~~[(14)]~~ (13) "Obligee" means an individual, this state, another state, or other comparable
- 1026 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support
- 1027 or public assistance.
- 1028 ~~[(15)]~~ (14) "Obligor" means a person, firm, corporation, or the estate of a decedent owing
- 1029 money to this state, to an individual, to another state, or other comparable jurisdiction in
- 1030 whose behalf this state is acting.
- 1031 ~~[(16)]~~ (15) "Office" means the Office of Recovery Services.
- 1032 ~~[(17)]~~ "Provider" means ~~a person or entity that receives compensation from any public~~
- 1033 ~~assistance program for goods or services provided to a public assistance recipient.]~~
- 1034 ~~[(18)]~~ (16) "Public assistance" means:
- 1035 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;
- 1036 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;
- 1037 (c) foster care maintenance payments under Part E of Title IV of the Social Security Act,
- 1038 42 U.S.C. Sec. 670, et seq.;
- 1039 (d) SNAP benefits as defined in Section 35A-1-102; or
- 1040 (e) any other public funds expended for the benefit of a person in need of financial,
- 1041 medical, food, housing, or related assistance.
- 1042 ~~[(19)]~~ (17) "State case registry" means the central, automated record system maintained by
- 1043 the office and the central, automated district court record system maintained by the
- 1044 Administrative Office of the Courts, that contains records which use standardized data
- 1045 elements, such as names, Social Security numbers and other uniform identification
- 1046 numbers, dates of birth, and case identification numbers, with respect to:
- 1047 (a) each case in which services are being provided by the office under the state IV-D

- 1048 child support services plan; and
- 1049 (b) each support order established or modified in the state on or after October 1, 1998.
- 1050 Section 11. Section **26B-9-104** is amended to read:
- 1051 **26B-9-104 (Effective 09/01/24). Duties of the Office of Recovery Services.**
- 1052 (1) The office has the following duties:
- 1053 (a) except as provided in Subsection (2), to provide child support services if:
- 1054 (i) the office has received an application for child support services;
- 1055 (ii) the state has provided public assistance; or
- 1056 (iii) a child lives out of the home in the protective custody, temporary custody, or
- 1057 custody or care of the state;
- 1058 (b) for the purpose of collecting child support, to carry out the obligations of the
- 1059 department contained in:
- 1060 (i) this chapter;
- 1061 [~~(ii) Title 78B, Chapter 12, Utah Child Support Act;~~]
- 1062 [~~(iii)~~] (ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act; [~~and~~]
- 1063 [~~(iv)~~] (iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 1064 (iv) Title 81, Chapter 6, Child Support;
- 1065 (c) to collect money due the department which could act to offset expenditures by the
- 1066 state;
- 1067 (d) to cooperate with the federal government in programs designed to recover health and
- 1068 social service funds;
- 1069 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
- 1070 and reimbursable expenses owed to the state or any of its political subdivisions, if the
- 1071 office has contracted to provide collection services;
- 1072 (f) to implement income withholding for collection of child support in accordance with
- 1073 Part 3, Income Withholding in IV-D Cases;
- 1074 (g) to enter into agreements with financial institutions doing business in the state to
- 1075 develop and operate, in coordination with such financial institutions, a data match
- 1076 system in the manner provided for in Section 26B-9-208;
- 1077 (h) to establish and maintain the state case registry in the manner required by the Social
- 1078 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:
- 1079 (i) the amount of monthly or other periodic support owed under the order, and other
- 1080 amounts, including arrearages, interest, late payment penalties, or fees, due or
- 1081 overdue under the order;

- 1082 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 1083 (iii) the distribution of collected amounts;
- 1084 (iv) the birth date of any child for whom the order requires the provision of support;
- 1085 and
- 1086 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 1087 (i) to contract with the Department of Workforce Services to establish and maintain the
- 1088 new hire registry created under Section 35A-7-103;
- 1089 (j) to determine whether an individual who has applied for or is receiving cash assistance
- 1090 or Medicaid is cooperating in good faith with the office as required by Section
- 1091 26B-9-213;
- 1092 (k) to finance any costs incurred from collections, fees, General Fund appropriation,
- 1093 contracts, and federal financial participation; and
- 1094 (l) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of
- 1095 the opportunity to contest the accuracy of allegations by a custodial parent of
- 1096 nonpayment of past-due child support, prior to taking action against a noncustodial
- 1097 parent to collect the alleged past-due support.
- 1098 (2) The office may not provide child support services to the Division of Child and Family
- 1099 Services for a calendar month when the child to whom the child support services relate
- 1100 is:
- 1101 (a) in the custody of the Division of Child and Family Services; and
- 1102 (b) lives in the home of a custodial parent of the child for more than seven consecutive
- 1103 days, regardless of whether:
- 1104 (i) the greater than seven consecutive day period starts during one month and ends in
- 1105 the next month; and
- 1106 (ii) the child is living in the home on a trial basis.
- 1107 (3) The Division of Child and Family Services is not entitled to child support, for a child to
- 1108 whom the child support relates, for a calendar month when child support services may
- 1109 not be provided under Subsection (2).
- 1110 Section 12. Section **26B-9-201** is amended to read:
- 1111 **26B-9-201 (Effective 09/01/24). Definitions.**
- 1112 As used in this part:
- 1113 (1) "Adjudicative proceeding" means an action or proceeding of the office conducted in
- 1114 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1115 (2) "Administrative order" means an order that has been issued by the office, the

- 1116 department, or an administrative agency of another state or other comparable jurisdiction
 1117 with similar authority to that of the office.
- 1118 (3) "Arrears" means ~~[the same as]~~ support debt.
- 1119 (4) "Assistance" means public assistance as defined in Section 26B-9-101.
- 1120 ~~[(5) "Business day" means a day on which state offices are open for regular business.]~~
- 1121 ~~[(6) "Child" means:]~~
- 1122 ~~[(a) a son or daughter under the age of 18 years who is not otherwise emancipated,~~
 1123 ~~self-supporting, married, or a member of the armed forces of the United States;]~~
- 1124 ~~[(b) a son or daughter over the age of 18 years, while enrolled in high school during the~~
 1125 ~~normal and expected year of graduation and not otherwise emancipated, self-supporting,~~
 1126 ~~married, or a member of the armed forces of the United States; or]~~
- 1127 ~~[(c) a son or daughter of any age who is incapacitated from earning a living and is without~~
 1128 ~~sufficient means].~~
- 1129 (5) "Cash medical support" means an obligation to equally share all reasonable and
 1130 necessary medical and dental expenses of children.
- 1131 (6) "Child" means the same as that term is defined in Section 81-6-101.
- 1132 (7) "Child support" means the same as that term is defined in Section ~~[26B-9-301]~~
 1133 26B-9-101.
- 1134 (8) "Child support guidelines" means ~~[guidelines as defined in Section 78B-12-102]~~ the
 1135 same as that term is defined in Section 81-6-101.
- 1136 (9) "Child support order" means ~~[the same as that term is defined in Section 26B-9-301.]~~ a
 1137 judgment, decree, or order, whether temporary, final, or subject to modification, issued
 1138 by a tribunal for child support and related costs and fees, interest and penalties, income
 1139 withholding, attorney fees, and other relief.
- 1140 (10) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 1141 (11) "Court order" means a judgment or order of a tribunal of appropriate jurisdiction of
 1142 this state, another state, Native American tribe, the federal government, or any other
 1143 comparable jurisdiction.
- 1144 (12) "Director" means the director of the Office of Recovery Services.
- 1145 (13) "Disposable earnings" means ~~[the same as that term is defined in Section 26B-9-101.]~~
 1146 that part of the earnings of an individual remaining after the deduction of all amounts
 1147 required by law to be withheld.
- 1148 ~~[(14) "Guidelines" means the same as that term is defined in Section 78B-12-102.]~~
- 1149 ~~[(15)]~~ (14) "High-volume automated administrative enforcement" in interstate cases means,

1150 on the request of another state, the identification by the office, through automatic data
1151 matches with financial institutions and other entities where assets may be found, of
1152 assets owned by persons who owe child support in the requesting state, and the seizure
1153 of the assets by the office, through levy or other appropriate processes.

1154 ~~[(16)]~~ (15) "Income" means the same as that term is defined in Section 26B-9-101.

1155 ~~[(17) "IV-D child support services" means the same as child support services.]~~

1156 (16) "IV-D services" means services provided pursuant to Part D of Title IV of the Social
1157 Security Act, 42 U.S.C. Sec. 651, et seq.

1158 ~~[(18)]~~ (17) "Notice of agency action" means the notice required to commence an
1159 adjudicative proceeding in accordance with Section 63G-4-201.

1160 ~~[(19)]~~ (18) "Obligee" means an individual, this state, another state, or other comparable
1161 jurisdiction to whom a duty of child support is owed, or who is entitled to
1162 reimbursement of child support or public assistance.

1163 ~~[(20)]~~ (19) "Obligor" means a person, firm, corporation, or the estate of a decedent owing a
1164 duty of support to this state, to an individual, to another state, or other corporate
1165 jurisdiction in whose behalf this state is acting.

1166 ~~[(21)]~~ (20) "Office" means the Office of Recovery Services.

1167 ~~[(22)]~~ (21) "Parent" means ~~[a natural parent or an adoptive parent of a dependent child]~~ the
1168 same as that term is defined in Section 81-1-101.

1169 ~~[(23)]~~ (22) "Past-due support" means ~~[the same as]~~ support debt.

1170 ~~[(24)]~~ (23) "Person" includes an individual, firm, corporation, association, political
1171 subdivision, department, or office.

1172 ~~[(25)]~~ (24) "Public assistance" means the same as that term is defined in Section 26B-9-101.

1173 ~~[(26)]~~ (25) "Presiding officer" means a presiding officer described in Section 63G-4-103.

1174 ~~[(27)]~~ (26) "Support" includes past-due, present, and future obligations established by:
1175 (a) a tribunal or imposed by law for the financial support, maintenance, medical, or
1176 dental care of a ~~[dependent-]~~ child; and
1177 (b) a tribunal for the financial support of a spouse or former spouse with whom the
1178 obligor's ~~[dependent-]~~ child resides if the obligor also owes a child support obligation
1179 that is being enforced by the state.

1180 ~~[(28)]~~ (27) "Support debt" means the debt created by nonpayment of support.

1181 ~~[(29)]~~ (28) "Support order" means ~~[the same as]~~ a child support order.

1182 ~~[(30)]~~ (29) "Tribunal" means the district court, the department, the Office of Recovery
1183 Services, or court or administrative agency of any state, territory, possession of the

1184 United States, the District of Columbia, the Commonwealth of Puerto Rico, Native
1185 American Tribe, or other comparable domestic or foreign jurisdiction.

1186 Section 13. Section **26B-9-202** is amended to read:

1187 **26B-9-202 (Effective 09/01/24). Common-law and statutory remedies augmented**
1188 **by act -- Public policy.**

1189 (1) The state of Utah, exercising its police and sovereign power, declares that the
1190 common-law and statutory remedies pertaining to family desertion and nonsupport of [
1191 ~~minor dependent~~]children shall be augmented by this part, which is directed to the real
1192 and personal property resources of the responsible parents.

1193 (2) In order to render resources more immediately available to meet the needs of [~~minor~~]
1194 children, it is the legislative intent that the remedies provided in this part are in addition
1195 to, and not in lieu of, existing law.

1196 (3) It is declared to be the public policy of this state that this part be liberally construed and
1197 administered to the end that children shall be maintained from the resources of
1198 responsible parents, thereby relieving or avoiding, at least in part, the burden often borne
1199 by the general citizenry through public assistance programs.

1200 Section 14. Section **26B-9-210** is amended to read:

1201 **26B-9-210 (Effective 09/01/24). Issuance or modification of an order to collect**
1202 **support for persons not receiving public assistance.**

1203 The office may proceed to issue or modify an order under Section 26B-9-206 and
1204 collect under this part even though public assistance is not being provided on behalf of a [
1205 ~~dependent~~]child if the office provides support collection services in accordance with:

1206 (1) an application for services provided under Title IV-D of the federal Social Security Act;

1207 (2) the continued service provisions of Subsection 26B-9-213(5); or

1208 (3) the interstate provisions of Section 26B-9-209.

1209 Section 15. Section **26B-9-211** is amended to read:

1210 **26B-9-211 (Effective 09/01/24). Mandatory review and adjustment of child**
1211 **support orders for TANF recipients.**

1212 If a child support order has not been issued, adjusted, or modified within the previous
1213 three years and the children who are the subject of the order currently receive TANF
1214 funds, the office shall review the order, and if appropriate, move the tribunal to adjust
1215 the amount of the order if there is a difference of 10% or more between the payor's
1216 ordered support amount and the payor's support amount required under the child support
1217 guidelines.

1218 Section 16. Section **26B-9-212** is amended to read:

1219 **26B-9-212 (Effective 09/01/24). Collection directly from responsible parent.**

1220 (1) (a) The office may issue or modify an order under Section 26B-9-206 and collect
1221 under this part directly from a responsible parent if the procedural requirements of
1222 applicable law have been met and if public assistance is provided on behalf of that
1223 parent's [~~dependent~~]child.

1224 (b) The direct right to issue an order under this Subsection (1) is independent of and in
1225 addition to the right derived from that assigned under Section 35A-3-108.

1226 (2) An order issuing or modifying a support obligation under Subsection (1), issued while
1227 public assistance was being provided for a [~~dependent~~]child, remains in effect and may
1228 be enforced by the office under Section 26B-9-210 after provision of public assistance
1229 ceases.

1230 (3) (a) The office may issue or modify an administrative order, subject to the procedural
1231 requirements of applicable law, that requires that obligee to pay to the office assigned
1232 support that an obligee receives and retains in violation of Subsection 26B-9-213(4)
1233 and may reduce to judgment any unpaid balance due.

1234 (b) The office may collect the judgment debt in the same manner as it collects any
1235 judgment for past-due support owed by an obligor.

1236 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall have
1237 full standing and authority to establish and enforce child support obligations against an
1238 alleged parent currently or formerly in a same-sex marriage on the same terms as the
1239 Office of Recovery Services' authority against other mothers and fathers.

1240 Section 17. Section **26B-9-213** is amended to read:

1241 **26B-9-213 (Effective 09/01/24). Duties of obligee after assignment of support**
1242 **rights.**

1243 (1) An obligee whose rights to support have been assigned under Section 35A-3-108 as a
1244 condition of eligibility for public assistance has the following duties:

1245 (a) Unless a good cause or other exception applies, the obligee shall, at the request of the
1246 office:

1247 (i) cooperate in good faith with the office by providing the name and other
1248 identifying information of the other parent of the obligee's child for the purpose of:

1249 (A) establishing paternity; or

1250 (B) establishing, modifying, or enforcing a child support order;

1251 (ii) supply additional necessary information and appear at interviews, hearings, and

- 1252 legal proceedings; and
- 1253 (iii) submit the obligee's child and himself to judicially or administratively ordered
- 1254 genetic testing.
- 1255 (b) The obligee may not commence an action against an obligor or file a pleading to
- 1256 collect or modify support without the office's written consent.
- 1257 (c) The obligee may not do anything to prejudice the rights of the office to establish
- 1258 paternity, enforce provisions requiring health insurance, or to establish and collect
- 1259 support.
- 1260 (d) The obligee may not agree to allow the obligor to change the court or
- 1261 administratively ordered manner or amount of payment of past, present, or future
- 1262 support without the office's written consent.
- 1263 (2) (a) The office shall determine and redetermine, when appropriate, whether an obligee
- 1264 has cooperated with the office as required by Subsection (1)(a).
- 1265 (b) If the office determines that an obligee has not cooperated as required by Subsection
- 1266 (1)(a), the office shall:
- 1267 (i) forward the determination and the basis for it to the Department of Workforce
- 1268 Services, which shall inform the department of the determination, for a
- 1269 determination of whether compliance by the obligee should be excused on the
- 1270 basis of good cause or other exception; and
- 1271 (ii) send to the obligee:
- 1272 (A) a copy of the notice; and
- 1273 (B) information that the obligee may, within 15 days of notice being sent:
- 1274 (I) contest the office's determination of noncooperation by filing a written
- 1275 request for an adjudicative proceeding with the office; or
- 1276 (II) assert that compliance should be excused on the basis of good cause or
- 1277 other exception by filing a written request for a good cause exception with
- 1278 the Department of Workforce Services.
- 1279 (3) The office's right to recover is not reduced or terminated if an obligee agrees to allow
- 1280 the obligor to change the court or administratively ordered manner or amount of
- 1281 payment of support regardless of whether that agreement is entered into before or after
- 1282 public assistance is furnished on behalf of a [~~dependent~~]child.
- 1283 (4) (a) If an obligee receives direct payment of assigned support from an obligor, the
- 1284 obligee shall immediately deliver that payment to the office.
- 1285 (b) (i) If an obligee agrees with an obligor to receive payment of support other than in

1286 the court or administratively ordered manner and receives payment as agreed with
1287 the obligor, the obligee shall immediately deliver the cash equivalent of the
1288 payment to the office.

1289 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)
1290 exceeds the amount of the court or administratively ordered support due, the
1291 office shall return the excess to the obligee.

1292 (5) (a) If public assistance furnished on behalf of a [~~dependent~~]child is terminated, the
1293 office may continue to provide paternity establishment and support collection
1294 services.

1295 (b) Unless the obligee notifies the office to discontinue these services, the obligee is
1296 considered to have accepted and is bound by the rights, duties, and liabilities of an
1297 obligee who has applied for those services.

1298 Section 18. Section **26B-9-214** is amended to read:

1299 **26B-9-214 (Effective 09/01/24). Liens by operation of law and writs of**
1300 **garnishment.**

1301 (1) Each payment or installment of child support is, on and after the date it is due, a
1302 judgment with the same attributes and effect of any judgment of a district court in
1303 accordance with Section [~~78B-12-112~~] 81-7-102 and for purposes of Section 78B-5-202.

1304 (2) (a) A judgment under Subsection (1) or final administrative order shall constitute a
1305 lien against the real property of the obligor upon the filing of a notice of
1306 judgment-lien in the district court where the obligor's real property is located if the
1307 notice:

1308 (i) specifies the amount of past-due support; and

1309 (ii) complies with the procedural requirements of Section 78B-5-202.

1310 (b) Rule 69, Utah Rules of Civil Procedure, shall apply to any action brought to execute
1311 a judgment or final administrative order under this section against real or personal
1312 property in the obligor's possession.

1313 (3) (a) The office may issue a writ of garnishment against the obligor's personal property
1314 in the possession of a third party for a judgment under Subsection (1) or a final
1315 administrative order in the same manner and with the same effect as if the writ were
1316 issued on a judgment of a district court if:

1317 (i) the judgment or final administrative order is recorded on the office's automated
1318 case registry; and

1319 (ii) the writ is signed by the director or the director's designee and served by certified

1320 mail, return receipt requested, or as prescribed by Rule 4, Utah Rules of Civil
1321 Procedure.

1322 (b) A writ of garnishment issued under Subsection (3)(a) is subject to the procedures and
1323 due process protections provided by Rule 64D, Utah Rules of Civil Procedure, except
1324 as provided by Section 26B-9-217.

1325 Section 19. Section **26B-9-217** is amended to read:

1326 **26B-9-217 (Effective 09/01/24). Requirement to honor voluntary assignment of**
1327 **earnings -- Discharge of employee prohibited -- Liability for discharge --**
1328 **Earnings subject to support lien or garnishment.**

1329 (1) (a) Every person, firm, corporation, association, political subdivision, or department
1330 of the state shall honor, according to its terms, a duly executed voluntary assignment
1331 of earnings which is presented by the office as a plan to satisfy or retire a support
1332 debt or obligation.

1333 (b) The requirement to honor an assignment of earnings, and the assignment of earnings
1334 itself, are applicable whether the earnings are to be paid presently or in the future,
1335 and continue in effect until released in writing by the office.

1336 (c) Payment of money pursuant to an assignment of earnings presented by the office
1337 shall serve as full acquittance under any contract of employment, and the state shall
1338 defend the employer and hold the employer harmless for any action taken pursuant to
1339 the assignment of earnings.

1340 (d) The office shall be released from liability for improper receipt of money under an
1341 assignment of earnings upon return of any money so received.

1342 (2) An employer may not discharge or prejudice any employee because the employee's
1343 earnings have been subjected to support lien, wage assignment, or garnishment for any
1344 indebtedness under this part.

1345 (3) If an employer discharges an employee in violation of Subsection (2), the employer is
1346 liable to the employee for the damages the employee may suffer, and, additionally, to
1347 the office in an amount equal to the debt which is the basis of the assignment or
1348 garnishment, plus costs, interest, and attorney fees, or a maximum of \$1,000, whichever
1349 is less.

1350 (4) The maximum part of the aggregate disposable earnings of an individual for any work
1351 pay period which may be subjected to a garnishment to enforce payment of a judicial or
1352 administrative judgment arising out of failure to support [~~dependent~~]children may not
1353 exceed 50% of the individual's disposable earnings for the work pay period.

1354 (5) The support lien or garnishment shall continue to operate and require the employer to
1355 withhold the nonexempt portion of earnings at each succeeding earnings disbursement
1356 interval until released in writing by the court or office.

1357 Section 20. Section **26B-9-220** is amended to read:

1358 **26B-9-220 (Effective 09/01/24). Review and adjustment of child support order in**
1359 **three-year cycle -- Substantial change in circumstances not required.**

1360 (1) If a child support order has not been issued, modified, or reviewed within the previous
1361 three years, the office shall review a child support order, taking into account the best
1362 interests of the child involved, if:

1363 (a) requested by a parent or legal guardian involved in a case receiving IV-D services; or

1364 (b) there has been an assignment under Section 35A-3-108 and the office determines
1365 that a review is appropriate.

1366 (2) (a) If the office conducts a review under Subsection (1), the office shall determine if
1367 there is a difference of 10% or more between the amount ordered and the amount that
1368 would be required under the child support guidelines.

1369 (b) If there is such a difference and the difference is not of a temporary nature, the
1370 office shall:

1371 [~~(a)~~] (i) with respect to a child support order issued or modified by the office, adjust
1372 the amount to that which is provided for in the child support guidelines; or

1373 [~~(b)~~] (ii) with respect to a child support order issued or modified by a court, file [a
1374 petition] the appropriate pleading with the court to adjust the amount to that which
1375 is provided for in the child support guidelines.

1376 (3) The office may use automated methods to:

1377 (a) collect information and conduct reviews under Subsection (2); and

1378 (b) identify child support orders in which there is a difference of 10% or more between
1379 the amount of child support ordered and the amount that would be required under the
1380 child support guidelines for review under Subsection (1)(b).

1381 (4) (a) A parent or legal guardian who requests a review under Subsection (1)(a) shall
1382 provide notice of the request to the other parent within five days and in accordance
1383 with Section 26B-9-207.

1384 (b) If the office conducts a review under Subsections (1)(b) and (3)(b), the office shall
1385 provide notice to the parties of:

1386 (i) a proposed adjustment under Subsection [~~(2)(a)~~] (2)(b)(i); or

1387 (ii) a proposed [~~petition~~] pleading to be filed in court under Subsection [~~(2)(b)~~]

1388 (2)(b)(ii).

1389 (5) (a) Within 30 days of notice being sent under Subsection (4)(a), a parent or legal
1390 guardian may respond to a request for review filed with the office.

1391 (b) Within 30 days of notice being sent under Subsection (4)(b), a parent or legal
1392 guardian may contest a proposed adjustment or petition by requesting a review under
1393 Subsection (1)(a) and providing documentation that refutes the adjustment or petition.

1394 (6) A showing of a substantial change in circumstances is not necessary for an adjustment
1395 under this section.

1396 Section 21. Section **26B-9-221** is amended to read:

1397 **26B-9-221 (Effective 09/01/24). Review and adjustment of support order for**
1398 **substantial change in circumstances outside three-year cycle.**

1399 (1) (a) A parent or legal guardian involved in a case receiving IV-D services or the
1400 office, if there has been an assignment under Section 35A-3-108, may at any time
1401 request the office to review a child support order if there has been a substantial
1402 change in circumstances.

1403 (b) For purposes of Subsection (1)(a), a substantial change in circumstances may include:

1404 (i) material changes in custody;

1405 (ii) material changes in the relative wealth or assets of the parties;

1406 (iii) material changes of 30% or more in the income of a parent;

1407 (iv) material changes in the ability of a parent to earn;

1408 (v) material changes in the medical needs of the child; and

1409 (vi) material changes in the legal responsibilities of either parent for the support of
1410 others.

1411 (2) (a) Upon receiving a request under Subsection (1), the office shall review the order,
1412 taking into account the best interests of the child involved, to determine whether the
1413 substantial change in circumstance has occurred, and if so, whether the change
1414 resulted in a difference of 15% or more between the amount of child support ordered
1415 and the amount that would be required under the child support guidelines.

1416 (b) If there is such a difference and the difference is not of a temporary nature, the
1417 office shall:

1418 ~~[(a)]~~ (i) with respect to a support order issued or modified by the office, adjust the
1419 amount in accordance with the child support guidelines; or

1420 ~~[(b)]~~ (ii) with respect to a support order issued or modified by a court, file a petition
1421 with the court to adjust the amount in accordance with the child support guidelines.

1422 (3) The office may use automated methods to collect information for a review conducted
1423 under Subsection (2).

1424 (4) (a) A parent or legal guardian who requests a review under Subsection (1) shall
1425 provide notice of the request to the other parent within five days and in accordance
1426 with Section 26B-9-207.

1427 (b) If the office initiates and conducts a review under Subsection (1), the office shall
1428 provide notice of the request to any parent or legal guardian within five days and in
1429 accordance with Section 26B-9-207.

1430 (5) Within 30 days of notice being sent under Subsection (4), a parent or legal guardian
1431 may file a response to a request for review with the office.

1432 Section 22. Section **26B-9-224** is amended to read:

1433 **26B-9-224 (Effective 09/01/24). Medical and dental expenses of a child -- Health**
1434 **insurance for a child.**

1435 (1) As used in this section, "health insurance" means the same as that term is defined in
1436 Section 31A-1-301.

1437 (2) In any action under this part, the office and the department in their orders shall include:

1438 [(1)] (a) [~~include~~] a provision assigning responsibility for cash medical support;

1439 [(2)] (b) [~~include~~] a provision requiring the purchase and maintenance of appropriate [
1440 ~~medical, hospital, and dental care~~] health insurance for [~~those children~~] the child, if:

1441 [(a)] (i) insurance coverage is or becomes available at a reasonable cost; and

1442 [(b)] (ii) the insurance coverage is accessible to the [~~children~~] child; and

1443 [(3)] (c) [~~include~~] a designation of which [~~health, dental or hospital~~] health insurance plan[;]

1444 is primary and which is secondary in accordance with the provisions of Section [
1445 ~~30-3-5.4~~] 81-6-208, which will take effect if at any time the [~~dependent children are~~]

1446 child is covered by both parents' [~~health, hospital, or dental~~] health insurance plans.

1447 Section 23. Section **26B-9-225** is amended to read:

1448 **26B-9-225 (Effective 09/01/24). Enrollment of child in accident and health**
1449 **insurance plan -- Order -- Notice.**

1450 (1) The office may issue a notice to existing and future employers or unions to enroll a [
1451 ~~dependent~~] child in an accident and health insurance plan that is available through the [
1452 ~~dependent~~] child's parent or legal guardian's employer or union, when the following
1453 conditions are satisfied:

1454 (a) the parent or legal guardian is already required to obtain insurance coverage for the
1455 child by a prior court or administrative order; and

- 1456 (b) the parent or legal guardian has failed to provide written proof to the office that:
- 1457 (i) the child has been enrolled in an accident and health insurance plan in accordance
- 1458 with the court or administrative order; or
- 1459 (ii) the coverage required by the order was not available at group rates through the
- 1460 employer or union 30 or more days prior to the date of the mailing of the notice to
- 1461 enroll.
- 1462 (2) The office shall provide concurrent notice to the parent or legal guardian in accordance
- 1463 with Section 26B-9-207 of:
- 1464 (a) the notice to enroll sent to the employer or union; and
- 1465 (b) the opportunity to contest the enrollment due to a mistake of fact by filing a written
- 1466 request for an adjudicative proceeding with the office within 15 days of the notice
- 1467 being sent.
- 1468 (3) A notice to enroll shall result in the enrollment of the child in the parent's accident and
- 1469 health insurance plan, unless the parent successfully contests the notice based on a
- 1470 mistake of fact.
- 1471 (4) A notice to enroll issued under this section may be considered a "qualified medical
- 1472 support order" for the purposes of enrolling a [~~dependent~~]child in a group accident and
- 1473 health insurance plan as defined in Section 609(a), Federal Employee Retirement
- 1474 Income Security Act of 1974.
- 1475 Section 24. Section **26B-9-226** is amended to read:
- 1476 **26B-9-226 (Effective 09/01/24). Compliance with order -- Enrollment of child**
- 1477 **for insurance.**
- 1478 (1) An employer or union shall comply with a notice to enroll issued by the office under
- 1479 Section 26B-9-225 by enrolling the [~~dependent~~]child that is the subject of the notice in
- 1480 the:
- 1481 (a) accident and health insurance plan in which the parent or legal guardian is enrolled,
- 1482 if the plan satisfies the prior court or administrative order; or
- 1483 (b) least expensive plan, assuming equivalent benefits, offered by the employer or union
- 1484 that complies with the prior court or administrative order which provides coverage
- 1485 that is reasonably accessible to the [~~dependent~~]child.
- 1486 (2) The employer, union, or insurer may not refuse to enroll a [~~dependent~~]child pursuant to
- 1487 a notice to enroll because a parent or legal guardian has not signed an enrollment
- 1488 application.
- 1489 (3) Upon enrollment of the [~~dependent~~]child, the employer shall deduct the appropriate

1490 premiums from the parent or legal guardian's wages and remit [them] the premiums
1491 directly to the insurer.

1492 (4) The insurer shall provide proof of insurance to the office upon request.

1493 (5) The signature of the custodial parent of the insured [~~dependent~~] child is a valid
1494 authorization to the insurer for purposes of processing any insurance reimbursement
1495 claim.

1496 Section 25. Section **26B-9-230** is amended to read:

1497 **26B-9-230 (Effective 09/01/24). Right to judicial review.**

1498 (1) (a) Within 30 days of notice of any administrative action on the part of the office to
1499 establish paternity or establish, modify or enforce a child support order, the obligor
1500 may file a petition for de novo review with the district court.

1501 (b) For purposes of Subsection (1)(a), notice includes:

1502 (i) notice actually received by the obligor in accordance with Section 26B-9-207;

1503 (ii) participation by the obligor in the proceedings related to the establishment of the
1504 paternity or the modification or enforcement of child support; or

1505 (iii) receiving a paycheck in which a reduction has been made for child support.

1506 (2) The petition shall name the office and all other appropriate parties as respondents and
1507 meet the form requirements specified in Section 63G-4-402.

1508 (3) A copy of the petition shall be served upon the Child and Family Support Division of
1509 the Office of Attorney General.

1510 (4) (a) If the petition is regarding the amount of the child support obligation established
1511 in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter
1512 6, Child Support, the court may issue a temporary order for child support until a final
1513 order is issued.

1514 (b) The petitioner may file an affidavit stating the amount of child support reasonably
1515 believed to be due and the court may issue a temporary order for that amount. The
1516 temporary order shall be valid for 60 days, unless extended by the court while the
1517 action is being pursued.

1518 (c) If the court upholds the amount of support established in Subsection (4)(a), the
1519 petitioner shall be ordered to make up the difference between the amount originally
1520 ordered in Subsection (4)(a) and the amount temporarily ordered under Subsection
1521 (4)(b).

1522 (d) This Subsection (4) does not apply to an action for the court-ordered modification of
1523 a judicial child support order.

- 1524 (5) (a) The court may, on its own initiative and based on the evidence before it,
 1525 determine whether the petitioner violated [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of
 1526 Civil Procedure by filing the action.
- 1527 (b) If the court determines that [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil
 1528 Procedure was violated, it shall, at a minimum, award to the office attorney fees and
 1529 costs for the action.
- 1530 (6) Nothing in this section precludes the obligor from seeking administrative remedies as
 1531 provided in this chapter.

1532 Section 26. Section **26B-9-301** is amended to read:

1533 **26B-9-301 (Effective 09/01/24). Definitions.**

1534 As used in this part and Part 4, Income Withholding in Non IV-D Cases:

- 1535 (1) "Business day" means a day on which state offices are open for regular business.
- 1536 (2) "Child" means the same as that term is defined in Section [~~26B-9-201~~] 81-6-101.
- 1537 [~~(3) (a) "Child support" means a base child support award as defined in Section~~
 1538 ~~78B-12-102, or a financial award for uninsured monthly medical expenses, ordered by a~~
 1539 ~~tribunal for the support of a child, including current periodic payments, all arrearages~~
 1540 ~~which accrue under an order for current periodic payments, and sum certain judgments~~
 1541 ~~awarded for arrearages, medical expenses, and child care costs.]~~
- 1542 [~~(b) "Child support" includes obligations ordered by a tribunal for the support of a spouse~~
 1543 ~~or former spouse with whom the child resides if the spousal support is collected with the~~
 1544 ~~child support.]~~
- 1545 (3) "Child support" means the same as that term is defined in Section 26B-9-101.
- 1546 (4) "Child support order" means [~~a judgment, decree, or order, whether temporary, final, or~~
 1547 ~~subject to modification, issued by a tribunal for child support and related costs and fees,~~
 1548 ~~interest and penalties, income withholding, attorney fees, and other relief] the same as
 1549 that term is defined in Section 26B-9-201.~~
- 1550 (5) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 1551 (6) [~~"Delinquent" or "delinquency"]~~ "Delinquency" means that child support in an amount at
 1552 least equal to current child support payable for one month is overdue.
- 1553 (7) "Delinquent" means delinquency.
- 1554 [~~(7)]~~ (8) "Immediate income withholding" means income withholding without regard to
 1555 whether a delinquency has occurred.
- 1556 [~~(8)]~~ (9) "Income" means the same as that term is defined in Section 26B-9-101.
- 1557 (10) "IV-D services" means the same as that term is defined in Section 26B-9-201.

1558 [(9)] (11) "Jurisdiction" means a state or political subdivision of the United States, a
1559 territory or possession of the United States, the District of Columbia, the
1560 Commonwealth of Puerto Rico, an Indian tribe or tribal organization, or any comparable
1561 foreign nation or political subdivision.

1562 [(10)] (12) "Obligee" means the same as that term is defined in Section 26B-9-201.

1563 [(11)] (13) "Obligor" means the same as that term is defined in Section 26B-9-201.

1564 [(12)] (14) "Office" means the Office of Recovery Services.

1565 [(13)] (15) "Payor" means an employer or any person who is a source of income to an
1566 obligor.

1567 [(14) "Support order" means the same as child support order.]

1568 Section 27. Section **26B-9-303** is amended to read:

1569 **26B-9-303 (Effective 09/01/24). Provision for income withholding in child**
1570 **support order -- Immediate income withholding.**

1571 (1) Whenever a child support order is issued or modified in this state the obligor's income is
1572 subject to immediate income withholding for the child support described in the order in
1573 accordance with the provisions of this chapter, unless:

- 1574 (a) the court or administrative body which entered the order finds that one of the parties
1575 has demonstrated good cause so as not to require immediate income withholding; or
1576 (b) a written agreement which provides an alternative payment arrangement is executed
1577 by the obligor and obligee, and reviewed and entered in the record by the court or
1578 administrative body.

1579 (2) (a) In every child support order issued or modified on or after January 1, 1994, the
1580 court or administrative body shall include a provision that the income of an obligor is
1581 subject to immediate income withholding in accordance with this chapter.

1582 (b) If for any reason other than the provisions of Subsection (1) that provision is not
1583 included in the child support order the obligor's income is nevertheless subject to
1584 immediate income withholding.

1585 (3) In determining [~~"good cause,"~~] good cause, the court or administrative body may, in
1586 addition to any other requirement it considers appropriate, consider whether the obligor
1587 has:

- 1588 (a) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]
1589 children, or otherwise made arrangements sufficient to guarantee child support
1590 payments for at least two months;
1591 (b) arranged to deposit all child support payments into a checking account belonging to

1592 the obligee, or made arrangements insuring that a reliable and independent record of
 1593 the date and place of child support payments will be maintained; or
 1594 (c) arranged for electronic transfer of funds on a regular basis to meet court-ordered
 1595 child support obligations.

1596 Section 28. Section **26B-9-304** is amended to read:

1597 **26B-9-304 (Effective 09/01/24). Office procedures for income withholding for**
 1598 **orders issued or modified on or after October 13, 1990.**

1599 (1) With regard to obligees or obligors who are receiving IV-D services, each child support
 1600 order issued or modified on or after October 13, 1990, subjects the income of an obligor
 1601 to immediate income withholding as of the effective date of the order, regardless of
 1602 whether a delinquency occurs unless:

1603 (a) the court or administrative body that entered the order finds that one of the parties
 1604 has demonstrated good cause not to require immediate income withholding; or

1605 (b) a written agreement that provides an alternative arrangement is executed by the
 1606 obligor and obligee, and by the office, if there is an assignment under Section
 1607 35A-3-108, and reviewed and entered in the record by the court or administrative
 1608 body.

1609 (2) For purposes of this section:

1610 (a) [~~"good cause"~~] good cause shall be based on, at a minimum:

1611 (i) a determination and explanation on the record by the court or administrative body
 1612 that implementation of income withholding would not be in the best interest of the
 1613 child; and

1614 (ii) proof of timely payment of any previously ordered support; and

1615 (b) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in
 1616 addition to any other requirement that it determines appropriate, consider whether the
 1617 obligor has:

1618 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent~~
 1619 ~~children~~] children, or otherwise made arrangements sufficient to guarantee child
 1620 support payments for at least two months; and

1621 (ii) arranged to deposit all child support payments into a checking account belonging
 1622 to the obligee or made arrangements insuring that a reliable and independent
 1623 record of the date and place of child support payments will be maintained.

1624 (3) An exception from immediate income withholding shall be:

1625 (a) included in the court or administrative agency's child support order; and

- 1626 (b) negated without further administrative or judicial action:
1627 (i) upon a delinquency;
1628 (ii) upon the obligor's request; or
1629 (iii) if the office, based on internal procedures and standards, or a party requests
1630 immediate income withholding for a case in which the parties have entered into an
1631 alternative arrangement to immediate income withholding pursuant to Subsection
1632 (1)(b).
- 1633 (4) If an exception to immediate income withholding has been ordered on the basis of good
1634 cause under Subsection (1)(a), the office may commence income withholding under this
1635 part:
1636 (a) in accordance with Subsection (3)(b); or
1637 (b) if the administrative or judicial body that found good cause determines that
1638 circumstances no longer support that finding.
- 1639 (5) (a) A party may contest income withholding due to a mistake of fact by filing a
1640 written objection with the office within 15 days of the commencement of income
1641 withholding under Subsection (4).
1642 (b) If a party contests income withholding under Subsection (5)(a), the office shall
1643 proceed with the objection as it would an objection filed under Section 26B-9-305.
- 1644 (6) Income withholding implemented under this section is subject to termination under
1645 Section 26B-9-308.
- 1646 (7) (a) Income withholding under the order may be effective until the obligor no longer
1647 owes child support to the obligee.
1648 (b) Appropriate income withholding procedures apply to existing and future payors and
1649 all withheld income shall be submitted to the office.
- 1650 Section 29. Section **26B-9-403** is amended to read:
1651 **26B-9-403 (Effective 09/01/24). Child support orders issued or modified on or**
1652 **after January 1, 1994 -- Immediate income withholding.**
- 1653 (1) With regard to obligees or obligors who are not receiving IV-D services, each child
1654 support order issued or modified on or after January 1, 1994, subjects the income of an
1655 obligor to immediate income withholding as of the effective date of the order, regardless
1656 of whether a delinquency occurs unless:
1657 (a) the court or administrative body that entered the order finds that one of the parties
1658 has demonstrated good cause so as not to require immediate income withholding; or
1659 (b) a written agreement which provides an alternative payment arrangement is executed

- 1660 by the obligor and obligee, and reviewed and entered in the record by the court or
1661 administrative body.
- 1662 (2) For purposes of this section:
- 1663 (a) an action on or after January 1, 1994, to reduce child support arrears to judgment,
1664 without a corresponding establishment of or modification to a base child support
1665 amount, is not sufficient to trigger immediate income withholding;
- 1666 (b) [~~"good cause"~~] good cause shall be based on, at a minimum:
- 1667 (i) a determination and explanation on the record by the court or administrative body
1668 that implementation of income withholding would not be in the best interest of the
1669 child; and
- 1670 (ii) proof of timely payment of any previously ordered support; and
- 1671 (c) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in
1672 addition to any other requirement it considers appropriate, consider whether the
1673 obligor has:
- 1674 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent~~
1675 ~~children~~] children, or otherwise made arrangements sufficient to guarantee child
1676 support payments for at least two months;
- 1677 (ii) arranged to deposit all child support payments into a checking account belonging
1678 to the obligee, or made arrangements insuring that a reliable and independent
1679 record of the date and place of child support payments will be maintained; or
- 1680 (iii) arranged for electronic transfer of funds on a regular basis to meet court-ordered
1681 child support obligations.
- 1682 (3) In cases where the court or administrative body that entered the order finds a
1683 demonstration of good cause or enters a written agreement that immediate income
1684 withholding is not required, in accordance with this section, any party may subsequently
1685 pursue income withholding on the earliest of the following dates:
- 1686 (a) the date payment of child support becomes delinquent;
- 1687 (b) the date the obligor requests;
- 1688 (c) the date the obligee requests if a written agreement under Subsection (1)(b) exists; or
- 1689 (d) the date the court or administrative body so modifies that order.
- 1690 (4) The court shall include in every child support order issued or modified on or after
1691 January 1, 1994, a provision that the income of an obligor is subject to income
1692 withholding in accordance with this chapter; however, if for any reason that provision is
1693 not included in the child support order, the obligor's income is nevertheless subject to

- 1694 income withholding.
- 1695 (5) (a) In any action to establish or modify a child support order after July 1, 1997, the
1696 court, upon request by the obligee or obligor, shall commence immediate income
1697 withholding by ordering the clerk of the court or the requesting party to:
- 1698 (i) mail written notice to the payor at the payor's last-known address that contains the
1699 information required by Section 26B-9-407; and
- 1700 (ii) mail a copy of the written notice sent to the payor under Subsection (5)(a)(i) and
1701 a copy of the support order to the office.
- 1702 (b) If neither the obligee nor obligor requests commencement of income withholding
1703 under Subsection (5)(a), the court shall include in the order to establish or modify
1704 child support a provision that the obligor or obligee may commence income
1705 withholding by:
- 1706 (i) applying for IV-D services with the office; or
- 1707 (ii) filing an ex parte motion with a district court of competent jurisdiction pursuant
1708 to Section 26B-9-405.
- 1709 (c) A payor who receives written notice under Subsection (5)(a)(i) shall comply with the
1710 requirements of Section 26B-9-408.
- 1711 Section 30. Section **26B-9-405** is amended to read:
- 1712 **26B-9-405 (Effective 09/01/24). Procedures for commencing income withholding.**
- 1713 (1) If income withholding has not been commenced in connection with a child support
1714 order, an obligee or obligor may commence income withholding by:
- 1715 (a) applying for IV-D services from the office; or
- 1716 (b) filing an ex parte motion for income withholding with a district court of competent
1717 jurisdiction.
- 1718 (2) The office shall commence income withholding in accordance with Part 3, Income
1719 Withholding in IV-D Cases, upon receipt of an application for IV-D services under
1720 Subsection (1)(a).
- 1721 (3) A court shall grant an ex parte motion to commence income withholding filed under
1722 Subsection (1)(b) regardless of whether the child support order provided for income
1723 withholding, if the obligee provides competent evidence showing:
- 1724 (a) the child support order was issued or modified after January 1, 1994, and the obligee
1725 or obligor expresses a desire to commence income withholding;
- 1726 (b) the child support order was issued or modified after January 1, 1994, and the order
1727 contains a good cause exception to income withholding as provided for in Section

- 1728 26B-9-403, and a delinquency has occurred; or
- 1729 (c) the child support order was issued or modified before January 1, 1994, and a
- 1730 delinquency has occurred.
- 1731 (4) If a court grants an ex parte motion under Subsection (3), the court shall order the clerk
- 1732 of the court or the requesting party to:
- 1733 (a) mail written notice to the payor at the payor's last-known address that contains the
- 1734 information required by Section 26B-9-407;
- 1735 (b) mail a copy of the written notice sent to the payor under Subsection (4)(a) to the
- 1736 nonrequesting party's address and a copy of the child support order and the notice to
- 1737 the payor to the office; and
- 1738 (c) if the obligee is the requesting party, send notice to the obligor under Section
- 1739 26B-9-207 that includes:
- 1740 (i) a copy of the notice sent to the payor; and
- 1741 (ii) information regarding:
- 1742 (A) the commencement of income withholding; and
- 1743 (B) the opportunity to contest the withholding or the amount withheld due to
- 1744 mistake of fact by filing an objection with the court within 20 days.
- 1745 (5) A payor who receives written notice under Subsection (4)(a) shall comply with the
- 1746 requirements of Section 26B-9-408.
- 1747 (6) If an obligor contests withholding, the court shall:
- 1748 (a) provide an opportunity for the obligor to present evidence supporting his claim of a
- 1749 mistake of fact;
- 1750 (b) decide whether income withholding should continue;
- 1751 (c) notify the parties of the decision; and
- 1752 (d) at the obligor's option, return or credit toward the most current and future support
- 1753 payments of the obligor any amount mistakenly withheld plus interest at the legal rate.
- 1754 Section 31. Section **26B-9-501** is amended to read:
- 1755 **26B-9-501 (Effective 09/01/24). Definitions.**
- 1756 As used in this part:
- 1757 (1) "Business day" means the same as that term is defined in Section 26B-9-301.
- 1758 [~~(1)~~] (2) "Child support" [~~is as defined in Section 26B-9-301~~] means the same as that term is
- 1759 defined in Section 26B-9-101.
- 1760 [~~(2)~~] (3) "Delinquent on a child support obligation" means that a person:
- 1761 (a) (i) made no payment for 60 days on a current child support obligation as set forth

- 1762 in an administrative or court order;
- 1763 (ii) after the 60-day period described in Subsection [~~(2)(a)(i)~~] (3)(a)(i), failed to make
- 1764 a good faith effort under the circumstances to make payment on the child support
- 1765 obligation in accordance with the order; and
- 1766 (iii) has not obtained a judicial order staying enforcement of the person's child
- 1767 support obligation, or the amount in arrears; or
- 1768 (b) (i) made no payment for 60 days on an arrearage obligation of child support as set
- 1769 forth in:
- 1770 (A) a payment schedule;
- 1771 (B) a written agreement with the office; or
- 1772 (C) an administrative or judicial order;
- 1773 (ii) after the 60-day period described in Subsection [~~(2)(b)(i)~~] (3)(b)(i), failed to make
- 1774 a good faith effort under the circumstances to make payment on the child support
- 1775 obligation in accordance with the payment schedule, agreement, or order; and
- 1776 (iii) has not obtained a judicial order staying enforcement of the person's child
- 1777 support obligation, or the amount in arrears.
- 1778 [~~(3)~~] (4) "Driver license" means a license, as defined in Section 53-3-102.
- 1779 [~~(4)~~] (5) "Driver License Division" means the Driver License Division of the Department of
- 1780 Public Safety created in Section 53-3-103.
- 1781 [~~(5)~~] (6) "Office" means the Office of Recovery Services.
- 1782 Section 32. Section **31A-22-610.5** is amended to read:
- 1783 **31A-22-610.5 (Effective 09/01/24). Dependent coverage.**
- 1784 (1) As used in this section, "child" [~~has the same meaning as defined in Section 78B-12-102~~]
- 1785 means the same as that term is defined in Section 81-6-101.
- 1786 (2) (a) Any individual or group accident and health insurance policy or managed care
- 1787 organization contract that provides coverage for a policyholder's or certificate
- 1788 holder's dependent:
- 1789 (i) may not terminate coverage of an unmarried dependent by reason of the
- 1790 dependent's age before the dependent's 26th birthday; and
- 1791 (ii) shall, upon application, provide coverage for all unmarried dependents up to age
- 1792 26.
- 1793 (b) The cost of coverage for unmarried dependents 19 to 26 years old shall be included
- 1794 in the premium on the same basis as other dependent coverage.
- 1795 (c) This section does not prohibit the employer from requiring the employee to pay all or

- 1796 part of the cost of coverage for unmarried dependents.
- 1797 (d) An individual or group health insurance policy or managed care organization shall
1798 continue in force coverage for a dependent through the last day of the month in which
1799 the dependent ceases to be a dependent:
- 1800 (i) if premiums are paid; and
1801 (ii) notwithstanding Sections 31A-22-618.6 and 31A-22-618.7.
- 1802 (3) (a) When a parent is required by a court or administrative order to provide health
1803 insurance coverage for a child, an accident and health insurer may not deny
1804 enrollment of a child under the accident and health insurance plan of the child's
1805 parent on the grounds the child:
- 1806 (i) was born out of wedlock and is entitled to coverage under Subsection (4);
1807 (ii) was born out of wedlock and the custodial parent seeks enrollment for the child
1808 under the custodial parent's policy;
1809 (iii) is not claimed as a dependent on the parent's federal tax return;
1810 (iv) does not reside with the parent; or
1811 (v) does not reside in the insurer's service area.
- 1812 (b) A child enrolled as required under Subsection (3)(a)(iv) is subject to the terms of the
1813 accident and health insurance plan contract pertaining to services received outside of
1814 an insurer's service area.
- 1815 (4) When a child has accident and health coverage through an insurer of a noncustodial
1816 parent, and when requested by the noncustodial or custodial parent, the insurer shall:
- 1817 (a) provide information to the custodial parent as necessary for the child to obtain
1818 benefits through that coverage, but the insurer or employer, or the agents or
1819 employees of either of them, are not civilly or criminally liable for providing
1820 information in compliance with this Subsection (4)(a), whether the information is
1821 provided pursuant to a verbal or written request;
- 1822 (b) permit the custodial parent or the service provider, with the custodial parent's
1823 approval, to submit claims for covered services without the approval of the
1824 noncustodial parent; and
- 1825 (c) make payments on claims submitted in accordance with Subsection (4)(b) directly to
1826 the custodial parent, the child who obtained benefits, the provider, or the state
1827 Medicaid agency.
- 1828 (5) When a parent is required by a court or administrative order to provide health coverage
1829 for a child, and the parent is eligible for family health coverage, the insurer shall:

- 1830 (a) permit the parent to enroll, under the family coverage, a child who is otherwise
1831 eligible for the coverage without regard to an enrollment season restrictions;
- 1832 (b) if the parent is enrolled but fails to make application to obtain coverage for the child,
1833 enroll the child under family coverage upon application of the child's other parent,
1834 the state agency administering the Medicaid program, or the state agency
1835 administering 42 U.S.C. [See.] Secs. 651 through 669, the child support enforcement
1836 program; and
- 1837 (c) (i) when the child is covered by an individual policy, not disenroll or eliminate
1838 coverage of the child unless the insurer is provided satisfactory written evidence
1839 that:
- 1840 (A) the court or administrative order is no longer in effect; or
1841 (B) the child is or will be enrolled in comparable accident and health coverage
1842 through another insurer which will take effect not later than the effective date
1843 of disenrollment; or
- 1844 (ii) when the child is covered by a group policy, not disenroll or eliminate coverage
1845 of the child unless the employer is provided with satisfactory written evidence,
1846 which evidence is also provided to the insurer, that Subsection (8)(c)(i), (ii), or
1847 (iii) has happened.
- 1848 (6) An insurer may not impose requirements on a state agency that has been assigned the
1849 rights of an individual eligible for medical assistance under Medicaid and covered for
1850 accident and health benefits from the insurer that are different from requirements
1851 applicable to an agent or assignee of any other individual so covered.
- 1852 (7) Insurers may not reduce their coverage of pediatric vaccines below the benefit level in
1853 effect on May 1, 1993.
- 1854 (8) When a parent is required by a court or administrative order to provide health coverage,
1855 which is available through an employer doing business in this state, the employer shall:
- 1856 (a) permit the parent to enroll under family coverage any child who is otherwise eligible
1857 for coverage without regard to any enrollment season restrictions;
- 1858 (b) if the parent is enrolled but fails to make application to obtain coverage of the child,
1859 enroll the child under family coverage upon application by the child's other parent, by
1860 the state agency administering the Medicaid program, or the state agency
1861 administering 42 U.S.C. Sec. 651 through 669, the child support enforcement
1862 program;
- 1863 (c) not disenroll or eliminate coverage of the child unless the employer is provided

- 1864 satisfactory written evidence that:
- 1865 (i) the court order is no longer in effect;
- 1866 (ii) the child is or will be enrolled in comparable coverage which will take effect no
- 1867 later than the effective date of disenrollment; or
- 1868 (iii) the employer has eliminated family health coverage for all of its employees; and
- 1869 (d) withhold from the employee's compensation the employee's share, if any, of
- 1870 premiums for health coverage and to pay this amount to the insurer.
- 1871 (9) An order issued under Section 26B-9-225 may be considered a "qualified medical
- 1872 support order" for the purpose of enrolling a [~~dependent~~]child in a group accident and
- 1873 health insurance plan as defined in Section 609(a), Federal Employee Retirement
- 1874 Income Security Act of 1974.
- 1875 (10) This section does not affect any insurer's ability to require as a precondition of any
- 1876 child being covered under any policy of insurance that:
- 1877 (a) the parent continues to be eligible for coverage;
- 1878 (b) the child shall be identified to the insurer with adequate information to comply with
- 1879 this section; and
- 1880 (c) the premium shall be paid when due.
- 1881 (11) This section applies to employee welfare benefit plans as defined in Section
- 1882 26B-3-1001.
- 1883 (12) (a) A policy that provides coverage to a child of a group member may not deny
- 1884 eligibility for coverage to a child solely because:
- 1885 (i) the child does not reside with the insured; or
- 1886 (ii) the child is solely dependent on a former spouse of the insured rather than on the
- 1887 insured.
- 1888 (b) A child who does not reside with the insured may be excluded on the same basis as a
- 1889 child who resides with the insured.
- 1890 Section 33. Section **35A-3-307** is amended to read:
- 1891 **35A-3-307 (Effective 09/01/24). Cash assistance to a single minor parent.**
- 1892 (1) The department may provide cash assistance to a single minor parent in accordance with
- 1893 this section.
- 1894 (2) A single minor parent who receives cash assistance under this part shall:
- 1895 (a) except as provided under Subsection (3), reside in a place of residence maintained by
- 1896 a parent, legal guardian, or other adult relative of the single minor parent;
- 1897 (b) participate in education for parenting and life skills;

- 1898 (c) participate in infant and child wellness programs approved by the department; and
 1899 (d) for at least 20 hours per week:
- 1900 (i) if the single minor parent does not have a high school diploma, attend high school
 1901 or an alternative to high school;
- 1902 (ii) participate in education or training; or
 1903 (iii) participate in a combination of employment and education or training.
- 1904 (3) (a) If the department determines that the requirements of Subsection (2)(a) are not
 1905 appropriate for a single minor parent, the department may assist the single minor
 1906 parent to obtain suitable living arrangements, including an adult-supervised living
 1907 arrangement.
- 1908 (b) The department may only provide cash assistance to a single minor parent who is
 1909 exempt from the requirements of Subsection (2)(a) if the single minor parent resides
 1910 in a living arrangement that is approved by the department.
- 1911 (c) The approval by the department of a living arrangement under Subsection (3)(b):
 1912 (i) is a means of safeguarding the use of state and federal funds; and
 1913 (ii) is not a certification or guarantee of the safety, quality, or condition of the living
 1914 arrangements of the single minor parent.
- 1915 (4) (a) If a single minor parent resides with a parent, the department shall include the
 1916 income of the parent of the single minor parent in determining the single minor
 1917 parent's eligibility for services under this part.
- 1918 (b) If a single minor parent receives services under this chapter but does not reside with
 1919 a parent, the department shall seek an order under [~~Title 78B, Chapter 12, Utah Child~~
 1920 ~~Support Act~~] Title 81, Chapter 6, Child Support, requiring the parent of the single
 1921 minor parent to financially support the single minor parent.
- 1922 (5) The requirements of this section shall be included in a single minor parent's
 1923 employment plan under Section 35A-3-304.
- 1924 *The following section is affected by a coordination clause at the end of this bill.*
- 1925 Section 34. Section **51-9-408** is amended to read:
- 1926 **51-9-408 (Effective 09/01/24). Children's Legal Defense Account.**
- 1927 (1) There is created a restricted account within the General Fund known as the Children's
 1928 Legal Defense Account.
- 1929 (2) The purpose of the Children's Legal Defense Account is to provide for programs that
 1930 protect and defend the rights, safety, and quality of life of children.
- 1931 (3) (a) The Legislature shall appropriate money from the account for the administrative

- 1932 and related costs of the following programs:
- 1933 (i) implementing the [~~Mandatory Educational Course on Children's Needs for~~
- 1934 ~~Divorcing Parents relating to the effects of divorce on children as provided in~~
- 1935 ~~Sections 30-3-4, 30-3-10.3, 30-3-11.3, and the Mediation Program -- Child~~
- 1936 ~~Custody or Parent-time]~~ mandatory educational course described in Section
- 1937 81-4-106 and the mediation program for child custody and parent-time;
- 1938 (ii) implementing the use of guardians ad litem in accordance with Sections
- 1939 78A-2-703, 78A-2-705, 78A-2-803, and 78B-3-102;
- 1940 (iii) the training of attorney guardians ad litem and volunteers as provided in Section
- 1941 78A-2-803;
- 1942 (iv) implementing and administering the Expedited Parent-time Enforcement
- 1943 Program as provided in Section [~~30-3-38]~~ 81-9-102; and
- 1944 (v) implementing and administering the Divorce Education for Children Program.
- 1945 (b) The Children's Legal Defense Account may not be used to supplant funding for the
- 1946 guardian ad litem program under Section 78A-2-803.
- 1947 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
- 1948 Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):
- 1949 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
- 1950 as provided in Section 17-16-21; and
- 1951 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any
- 1952 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court
- 1953 of record.
- 1954 (5) The Division of Finance shall allocate the money described in Subsection (4) from the
- 1955 General Fund to the Children's Legal Defense Account.
- 1956 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30 of
- 1957 any fiscal year shall lapse into the General Fund.
- 1958 Section 35. Section **58-60-112** is amended to read:
- 1959 **58-60-112 (Effective 09/01/24). Reporting of unprofessional or unlawful conduct**
- 1960 **-- Immunity from liability -- Reporting conduct of court-appointed therapist.**
- 1961 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section
- 1962 58-60-102 by a person licensed under this chapter or an individual not licensed under
- 1963 this chapter and engaged in acts or practices regulated under this chapter, that results in
- 1964 disciplinary action by a licensed health care facility, professional practice group, or
- 1965 professional society, or that results in a significant adverse impact upon the public

1966 health, safety, or welfare, the following shall report the conduct in writing to the division
 1967 within 10 days after learning of the disciplinary action or the conduct unless the
 1968 individual or person knows it has been reported:

1969 (a) a licensed health care facility or organization in which an individual licensed under
 1970 this chapter engages in practice;

1971 (b) an individual licensed under this chapter; and

1972 (c) a professional society or organization whose membership is individuals licensed
 1973 under this chapter and which has the authority to discipline or expel a member for
 1974 acts of unprofessional or unlawful conduct.

1975 (2) Any individual reporting acts of unprofessional or unlawful conduct by an individual
 1976 licensed under this chapter is immune from liability arising out of the disclosure to the
 1977 extent the individual furnishes the information in good faith and without malice.

1978 (3) (a) As used in this Subsection (3):

1979 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
 1980 provide psychotherapeutic treatment to an individual, a couple, or a family in a
 1981 domestic case.

1982 (ii) "Domestic case" means a proceeding under:

1983 [~~(A)~~ Title 30, Chapter 3, Divorce;]

1984 [~~(B)~~ Title 30, Chapter 4, Separate Maintenance;]

1985 [~~(C)~~ Title 30, Chapter 5, Grandparents;]

1986 [~~(D)~~ Title 30, Chapter 5a, Custody and Visitation for Individuals Other than
 1987 Parents Act;]

1988 [~~(E)~~] (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

1989 [~~(F)~~] (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
 1990 Enforcement Act; [~~or~~]

1991 [~~(G)~~] (C) Title 78B, Chapter 15, Utah Uniform Parentage Act[-];

1992 (D) Title 81, Chapter 4, Dissolution of Marriage; or

1993 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.

1994 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
 1995 domestic case may not file a report against the court-appointed therapist for unlawful
 1996 or unprofessional conduct during the pendency of the domestic case, unless:

1997 (i) the party has requested that the court release the court-appointed therapist from the
 1998 appointment; and

1999 (ii) the court finds good cause to release the court-appointed therapist from the

2000 appointment.

2001 Section 36. Section **63G-20-201** is amended to read:

2002 **63G-20-201 (Effective 09/01/24). Provisions governing solemnizing or**
 2003 **recognizing a marriage -- Prohibition against employment actions.**

2004 Notwithstanding any other provision of law, a state or local government or a
 2005 state or local government official may not:

2006 (1) require a religious official, when acting as such, or religious organization to solemnize
 2007 or recognize for ecclesiastical purposes a marriage that is contrary to that religious
 2008 official's or religious organization's religious beliefs;

2009 (2) if the religious official or religious organization is authorized to solemnize a marriage
 2010 by Section ~~[30-1-6]~~ 81-2-305, deny a religious official, when acting as such, or religious
 2011 organization the authority to legally solemnize a legal marriage based on the religious
 2012 official's or religious organization's refusal to solemnize any legal marriage that is
 2013 contrary to the religious official's or religious organization's religious beliefs;

2014 (3) require a religious official, when acting as such, or religious organization to provide
 2015 goods, accommodations, advantages, privileges, services, facilities, or grounds for
 2016 activities connected with the solemnization or celebration of a marriage that is contrary
 2017 to that religious official's or religious organization's religious beliefs; or

2018 (4) require a religious official, when acting as such, or religious organization to promote
 2019 marriage through religious programs, counseling, courses, or retreats in a way that is
 2020 contrary to that religious official's or religious organization's religious beliefs.

2021 Section 37. Section **63I-1-278** is amended to read:

2022 **63I-1-278 (Effective 09/01/24). Repeal dates: Title 78A and Title 78B.**

2023 (1) Subsections 78A-2-301(4) and 78A-2-301.5(12), regarding the suspension of filing fees
 2024 for petitions for expungement, are repealed on July 1, 2023.

2025 [~~(2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is repealed~~
 2026 ~~July 1, 2029.~~]

2027 [~~(3)~~ (2) Subsection 78A-7-106(6), regarding the transfer of a criminal action involving a
 2028 domestic violence offense from the justice court to the district court, is repealed on July
 2029 1, 2024.

2030 (3) Section 78B-3-421, regarding medical malpractice arbitration agreements, is repealed
 2031 July 1, 2029.

2032 (4) Section 78B-4-518, regarding the limitation on employer liability for an employee
 2033 convicted of an offense, is repealed on July 1, 2025.

- 2034 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
2035 2026.
- 2036 [~~(6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child Support~~
2037 ~~Guidelines Advisory Committee, is repealed July 1, 2026.]~~
- 2038 [(7)] (6) Section 78B-22-805, regarding the Interdisciplinary Parental Representation Pilot
2039 Program, is repealed December 31, 2024.
- 2040 Section 38. Section **63I-1-281** is enacted to read:
2041 **63I-1-281** (Effective 09/01/24). Repeal dates: Title 81.
2042 Title 81, Chapter 6, Part 4, Child Support Guidelines Advisory Committee, is
2043 repealed July 1, 2026.
- 2044 Section 39. Section **63I-2-278** is amended to read:
2045 **63I-2-278** (Effective 09/01/24). Repeal dates: Title 78A and Title 78B.
- 2046 (1) Section 78A-2-804 is repealed on July 1, 2024.
- 2047 (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.
- 2048 (3) If Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from Unfiltered
2049 Devices, is not in effect before January 1, 2031, Title 78B, Chapter 6, Part 22, Cause of
2050 Action to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.
- 2051 [~~(4) Sections 78B-12-301 and 78B-12-302 are repealed on January 1, 2025.]~~
- 2052 Section 40. Section **63I-2-281** is enacted to read:
2053 **63I-2-281** (Effective 09/01/24). Repeal dates: Title 81.
- 2054 Sections 81-6-302 and 81-6-303 are repealed on January 1, 2025.
- 2055 Section 41. Section **63M-15-204** is amended to read:
2056 **63M-15-204** (Effective 09/01/24). Commission duties.
- 2057 The commission shall:
- 2058 (1) promote coalitions and collaborative efforts to uphold and encourage a strong and
2059 healthy culture of strong and lasting marriages and stable families;
- 2060 (2) contribute to greater awareness of the importance of marriage in an effort to reduce
2061 divorce and unwed parenthood in the state;
- 2062 (3) promote public policies that support marriage;
- 2063 (4) promote programs and activities that educate individuals and couples on how to achieve
2064 strong, successful, and lasting marriages, including promoting and assisting in the
2065 offering of:
- 2066 (a) events;
- 2067 (b) classes and services, including those designed to promote strong, healthy, and lasting

- 2068 marriages and prevent domestic violence;
- 2069 (c) marriage and relationship education conferences for the public and professionals; and
- 2070 (d) enrichment seminars;
- 2071 (5) actively promote measures designed to maintain and strengthen marriage, family, and
- 2072 the relationships between spouses and parents and children;
- 2073 (6) support volunteerism and private financial contributions and grants in partnership with
- 2074 the commission and in support of the commission's purposes and activities for the
- 2075 benefit of the state as provided in this section;
- 2076 (7) regularly publicize information on premarital counseling and education services
- 2077 available in the state that comply with Section ~~[30-1-34]~~ 81-2-206;
- 2078 (8) approve an online course meeting the requirements of Section ~~[30-1-34]~~ 81-2-206; and
- 2079 (9) for purposes of Section ~~[30-1-34]~~ 81-2-206, recognize one or more national
- 2080 organizations that certify family life educators.

2081 Section 42. Section **76-8-1201** is amended to read:

2082 **76-8-1201 (Effective 09/01/24). Definitions.**

2083 As used in this part:

- 2084 (1) "Client" means a person who receives or has received public assistance.
- 2085 (2) "Overpayment" has the same meaning as defined in Section 35A-3-102.
- 2086 (3) "Provider" ~~[has the same meaning as defined in Section 26B-9-101]~~ means a person or
- 2087 entity that receives compensation from any public assistance program for goods or
- 2088 services provided to a public assistance recipient.
- 2089 (4) "Public assistance" has the same meaning as defined in Section 35A-1-102.

2090 Section 43. Section **77-36-1** is amended to read:

2091 **77-36-1 (Effective 09/01/24). Definitions.**

2092 As used in this chapter:

- 2093 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
- 2094 (2) "Department" means the Department of Public Safety.
- 2095 (3) "Divorced" means an individual who has obtained a divorce under ~~[Title 30, Chapter 3,~~
- 2096 Divoree] Title 81, Chapter 4, Part 4, Divorce.
- 2097 (4) "Domestic violence" or "domestic violence offense" means any criminal offense
- 2098 involving violence or physical harm or threat of violence or physical harm, or any
- 2099 attempt, conspiracy, or solicitation to commit a criminal offense involving violence or
- 2100 physical harm, when committed by one cohabitant against another. "Domestic violence"
- 2101 or "domestic violence offense" includes commission or attempt to commit, any of the

- 2102 following offenses by one cohabitant against another:
- 2103 (a) aggravated assault, as described in Section 76-5-103;
- 2104 (b) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with the
2105 intent to harass or threaten the other cohabitant;
- 2106 (c) assault, as described in Section 76-5-102;
- 2107 (d) criminal homicide, as described in Section 76-5-201;
- 2108 (e) harassment, as described in Section 76-5-106;
- 2109 (f) electronic communication harassment, as described in Section 76-9-201;
- 2110 (g) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections
2111 76-5-301, 76-5-301.1, and 76-5-302;
- 2112 (h) mayhem, as described in Section 76-5-105;
- 2113 (i) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and
2114 sexual exploitation of a minor and aggravated sexual exploitation of a minor, as
2115 described in Sections 76-5b-201 and 76-5b-201.1;
- 2116 (j) stalking, as described in Section 76-5-106.5;
- 2117 (k) unlawful detention or unlawful detention of a minor, as described in Section 76-5-304;
- 2118 (l) violation of a protective order or ex parte protective order, as described in Section
2119 76-5-108;
- 2120 (m) any offense against property described in Title 76, Chapter 6, Part 1, Property
2121 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76,
2122 Chapter 6, Part 3, Robbery;
- 2123 (n) possession of a deadly weapon with criminal intent, as described in Section
2124 76-10-507;
- 2125 (o) discharge of a firearm from a vehicle, near a highway, or in the direction of any
2126 person, building, or vehicle, as described in Section 76-10-508;
- 2127 (p) disorderly conduct, as defined in Section 76-9-102, if a conviction or adjudication of
2128 disorderly conduct is the result of a plea agreement in which the perpetrator was
2129 originally charged with a domestic violence offense otherwise described in this
2130 Subsection (4), except that a conviction or adjudication of disorderly conduct as a
2131 domestic violence offense, in the manner described in this Subsection (4)(p), does not
2132 constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and
2133 is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- 2134 (q) child abuse, as described in Section 76-5-114;
- 2135 (r) threatening use of a dangerous weapon, as described in Section 76-10-506;

- 2136 (s) threatening violence, as described in Section 76-5-107;
- 2137 (t) tampering with a witness, as described in Section 76-8-508;
- 2138 (u) retaliation against a witness or victim, as described in Section 76-8-508.3;
- 2139 (v) unlawful distribution of an intimate image, as described in Section 76-5b-203, or
- 2140 unlawful distribution of a counterfeit intimate image, as described in Section
- 2141 76-5b-205;
- 2142 (w) sexual battery, as described in Section 76-9-702.1;
- 2143 (x) voyeurism, as described in Section 76-9-702.7;
- 2144 (y) damage to or interruption of a communication device, as described in Section
- 2145 76-6-108; or
- 2146 (z) an offense described in Subsection 78B-7-806(1).
- 2147 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 2148 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 2149 (7) "Marital status" means married and living together, divorced, separated, or not married.
- 2150 (8) "Married and living together" means a couple whose marriage was solemnized under
- 2151 Section ~~[30-1-4 or 30-1-6]~~ 81-2-305 or 81-2-407 and who are living in the same
- 2152 residence.
- 2153 (9) "Not married" means any living arrangement other than married and living together,
- 2154 divorced, or separated.
- 2155 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 2156 (11) "Pretrial protective order" means a written order:
- 2157 (a) specifying and limiting the contact a person who has been charged with a domestic
- 2158 violence offense may have with an alleged victim or other specified individuals; and
- 2159 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
- 2160 pending trial in the criminal case.
- 2161 (12) "Sentencing protective order" means a written order of the court as part of sentencing
- 2162 in a domestic violence case that limits the contact an individual who is convicted or
- 2163 adjudicated of a domestic violence offense may have with a victim or other specified
- 2164 individuals under Section 78B-7-804.
- 2165 (13) "Separated" means a couple who have had their marriage solemnized under Section [
- 2166 ~~30-1-4 or 30-1-6]~~ 81-2-305 or 81-2-407 and who are not living in the same residence.
- 2167 (14) "Victim" means a cohabitant who has been subjected to domestic violence.
- 2168 Section 44. Section **77-38-615** is amended to read:
- 2169 **77-38-615 (Effective 09/01/24). Participation in the program -- Orders in relation**

2170 **to allocation of custody or parent-time.**

2171 (1) A court may not consider a parent's participation in the program for the purpose of
2172 making an order allocating custody [~~under Section 30-3-10 or parent-time under Section~~
2173 ~~30-3-32~~] or parent-time under Title 81, Chapter 9, Custody, Parent-time, and Visitation.

2174 (2) A court shall take practical measures to keep a program participant's actual address
2175 confidential when making an order allocating custody or parent-time.

2176 (3) Nothing in this part affects an order relating to the allocation of custody or parent-time
2177 in effect prior to or during a program participant's participation in the program.

2178 Section 45. Section **78A-2-301** is amended to read:

2179 **78A-2-301 (Effective 09/01/24). Civil fees of the courts of record -- Courts**
2180 **complex design.**

2181 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
2182 court of record not governed by another subsection is \$375.

2183 (b) The fee for filing a complaint or petition is:

2184 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,
2185 interest, and attorney fees is \$2,000 or less;

2186 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
2187 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

2188 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

2189 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed [~~under~~
2190 Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;] for an
2191 action described in Title 81, Chapter 4, Dissolution of Marriage;

2192 (v) \$35 for a [~~motion~~] petition for temporary separation [~~order filed under Section~~
2193 ~~30-3-4.5~~] described in Section 81-4-104;

2194 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
2195 Registry under Section 77-41-112; and

2196 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological
2197 or adoptive child of the petitioner.

2198 (c) The fee for filing a small claims affidavit is:

2199 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
2200 interest, and attorney fees is \$2,000 or less;

2201 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
2202 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

2203 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,

- 2204 interest, and attorney fees is \$7,500 or more.
- 2205 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
2206 complaint, or other claim for relief against an existing or joined party other than the
2207 original complaint or petition is:
- 2208 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
2209 \$2,000 or less;
- 2210 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
2211 greater than \$2,000 and less than \$10,000;
- 2212 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
2213 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 2214 (iv) \$130 if the original petition is filed [~~under Title 30, Chapter 3, Divorce, or Title~~
2215 ~~30, Chapter 4, Separate Maintenance~~] for an action described in Title 81, Chapter
2216 4, Dissolution of Marriage.
- 2217 (e) The fee for filing a small claims counter affidavit is:
- 2218 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
2219 \$2,000 or less;
- 2220 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
2221 greater than \$2,000, but less than \$7,500; and
- 2222 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
2223 \$7,500 or more.
- 2224 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
2225 action already before the court is determined under Subsection (1)(b) based on the
2226 amount deposited.
- 2227 (g) The fee for filing a petition is:
- 2228 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
2229 department; and
- 2230 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
2231 Section 10-3-703.7.
- 2232 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
2233 petition for writ of certiorari is \$240.
- 2234 (i) The fee for filing a petition for expungement is \$150.
- 2235 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
2236 allocated to and between the Judges' Contributory Retirement Trust Fund and the
2237 Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter

- 2238 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges'
2239 Noncontributory Retirement Act.
- 2240 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
2241 allocated by the state treasurer to be deposited into the restricted account,
2242 Children's Legal Defense Account, as provided in Section 51-9-408.
- 2243 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
2244 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account
2245 as provided in Section 78B-6-209.
- 2246 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
2247 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state
2248 treasurer to be deposited into the restricted account, Court Security Account, as
2249 provided in Section 78A-2-602.
- 2250 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
2251 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the
2252 restricted account, Court Security Account, as provided in Section 78A-2-602.
- 2253 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
2254 United States is \$35.
- 2255 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
2256 50% of the fee for filing an original action seeking the same relief.
- 2257 (m) The fee for filing probate or child custody documents from another state is \$35.
- 2258 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the
2259 State Tax Commission is \$30.
- 2260 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this
2261 state or a judgment, order, or decree of an administrative agency, commission,
2262 board, council, or hearing officer of this state or of its political subdivisions other
2263 than the State Tax Commission, is \$50.
- 2264 (o) The fee for filing a judgment by confession without action under Section 78B-5-205
2265 is \$35.
- 2266 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation
2267 under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
2268 action before the court is \$35.
- 2269 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
2270 other than a protective order or stalking injunction is \$100.
- 2271 (r) The fee for filing any accounting required by law is:

- 2272 (i) \$15 for an estate valued at \$50,000 or less;
- 2273 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 2274 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 2275 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 2276 (v) \$175 for an estate valued at more than \$168,000.
- 2277 (s) The fee for filing a demand for a civil jury is \$250.
- 2278 (t) The fee for filing a notice of deposition in this state concerning an action pending in
- 2279 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 2280 (u) The fee for filing documents that require judicial approval but are not part of an
- 2281 action before the court is \$35.
- 2282 (v) The fee for a petition to open a sealed record is \$35.
- 2283 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
- 2284 addition to any fee for a complaint or petition.
- 2285 (x) (i) The fee for a petition for authorization for a minor to marry required by
- 2286 Section [~~30-1-9~~] 81-2-304 is \$5.
- 2287 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
- 2288 Emancipation, is \$50.
- 2289 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
- 2290 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 2291 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per
- 2292 page.
- 2293 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of
- 2294 documents and forms and for the search and retrieval of records under Title 63G,
- 2295 Chapter 2, Government Records Access and Management Act. Fees under
- 2296 Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of
- 2297 expenditures.
- 2298 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
- 2299 the public to conduct a limited amount of searches on the Xchange database without
- 2300 having to pay a monthly subscription fee.
- 2301 (dd) There is no fee for services or the filing of documents not listed in this section or
- 2302 otherwise provided by law.
- 2303 (ee) Except as provided in this section, all fees collected under this section are paid to
- 2304 the General Fund. Except as provided in this section, all fees shall be paid at the time
- 2305 the clerk accepts the pleading for filing or performs the requested service.

- 2306 (ff) The filing fees under this section may not be charged to the state, the state's
2307 agencies, or political subdivisions filing or defending any action. In judgments
2308 awarded in favor of the state, its agencies, or political subdivisions, except the Office
2309 of Recovery Services, the court shall order the filing fees and collection costs to be
2310 paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall
2311 be applied to the fees after credit to the judgment, order, fine, tax, lien, or other
2312 penalty and costs permitted by law.
- 2313 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator
2314 shall transfer all revenues representing the difference between the fees in effect
2315 after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated
2316 credits to the Division of Facilities Construction and Management Capital Projects
2317 Fund.
- 2318 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
2319 Construction and Management shall use up to \$3,750,000 of the revenue
2320 deposited into the Capital Projects Fund under this Subsection (2)(a) to design
2321 and take other actions necessary to initiate the development of a courts
2322 complex in Salt Lake City.
- 2323 (B) If the Legislature approves funding for construction of a courts complex in
2324 Salt Lake City in the 1995 Annual General Session, the Division of Facilities
2325 Construction and Management shall use the revenue deposited into the Capital
2326 Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in
2327 Salt Lake City.
- 2328 (C) After the courts complex is completed and all bills connected with its
2329 construction have been paid, the Division of Facilities Construction and
2330 Management shall use any money remaining in the Capital Projects Fund under
2331 this Subsection (2)(a)(ii) to fund the Vernal District Court building.
- 2332 (iii) The Division of Facilities Construction and Management may enter into
2333 agreements and make expenditures related to this project before the receipt of
2334 revenues provided for under this Subsection (2)(a)(iii).
- 2335 (iv) The Division of Facilities Construction and Management shall:
- 2336 (A) make those expenditures from unexpended and unencumbered building funds
2337 already appropriated to the Capital Projects Fund; and
- 2338 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
2339 under this Subsection (2).

- 2340 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
 2341 representing the difference between the fees in effect after May 2, 1994, and the fees
 2342 in effect before February 1, 1994, are transferred to the Division of Finance for
 2343 deposit in the restricted account.
- 2344 (c) The Division of Finance shall deposit all revenues received from the state court
 2345 administrator into the restricted account created by this section.
- 2346 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall
 2347 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title
 2348 41, Motor Vehicles, in a court of record to the Division of Facilities Construction
 2349 and Management Capital Projects Fund. The division of money pursuant to
 2350 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
 2351 paid.
- 2352 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer
 2353 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
 2354 Vehicles, in a court of record to the Division of Finance for deposit in the
 2355 restricted account created by this section. The division of money pursuant to
 2356 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
 2357 paid.
- 2358 (3) (a) There is created within the General Fund a restricted account known as the State
 2359 Courts Complex Account.
- 2360 (b) The Legislature may appropriate money from the restricted account to the state court
 2361 administrator for the following purposes only:
- 2362 (i) to repay costs associated with the construction of the court complex that were
 2363 funded from sources other than revenues provided for under this Subsection
 2364 (3)(b)(i); and
- 2365 (ii) to cover operations and maintenance costs on the court complex.
- 2366 Section 46. Section **78A-5a-103** is amended to read:
- 2367 **78A-5a-103 (Effective 10/01/24). Concurrent jurisdiction of the Business and**
 2368 **Chancery Court -- Exceptions.**
- 2369 (1) The Business and Chancery Court has jurisdiction, concurrent with the district court,
 2370 over an action:
- 2371 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and
 2372 (b) (i) with a claim arising from:
- 2373 (A) a breach of a contract;

- 2374 (B) a breach of a fiduciary duty;
- 2375 (C) a dispute over the internal affairs or governance of a business organization;
- 2376 (D) the sale, merger, or dissolution of a business organization;
- 2377 (E) the sale of substantially all of the assets of a business organization;
- 2378 (F) the receivership or liquidation of a business organization;
- 2379 (G) a dispute over liability or indemnity between or among owners of the same
- 2380 business organization;
- 2381 (H) a dispute over liability or indemnity of an officer or owner of a business
- 2382 organization;
- 2383 (I) a tortious or unlawful act committed against a business organization, including
- 2384 an act of unfair competition, tortious interference, or misrepresentation or fraud;
- 2385 (J) a dispute between a business organization and an insurer regarding a
- 2386 commercial insurance policy;
- 2387 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;
- 2388 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform
- 2389 Trade Secrets Act;
- 2390 (M) the misappropriation of intellectual property;
- 2391 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or
- 2392 confidentiality agreement, regardless of whether the agreement is oral or
- 2393 written;
- 2394 (O) a relationship between a franchisor and a franchisee;
- 2395 (P) the purchase or sale of a security or an allegation of security fraud;
- 2396 (Q) a dispute over a blockchain, blockchain technology, or a decentralized
- 2397 autonomous organization;
- 2398 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or
- 2399 (S) a contract with a forum selection clause for a chancery, business, or
- 2400 commercial court of this state or any other state;
- 2401 (ii) with a malpractice claim concerning services that a professional provided to a
- 2402 business organization; or
- 2403 (iii) that is a shareholder derivative action.
- 2404 (2) The Business and Chancery Court may exercise supplemental jurisdiction over all
- 2405 claims in an action that the Business and Chancery Court has jurisdiction under
- 2406 Subsection (1), except that the Business and Chancery Court may not exercise
- 2407 jurisdiction over:

- 2408 (a) any claim arising from:
- 2409 (i) a consumer contract;
- 2410 (ii) a personal injury, including any personal injury relating to or arising out of health
- 2411 care rendered or which should have been rendered by the health care provider;
- 2412 (iii) a wrongful termination of employment or a prohibited or discriminatory
- 2413 employment practice;
- 2414 (iv) a violation of Title 13, Chapter 7, Civil Rights;
- 2415 [~~(v) Title 30, Husband and Wife;~~]
- 2416 [~~(vi)~~] (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 2417 [~~(vii)~~] (vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;
- 2418 [~~(viii)~~] (vii) Title 78B, Chapter 6, Part 5, Eminent Domain;
- 2419 [~~(ix)~~] (viii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer;
- 2420 [~~(x)~~] (ix) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- 2421 [~~(xi) Title 78B, Chapter 12, Utah Child Support Act;~~]
- 2422 [~~(xii)~~] (x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
- 2423 Enforcement Act;
- 2424 [~~(xiii)~~] (xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;
- 2425 [~~(xiv)~~] (xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;
- 2426 [~~(xv)~~] (xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act; [~~or~~]
- 2427 [~~(xvi)~~] (xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time,
- 2428 and Visitation Act; or
- 2429 (xv) Title 81, Utah Domestic Relations Code; or
- 2430 (b) any criminal matter, unless the criminal matter is an act or omission of contempt that
- 2431 occurs in an action before the Business and Chancery Court.
- 2432 Section 47. Section **78A-6-103** is amended to read:
- 2433 **78A-6-103 (Effective 09/01/24). Original jurisdiction of the juvenile court --**
- 2434 **Magistrate functions -- Findings -- Transfer of a case from another court.**
- 2435 (1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile
- 2436 court has original jurisdiction over:
- 2437 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 2438 state, or federal law, that was committed by a child;
- 2439 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 2440 state, or federal law, that was committed by an individual:
- 2441 (i) who is under 21 years old at the time of all court proceedings; and

- 2442 (ii) who was under 18 years old at the time the offense was committed; and
2443 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,
2444 that was committed:
2445 (i) by an individual:
2446 (A) who was 18 years old and enrolled in high school at the time of the offense;
2447 and
2448 (B) who is under 21 years old at the time of all court proceedings; and
2449 (ii) on school property where the individual was enrolled:
2450 (A) when school was in session; or
2451 (B) during a school-sponsored activity, as defined in Subsection Section
2452 53G-8-211.
- 2453 (2) The juvenile court has original jurisdiction over:
2454 (a) any proceeding concerning:
2455 (i) a child who is an abused child, neglected child, or dependent child;
2456 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
2457 Child Protective Orders;
2458 (iii) the appointment of a guardian of the individual or other guardian of a minor who
2459 comes within the court's jurisdiction under other provisions of this section;
2460 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
2461 Emancipation;
2462 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
2463 Termination and Restoration of Parental Rights, including termination of residual
2464 parental rights and duties;
2465 (vi) the treatment or commitment of a minor who has an intellectual disability;
2466 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
2467 accordance with Section ~~[30-1-9]~~ 81-2-304;
2468 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
2469 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
2470 (x) the treatment or commitment of a child with a mental illness;
2471 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
2472 Section 26B-5-204;
2473 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
2474 Part 4, Competency;
2475 (xiii) de novo review of final agency actions resulting from an informal adjudicative

- 2476 proceeding as provided in Section 63G-4-402;
- 2477 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
2478 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered
2479 an order terminating the rights of a parent and finds that adoption is in the best
2480 interest of the child;
- 2481 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
2482 Division of Juvenile Justice and Youth Services if, despite earnest and persistent
2483 efforts by the Division of Juvenile Justice and Youth Services, the child has
2484 demonstrated that the child:
- 2485 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
2486 that the child's behavior or condition endangers the child's own welfare or the
2487 welfare of others; or
- 2488 (B) has run away from home; and
- 2489 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
2490 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for
2491 failure to comply with a promise to appear and bring a child to the juvenile court;
- 2492 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
2493 Expungement; and
- 2494 (c) the extension of a nonjudicial adjustment under Section 80-6-304.
- 2495 (3) The juvenile court has original jurisdiction over a petition for special findings under
2496 Section 80-3-505.
- 2497 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law
2498 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
2499 (2)(a)(xvi), (b), or (c).
- 2500 (5) This section does not restrict the right of access to the juvenile court by private agencies
2501 or other persons.
- 2502 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising
2503 under Title 80, Chapter 6, Part 5, Transfer to District Court.
- 2504 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,
2505 or without merit, in accordance with Section 80-3-404.
- 2506 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
2507 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.
2508 Section 48. Section **78A-6-104** is amended to read:
2509 **78A-6-104 (Effective 09/01/24). Concurrent jurisdiction of the juvenile court --**

2510 **Transfer of a protective order.**

- 2511 (1) (a) The juvenile court has jurisdiction, concurrent with the district court:
- 2512 (i) to establish paternity, or to order testing for purposes of establishing paternity, for
- 2513 a child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act,
- 2514 when a proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and
- 2515 Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of
- 2516 Parental Rights, that involves the child;
- 2517 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
- 2518 jurisdiction over the minor's case under Section 78A-6-103; and
- 2519 (iii) over questions of custody, support, and parent-time of a minor if the juvenile
- 2520 court has jurisdiction over the minor's case under Section 78A-6-103.
- 2521 (b) If the juvenile court obtains jurisdiction over a paternity action under Subsection
- 2522 (1)(a)(i), the juvenile court may:
- 2523 (i) retain jurisdiction over the paternity action until paternity of the child is
- 2524 adjudicated; or
- 2525 (ii) transfer jurisdiction over the paternity action to the district court.
- 2526 (2) (a) The juvenile court has jurisdiction, concurrent with the district court or the justice
- 2527 court otherwise having jurisdiction, over a criminal information filed under Part 4a,
- 2528 Adult Criminal Proceedings, for an adult alleged to have committed:
- 2529 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to
- 2530 a minor;
- 2531 (ii) an offense under Section 53G-6-202, failure to comply with compulsory
- 2532 education requirements;
- 2533 (iii) an offense under Section 80-2-609, failure to report;
- 2534 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
- 2535 (v) an offense under Section 76-10-2301, contributing to the delinquency of a minor;
- 2536 or
- 2537 (vi) an offense under Section 80-5-601, harboring a runaway.
- 2538 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law
- 2539 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
- 2540 Subsection (2)(a).
- 2541 (3) (a) When a support, custody, or parent-time award has been made by a district court
- 2542 in a divorce action or other proceeding, and the jurisdiction of the district court in the
- 2543 case is continuing, the juvenile court may acquire jurisdiction in a case involving the

- 2544 same child if the child comes within the jurisdiction of the juvenile court under
 2545 Section 78A-6-103.
- 2546 (b) (i) The juvenile court may, by order, change the custody subject to Subsection [
 2547 ~~30-3-10(6)~~] 81-9-204(5), support, parent-time, and visitation rights previously
 2548 ordered in the district court as necessary to implement the order of the juvenile
 2549 court for the safety and welfare of the child.
- 2550 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
 2551 long as the juvenile court continues to exercise jurisdiction.
- 2552 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are
 2553 filed with the district court, the findings and order of the juvenile court are binding on
 2554 the parties to the divorce action as though entered in the district court.
- 2555 (4) This section does not deprive the district court of jurisdiction to:
- 2556 (a) appoint a guardian for a child;
- 2557 (b) determine the support, custody, and parent-time of a child upon writ of habeas
 2558 corpus; or
- 2559 (c) determine a question of support, custody, and parent-time that is incidental to the
 2560 determination of an action in the district court.
- 2561 (5) A juvenile court may transfer a petition for a protective order for a child to the district
 2562 court if the juvenile court has entered an ex parte protective order and finds that:
- 2563 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
 2564 parent of the child who is the object of the petition;
- 2565 (b) the district court has a petition pending or an order related to custody or parent-time
 2566 entered under [~~Title 30, Chapter 3, Divorce,~~] Title 78B, Chapter 7, Part 6, Cohabitant
 2567 Abuse Protective Orders, [~~or~~] Title 78B, Chapter 15, Utah Uniform Parentage Act, or
 2568 Title 81, Chapter 4, Part 4, Divorce, in which the petitioner and the respondent are
 2569 parties; and
- 2570 (c) the best interests of the child will be better served in the district court.
- 2571 Section 49. Section **78A-6-356** is amended to read:
- 2572 **78A-6-356 (Effective 09/01/24). Child support obligation when custody of a child**
 2573 **is vested in an individual or institution.**
- 2574 (1) As used in this section:
- 2575 (a) "Office" means the Office of Recovery Services.
- 2576 (b) "State custody" means that a child is in the custody of a state department, division, or
 2577 agency, including secure care.

- 2578 (2) Under this section, a juvenile court may not issue a child support order against an
2579 individual unless:
- 2580 (a) the individual is served with notice that specifies the date and time of a hearing to
2581 determine the financial support of a specified child;
- 2582 (b) the individual makes a voluntary appearance; or
- 2583 (c) the individual submits a waiver of service.
- 2584 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
2585 custody or if the guardianship of the child has been granted to another party and an
2586 agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:
- 2587 (a) shall order the child's parent, guardian, or other obligated individual to pay child
2588 support for each month the child is in state custody or cared for under a grant of
2589 guardianship;
- 2590 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and
2591 in writing, of the requirement to pay child support in accordance with [~~Title 78B,~~
2592 ~~Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support; and
- 2593 (c) may refer the establishment of a child support order to the office.
- 2594 (4) When a juvenile court chooses to refer a case to the office to determine support
2595 obligation amounts in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~]
2596 Title 81, Chapter 6, Child Support, the juvenile court shall:
- 2597 (a) make the referral within three working days after the day on which the juvenile court
2598 holds the hearing described in Subsection (2)(a); and
- 2599 (b) inform the child's parent, guardian, or other obligated individual of:
- 2600 (i) the requirement to contact the office within 30 days after the day on which the
2601 juvenile court holds the hearing described in Subsection (2)(a); and
- 2602 (ii) the penalty described in Subsection (6) for failure to contact the office.
- 2603 (5) Liability for child support ordered under Subsection (3) shall accrue:
- 2604 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
2605 the juvenile court holds the hearing described in Subsection (2)(a) if there is no
2606 existing child support order for the child; or
- 2607 (b) beginning on the day the child is removed from the child's home, including time
2608 spent in detention or sheltered care, if the child is removed after having been returned
2609 to the child's home from state custody.
- 2610 (6) (a) If the child's parent, guardian, or other obligated individual contacts the office
2611 within 30 days after the day on which the court holds the hearing described in

- 2612 Subsection (2)(a), the child support order may not include a judgment for past due
2613 support for more than two months.
- 2614 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability
2615 of support to begin to accrue from the date of the proceeding referenced in
2616 Subsection (3) if:
- 2617 (i) the court informs the child's parent, guardian, or other obligated individual, as
2618 described in Subsection (4)(b), and the parent, guardian, or other obligated
2619 individual fails to contact the office within 30 days after the day on which the
2620 court holds the hearing described in Subsection (2)(a); and
- 2621 (ii) the office took reasonable steps under the circumstances to contact the child's
2622 parent, guardian, or other obligated individual within 30 days after the last day on
2623 which the parent, guardian, or other obligated individual was required to contact
2624 the office to facilitate the establishment of a child support order.
- 2625 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable
2626 steps if the office:
- 2627 (i) has a signed, returned receipt for a certified letter mailed to the address of the
2628 child's parent, guardian, or other obligated individual regarding the requirement
2629 that a child support order be established; or
- 2630 (ii) has had a documented conversation, whether by telephone or in person, with the
2631 child's parent, guardian, or other obligated individual regarding the requirement
2632 that a child support order be established.
- 2633 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a
2634 payment schedule or demanding payment in full.
- 2635 (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
2636 individual shall pay the child support to the office.
- 2637 (b) The clerk of the juvenile court, the office, or the department and the department's
2638 divisions shall have authority to receive periodic payments for the care and
2639 maintenance of the child, such as social security payments or railroad retirement
2640 payments made in the name of or for the benefit of the child.
- 2641 (9) An existing child support order payable to a parent or other individual shall be assigned
2642 to the department as provided in Section 26B-9-111.
- 2643 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
2644 the juvenile court in an individual.
- 2645 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the

- 2646 court may order the child's parent, guardian, or other obligated individual to pay
2647 child support to the individual in whom custody is vested.
- 2648 (ii) In the same proceeding, the juvenile court shall inform the child's parent,
2649 guardian, or other obligated individual, verbally and in writing, of the requirement
2650 to pay child support in accordance with [~~Title 78B, Chapter 12, Utah Child~~
2651 ~~Support Act~~] Title 81, Chapter 6, Child Support.
- 2652 (11) The juvenile court may not order an individual to pay child support for a child in state
2653 custody if:
- 2654 (a) the individual's only form of income is a government-issued disability benefit;
2655 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
2656 disability, and not the child's disability; and
2657 (c) the individual provides the juvenile court and the office evidence that the individual
2658 meets the requirements of Subsections (11)(a) and (b).
- 2659 (12) (a) The child's parent or another obligated individual is not responsible for child
2660 support for the period of time that the child is removed from the child's home by the
2661 Division of Child and Family Services if:
- 2662 (i) the juvenile court finds that there were insufficient grounds for the removal of the
2663 child; and
2664 (ii) the child is returned to the home of the child's parent or guardian based on the
2665 finding described in Subsection (12)(a)(i).
- 2666 (b) If the juvenile court finds insufficient grounds for the removal of the child under
2667 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court
2668 shall order that the child's parent or another obligated individual is responsible for
2669 child support beginning on the day on which it became improper to return the child to
2670 the home of the child's parent or guardian.
- 2671 (13) After the juvenile court or the office establishes an individual's child support obligation
2672 ordered under Subsection (3), the office shall waive the obligation without further order
2673 of the juvenile court if:
- 2674 (a) the individual's child support obligation is established [~~under the low income table in~~
2675 ~~Section 78B-12-302 or 78B-12-304~~] in accordance with a low income table described
2676 in Title 81, Chapter 6, Part 3, Child Support Tables; or
2677 (b) the individual's only source of income is a means-tested, income replacement
2678 payment of aid, including:
2679 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment

2680 Program; or
 2681 (ii) cash benefits received under General Assistance, social security income, or social
 2682 security disability income.

2683 Section 50. Section **78B-3-416** is amended to read:

2684 **78B-3-416 (Effective 09/01/24). Division to provide panel -- Exemption --**
 2685 **Procedures -- Statute of limitations tolled -- Composition of panel -- Expenses**
 2686 **-- Division authorized to set license fees.**

- 2687 (1) (a) The division shall provide a hearing panel in alleged medical liability cases
 2688 against health care providers as defined in Section 78B-3-403, except dentists or
 2689 dental care providers.
- 2690 (b) (i) The division shall establish procedures for prelitigation consideration of
 2691 medical liability claims for damages arising out of the provision of or alleged
 2692 failure to provide health care.
- 2693 (ii) The division may establish rules necessary to administer the process and
 2694 procedures related to prelitigation hearings and the conduct of prelitigation
 2695 hearings in accordance with Sections 78B-3-416 through 78B-3-420.
- 2696 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
 2697 4, Administrative Procedures Act, but are compulsory as a condition precedent to
 2698 commencing litigation.
- 2699 (d) Proceedings conducted under authority of this section are confidential, privileged,
 2700 and immune from civil process.
- 2701 (e) The division may not provide more than one hearing panel for each alleged medical
 2702 liability case against a health care provider.
- 2703 (2) (a) The party initiating a medical liability action shall file a request for prelitigation
 2704 panel review with the division within 60 days after the service of a statutory notice of
 2705 intent to commence action under Section 78B-3-412.
- 2706 (b) The request shall include a copy of the notice of intent to commence action. The
 2707 request shall be mailed to all health care providers named in the notice and request.
- 2708 (3) (a) As used in this Subsection (3):
- 2709 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
 2710 provide psychotherapeutic treatment to an individual, a couple, or a family in a
 2711 domestic case.
- 2712 (ii) "Domestic case" means a proceeding under:
 2713 [~~(A) Title 30, Chapter 3, Divorce;~~]

- 2714 [~~(B)~~ Title 30, Chapter 4, Separate Maintenance;]
 2715 [~~(C)~~ Title 30, Chapter 5, Grandparents;]
 2716 [~~(D)~~ Title 30, Chapter 5a, Custody and Visitation for Individuals Other than
 2717 Parents Act;]
 2718 [~~(E)~~ (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
 2719 [~~(F)~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
 2720 Enforcement Act; ~~[or]~~
 2721 [~~(G)~~ (C) Title 78B, Chapter 15, Utah Uniform Parentage Act[-] ;
 2722 (D) Title 81, Chapter 4, Dissolution of Marriage; or
 2723 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.
 2724 (iii) "Mental health therapist" means the same as that term is defined in Section
 2725 58-60-102.
- 2726 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
 2727 domestic case may not file a request for a prelitigation panel review for a malpractice
 2728 action against the court-appointed therapist during the pendency of the domestic case,
 2729 unless:
- 2730 (i) the party has requested that the court release the court-appointed therapist from
 2731 appointment; and
 2732 (ii) the court finds good cause to release the court-appointed therapist from the
 2733 appointment.
- 2734 (c) If a party is prohibited from filing a request for a prelitigation panel review under
 2735 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:
- 2736 (i) the court releasing the court-appointed therapist from appointment as described in
 2737 Subsection (3)(b); or
 2738 (ii) the court entering a final order in the domestic case.
- 2739 (4) (a) The filing of a request for prelitigation panel review under this section tolls the
 2740 applicable statute of limitations until the later of:
- 2741 (i) 60 days following the division's issuance of:
 2742 (A) an opinion by the prelitigation panel; or
 2743 (B) a certificate of compliance under Section 78B-3-418; or
 2744 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).
- 2745 (b) The division shall:
- 2746 (i) send any opinion issued by the panel to all parties by regular mail; and
 2747 (ii) complete a prelitigation hearing under this section within:

- 2748 (A) 180 days after the filing of the request for prelitigation panel review; or
2749 (B) any longer period as agreed upon in writing by all parties to the review.
- 2750 (c) If the prelitigation hearing has not been completed within the time limits established
2751 in Subsection (4)(b)(ii), the claimant shall:
- 2752 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or
2753 (ii) file an affidavit with the division within 180 days of the request for pre-litigation
2754 review, in accordance with Subsection (4)(d), alleging that the respondent has
2755 failed to reasonably cooperate in scheduling the hearing.
- 2756 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):
- 2757 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division
2758 shall determine whether either the respondent or the claimant failed to reasonably
2759 cooperate in the scheduling of a pre-litigation hearing; and
- 2760 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in
2761 the scheduling of a hearing, and the claimant did not fail to reasonably
2762 cooperate, the division shall, issue a certificate of compliance for the claimant
2763 in accordance with Section 78B-3-418; or
- 2764 (B) if the division makes a determination other than the determination in
2765 Subsection (4)(d)(ii)(A), the claimant shall file an affidavit of merit in
2766 accordance with Section 78B-3-423, within 30 days of the determination of the
2767 division under this Subsection (4).
- 2768 (e) (i) The claimant and any respondent may agree by written stipulation that no
2769 useful purpose would be served by convening a prelitigation panel under this
2770 section.
- 2771 (ii) When the stipulation is filed with the division, the division shall within 10 days
2772 after receipt issue a certificate of compliance under Section 78B-3-418, as it
2773 concerns the stipulating respondent, and stating that the claimant has complied
2774 with all conditions precedent to the commencement of litigation regarding the
2775 claim.
- 2776 (5) The division shall provide for and appoint an appropriate panel or panels to hear
2777 complaints of medical liability and damages, made by or on behalf of any patient who is
2778 an alleged victim of medical liability. The panels are composed of:
- 2779 (a) one member who is a resident lawyer currently licensed and in good standing to
2780 practice law in this state and who shall serve as chairman of the panel, who is
2781 appointed by the division from among qualified individuals who have registered with

- 2782 the division indicating a willingness to serve as panel members, and a willingness to
2783 comply with the rules of professional conduct governing lawyers in the state, and
2784 who has completed division training regarding conduct of panel hearings;
- 2785 (b) (i) one or more members who are licensed health care providers listed under
2786 Section 78B-3-403, who are practicing and knowledgeable in the same specialty
2787 as the proposed defendant, and who are appointed by the division in accordance
2788 with Subsection (6); or
- 2789 (ii) in claims against only a health care facility or the facility's employees, one
2790 member who is an individual currently serving in a health care facility
2791 administration position directly related to health care facility operations or
2792 conduct that includes responsibility for the area of practice that is the subject of
2793 the liability claim, and who is appointed by the division; and
- 2794 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
2795 provider, and who is a responsible citizen of the state, selected and appointed by the
2796 division from among individuals who have completed division training with respect
2797 to panel hearings.
- 2798 (6) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing
2799 under a license issued by the state, is obligated as a condition of holding that license
2800 to participate as a member of a medical liability prelitigation panel at reasonable
2801 times, places, and intervals, upon issuance, with advance notice given in a reasonable
2802 time frame, by the division of an Order to Participate as a Medical Liability
2803 Prelitigation Panel Member.
- 2804 (b) A licensee may be excused from appearance and participation as a panel member
2805 upon the division finding participation by the licensee will create an unreasonable
2806 burden or hardship upon the licensee.
- 2807 (c) A licensee whom the division finds failed to appear and participate as a panel
2808 member when so ordered, without adequate explanation or justification and without
2809 being excused for cause by the division, may be assessed an administrative fine not to
2810 exceed \$5,000.
- 2811 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
2812 participate as a panel member when so ordered, without adequate explanation or
2813 justification and without being excused for cause by the division, may be assessed an
2814 administrative fine not to exceed \$5,000, and is guilty of unprofessional conduct.
- 2815 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the

- 2816 Physicians Education Fund created in Section 58-67a-1.
- 2817 (f) The director of the division may collect a fine that is not paid by:
- 2818 (i) referring the matter to a collection agency; or
- 2819 (ii) bringing an action in the district court of the county where the person against
- 2820 whom the penalty is imposed resides or in the county where the office of the
- 2821 director is located.
- 2822 (g) A county attorney or the attorney general of the state shall provide legal assistance
- 2823 and advice to the director in an action to collect a fine.
- 2824 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
- 2825 action brought by the division to collect a fine.
- 2826 (7) Each person selected as a panel member shall certify, under oath, that he has no bias or
- 2827 conflict of interest with respect to any matter under consideration.
- 2828 (8) A member of the prelitigation hearing panel may not receive compensation or benefits
- 2829 for the member's service, but may receive per diem and travel expenses in accordance
- 2830 with:
- 2831 (a) Section 63A-3-106;
- 2832 (b) Section 63A-3-107; and
- 2833 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2834 63A-3-107.
- 2835 (9) (a) In addition to the actual cost of administering the licensure of health care
- 2836 providers, the division may set license fees of health care providers within the limits
- 2837 established by law equal to their proportionate costs of administering prelitigation
- 2838 panels.
- 2839 (b) The claimant bears none of the costs of administering the prelitigation panel except
- 2840 under Section 78B-3-420.
- 2841 Section 51. Section **78B-3-426** is amended to read:
- 2842 **78B-3-426 (Effective 09/01/24). Nonpatient plaintiffs.**
- 2843 (1) For purposes of this section, a nonpatient plaintiff does not include a patient, as defined
- 2844 in [~~Subsection 78B-3-403(23)~~] Section 78B-3-403.
- 2845 (2) This section does not apply to a health care malpractice action brought or seeking
- 2846 recovery under Section [~~30-2-11,~~]78B-3-106, 78B-3-107, [~~or~~]78B-3-502, or 81-3-111.
- 2847 (3) To establish a malpractice action against a health care provider, a nonpatient plaintiff
- 2848 shall be required to show that:
- 2849 (a) the health care provider owes a duty to the nonpatient plaintiff;

- 2850 (b) the nonpatient plaintiff suffered a foreseeable injury;
- 2851 (c) the nonpatient plaintiff's injury was proximately caused by an act or omission of the
- 2852 health care provider; and
- 2853 (d) the health care provider's act or omission was conduct that manifests a knowing and
- 2854 reckless indifference toward, and a disregard of, the injury suffered by the nonpatient
- 2855 plaintiff.

2856 Section 52. Section **78B-6-316** is amended to read:

2857 **78B-6-316 (Effective 09/01/24). Compensatory service for violation of**

2858 **parent-time order or failure to pay child support.**

2859 (1) As used in this section, "obligor" means the same as that term is defined in Section

2860 81-6-101.

2861 ~~[(1)]~~ (2) If a court finds by a preponderance of the evidence that a parent has refused to

2862 comply with the minimum amount of parent-time ordered in a decree of divorce, the

2863 court shall order the parent to:

- 2864 (a) perform a minimum of 10 hours of compensatory service; and
- 2865 (b) participate in workshops, classes, or individual counseling to educate the parent
- 2866 about the importance of complying with the court order and providing a child a
- 2867 continuing relationship with both parents.

2868 ~~[(2)]~~ (3) If a custodial parent is ordered to perform compensatory service or undergo

2869 court-ordered education, there is a rebuttable presumption that the noncustodial parent

2870 be granted parent-time by the court to provide child care during the time the custodial

2871 parent is complying with compensatory service or education in order to recompense him

2872 for parent-time wrongfully denied by the custodial parent under the divorce decree.

2873 ~~[(3)]~~ (4) If a noncustodial parent is ordered to perform compensatory service or undergo

2874 court-ordered education, the court shall attempt to schedule the compensatory service or

2875 education at times that will not interfere with the noncustodial parent's parent-time with

2876 the child.

2877 ~~[(4)]~~ (5) The person ordered to participate in court-ordered education is responsible for

2878 expenses of workshops, classes, and individual counseling.

2879 ~~[(5)]~~ (6) If a court finds by a preponderance of the evidence that an obligor~~[-as defined in~~

2880 ~~Section 78B-12-102,]~~ has refused to pay child support as ordered by a court in

2881 accordance with ~~[Title 78B, Chapter 12, Utah Child Support Act]~~ Title 81, Chapter 6,

2882 Child Support, the court shall order the obligor to:

- 2883 (a) perform a minimum of 10 hours of compensatory service; and

2884 (b) participate in workshops, classes, or individual counseling to educate the obligor
 2885 about the importance of complying with the court order and providing the children
 2886 with a regular and stable source of support.

2887 [~~(6)~~] (7) The obligor is responsible for the expenses of workshops, classes, and individual
 2888 counseling ordered by the court.

2889 [~~(7)~~] (8) If a court orders an obligor to perform compensatory service or undergo
 2890 court-ordered education, the court shall attempt to schedule the compensatory service or
 2891 education at times that will not interfere with the obligor's parent-time with the child.

2892 [~~(8)~~] (9) The sanctions that the court shall impose under this section do not prevent the court
 2893 from imposing other sanctions or prevent any person from bringing a cause of action
 2894 allowed under state or federal law.

2895 [~~(9)~~] (10) The Legislature shall allocate the money from the Children's Legal Defense
 2896 Account to the judiciary to defray the cost of enforcing and administering this section.

2897 Section 53. Section **78B-7-204** is amended to read:

2898 **78B-7-204 (Effective 09/01/24). Content of orders -- Modification of orders --**
 2899 **Penalties.**

2900 (1) A child protective order or an ex parte child protective order may contain the following
 2901 provisions the violation of which is a class A misdemeanor under Section 76-5-108:

- 2902 (a) enjoin the respondent from threatening to commit or committing abuse of the child;
- 2903 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise
 2904 communicating with the child, directly or indirectly;
- 2905 (c) prohibit the respondent from entering or remaining upon the residence, school, or
 2906 place of employment of the child and the premises of any of these or any specified
 2907 place frequented by the child;
- 2908 (d) upon finding that the respondent's use or possession of a weapon may pose a serious
 2909 threat of harm to the child, prohibit the respondent from purchasing, using, or
 2910 possessing a firearm or other specified weapon; and
- 2911 (e) determine ownership and possession of personal property and direct the appropriate
 2912 law enforcement officer to attend and supervise the petitioner's or respondent's
 2913 removal of personal property.

2914 (2) A child protective order or an ex parte child protective order may contain the following
 2915 provisions the violation of which is contempt of court:

- 2916 (a) determine temporary custody of the child who is the subject of the petition;
- 2917 (b) determine parent-time with the child who is the subject of the petition, including

- 2918 denial of parent-time if necessary to protect the safety of the child, and require
2919 supervision of parent-time by a third party;
- 2920 (c) determine child support in accordance with [~~Title 78B, Chapter 12, Utah Child~~
2921 ~~Support Act~~] Title 81, Chapter 6, Child Support; and
- 2922 (d) order any further relief the court considers necessary to provide for the safety and
2923 welfare of the child.
- 2924 (3) (a) If the child who is the subject of the child protective order attends the same
2925 school or place of worship as the respondent, or is employed at the same place of
2926 employment as the respondent, the court:
- 2927 (i) may not enter an order under Subsection (1)(c) that excludes the respondent from
2928 the respondent's school, place of worship, or place of employment; and
- 2929 (ii) may enter an order governing the respondent's conduct at the respondent's school,
2930 place of worship, or place of employment.
- 2931 (b) A violation of an order under Subsection (3)(a) is contempt of court.
- 2932 (4) (a) A respondent may petition the court to modify or vacate a child protective order
2933 after notice and a hearing.
- 2934 (b) At the hearing described in Subsection (4)(a):
- 2935 (i) the respondent shall have the burden of proving by clear and convincing evidence
2936 that modification or vacation of the child protective order is in the best interest of
2937 the child; and
- 2938 (ii) the court shall consider:
- 2939 (A) the nature and duration of the abuse;
- 2940 (B) the pain and trauma inflicted on the child as a result of the abuse;
- 2941 (C) if the respondent is a parent of the child, any reunification services provided in
2942 accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency
2943 Proceedings; and
- 2944 (D) any other evidence the court finds relevant to the determination of the child's
2945 best interests, including recommendations by the other parent or a guardian of
2946 the child, or a mental health professional.
- 2947 (c) The child is not required to attend the hearing described in Subsection (4)(a).
- 2948 Section 54. Section **78B-15-102** is amended to read:
- 2949 **78B-15-102 (Effective 09/01/24). Definitions.**
- 2950 As used in this chapter:
- 2951 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the

- 2952 father of a child.
- 2953 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic
2954 father or a possible genetic father of a child, but whose paternity has not been
2955 determined.
- 2956 (3) (a) "Assisted reproduction" means a method of causing pregnancy other than sexual
2957 intercourse. [~~The term includes:~~]
- 2958 (b) "Assisted reproduction" includes:
- 2959 [~~(a)~~] (i) intrauterine insemination;
- 2960 [~~(b)~~] (ii) donation of eggs;
- 2961 [~~(c)~~] (iii) donation of embryos;
- 2962 [~~(d)~~] (iv) in vitro fertilization and transfer of embryos; and
- 2963 [~~(e)~~] (v) intracytoplasmic sperm injection.
- 2964 (4) "Birth expenses" means all medical costs associated with the birth of a child, including
2965 the related expenses for the biological mother during her pregnancy and delivery.
- 2966 (5) "Birth mother" means the biological mother of a child.
- 2967 (6) "Child" means an individual of any age whose parentage may be determined under this
2968 chapter.
- 2969 (7) "Commence" means to file the initial pleading seeking an adjudication of parentage in
2970 the appropriate tribunal of this state.
- 2971 (8) "Declarant father" means a male who, along with the biological mother claims to be the
2972 genetic father of a child, and signs a voluntary declaration of paternity to establish the
2973 man's paternity.
- 2974 (9) "Determination of parentage" means the establishment of the parent-child relationship
2975 by the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of
2976 Paternity Act, or adjudication by a tribunal.
- 2977 (10) (a) "Donor" means an individual who produces eggs or sperm used for assisted
2978 reproduction, whether or not for consideration. [~~The term does not include:~~]
- 2979 (b) "Donor" does not include:
- 2980 [~~(a)~~] (i) a husband who provides sperm, or a wife who provides eggs, to be used for
2981 assisted reproduction by the wife;
- 2982 [~~(b)~~] (ii) a woman who gives birth to a child by means of assisted reproduction, except
2983 as otherwise provided in Part 8, Gestational Agreement; or
- 2984 [~~(c)~~] (iii) a parent under Part 7, Assisted Reproduction, or an intended parent under
2985 Part 8, Gestational Agreement.

- 2986 (11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that
2987 an individual identifies as all or part of the individual's ancestry or that is so identified
2988 by other information.
- 2989 (12) "Financial support" means a base child support award as defined in Section [
2990 ~~78B-12-102~~] 81-6-101, all past-due support which accrues under an order for current
2991 periodic payments, and sum certain judgments for past-due support.
- 2992 (13) (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a
2993 man as the father or a woman as the mother of a child. [~~The term~~]
- 2994 (b) "Genetic testing" includes an analysis of one or a combination of the following:
2995 [~~(a)~~] (i) deoxyribonucleic acid; or
2996 [~~(b)~~] (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum
2997 enzymes, serum proteins, or red-cell enzymes.
- 2998 (14) "Gestational mother" means an adult woman who gives birth to a child under a
2999 gestational agreement.
- 3000 (15) [~~"Man," as defined in this chapter,~~] "Man" means a male individual of any age.
- 3001 (16) "Medical support" means a provision in a support order that requires the purchase and
3002 maintenance of appropriate insurance for health and dental expenses of dependent
3003 children, and assigns responsibility for uninsured medical expenses.
- 3004 (17) "Parent" means an individual who has established a parent-child relationship under
3005 Section 78B-15-201.
- 3006 (18) (a) "Parent-child relationship" means the legal relationship between a child and a
3007 parent of the child. [~~The term~~]
- 3008 (b) "Parent-child relationship" includes the mother-child relationship and the father-child
3009 relationship.
- 3010 (19) "Paternity index" means the likelihood of paternity calculated by computing the ratio
3011 between:
3012 (a) the likelihood that the tested man is the father, based on the genetic markers of the
3013 tested man and child, conditioned on the hypothesis that the tested man is the father
3014 of the child; and
3015 (b) the likelihood that the tested man is not the father, based on the genetic markers of
3016 the tested man and child, conditioned on the hypothesis that the tested man is not the
3017 father of the child and that the father is of the same ethnic or racial group as the
3018 tested man.
- 3019 (20) "Presumed father" means a man who, by operation of law under Section 78B-15-204,

3020 is recognized as the father of a child until that status is rebutted or confirmed as set forth
3021 in this chapter.

3022 (21) "Probability of paternity" means the measure, for the ethnic or racial group to which
3023 the alleged father belongs, of the probability that the man in question is the father of the
3024 child, compared with a random, unrelated man of the same ethnic or racial group,
3025 expressed as a percentage incorporating the paternity index and a prior probability.

3026 (22) "Record" means information that is inscribed on a tangible medium or that is stored in
3027 an electronic or other medium and is retrievable in perceivable form.

3028 (23) "Signatory" means an individual who authenticates a record and is bound by its terms.

3029 (24) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
3030 United States Virgin Islands, any territory, Native American Tribe, or insular possession
3031 subject to the jurisdiction of the United States.

3032 (25) "Support-enforcement agency" means a public official or agency authorized under
3033 Title IV-D of the Social Security Act which has the authority to seek:

3034 (a) enforcement of support orders or laws relating to the duty of support;

3035 (b) establishment or modification of child support;

3036 (c) determination of parentage; or

3037 (d) location of child-support obligors and their income and assets.

3038 (26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity
3039 authorized to establish, enforce, or modify support orders or to determine parentage.

3040 Section 55. Section **78B-15-113** is amended to read:

3041 **78B-15-113 (Effective 09/01/24). Parent-time rights of father.**

3042 (1) If the tribunal determines that the alleged father is the father, [it] the tribunal may upon [
3043 its] the tribunal's own motion or upon motion of the father, order parent-time rights in
3044 accordance with [~~Sections 30-3-32 through 30-3-37~~] Title 81, Chapter 9, Custody,
3045 Parent-time, and Visitation, as [it] the tribunal considers appropriate under the
3046 circumstances.

3047 (2) Parent-time rights may not be granted to a father if the child has been subsequently
3048 adopted.

3049 Section 56. Section **78B-15-603** is amended to read:

3050 **78B-15-603 (Effective 09/01/24). Parties to proceeding.**

3051 The following individuals shall be joined as parties in a proceeding to adjudicate
3052 parentage:

3053 (1) the mother of the child;

- 3054 (2) a man whose paternity of the child is to be adjudicated; and
3055 (3) the state [~~pursuant to Section 78B-12-113~~] in accordance with Section 81-6-106.

3056 *The following section is affected by a coordination clause at the end of this bill.*

3057 Section 57. Section **78B-15-610** is amended to read:

3058 **78B-15-610 (Effective 09/01/24). Joinder of judicial proceedings -- Court**
3059 **reliance of custody and parent-time standards.**

3060 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate
3061 parentage may be joined with a proceeding for adoption, termination of parental rights,
3062 child custody or visitation, child support, divorce, annulment, legal separation or
3063 separate maintenance, probate or administration of an estate, or other appropriate
3064 proceeding.

3065 (2) A respondent may not join a proceeding described in Subsection (1) with a proceeding
3066 to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform Interstate
3067 Family Support Act.

3068 (3) A court [~~may rely on Title 30, Chapter 3, Divorce, in determining issues related to~~
3069 ~~eustody or parent-time~~] may determine issues of custody, parent-time, visitation, and
3070 child support in accordance with Title 81, Chapter 6, Child Support, and Title 81,
3071 Chapter 9, Custody, Parent-time, and Visitation.

3072 Section 58. Section **78B-15-623** is amended to read:

3073 **78B-15-623 (Effective 09/01/24). Binding effect of determination of parentage.**

3074 (1) Except as otherwise provided in Subsection (2), a determination of parentage is binding
3075 on:

3076 (a) all signatories to a declaration or denial of paternity as provided in Part 3, Voluntary
3077 Declaration of Paternity Act; and

3078 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy the
3079 jurisdictional requirements of Section 78B-14-201.

3080 (2) A child is not bound by a determination of parentage under this chapter unless:

3081 (a) the determination was based on an unrescinded declaration of paternity and the
3082 declaration is consistent with the results of genetic testing;

3083 (b) the adjudication of parentage was based on a finding consistent with the results of
3084 genetic testing and the consistency is declared in the determination or is otherwise
3085 shown; or

3086 (c) the child was a party or was represented in the proceeding determining parentage by
3087 a guardian ad litem.

- 3088 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an
 3089 adjudication of the parentage of a child if the question of paternity is raised and the
 3090 tribunal adjudicates according to Part 6, Adjudication of Parentage, and the final order:
 3091 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or
 3092 similar words indicating that the husband is the father of the child; or
 3093 (b) provides for support of the child by the husband unless paternity is specifically
 3094 disclaimed in the order.
- 3095 (4) The tribunal is not considered to have made an adjudication of the parentage of a child
 3096 if the child was born at the time of entry of the order and other children are named as
 3097 children of the marriage, but that child is specifically not named.
- 3098 (5) Once the paternity of a child has been adjudicated, an individual who was not a party to
 3099 the paternity proceeding may not challenge the paternity, unless:
 3100 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;
 3101 (b) the challenger can demonstrate by clear and convincing evidence that the challenger
 3102 did not know about the adjudicatory proceeding or did not have a reasonable
 3103 opportunity to know of the proceeding; and
 3104 (c) there would be harm to the child to leave the order in place.
- 3105 (6) A party to an adjudication of paternity may challenge the adjudication only under law of
 3106 this state relating to appeal, vacation of judgments, or other judicial review.
- 3107 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the party
 3108 committed the fraud.

3109 Section 59. Section **78B-20-403** is amended to read:

3110 **78B-20-403 (Effective 09/01/24). Visitation before termination of temporary**
 3111 **grant of custodial responsibility.**

3112 After a deploying parent returns from deployment until a temporary agreement or
 3113 order for custodial responsibility established under Part 2, Agreement Addressing
 3114 Custodial Responsibility During Deployment, or a provision of a court order specifying
 3115 temporary custodial responsibility during deployment issued under Part 3, Judicial
 3116 Procedure for Granting Custodial Responsibility During Deployment, or [~~Section~~
 3117 ~~30-3-10~~] Title 81, Chapter 9, Custody, Parent-time, and Visitation, is terminated, the
 3118 court shall issue a temporary order granting the deploying parent reasonable contact with
 3119 the child unless it is contrary to the best interest of the child, even if the time of contact
 3120 exceeds the time the deploying parent spent with the child before deployment.

3121 Section 60. Section **78B-20-404** is amended to read:

3122 **78B-20-404 (Effective 09/01/24). Termination by operation of law of temporary**
 3123 **grant of custodial responsibility established by court order.**

3124 (1) If an agreement between the parties to terminate a court order for temporary custodial
 3125 responsibility during deployment under Part 3, Judicial Procedure for Granting
 3126 Custodial Responsibility During Deployment, or to terminate a provision of an order for
 3127 temporary custodial responsibility during deployment entered under [~~Section 30-3-10~~]
 3128 Title 81, Chapter 9, Custody, Parent-time, and Visitation, has not been filed, the
 3129 temporary order terminates 30 days after the day on which the deploying parent gives
 3130 notice to the other parent and any nonparent granted custodial responsibility that the
 3131 deploying parent has returned from deployment.

3132 (2) A proceeding seeking to prevent termination of a temporary order for custodial
 3133 responsibility is governed by the law of this state other than this chapter.

3134 Section 61. Section **80-2-906** is amended to read:

3135 **80-2-906 (Effective 09/01/24). Financial responsibility for child placed under**
 3136 **Interstate Compact.**

3137 (1) Financial responsibility for a child placed under the provisions of the Interstate Compact
 3138 on the Placement of Children shall, in the first instance, be determined in accordance
 3139 with the provisions of Article V of the compact.

3140 (2) In the event of partial or complete default of performance under the compact, the
 3141 provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child
 3142 Support, may also be invoked.

3143 Section 62. Section **81-1-101** is enacted to read:

3144 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

3145 **CHAPTER 1. GENERAL PROVISIONS**

3146 **Part 1. General Provisions**

3147 **81-1-101 (Effective 09/01/24). Definitions for title.**

3148 As used in this title:

3149 (1) "Child" means, except as provided in Section 81-6-101, a biological or adopted child of
 3150 any age.

3151 (2) "Court" means:

3152 (a) a judge; or

3153 (b) a court commissioner if the court commissioner has authority to hear the matter

- 3154 under Section 78A-5-107 or the Utah Rules of Judicial Administration.
- 3155 (3) "Custodial parent" means:
- 3156 (a) a parent awarded primary physical custody of a minor child by a court order;
- 3157 (b) if both parents have joint physical custody:
- 3158 (i) the parent awarded more overnights each year by a court order; or
- 3159 (ii) the parent designated as the custodial parent by a court order; or
- 3160 (c) if there is no court order, the parent with whom the minor child resides more than
- 3161 one-half of the calendar year without regard to any temporary parent-time.
- 3162 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger
- 3163 than 18 years old and is not emancipated.
- 3164 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of
- 3165 any designation of joint legal custody.
- 3166 (6) "Parent" means a parent with an established parent-child relationship as described in
- 3167 Section 78B-15-201.

3168 Section 63. Section **81-1-201** is enacted to read:

3169 **Part 2. Domestic Relations Proceedings**

3170 **81-1-201 (Effective 09/01/24). Definitions for part.**

3171 As used in this part:

- 3172 (1) "Alimony" means the same as that term is defined in Section 81-4-101.
- 3173 (2) "Child support" means the same as that term is defined in Section 81-6-101.

3174 Section 64. Section **81-1-202** is enacted to read:

3175 **81-1-202 (Effective 09/01/24). Court records in a domestic relations action.**

- 3176 (1) (a) In an action under this title, Title 78B, Chapter 13, Utah Uniform Child Custody
- 3177 Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate
- 3178 Family Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, a party
- 3179 may file a motion to have the records of the action other than the final judgment,
- 3180 order, or decree, classified as private.
- 3181 (b) If the court finds that there are substantial interests favoring restricting access that
- 3182 clearly outweigh the interests favoring access, the court may classify the records of
- 3183 the action, or any part of the records of the action, other than the final order,
- 3184 judgment, or decree, as private.
- 3185 (c) An order classifying part of the records of the action as private does not apply to
- 3186 subsequent filings.

3187 (d) The record of an action is private until the court determines it is possible to release
 3188 the record without prejudice to the interests that justified the closure.

3189 (2) (a) Any interested person may petition the court to permit access to a record
 3190 classified as private as described in Subsection (1).

3191 (b) The interested person described in Subsection (2)(a) shall serve the petition on the
 3192 parties to the closure order.

3193 (3) A party shall place the social security number of any individual, who is the subject of an
 3194 action under this title, in the records relating to the matter.

3195 *The following section is affected by a coordination clause at the end of this bill.*

3196 Section 65. Section **81-1-203**, which is renumbered from Section 30-3-3 is renumbered
 3197 and amended to read:

3198 **[30-3-3] 81-1-203. (Effective 09/01/24). Award of costs and attorney and witness**
 3199 **fees -- Temporary support and maintenance.**

3200 [~~(1) In any action filed under Title 30, Chapter 3, Divorce, Chapter 4, Separate~~
 3201 ~~Maintenance, or Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and~~
 3202 ~~in any action to establish an order of custody, parent-time, child support, alimony, or~~
 3203 ~~division of property in a domestic case]~~

3204 (1) (a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter 7,
 3205 Part 6, Cohabitant Abuse Protective Orders, or in an action to establish an order of
 3206 custody, parent-time, child support, alimony, or the division of property in a domestic
 3207 case, the court may order a party to pay the costs, attorney fees, and witness fees,
 3208 including expert witness fees, of the other party to enable the other party to prosecute
 3209 or defend the action.

3210 (b) The order under Subsection (1)(a) may include a provision for costs of the action.

3211 (2) In [~~any-~~] an action to enforce an order of custody, parent-time, child support, alimony, or
 3212 division of property in a domestic case, the court may award costs and attorney fees
 3213 upon determining that the party substantially prevailed upon the claim or defense.

3214 (3) The court, in [~~its-~~] the court's discretion, may award no fees or limited fees against a
 3215 party if the court finds the party is [~~impeunious-~~] indigent or enters in the record the
 3216 reason for not awarding fees.

3217 [~~(3)~~] (4) In [~~any action listed in-~~] an action described in Subsection (1), the court may order a
 3218 party to provide money, during the pendency of the action, for the separate support and
 3219 maintenance of the other party and of [~~any children-~~] a minor child in the custody of the
 3220 other party.

3221 (5) The court may amend an order entered in accordance with this section before the entry
 3222 of the final order or judgment or in the final order or judgment.

3223 [(4) Orders entered under this section prior to entry of the final order or judgment may be
 3224 amended during the course of the action or in the final order or judgment.]

3225 Section 66. Section **81-1-204** is enacted to read:

3226 **81-1-204 (Effective 09/01/24). Continuing jurisdiction of a court in a domestic**
 3227 **relations action.**

3228 In an action under this title, the court has continuing jurisdiction after a decree or
 3229 final order is entered to make subsequent changes to the order, or to enter a new order,
 3230 including an order regarding:

3231 (1) the distribution of the property and obligations for debts, as is reasonable and necessary,
 3232 for an action described in Chapter 4, Dissolution of Marriage;

3233 (2) alimony in accordance with Section 81-4-503;

3234 (3) child support and medical expenses in accordance with Sections 81-6-208 and 81-6-212;
 3235 and

3236 (4) custody and parent-time in accordance with Section 81-9-208.

3237 Section 67. Section **81-2-101** is enacted to read:

3238 **CHAPTER 2. MARRIAGE**

3239 **Part 1. General Provisions**

3240 **81-2-101 (Effective 09/01/24). Definitions for chapter.**

3241 Reserved.

3242 Section 68. Section **81-2-102**, which is renumbered from Section 30-1-4.1 is renumbered
 3243 and amended to read:

3244 ~~[30-1-4.1]~~ **81-2-102. (Effective 09/01/24). Marriage recognition policy.**

3245 (1) (a) It is the policy of this state to recognize as marriage only the legal union of a man
 3246 and a woman as provided in this chapter.

3247 (b) Except for the relationship of marriage between a man and a woman recognized
 3248 pursuant to this chapter, this state will not recognize, enforce, or give legal effect to
 3249 any law creating any legal status, rights, benefits, or duties that are substantially
 3250 equivalent to those provided under Utah law to a man and a woman because they are
 3251 married.

3252 (2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties that
 3253 are enforceable independently of this section.

3254 Section 69. Section **81-2-201**, which is renumbered from Section 30-1-36 is renumbered
3255 and amended to read:

3256

Part 2. Premarital Counseling

3257 ~~[30-1-36]~~ **81-2-201. (Effective 09/01/24). Definitions for part.**

3258 As used in this part:

3259 (1) ~~[Premarital counseling may include]~~ "Premarital counseling" includes group counseling,
3260 individual counseling, and couple counseling.

3261 (2) ~~[Premarital education may include]~~ "Premarital education" includes:

3262 (a) a lecture, class, seminar, or workshop provided by a person that meets the
3263 requirements of Subsection ~~[30-1-34(2)(b)(i)]~~ 81-2-206(2)(b)(i); or

3264 (b) an online course approved by the Utah Marriage Commission as provided in
3265 Subsection ~~[30-1-34(2)(b)(i)(F)]~~ 81-2-206(2)(b)(i)(F).

3266 Section 70. Section **81-2-202**, which is renumbered from Section 30-1-30 is renumbered
3267 and amended to read:

3268 ~~[30-1-30]~~ **81-2-202. (Effective 09/01/24). Premarital counseling or education --**

3269 **State policy -- Applicability.**

3270 It is the policy of the state to enhance the possibility of couples to achieve more
3271 stable, satisfying, and enduring marital and family relationships by providing
3272 opportunities for and encouraging the use of premarital counseling or education
3273 before securing a marriage license.

3274 Section 71. Section **81-2-203**, which is renumbered from Section 30-1-31 is renumbered
3275 and amended to read:

3276 ~~[30-1-31]~~ **81-2-203. (Effective 09/01/24). Premarital counseling board in county --**

3277 **Appointment, terms, compensation, offices -- Common counseling board with**
3278 **adjacent county.**

3279 ~~[The boards of commissioners of the respective counties in this state are]~~

3280 (1) A county is authorized to:

3281 (a) provide for premarital counseling; and~~[to]~~

3282 (b) require the use of premarital counseling as a condition precedent to the issuance of a
3283 marriage license under the provisions of this ~~[act]~~ part.

3284 (2) ~~[They]~~ The county may appoint a premarital counseling board consisting of seven

3285 members, four of whom shall be lay persons and three of whom shall be chosen from the
3286 professions of psychiatry, psychology, social work, marriage counseling, the clergy, law

3287 or medicine.

3288 (3) ~~[They-]~~ The county may designate the terms of office and the procedures to be followed
 3289 by the premarital counseling board and provide for payment of compensation and
 3290 expenses for members.

3291 (4) ~~[They-]~~ The county may pay the salaries and expenses of a counseling staff under the
 3292 supervision of the premarital counseling board and provide office space, furnishings,
 3293 equipment and supplies for ~~[their-]~~ the board's use.

3294 ~~(5)~~ A county may join with an adjacent county or counties in forming a common premarital
 3296 counseling board and in establishing a common master plan for premarital counseling.

3297 Section 72. Section **81-2-204**, which is renumbered from Section 30-1-32 is renumbered
 3298 and amended to read:

3299 ~~[30-1-32]~~ **81-2-204. (Effective 09/01/24). Master plan for counseling.**

3300 (1) It shall be the function and duty of the premarital counseling board, after holding public
 3301 hearings, to make, adopt, and certify to the county legislative body a master plan for
 3302 premarital counseling of marriage license applicants within the purposes and objectives
 3303 of this ~~[act]~~ part.

3304 (2) The master plan described in Subsection (1) shall include:

3305 (a) counseling procedures that:

3306 (i) will make applicants aware of problem areas in their proposed marriage;

3307 (ii) suggest ways of meeting problems; and

3308 (iii) will induce reconsideration or postponement when:

3309 (A) the applicants are not sufficiently matured or are not financially capable of
 3310 meeting the responsibilities of marriage; or

3311 (B) are marrying for reasons not conducive to a sound lasting marriage; and

3312 (b) standards for evaluating premarital counseling received by the applicants, prior to
 3313 their application for a marriage license, which would justify issuance of certificate
 3314 without further counseling being given or required.

3315 (3) The premarital counseling board may, from time to time, amend or extend the plan
 3316 described in Subsection (1).

3317 (4) The premarital counseling board may, subject to Subsection (5):

3318 (a) appoint a staff and employees as may be necessary for its work; and

3319 (b) contract with social service agencies or other consultants within the county or
 3320 counties for services it requires.

3321 (5) Expenditures for the appointments and contracts described in Subsection (4) may not

3322 exceed the sums appropriated by the county legislative body plus sums placed at its
3323 disposal through gift or otherwise.

3324 Section 73. Section **81-2-205**, which is renumbered from Section 30-1-33 is renumbered
3325 and amended to read:

3326 ~~[30-1-33]~~ **81-2-205. (Effective 09/01/24). Conformity to master plan for**
3327 **counseling as prerequisite to marriage license -- Exceptions.**

3328 Whenever ~~[the board of commissioners of]~~ a county has adopted a master plan for
3329 premarital counseling no resident of the county may obtain a marriage license without
3330 conforming to the plan, except that:

- 3331 (1) ~~[Any person]~~ an individual who applies for a marriage license shall have the right to
3332 secure the license and to marry notwithstanding ~~[their]~~ the individual's failure to conform
3333 to the required premarital counseling or ~~[their]~~ the individual's failure to obtain a
3334 certificate of authorization from the premarital counseling board if ~~[they wait]~~ the
3335 individual waits six months from the date of application for issuance of the license[-] ;
3336 (2) ~~[This chapter]~~ this part does not apply to any application for a marriage license where
3337 both parties are at least 19 years ~~[of age]~~ old and neither has been previously divorced[-] ;
3338 (3) ~~[This chapter]~~ this part does not apply to any application for a marriage license unless
3339 both applicants have physically resided in Utah for 60 days immediately preceding their
3340 application[-] ; or
3341 (4) ~~[Premarital counseling required by this act shall be]~~ premarital counseling required by
3342 this part is considered fulfilled if the applicants present a certificate verified by a
3343 clergyman that the applicants have completed a course of premarital counseling
3344 approved by a church and given by or under the supervision of the clergyman.

3345 Section 74. Section **81-2-206**, which is renumbered from Section 30-1-34 is renumbered
3346 and amended to read:

3347 ~~[30-1-34]~~ **81-2-206. (Effective 09/01/24). Completion of counseling or education.**

- 3348 (1) The county clerk of a county that operates an online marriage application system and
3349 issues a marriage license to applicants who certify completion of premarital counseling
3350 or education in accordance with Subsection (2) shall reduce the marriage license fee by
3351 \$20.
3352 (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify
3353 completion of premarital counseling or education in accordance with this Subsection
3354 (2).
3355 (b) To complete premarital counseling or education, the applicants:

- 3356 (i) shall obtain the premarital counseling or education from:
- 3357 (A) a licensed or ordained minister or the minister's designee who is trained by the
- 3358 minister or denomination to conduct premarital counseling or education;
- 3359 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional
- 3360 Practice Act;
- 3361 (C) an individual certified by a national organization recognized by the Utah
- 3362 Marriage Commission, created in Title 63M, Chapter 15, Utah Marriage
- 3363 Commission, as a family life educator;
- 3364 (D) a family and consumer sciences educator;
- 3365 (E) an individual who is an instructor approved by a premarital education
- 3366 curriculum that meets the requirements of Subsection (2)(b)(ii); or
- 3367 (F) an online course approved by the Utah Marriage Commission;
- 3368 (ii) shall receive premarital counseling or education that includes information on
- 3369 important factors associated with strong and healthy marriages, including:
- 3370 (A) commitment in marriage; and
- 3371 (B) effective communication and problem-solving skills, including avoiding
- 3372 violence and abuse in the relationship;
- 3373 (iii) shall complete at least three hours of premarital counseling or six hours of
- 3374 premarital education meeting the requirements of this Subsection (2); and
- 3375 (iv) shall complete the premarital counseling or education meeting the requirements
- 3376 of this Subsection (2) not more than one year before but at least 14 days before the
- 3377 day on which the marriage license is issued.
- 3378 (c) Although applicants are encouraged to take the premarital counseling or education
- 3379 together, each applicant may comply with the requirements of this Subsection (2)
- 3380 separately.
- 3381 (3) A provider of premarital counseling or education under this section is encouraged to use
- 3382 research-based relationship inventories.

3383 Section 75. Section **81-2-207**, which is renumbered from Section 30-1-35 is renumbered

3384 and amended to read:

3385 **~~[30-1-35]~~ 81-2-207. (Effective 09/01/24). Persons performing counseling services**

3386 **designated by board -- Exemption from license requirements.**

3387 For the purposes of this [chapter] part, the premarital counseling board of each county

3388 or combination of counties may determine those persons who are to perform any

3389 services under this [chapter] part and any person so acting is not subject to prosecution or

3390 other sanctions for the person's failure to hold any license for these services as may be
3391 required by the laws of the state.

3392 Section 76. Section **81-2-208**, which is renumbered from Section 30-1-37 is renumbered
3393 and amended to read:

3394 ~~[30-1-37]~~ **81-2-208. (Effective 09/01/24). Confidentiality of information obtained**
3395 **under counseling provisions.**

3396 (1) Except for the information required or to be required on the marriage license application
3397 form, any information given by a marriage license applicant in compliance with this [
3398 ~~chapter-~~] part:

3399 (a) shall be confidential information [~~and~~] ; and

3400 (b) may not be released by any person, board, commission, or other entity. [~~However,~~]

3401 (2) Notwithstanding Subsection (1), the premarital counseling board or board of
3402 commissioners may use the information given by a marriage license applicant, without
3403 identification of individuals, to compile and release statistical data.

3404 Section 77. Section **81-2-209**, which is renumbered from Section 30-1-38 is renumbered
3405 and amended to read:

3406 ~~[30-1-38]~~ **81-2-209. (Effective 09/01/24). Fee for counseling.**

3407 Any county adopting a master plan under this act is authorized to charge, in
3408 addition to [its] the county's ordinary marriage license application fees, not more than
3409 \$10 for premarital counseling, to be paid by the applicants at the time [they] the
3410 applicants make application.

3411 Section 78. Section **81-2-301** is enacted to read:

3412 **Part 3. Marriage License and Solemnization**

3413 **81-2-301 (Effective 09/01/24). Definitions for part.**

3414 As used in this part:

3415 (1) "County clerk" means:

3416 (a) the county clerk of the county; or

3417 (b) an employee or designee of the county clerk who is authorized to issue marriage
3418 licenses or solemnize marriages.

3419 (2) "Judge or magistrate of the United States" means:

3420 (a) a justice of the United States Supreme Court;

3421 (b) a judge of a court of appeals;

3422 (c) a judge of a district court;

3423 (d) a judge of any court created by an act of Congress, the judges of which are entitled to
 3424 hold office during good behavior;

3425 (e) a judge of a bankruptcy court;

3426 (f) a judge of a tax court; or

3427 (g) a United States magistrate.

3428 (3) "Minor" means an individual who is 16 or 17 years old.

3429 (4) (a) "Native American spiritual advisor" means an individual who:

3430 (i) leads, instructs, or facilitates a Native American religious ceremony or service or
 3431 provides religious counseling; and

3432 (ii) is recognized as a spiritual advisor by a federally recognized Native American
 3433 tribe.

3434 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person,
 3435 traditional religious practitioner, or holy man or woman.

3436 Section 79. Section **81-2-302**, which is renumbered from Section 30-1-7 is renumbered
 3437 and amended to read:

3438 **[30-1-7] 81-2-302. (Effective 09/01/24). Marriage licenses -- Use within state --**
 3439 **Expiration.**

3440 (1) ~~[No marriage may be]~~ A marriage may not be solemnized in this state without a license
 3441 issued by the county clerk of any county of this state.

3442 (2) A license issued within this state by a county clerk may only be used within this state.

3443 (3) A license that is not used within 32 days after the day on which the licensed is issued is
 3444 void.

3445 *The following section is affected by a coordination clause at the end of this bill.*

3446 Section 80. Section **81-2-303**, which is renumbered from Section 30-1-8 is renumbered
 3447 and amended to read:

3448 **[30-1-8] 81-2-303. (Effective 09/01/24). Application for marriage license --**
 3449 **Contents.**

3450 ~~[(1) As used in this section, "minor" means the same as that term is defined in Section~~
 3451 ~~30-1-9.]~~

3452 ~~[(2)]~~ (1) A county clerk may issue a marriage license only after an application is filed with
 3453 the county clerk's office, requiring the following information:

3454 (a) the full names of the applicants, including the maiden or bachelor name of each
 3455 applicant;

3456 (b) the social security numbers of the applicants, unless an applicant has not been

- 3457 assigned a number;
- 3458 (c) the current address of each applicant;
- 3459 (d) the date and place of birth, including the town or city, county, state or country, if
3460 possible;
- 3461 (e) the names of the applicants' respective parents, including the maiden name of a
3462 mother; and
- 3463 (f) the birthplaces of the applicants' respective parents, including the town or city,
3464 county, state or country, if possible.
- 3465 ~~[(3)]~~ (2) (a) If one or both of the applicants is a minor, the county clerk shall provide
3466 each minor with a standard petition on a form provided by the Judicial Council to be
3467 presented to the juvenile court to obtain the authorization required by Section ~~[30-1-9]~~
3468 81-2-304.
- 3469 (b) The form described in Subsection ~~[(3)(a)]~~ (2)(a) shall include:
- 3470 (i) all information described in Subsection ~~[(2)]~~ (1);
- 3471 (ii) ~~[in accordance with Subsection 30-1-9(2)(a),]~~ a place for the parent or legal
3472 guardian to indicate the parent or legal guardian's relationship to the minor in
3473 accordance with Subsection 81-2-304(1)(a);
- 3474 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described
3475 in Section ~~[30-1-9.1]~~ 81-2-304 signed under penalty of perjury;
- 3476 (iv) an affidavit for each applicant regarding the accuracy of the information
3477 contained in the marriage application signed under penalty of perjury; and
- 3478 (v) a place for the clerk to sign that indicates that the following have provided
3479 documentation to support the information contained in the form:
- 3480 (A) each applicant; and
- 3481 (B) the minor's parent or legal guardian.
- 3482 ~~[(4)]~~ (3) (a) The social security numbers obtained under the authority of this section may
3483 not be recorded on the marriage license~~[-]~~ and are not open to inspection as a part of
3484 the vital statistics files.
- 3485 (b) The ~~[Department of Health,]~~ Bureau of Vital Records and Health Statistics shall,
3486 upon request, supply the social security numbers to the Office of Recovery Services~~[~~
3487 ~~within the Department of Human Services]~~.
- 3488 (c) The Office of Recovery Services may not use a social security number obtained
3489 under the authority of this section for any reason other than the administration of
3490 child support services.

- 3491 (4) (a) A county clerk may not issue a marriage license until an affidavit is made before
 3492 the clerk by a party applying for the marriage license that shows there is no lawful
 3493 reason in the way of the marriage.
- 3494 (b) The county clerk shall file and preserve the affidavit under Subsection (4)(a).
- 3495 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing
 3496 witness to the affidavit who falsely swears in the affidavit, is guilty of perjury.
- 3497 (5) A county clerk who knowingly issues a marriage license for any prohibited marriage is
 3498 guilty of a class A misdemeanor.

3499 Section 81. Section **81-2-304**, which is renumbered from Section 30-1-9 is renumbered
 3500 and amended to read:

3501 **[30-1-9]81-2-304. (Effective 09/01/24). Marriage of a minor -- Consent of parent**
 3502 **or guardian -- Juvenile court authorization.**

3503 [~~(1) For purposes of this section, "minor" means an individual that is 16 or 17 years old.~~]

3504 [~~(2)~~] (1) (a) If [at the time of applying for a license the applicant is a minor, and not
 3505 before the minor is married, a license may not be issued] an applicant is a minor at the
 3506 time of applying for a license, a county clerk may not issue a marriage license
 3507 without the signed consent of the minor's parent or legal guardian given in person to
 3508 the clerk, except that:

- 3509 (i) if the parents of the minor are divorced, consent shall be given by the parent
 3510 having legal custody of the minor as evidenced by an oath of affirmation to the
 3511 clerk;
- 3512 (ii) if the parents of the minor are divorced and have been awarded joint custody of
 3513 the minor, consent shall be given by the parent having physical custody of the
 3514 minor the majority of the time as evidenced by an oath of affirmation to the clerk;
 3515 or
- 3516 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the
 3517 consent and provide proof of guardianship by court order as well as an oath of
 3518 affirmation.
- 3519 (b) Each applicant, and [~~if an applicant is a minor,~~]the minor's consenting parent or
 3520 legal guardian if an applicant is a minor, shall appear in person before the county
 3521 clerk and provide legal documentation to establish the following information:
- 3522 (i) the legal relationship between the minor and the minor's parent or legal guardian;
 3523 (ii) the legal name and identity of the minor; and
 3524 (iii) the birth date of each applicant.

- 3525 (c) An individual may present the following documents to satisfy a requirement
3526 described in Subsection [~~(2)~~(b)] (1)(b):
- 3527 (i) for verifying the legal relationship between the minor and the minor's parent or
3528 legal guardian, one of the following:
- 3529 (A) the minor's certified birth certificate with the name of the parent, and an
3530 official translation if the birth certificate is in a language other than English;
- 3531 (B) a report of a birth abroad with the name of the minor and the parent;
- 3532 (C) a certified adoption decree with the name of the minor and the parent; or
- 3533 (D) a certified court order establishing custody or guardianship between the minor
3534 and the parent or legal guardian;
- 3535 (ii) for verifying the legal name and identity of the minor, one of the following:
- 3536 (A) an expired or current passport;
- 3537 (B) a driver's license;
- 3538 (C) a certificate of naturalization;
- 3539 (D) a military identification; or
- 3540 (E) a government employee identification card from a federal, state, or municipal
3541 government; and
- 3542 (iii) for verifying the birth date of each applicant, one of the following for each
3543 applicant:
- 3544 (A) a certified birth certificate;
- 3545 (B) a report of a birth abroad;
- 3546 (C) a certificate of naturalization;
- 3547 (D) a certificate of citizenship;
- 3548 (E) a passport;
- 3549 (F) a driver's license; or
- 3550 (G) a state identification card.
- 3551 (d) An individual may not use a temporary or altered document to satisfy a requirement
3552 described in Subsection [~~(2)~~(b)] (1)(b).
- 3553 [~~(3)~~] (2) (a) The minor and the parent or legal guardian of the minor shall obtain a written
3554 authorization to marry from:
- 3555 (i) a judge of the court exercising juvenile jurisdiction in the county where either
3556 party to the marriage resides; or
- 3557 (ii) a court commissioner as permitted by rule of the Judicial Council.
- 3558 (b) Before issuing written authorization for a minor to marry, the judge or court

- 3559 commissioner shall determine:
- 3560 (i) that the minor is entering into the marriage voluntarily; and
- 3561 (ii) the marriage is in the best [~~interests~~] interest of the minor under the circumstances.
- 3562 (c) The judge or court commissioner shall require that both parties to the marriage
- 3563 complete premarital counseling, except the requirement for premarital counseling
- 3564 may be waived if premarital counseling is not reasonably available.
- 3565 (d) The judge or court commissioner may require:
- 3566 (i) that the minor continue to attend school, unless excused under Section 53G-6-204;
- 3567 and
- 3568 (ii) any other conditions that the court deems reasonable under the circumstances.
- 3569 (e) The judge or court commissioner may not issue a written authorization to the minor
- 3570 if the age difference between both parties to the marriage is more than seven years.
- 3571 ~~[(4)]~~ (3) (a) The determination required in Subsection ~~[(3)]~~ (2) shall be made on the
- 3572 record.
- 3573 (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.
- 3574 (4) (a) A parent or legal guardian who knowingly consents or allows a minor to enter
- 3575 into a marriage prohibited by law is guilty of a third degree felony.
- 3576 (b) An individual is guilty of a third degree felony if the individual:
- 3577 (i) knowingly, with or without a license, solemnizes the marriage of an individual
- 3578 who is younger than 18 years old and the marriage is prohibited by law;
- 3579 (ii) without a written authorization from the juvenile court, solemnizes a marriage to
- 3580 which a party is a minor;
- 3581 (iii) impersonates a parent or legal guardian of a minor to obtain a license for the
- 3582 minor to marry; or
- 3583 (iv) forges the name of a parent or legal guardian of a minor on any writing
- 3584 purporting to give consent to a marriage of a minor.

3585 *The following section is affected by a coordination clause at the end of this bill.*

3586 Section 82. Section **81-2-305**, which is renumbered from Section 30-1-6 is renumbered

3587 and amended to read:

3588 ~~[30-1-6]~~ **81-2-305. (Effective 09/01/24). Who may solemnize marriages --**

3589 **Certificate.**

3590 ~~[(1) As used in this section:]~~

3591 ~~[(a) "Judge or magistrate of the United States" means:]~~

3592 ~~[(i) a justice of the United States Supreme Court;]~~

- 3593 [(ii) a judge of a court of appeals;]
 3594 [(iii) a judge of a district court;]
 3595 [(iv) a judge of any court created by an act of Congress, the judges of which are entitled to
 3596 hold office during good behavior;]
 3597 [(v) a judge of a bankruptcy court;]
 3598 [(vi) a judge of a tax court; or]
 3599 [(vii) a United States magistrate.]
- 3600 [(b) (i) "Native American spiritual advisor" means an individual who:]
 3601 [(A) leads, instructs, or facilitates a Native American religious ceremony or service or
 3602 provides religious counseling; and]
 3603 [(B) is recognized as a spiritual advisor by a federally recognized Native American tribe.]
 3604 [(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person,
 3605 traditional religious practitioner, or holy man or woman.]
- 3606 [(2)] (1) The following individuals may solemnize a marriage:
 3607 (a) an individual 18 years old or older who is authorized by a religious denomination to
 3608 solemnize a marriage;
 3609 (b) a Native American spiritual advisor;
 3610 (c) the governor;
 3611 (d) the lieutenant governor;
 3612 (e) the state attorney general;
 3613 (f) the state treasurer;
 3614 (g) the state auditor;
 3615 (h) a mayor of a municipality or county executive;
 3616 (i) a justice, judge, or commissioner of a court of record;
 3617 (j) a judge of a court not of record of the state;
 3618 (k) a judge or magistrate of the United States;
 3619 (l) the county clerk of any county in the state or the county clerk's designee as authorized
 3620 by Section 17-20-4;
 3621 (m) a senator or representative of the Utah Legislature;
 3622 (n) a member of the state's congressional delegation; or
 3623 (o) a judge or magistrate who holds office in Utah when retired, under rules set by the
 3624 Supreme Court.
- 3625 [(3)] (2) An individual authorized under Subsection [(2)] (1) who solemnizes a marriage
 3626 shall give to the couple married a certificate of marriage that shows the:

3627 (a) name of the county from which the license is issued; and

3628 (b) date of the license's issuance.

3629 ~~[(4)] (3)~~ Except for an individual described in Subsection ~~[(2)(4)] (1)(1)~~, an individual
3630 described in Subsection ~~[(2)] (1)~~ has discretion to solemnize a marriage.

3631 ~~[(5)] (4)~~ Except as provided in Section 17-20-4 and Subsection ~~[(2)(4)] (1)(1)~~, and
3632 notwithstanding any other provision in law, no individual authorized under Subsection [
3633 ~~(2)] (1)~~ to solemnize a marriage may delegate or deputize another individual to perform
3634 the function of solemnizing a marriage.

3635 (5) (a) Within 30 days after the day on which a marriage is solemnized, the individual
3636 solemnizing the marriage shall return the marriage license to the county clerk that
3637 issued the marriage license with a certificate of the marriage over the individual's
3638 signature stating the date and place of solemnization and the names of two or more
3639 witnesses present at the marriage.

3640 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty
3641 of an infraction.

3642 (6) (a) An individual is guilty of a third degree felony if the individual knowingly:

3643 (i) solemnizes a marriage without a valid marriage license; or

3644 (ii) solemnizes a marriage in violation of this section.

3645 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
3646 without a marriage license, solemnizes a marriage between two individuals who are
3647 18 years old or older that is prohibited by law.

3648 Section 83. Section **81-2-306**, which is renumbered from Section 30-1-12 is renumbered
3649 and amended to read:

3650 **[30-1-12] 81-2-306. (Effective 09/01/24). County clerk to file license and**
3651 **certificate -- Designation as vital record.**

3652 ~~[(1) (a) The license, together with the certificate of the individual officiating at the~~
3653 ~~marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk]~~

3654 (1) (a) The county clerk shall:

3655 (i) file and preserve the marriage license returned by an individual under Subsection
3656 81-2-305(5) with the certificate of the marriage; and

3657 (ii) record the marriage license and certificate in a book kept for that purpose[;] or by
3658 electronic means.

3659 (b) The record shall be properly indexed in the names of the parties so married.

3660 (2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a

- 3661 marriage license.
- 3662 (3) A transcript shall be promptly certified and transmitted by the clerk to the state registrar
3663 of vital statistics.
- 3664 (4) The marriage license and the certificate of the individual officiating at the marriage are:
3665 (a) vital records as defined in Section 26B-8-101; and [~~are~~]
3666 (b) subject to the inspection requirements described in Section 26B-8-125.
- 3667 Section 84. Section **81-2-401** is enacted to read:

3668 **Part 4. Validity of Marriage**

3669 **81-2-401 (Effective 09/01/24). Definitions for part.**

3670 Reserved.

3671 Section 85. Section **81-2-402**, which is renumbered from Section 30-1-1 is renumbered
3672 and amended to read:

3673 ~~[30-1-1]~~ **81-2-402. (Effective 09/01/24). Incestuous marriages void.**

- 3674 (1) The following marriages are incestuous and void from the beginning, regardless of
3675 whether the relationship is legally recognized:
- 3676 (a) [~~marriages between parents and children~~] a marriage between a parent and a child;
3677 (b) [~~marriages between ancestors and descendants of every degree~~] a marriage between
3678 an ancestor and a descendant of any degree;
- 3679 (c) [~~marriages between siblings of the half as well as the whole blood~~] a marriage
3680 between siblings of the half or whole blood;
- 3681 [(d) ~~marriages between:~~]
3682 [(i) ~~uncles and nieces or nephews; or~~]
3683 [(ii) ~~aunts and nieces or nephews;~~]
- 3684 (d) a marriage between an uncle and a niece or nephew;
3685 (e) a marriage between an aunt and a niece or nephew;
- 3686 [(e)] (f) [~~marriages between first cousins;~~] except as provided in Subsection (2), a
3687 marriage between first cousins; or
- 3688 [(f)] (g) [~~marriages between any~~] except as provided in Subsection (2), a marriage between
3689 individuals related to each other within and not including the fifth degree of
3690 consanguinity computed according to the rules of the civil law[~~, except as provided in~~
3691 ~~Subsection (2)~~].
- 3692 (2) First cousins may marry under the following circumstances:
3693 (a) both parties are 65 years [~~of age~~] old or older; or

3694 (b) if both parties are 55 years [~~of age~~] old or older, upon a finding by the district court,
 3695 located in the district in which either party resides, that either party is unable to
 3696 reproduce.

3697 Section 86. Section **81-2-403**, which is renumbered from Section 30-1-2 is renumbered
 3698 and amended to read:

3699 **[30-1-2] 81-2-403. (Effective 09/01/24). Marriages prohibited and void.**

3700 (1) The following marriages are prohibited and declared void:

3701 (a) when there is a spouse living[;] from whom the individual marrying has not been
 3702 divorced;

3703 (b) except as provided in Subsection (2), [~~when an applicant is~~] the individual marrying is
 3704 under 18 years old; [and] or

3705 (c) between a divorced individual and any individual other than the one from whom the
 3706 divorce was secured until:

3707 (i) the divorce decree becomes absolute[; and;] ; and

3708 (ii) if an appeal is taken, until after the affirmance of the divorce decree.

3709 (2) A marriage of an individual under 18 years old is not void if the individual:

3710 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court
 3711 authorization in accordance with Section [~~30-1-9~~] 81-2-304; or

3712 (b) lawfully marries before May 14, 2019.

3713 Section 87. Section **81-2-404**, which is renumbered from Section 30-1-2.1 is renumbered
 3714 and amended to read:

3715 **[30-1-2.1] 81-2-404. (Effective 09/01/24). Validation of a marriage to an**
 3716 **individual subject to chronic epileptic fits who had not been sterilized.**

3717 [~~All marriages, otherwise valid and legal, contracted prior to the effective date of~~
 3718 ~~this act, to which either party was subject to chronic epileptic fits and who had not~~
 3719 ~~been sterilized, as provided by law, are hereby validated and legalized in all respects~~
 3720 ~~as though such marriages had been duly and legally contracted in the first instance.] A
 3721 marriage between two individuals that was not valid or legal before May 14, 1963, on
 3722 the basis that a party was subject to chronic epileptic fits and had not been sterilized
 3723 is considered valid and legal in this state.~~

3724 *The following section is affected by a coordination clause at the end of this bill.*

3725 Section 88. Section **81-2-405**, which is renumbered from Section 30-1-2.2 is renumbered
 3726 and amended to read:

3727 **[30-1-2.2] 81-2-405. (Effective 09/01/24). Validation of a marriage on the basis of**

3728 **the race, ethnicity, or national origin of the parties.**

3729 ~~[All interracial marriages, otherwise valid and legal, contracted prior to July 1,~~
3730 ~~1965, to which one of the parties of the marriage was subject to disability to marry on~~
3731 ~~account of Subsection 30-1-2(5) or (6), as those subsections existed prior to May 14,~~
3732 ~~1963, are hereby valid and made lawful in all respects as though such marriages had~~
3733 ~~been duly and legally contracted in the first instance.] A marriage between two
3734 individuals that was not valid or legal before July 1, 1965, on the basis of the race,
3735 ethnicity, or national origin of those individuals is considered valid and legal in this
3736 state.~~

3737 Section 89. Section **81-2-406**, which is renumbered from Section 30-1-2.3 is renumbered
3738 and amended to read:

3739 ~~[30-1-2.3]~~ **81-2-406. (Effective 09/01/24). Validation of a marriage to an**
3740 **individual with acquired immune deficiency syndrome or other sexually**
3741 **transmitted disease.**

3742 ~~[Each marriage contracted prior to October 21, 1993, is valid and legal but for the~~
3743 ~~prohibition described in Laws of Utah 1991, Chapter 117, Section 1, Subsection~~
3744 ~~30-1-2(1) regarding persons afflicted with acquired immune deficiency syndrome,~~
3745 ~~syphilis, or gonorrhea, is hereby valid and made lawful in all respects as though that~~
3746 ~~marriage had been legally contracted in the first instance.] A marriage between two
3747 individuals that was not valid or legal before October 21, 1993, on the basis that a
3748 party was afflicted with acquired immune deficiency syndrome, syphilis, or
3749 gonorrhea, is considered valid and legal in this state.~~

3750 Section 90. Section **81-2-407**, which is renumbered from Section 30-1-4 is renumbered
3751 and amended to read:

3752 ~~[30-1-4]~~ **81-2-407. (Effective 09/01/24). Validity of a foreign marriage --**
3753 **Exceptions.**

3754 A marriage solemnized in any other country, state, or territory, if valid where
3755 solemnized, is valid in this state, unless~~[it is a marriage]:~~

3756 (1) ~~[that]~~ the marriage would be prohibited and declared void in this state~~[,]~~ under

3757 Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a); or

3758 (2) the marriage is between parties who are related to each other within and including three
3759 degrees of consanguinity, except as provided in Subsection ~~[30-1-1(2)]~~ 81-2-402(2).

3760 *The following section is affected by a coordination clause at the end of this bill.*

3761 Section 91. Section **81-2-408**, which is renumbered from Section 30-1-4.5 is renumbered

3762 and amended to read:

3763 ~~[30-1-4.5]~~ **81-2-408.** (Effective 09/01/24). **Validity of marriage not solemnized or**
3764 **solemnized before an unauthorized individual.**

3765 (1) A marriage ~~[which]~~ that is not solemnized according to this chapter ~~[shall be]~~ is legal and
3766 valid if a court or administrative order establishes that the marriage arises out of a
3767 contract between ~~[a man and a woman]~~ two individuals who:

3768 (a) are of legal age and capable of giving consent;

3769 (b) are legally capable of entering a solemnized marriage under the provisions of this
3770 chapter;

3771 (c) have cohabited;

3772 (d) mutually assume marital rights, duties, and obligations; and

3773 (e) who hold themselves out as and have acquired a uniform and general reputation as [
3774 ~~husband and wife]~~ spouses.

3775 (2) (a) A petition for an unsolemnized marriage shall be filed during the relationship
3776 described in Subsection (1), or within one year following the termination of that
3777 relationship.

3778 (b) Evidence of a marriage recognizable under this section may be:

3779 (i) manifested in any form~~[, and may be]~~ ; and

3780 (ii) proved under the same general rules of evidence as facts in other cases.

3781 (3) (a) A marriage solemnized before an individual professing to have authority to
3782 perform marriages may not be invalidated for lack of authority if consummated in the
3783 belief of the parties or either party that the person had authority and that the parties
3784 have been lawfully married.

3785 (b) Subsection (3)(a) may not be construed to validate a marriage that is prohibited or
3786 void under Section 81-2-403.

3787 Section 92. Section **81-2-409**, which is renumbered from Section 30-1-3 is renumbered
3788 and amended to read:

3789 ~~[30-1-3]~~ **81-2-409.** (Effective 09/01/24). **Legal recognition of a child when**
3790 **marriage is void.**

3791 When a marriage is void under Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a) and the
3792 parties entered into the marriage in good faith, a child of the marriage, who is born or
3793 conceived before the parties had actual knowledge that the marriage was void, shall
3794 be legally recognized as the child of the parties.

3795 Section 93. Section **81-3-101** is enacted to read:

3796

CHAPTER 3. RIGHTS AND OBLIGATIONS DURING MARRIAGE

3797

Part 1. Property Rights

3798

81-3-101 (Effective 09/01/24). Definitions for part.

3799

Reserved.

3800

Section 94. Section **81-3-102**, which is renumbered from Section 30-2-2 is renumbered

3801

and amended to read:

3802

~~[30-2-2]~~ **81-3-102. (Effective 09/01/24). Married individual's right to contract,**

3803

sue, and be sued.

3804

[Contracts may be made by a wife, and liabilities incurred and enforced by or

3805

against her, to the same extent and in the same manner as if she were unmarried.] A

3806

married individual may contract, sue, or be sued, to the same extent and in the same

3807

manner as if the individual was unmarried.

3808

Section 95. Section **81-3-103**, which is renumbered from Section 30-2-3 is renumbered

3809

and amended to read:

3810

~~[30-2-3]~~ **81-3-103. (Effective 09/01/24). Conveyances between spouses.**

3811

A conveyance, transfer, or lien executed by ~~[either husband or wife]~~ an individual,

3812

to or in favor of the ~~[other shall be]~~ individual's spouse is valid to the same extent as

3813

between other persons.

3814

Section 96. Section **81-3-104**, which is renumbered from Section 30-2-4 is renumbered

3815

and amended to read:

3816

~~[30-2-4]~~ **81-3-104. (Effective 09/01/24). Married individual's right to wages --**

3817

Actions for personal injury.

3818

(1) A ~~[wife]~~ married individual may:

3819

(a) receive the wages for ~~[her]~~ the individual's personal labor~~;~~ as if unmarried;

3820

(b) maintain an action ~~[therefor in her]~~ in the individual's own name and hold the same in [

3821

her] the individual's own right~~[- and may]~~ as if unmarried; and

3822

(c) prosecute and defend all actions for the preservation and protection of ~~[her]~~ the

3823

individual's rights and property as if unmarried.

3824

(2) ~~[There shall be no right of recovery by the husband-]~~ A husband does not have a right of

3825

recovery:

3826

(a) on account of personal injury or wrong to ~~[his wife, or]~~ the husband's wife; or

3827

(b) for expenses connected ~~[therewith, but the wife-]~~ with the personal injury or wrong to

3828

the husband's wife.

3829 (3) (a) ~~A wife~~ may recover against a third person for ~~[such injury or wrong]~~ a personal
 3830 injury or wrong to the wife as if unmarried~~[-and such]~~ .

3831 (b) A recovery shall include expenses of medical treatment and other expenses paid or
 3832 assumed by the husband.

3833 Section 97. Section **81-3-105**, which is renumbered from Section 30-2-5 is renumbered
 3834 and amended to read:

3835 ~~[30-2-5]~~ **81-3-105. (Effective 09/01/24). Separate debts.**

3836 (1) ~~[Neither spouse is]~~ A married individual is not personally liable for the separate debts,
 3837 obligations, or liabilities of the ~~[other]~~ individual's spouse that are:

3838 (a) contracted or incurred before marriage;

3839 (b) contracted or incurred during marriage, except family expenses as provided in
 3840 Section ~~[30-2-9]~~ 81-3-109;

3841 (c) contracted or incurred after divorce or an order for separate maintenance under ~~[this~~
 3842 ~~title, except the spouse is personally liable for that portion of the expenses incurred~~
 3843 ~~on behalf of a minor child for reasonable and necessary medical and dental expenses,~~
 3844 ~~and other similar necessities as provided in a court order under Section 30-3-5, 30-4-3,~~
 3845 ~~or 78B-12-212, or an administrative order under Section 26B-9-224]~~ Chapter 4,
 3846 Dissolution of Marriage, except that the individual is personally liable for any
 3847 support ordered by a court as described in Chapter 6, Child Support, or an
 3848 administrative agency as described in Title 26B, Chapter 9, Recovery Services and
 3849 Administration of Child Support; or

3850 (d) ordered by the court to be paid by the ~~[other]~~ individual's spouse under ~~[Section~~
 3851 ~~30-3-5 or 30-4-3]~~ Chapter 4, Dissolution of Marriage, and not in conflict with Section
 3852 15-4-6.5 or 15-4-6.7.

3853 (2) ~~[The]~~ A creditor of a married individual may not reach the wages, earnings, property,
 3854 rents, or other income of ~~[one spouse may not be reached by a creditor of the other~~
 3855 ~~spouse]~~ the individual's spouse to satisfy a debt, obligation, or liability ~~[of the other~~
 3856 ~~spouse, as described]~~ of the individual under Subsection (1).

3857 Section 98. Section **81-3-106**, which is renumbered from Section 30-2-6 is renumbered
 3858 and amended to read:

3859 ~~[30-2-6]~~ **81-3-106. (Effective 09/01/24). Actions based on property rights.**

3860 ~~[Should the husband or wife obtain]~~ If a married individual obtains possession or
 3861 control of property belonging to the ~~[other]~~ individual's spouse before or after marriage,
 3862 the owner of the property may maintain an action therefor, or for any right growing out

3863 of the same, in the same manner and to the same extent as if [they were] the individual
 3864 was unmarried.

3865 Section 99. Section **81-3-107**, which is renumbered from Section 30-2-7 is renumbered
 3866 and amended to read:

3867 **[30-2-7] 81-3-107. (Effective 09/01/24). Liability for spouse's torts.**

3868 [~~For civil injuries committed by a married woman damages may be recovered~~
 3869 ~~from her alone, and her husband]~~

3870 (1) If a married individual is held liable in a civil action, the plaintiff may recover damages
 3871 from the individual alone.

3872 (2) The spouse of the individual described in Subsection (1) may not be held liable [for
 3873 those civil injuries] in the civil action, except in [cases where he would be jointly liable
 3874 with her] an action where the spouse would be jointly liable with the individual if the
 3875 marriage did not exist.

3876 Section 100. Section **81-3-108**, which is renumbered from Section 30-2-8 is renumbered
 3877 and amended to read:

3878 **[30-2-8] 81-3-108. (Effective 09/01/24). Agency between spouses.**

3879 A [~~husband or wife]~~ married individual may :

3880 (1) constitute the [~~other his or her]~~ attorney in fact to control and dispose of [~~his or her~~
 3881 ~~property for their mutual benefit]~~ the property of the individual's spouse for the mutual
 3882 benefit of the individual and the individual's spouse or otherwise[~~, and may~~] ; and

3883 (2) revoke the appointment the same as other persons.

3884 Section 101. Section **81-3-109**, which is renumbered from Section 30-2-9 is renumbered
 3885 and amended to read:

3886 **[30-2-9] 81-3-109. (Effective 09/01/24). Family expenses -- Joint and several**
 3887 **liability.**

3888 [~~(1) The expenses of the family and the education of the children are chargeable upon the~~
 3889 ~~property of both spouses or of either of them separately, for which expenses they may be~~
 3890 ~~sued jointly or separately.]~~

3891 (1) As used in this section:

3892 (a) "Family expenses" means expenses incurred that benefit and promote the family unit.

3893 (b) "Family expenses" do not include items purchased in accordance with a written
 3894 contract or agreement during the marriage that do not relate to the expenses described
 3895 in Subsection (1)(a).

3896 (2) (a) A married individual, and the married individual's property, is chargeable for

3897 family expenses and expenses for the education of a minor child.

3898 (b) A married individual may be sued separately or jointly with the individual's spouse
 3899 for the expenses described in Subsection (2)(a).

3900 [~~(2)~~] (3) For the expenses described in Subsection [~~(1)~~;] (2), where there is a written
 3901 agreement signed by [~~either~~] a spouse that allows for the recovery of agreed upon
 3902 amounts, a creditor or an assignee or successor in interest of the creditor is entitled to
 3903 recover the contractually allowed amounts against both spouses, jointly and severally.

3904 [~~(3)~~] (4) Subsection [~~(2)~~] (3) applies to all contracts and agreements under this section
 3905 entered into by [~~either~~] a spouse during the time the parties are married and living
 3906 together.

3907 [~~(4)~~] For the purposes of this section, ~~family expenses are considered expenses incurred that~~
 3908 ~~benefit and promote the family unit. Items purchased pursuant to a written contract or~~
 3909 ~~agreement during the marriage that do not relate to family expenses are not covered by~~
 3910 ~~this section.]~~

3911 (5) The provisions of Subsections [~~(2) and (3)~~] (3) and (4) do not create a right to attorney's
 3912 fees or collection fees as to the nonsigning spouse for purchases of:

3913 (a) food or clothing; or

3914 (b) home improvements or repairs over \$5,000.

3915 Section 102. Section **81-3-110**, which is renumbered from Section 30-2-10 is renumbered
 3916 and amended to read:

3917 **[~~30-2-10~~]81-3-110. (Effective 09/01/24). Homestead rights -- Custody of a minor**
 3918 **child.**

3919 [~~Neither the husband nor wife can remove the other or their children]~~

3920 (1) A married individual may not remove the individual's spouse or minor child from the
 3921 homestead without the consent of the [~~other~~] individual's spouse, unless the owner of the
 3922 property shall in good faith provide another homestead suitable to the condition in life of
 3923 the family[; and if a husband or wife abandons his or her spouse, that spouse] .

3924 (2) If a married individual abandons the individual's spouse, the individual's spouse is
 3925 entitled to the custody of [~~the minor children~~] a minor child, unless a court [~~of competent~~
 3926 jurisdiction shall otherwise direct] with jurisdiction orders otherwise.

3927 Section 103. Section **81-3-111**, which is renumbered from Section 30-2-11 is renumbered
 3928 and amended to read:

3929 **[~~30-2-11~~]81-3-111. (Effective 09/01/24). Action for consortium due to personal**
 3930 **injury.**

- 3931 (1) ~~[For purposes of]~~ As used in this section:
- 3932 (a) ~~["injury"]~~ "Injury" or "injured" means a significant permanent injury to ~~[a person]~~ an
- 3933 individual that substantially changes that ~~[person's]~~ individual's lifestyle ~~[and includes~~
- 3934 ~~the following]~~ , including:
- 3935 (i) a partial or complete paralysis of one or more of the extremities;
- 3936 (ii) significant disfigurement; or
- 3937 (iii) incapability of the ~~[person]~~ individual of performing the types of jobs the ~~[person]~~
- 3938 individual performed before the injury~~[-and]~~ .
- 3939 (b) ~~["spouse"]~~ "Spouse" means the legal relationship:
- 3940 (i) established between ~~[a man and a woman]~~ two individuals as recognized by the
- 3941 laws of this state; and
- 3942 (ii) existing at the time of the person's injury.
- 3943 (2) The spouse of ~~[a person]~~ an individual injured by a third party on or after May 4, 1997,
- 3944 may maintain an action against the third party to recover for loss of consortium.
- 3945 (3) A claim for loss of consortium begins on the date of injury to the spouse.
- 3946 (4) The statute of limitations applicable to the injured ~~[person]~~ individual shall also apply to
- 3947 the spouse's claim of loss of consortium.
- 3948 ~~[(4)]~~ (5) A claim for the spouse's loss of consortium shall be:
- 3949 (a) made at the time the claim of the injured person is made and joinder of actions shall
- 3950 be compulsory; and
- 3951 (b) subject to the same defenses, limitations, immunities, and provisions applicable to
- 3952 the claims of the injured ~~[person]~~ individual.
- 3953 ~~[(5)]~~ (6) The spouse's action for loss of consortium:
- 3954 (a) shall be derivative from the cause of action existing ~~[in]~~ on behalf of the injured [~~person]~~
- 3955 individual; and
- 3956 (b) may not exist in cases where the injured ~~[person]~~ individual would not have a cause
- 3957 of action.
- 3958 ~~[(6)]~~ (7) Fault of the spouse of the injured ~~[person]~~ individual, as well as fault of the injured [~~person]~~
- 3959 individual, shall be compared with the fault of all other parties, pursuant to
- 3960 Sections 78B-5-817 through 78B-5-823, for purposes of reducing or barring any
- 3961 recovery by the spouse for loss of consortium.
- 3962 ~~[(7)]~~ (8) Damages awarded for loss of consortium, when combined with any award to the
- 3963 injured ~~[person]~~ individual for general damages, may not exceed any applicable statutory
- 3964 limit on noneconomic damages, including Section 78B-3-410.

3965 [(8)] (9) Damages awarded for loss of consortium which a governmental entity is required to
 3966 pay, when combined with any award to the injured [person] individual which a
 3967 governmental entity is required to pay, may not exceed the liability limit for one [person]
 3968 individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity
 3969 Act of Utah.

3970 Section 104. Section **81-3-201**, which is renumbered from Section 30-8-2 is renumbered
 3971 and amended to read:

3972

Part 2. Uniform Premarital Agreement Act

3973 ~~[30-8-2]~~ **81-3-201. (Effective 09/01/24). Definitions for part.**

3974 As used in this [chapter] part:

- 3975 (1) "Premarital agreement" means an agreement between prospective spouses made in
 3976 contemplation of marriage and to be effective upon marriage.
- 3977 (2) "Property" means an interest, present or future, legal or equitable, vested or contingent,
 3978 in real or personal property, including income and earnings.

3979 Section 105. Section **81-3-202**, which is renumbered from Section 30-8-3 is renumbered
 3980 and amended to read:

3981 ~~[30-8-3]~~ **81-3-202. (Effective 09/01/24). Writing -- Signature required.**

3982 (1) A premarital agreement shall be in writing and signed by both parties.

3983 (2) [It] A premarital agreement is enforceable without consideration.

3984 Section 106. Section **81-3-203**, which is renumbered from Section 30-8-4 is renumbered
 3985 and amended to read:

3986 ~~[30-8-4]~~ **81-3-203. (Effective 09/01/24). Content.**

3987 (1) Parties to a premarital agreement may contract with respect to:

- 3988 (a) the rights and obligations of each of the parties in any of the property of either or
 3989 both of them whenever and wherever acquired or located;
- 3990 (b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,
 3991 assign, create a security interest in, mortgage, encumber, dispose of, or otherwise
 3992 manage and control property;
- 3993 (c) the disposition of property upon separation, marital dissolution, death, or the
 3994 occurrence or nonoccurrence of any other event;
- 3995 (d) the modification or elimination of spousal support;
- 3996 (e) the ownership rights in and disposition of the death benefit from a life insurance
 3997 policy;

3998 (f) the choice of law governing the construction of the agreement, except that a court [of
 3999 competent jurisdiction] with jurisdiction may apply the law of the legal domicile of
 4000 either party, if it is fair and equitable; and

4001 (g) any other matter, including their personal rights and obligations, not in violation of
 4002 public policy or a statute imposing a criminal penalty.

4003 (2) The right of a child, as defined in Section 81-6-101, to support, health and medical
 4004 provider expenses, medical insurance, and child care coverage may not be affected by a
 4005 premarital agreement.

4006 Section 107. Section **81-3-204**, which is renumbered from Section 30-8-5 is renumbered
 4007 and amended to read:

4008 **[30-8-5] 81-3-204. (Effective 09/01/24). Effect of marriage -- Amendment --**
 4009 **Revocation.**

4010 (1) A premarital agreement becomes effective upon marriage.

4011 (2) (a) After marriage, a premarital agreement may be amended or revoked only by a
 4012 written agreement signed by the parties.

4013 (b) The amended agreement or the revocation is enforceable without consideration.

4014 Section 108. Section **81-3-205**, which is renumbered from Section 30-8-6 is renumbered
 4015 and amended to read:

4016 **[30-8-6] 81-3-205. (Effective 09/01/24). Enforcement.**

4017 (1) A premarital agreement is not enforceable if the party against whom enforcement is
 4018 sought proves that:

4019 (a) that party did not execute the agreement voluntarily; or

4020 (b) the agreement was fraudulent when [it] the agreement was executed and, before
 4021 execution of the agreement, that party:

4022 (i) was not provided a reasonable disclosure of the property or financial obligations
 4023 of the other party insofar as was possible;

4024 (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the
 4025 property or financial obligations of the other party beyond the disclosure
 4026 provided; and

4027 (iii) did not have, or reasonably could not have had, an adequate knowledge of the
 4028 property or financial obligations of the other party.

4029 (2) If a provision of a premarital agreement modifies or eliminates spousal support and that
 4030 modification or elimination causes one party to the agreement to be eligible for support
 4031 under a program of public assistance at the time of separation or marital dissolution, a

4032 court, notwithstanding the terms of the agreement, may require the other party to
 4033 provide support to the extent necessary to avoid that eligibility.

4034 (3) An issue of fraud of a premarital agreement shall be decided by the court as a matter of
 4035 law.

4036 Section 109. Section **81-3-206**, which is renumbered from Section 30-8-7 is renumbered
 4037 and amended to read:

4038 ~~[30-8-7]~~ **81-3-206. (Effective 09/01/24). Enforcement -- Void marriage.**

4039 If a marriage is determined to be void, an agreement that would otherwise have
 4040 been a premarital agreement is enforceable only to the extent necessary to avoid an
 4041 inequitable result.

4042 Section 110. Section **81-3-207**, which is renumbered from Section 30-8-8 is renumbered
 4043 and amended to read:

4044 ~~[30-8-8]~~ **81-3-207. (Effective 09/01/24). Limitations of actions.**

4045 Any statute of limitations applicable to an action asserting a claim for relief under
 4046 a premarital agreement is tolled during the marriage of the parties to the agreement.

4047 Section 111. Section **81-3-208**, which is renumbered from Section 30-8-9 is renumbered
 4048 and amended to read:

4049 ~~[30-8-9]~~ **81-3-208. (Effective 09/01/24). Application and construction.**

4050 This [æ]t] part shall be applied and construed to effectuate [its] the part's general
 4051 purpose to make uniform the law with respect to the subject of this [æ]t] part among
 4052 states enacting [it] this uniform law.

4053 Section 112. Section **81-4-101** is enacted to read:

4054

CHAPTER 4. DISSOLUTION OF MARRIAGE

4055

Part 1. General Provisions

4056 **81-4-101 (Effective 09/01/24). Definitions for chapter.**

4057 As used in this chapter:

4058 (1) "Alimony" means financial support made to a spouse or former spouse for the support
 4059 and maintenance of that spouse.

4060 (2) "Child support" means the same as that term is defined in Section 81-6-101.

4061 Section 113. Section **81-4-102**, which is renumbered from Section 30-1-17.4 is renumbered
 4062 and amended to read:

4063 ~~[30-1-17.4]~~ **81-4-102. (Effective 09/01/24). Action for annulment or divorce as**
 4064 **alternative relief.**

4065 Nothing [herein] in this chapter shall be construed to prevent the filing of an action
4066 requesting an annulment or a divorce as alternative relief.

4067 Section 114. Section **81-4-103**, which is renumbered from Section 30-4a-1 is renumbered
4068 and amended to read:

4069 ~~[30-4a-1]~~ **81-4-103. (Effective 09/01/24). Nunc pro tunc order by court.**

4070 ~~[A court having jurisdiction may, upon its]~~ Upon a court's finding of good cause
4071 and giving of such notice as may be ordered, the court may enter an order nunc pro tunc
4072 in a matter relating to marriage, divorce, legal separation, or annulment of marriage.

4073 *The following section is affected by a coordination clause at the end of this bill.*

4074 Section 115. Section **81-4-104**, which is renumbered from Section 30-3-4.5 is renumbered
4075 and amended to read:

4076 ~~[30-3-4.5]~~ **81-4-104. (Effective 09/01/24). Temporary separation order.**

4077 (1) ~~[A petitioner]~~ An individual may file an action for a temporary separation order, without
4078 filing a petition for divorce, by filing a petition for temporary separation and motion for
4079 temporary orders if:

4080 (a) the ~~[petitioner]~~ individual is lawfully married to the ~~[respondent]~~ individual from
4081 whom the separation is sought; and

4082 (b) both parties are residents of the state for at least 90 days ~~[prior to the date of filing]~~
4083 before the day on which the action is filed.

4084 (2) The temporary orders are valid for one year ~~[from the date of the hearing,]~~ after the day
4085 on which the hearing for the order is held or until one of the following occurs:

4086 (a) a petition for divorce is filed and consolidated with the petition for temporary
4087 separation; or

4088 (b) the case is dismissed.

4089 (3) If a petition for divorce is filed and consolidated with the petition for temporary
4090 separation, orders entered in the temporary separation shall continue in the consolidated
4091 case.

4092 (4) (a) ~~[Both]~~ If the parties have a minor child, the parties shall attend the divorce
4093 orientation course described in Section [30-3-11.4] 81-4-105 within :

4094 (i) 60 days of the filing of the petition, for the petitioner ~~[, and within]~~ ; and

4095 (ii) 45 days of being served, for the respondent.

4096 (b) The clerk of the court shall provide notice to the petitioner of the requirement for the
4097 divorce orientation course.

4098 (c) The petition shall include information regarding the divorce orientation course when

- 4099 the petition is served on the respondent.
- 4100 (d) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil
- 4101 Procedure, a party may file, but the court may not hear, a motion for an order related
- 4102 to the petition for temporary separation, until the moving party completes the divorce
- 4103 orientation course.
- 4104 (e) The court may waive the requirement for the parties to attend the mandatory courses
- 4105 under this Subsection (4), on the court's own motion or on the motion of one of the
- 4106 parties, if the court determines course attendance and completion are not necessary,
- 4107 appropriate, feasible, or in the best interest of the parties.
- 4108 (5) The petitioner shall serve the petition for a temporary separation order in accordance
- 4109 with the Utah Rules of Civil Procedure.
- 4110 (6) If a party files for divorce within one year after the day on which the petition for
- 4111 temporary separation is filed, the filing fee for a petition for temporary separation shall
- 4112 be credited towards the filing fee for a divorce.
- 4113 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~
- 4114 ~~accordance with the rules of civil procedure.]~~
- 4115 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either party~~
- 4116 ~~files a petition for divorce within one year from the date of filing the petition for~~
- 4117 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for~~
- 4118 ~~the divorce.]~~
- 4119 *The following section is affected by a coordination clause at the end of this bill.*
- 4120 Section 116. Section **81-4-105**, which is renumbered from Section 30-3-11.4 is renumbered
- 4121 and amended to read:
- 4122 ~~[30-3-11.4]~~ **81-4-105. (Effective 09/01/24). Mandatory orientation course for**
- 4123 **divorcing parties.**
- 4124 (1) (a) There is established a mandatory divorce orientation course for all parties with [
- 4125 ~~minor children]~~ a minor child who file a petition for temporary separation or for a
- 4126 divorce. [~~A couple with no minor children is not required, but may choose to attend~~
- 4127 ~~the course.-]~~
- 4128 (b) The purpose of the course is to educate parties about the divorce process and
- 4129 reasonable alternatives.
- 4130 ~~[(2) A petitioner shall attend a divorce orientation course no more than 60 days after filing~~
- 4131 ~~a petition for divorce.]~~
- 4132 ~~[(3) (a) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~

- 4133 Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an
4134 order related to the divorce or petition for temporary separation, until the moving party
4135 completes the divorce orientation course.]
- 4136 [(b) Notwithstanding Subsection (3)(a), both parties shall attend a divorce orientation
4137 course before a divorce decree may be entered, unless waived by the court under Section
4138 30-3-4.]
- 4139 [(4) The respondent shall attend the divorce orientation course no more than 30 days after
4140 being served with a petition for divorce.]
- 4141 [(5) The clerk of the court shall provide notice to a petitioner of the requirement for the
4142 course, and information regarding the course shall be included with the petition or
4143 motion, when served on the respondent.]
- 4144 [(6)] (2) The divorce orientation course shall be neutral, unbiased, at least one hour in
4145 duration, and include:
- 4146 (a) options available as alternatives to divorce;
- 4147 (b) resources available from courts and administrative agencies for resolving custody
4148 and support issues without filing for divorce;
- 4149 (c) resources available to improve or strengthen the marriage;
- 4150 (d) a discussion of the positive and negative consequences of divorce;
- 4151 (e) a discussion of the process of divorce;
- 4152 (f) options available for proceeding with a divorce, including:
- 4153 (i) mediation;
- 4154 (ii) collaborative law; and
- 4155 (iii) litigation; and
- 4156 (g) a discussion of post-divorce resources.
- 4157 [(7)] (3) The course may be provided in conjunction with the mandatory course for
4158 divorcing parents required by Section [30-3-11.3] 81-4-106.
- 4159 [(8)] (4) (a) The Administrative Office of the Courts shall administer the course pursuant
4160 to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.
- 4161 (b) The contracts shall provide for the recoupment of administrative expenses through
4162 the costs charged to individual parties as described in Subsection (6).
- 4163 [(9)] (5) The course may be through live instruction, video instruction, or through an online
4164 provider.
- 4165 [(10)] (6) (a) A participant shall pay the costs of the course, which may not exceed \$30,
4166 to the independent contractor providing the course at the time and place of the course.

4167 (b) A petitioner who attends a live instruction course within 30 days of filing may not be
4168 charged more than \$15 for the course.

4169 (c) A respondent who attends a live instruction course within 30 days of being served
4170 with a petition for divorce or temporary separation order may not be charged more
4171 than \$15 for the course.

4172 (d) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and
4173 deposited in the Children's Legal Defense Account described in Section 51-9-408.

4174 (e) Each party who is unable to pay the costs of the course may attend the course
4175 without payment upon a prima facie showing of indigency as evidenced by an
4176 affidavit of indigency filed in the district court in accordance with Section 78A-2-302.
4177 [~~The independent contractor shall be reimbursed for the independent contractor's~~
4178 ~~costs by the Administrative Office of the Courts.~~]

4179 (f) A petitioner who is later determined not to meet the qualifications for indigency may
4180 be ordered to pay the costs of the course.

4181 [~~(11) Appropriations from the General Fund to the Administrative Office of the Courts for~~
4182 ~~the divorce orientation course shall be used]~~

4183 (7) (a) The Administrative Office of the Courts shall reimburse an independent
4184 contractor that administers the mandatory orientation courts for the independent
4185 contractor's costs.

4186 (b) The Administrative Office of the Courts shall use appropriations from the Children's
4187 Legal Defense Account to pay the costs of an indigent [petitioner who is determined
4188 to be indigent as provided in Subsection (10)(e)] individual who makes a showing as
4189 described in Subsection (6) to attend the mandatory orientation course under this
4190 section.

4191 [~~(12)~~] (8) The Online Court Assistance Program shall include instructions with the forms for
4192 divorce that inform the petitioner of the requirement of this section.

4193 [~~(13)~~] (9) A certificate of completion constitutes evidence to the court of course completion
4194 by the parties.

4195 [~~(14)~~] (10) It [~~shall be~~] is an affirmative defense in all divorce actions that the divorce
4196 orientation requirement was not complied with[;] and the action may not continue until a
4197 party has complied.

4198 [~~(15)~~] (11) The Administrative Office of the Courts shall :

4199 (a) adopt a program to evaluate the effectiveness of the mandatory educational course[;
4200 Progress reports shall be provided if requested by the Judiciary Interim Committee.] ;

4201 and

4202 (b) provide progress reports to the Judiciary Interim Committee if requested.

4203 *The following section is affected by a coordination clause at the end of this bill.*

4204 Section 117. Section **81-4-106**, which is renumbered from Section 30-3-11.3 is renumbered
4205 and amended to read:

4206 ~~[30-3-11.3]~~**81-4-106. (Effective 09/01/24). Mandatory educational course for**
4207 **divorcing parents.**

4208 (1) (a) The Judicial Council shall approve and implement a mandatory educational
4209 course for divorcing parents in all judicial districts.

4210 (b) The mandatory educational course is designed to educate and sensitize divorcing
4211 parties to their ~~[children's]~~ minor child's needs both during and after the divorce
4212 process.

4213 (2) The Judicial Council shall adopt rules to implement and administer this program.

4214 ~~[(3) (a) As a prerequisite to receiving a divorce decree, both parties are required to attend a~~
4215 ~~mandatory course on their children's needs after filing a complaint for divorce and~~
4216 ~~receiving a docket number, unless waived under Section 30-3-4. If that requirement is~~
4217 ~~waived, the court may permit the divorce action to proceed.]~~

4218 ~~[(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah Rules~~
4219 ~~of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~
4220 ~~related to the divorce until the moving party completes the mandatory educational~~
4221 ~~course for divorcing parents required by this section.]~~

4222 ~~[(4) The court may require unmarried parents to attend this educational course when those~~
4223 ~~parents are involved in a visitation or custody proceeding before the court.]~~

4224 ~~[(5)]~~ (3) The mandatory educational course shall instruct both parties:

4225 (a) about divorce and its impacts on:

4226 (i) their ~~[child or children]~~ minor child;

4227 (ii) their family relationship; and

4228 (iii) their financial responsibilities for ~~[their child or children]~~ their minor child; and

4229 (b) that domestic violence has a harmful effect on ~~[children]~~ a minor child and family
4230 relationships.

4231 ~~[(6)]~~ (4) (a) The course may be provided through live instruction, video instruction, or an
4232 online provider.

4233 (b) The online and video options must be formatted as interactive presentations that
4234 ensure active participation and learning by the parent.

4235 ~~[(7)]~~ (5) (a) The Administrative Office of the Courts shall administer the course [
 4236 ~~pursuant to]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code,
 4237 through private or public contracts and organize the program in each of Utah's
 4238 judicial districts.

4239 (b) The contracts shall provide for the recoument of administrative expenses through
 4240 the costs charged to individual parties~~[-pursuant to Subsection (9)]~~ as described in
 4241 Subsection (7).

4242 ~~[(8)]~~ (6) A certificate of completion constitutes evidence to the court of course completion
 4243 by the parties.

4244 ~~[(9)]~~ (7) (a) Each party shall pay the costs of the course to the independent contractor
 4245 providing the course at the time and place of the course.

4246 (b) A fee of \$8 shall be collected, as part of the course fee paid by each participant, and
 4247 deposited in the Children's Legal Defense Account~~[-]~~ described in Section 51-9-408.

4248 ~~[(b)]~~ (c) Each party who is unable to pay the costs of the course may attend the course
 4249 without payment upon a prima facie showing of indigency as evidenced by an
 4250 affidavit of indigency filed in the district court in accordance with Section 78A-2-302.
 4251 ~~[In those situations, the independent contractor shall be reimbursed for the~~
 4252 ~~independent contractor's costs from the appropriation to the Administrative Office of~~
 4253 ~~the Courts for "Mandatory Educational Course for Divorcing Parents Program."]~~

4254 (d) Before a decree of divorce may be entered, the court shall make a final review and
 4255 determination of indigency and may order the payment of the costs if so determined.

4256 ~~[(10) Appropriations from the General Fund to the Administrative Office of the Courts for~~
 4257 ~~the "Mandatory Educational Course for Divorcing Parents Program" shall be used]~~

4258 (8) (a) The Administrative Office of the Courts shall reimburse an independent
 4259 contractor that administers the mandatory educational course for the independent
 4260 contractor's costs.

4261 (b) The Administrative Office of the Courts shall use appropriations from the Children's
 4262 Legal Defense Account to pay the costs of an indigent parent who makes a showing
 4263 as ~~[provided in Subsection (9)(b)]~~ described in Subsection (7) to attend the
 4264 mandatory educational course under this section.

4265 ~~[(11)]~~ (9) The Administrative Office of the Courts shall:
 4266 (a) adopt a program to evaluate the effectiveness of the mandatory educational course~~[-~~
 4267 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.] ;~~
 4268 and

4269 (b) provide progress reports to the Judiciary Interim Committee if requested.

4270 Section 118. Section **81-4-201** is enacted to read:

4271

Part 2. Separate Maintenance

4272 **81-4-201 (Effective 09/01/24). Definitions for part.**

4273 As used in this part:

4274 (1) "Petitioner" means an individual who brings a petition for separate maintenance.

4275 (2) "Respondent" means the individual against whom a petition for separate maintenance is
4276 brought.

4277 Section 119. Section **81-4-202**, which is renumbered from Section 30-4-1 is renumbered
4278 and amended to read:

4279 ~~[30-4-1]~~ **81-4-202. (Effective 09/01/24). Petition for separate maintenance --**

4280 **Grounds.**

4281 [~~Whenever a resident of this state:~~]

4282 (1) A married individual may bring a petition seeking separate maintenance from the
4283 married individual's spouse if:

4284 (a) the married individual, or the married individual's spouse, is a resident of this state;

4285 and

4286 (b) the married individual's spouse:

4287 [~~(1)~~] (i) deserts [a spouse] the married individual without good and sufficient cause;

4288 [~~(2)~~] (ii) being of sufficient ability to provide support, neglects or refuses to properly
4289 provide for and suitably maintain [that spouse] the married individual;

4290 [~~(3)~~] (iii) [~~having property within this state and the spouse being a resident of this~~

4291 state, so deserts or neglects or refuses to provide such support] has property within

4292 this state and deserts, neglects or refuses to provide support to the married

4293 individual; or

4294 [~~(4)~~] (iv) [~~where a married person without that person's fault lives separate and apart~~

4295 from that spouse, the district court shall, on the filing of a complaint, allot, assign,

4296 set apart and decree as alimony the use of the real and personal estate or earnings

4297 of the deserting spouse as the court may determine appropriate] lives separate and

4298 apart from the married individual without any fault to the married individual.

4299 (2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and

4300 decree as alimony the use of the real and personal estate or earnings of the respondent as

4301 the court may determine is appropriate.

4302 (3) During the pendency of the action, the court may require the ~~[deserting spouse]~~
 4303 respondent to pay a sum as provided in Section ~~[30-3-3]~~ 81-1-203.

4304 Section 120. Section **81-4-203**, which is renumbered from Section 30-4-2 is renumbered
 4305 and amended to read:

4306 **[30-4-2] 81-4-203. (Effective 09/01/24). Venue -- Procedure.**

4307 ~~[In all actions brought hereunder the proceedings and practice shall be the same as~~
 4308 ~~near as may be as in actions for divorce; but the action may be brought in any county~~
 4309 ~~where the wife or the husband may be found.]~~

4310 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall bring
 4311 an action under this part in any county in which the petitioner or respondent is found.

4312 (2) An action under this part shall proceed in accordance with the Utah Rules of Civil
 4313 Procedure.

4314 Section 121. Section **81-4-204**, which is renumbered from Section 30-4-3 is renumbered
 4315 and amended to read:

4316 **[30-4-3] 81-4-204. (Effective 09/01/24). Custody and maintenance of children --**
 4317 **Property and debt division -- Support payments.**

4318 (1) ~~[In all actions brought under this chapter]~~ In an action under this part, the court may by
 4319 order or decree:

4320 (a) provide for the care, custody, and maintenance of ~~[the minor children]~~ a minor child
 4321 of the parties ~~[and may determine with which of the parties the children or any of~~
 4322 ~~them shall remain];~~

4323 (b) (i) provide for support of ~~[either]~~ a spouse and the support of ~~[the minor children]~~ a
 4324 minor child remaining with that spouse;

4325 (ii) provide how and when support payments ~~[shall be]~~ are made; and

4326 (iii) provide that ~~[either]~~ a spouse have a lien upon the property of the other spouse to
 4327 secure payment of the support or maintenance obligation;

4328 (c) award to ~~[either]~~ a spouse the possession of any real or personal property of the other
 4329 spouse or acquired by the spouses during the marriage; ~~[or]~~

4330 (d) specify which party is responsible for the payment of joint debts, obligations, or
 4331 liabilities of the parties contracted or incurred during marriage in accordance with
 4332 Section 15-4-6.5;

4333 (e) require the parties to notify respective creditors or obligees regarding the court's
 4334 division of debts, obligations, or liabilities and regarding the parties' separate and
 4335 current addresses in accordance with Section 15-4-6.5; or

- 4336 (f) provide for the enforcement of the orders described in Subsections (1)(a) and (e).
 4337 [~~(d) pursuant to Section 15-4-6.5:~~]
 4338 [(i) specify which party is responsible for the payment of joint debts, obligations, or
 4339 liabilities contracted or incurred by the parties during the marriage;]
 4340 [(ii) require the parties to notify respective creditors or obligees regarding the court's
 4341 division of debts, obligations, and liabilities and regarding the parties' separate,
 4342 current addresses; and]
 4343 [(iii) provide for the enforcement of these orders.]
- 4344 (2) [~~The orders and decrees~~] A court may enforce an order or decree under this section [~~may~~
 4345 ~~be enforced~~] ;
 4346 (a) by sale of any property of the spouse [~~or by~~] ;
 4347 (b) by contempt proceedings [~~or otherwise as may be necessary.~~] ; or
 4348 (c) as is otherwise necessary.
- 4349 (3) The court may :
 4350 (a) change the support or maintenance of a party from time to time according to
 4351 circumstances[~~, and may~~] ; or
 4352 (b) terminate altogether any obligation upon satisfactory proof of voluntary and
 4353 permanent reconciliation.
- 4354 (4) An order or decree of support or maintenance [~~shall in every case be~~] described in this
 4355 part is valid only during the joint lives of [~~the husband and wife~~] the parties.
- 4356 Section 122. Section **81-4-205**, which is renumbered from Section 30-4-4 is renumbered
 4357 and amended to read:
 4358 **[~~30-4-4~~] 81-4-205. (Effective 09/01/24). Restraining disposal of property.**
 4359 [~~At the time of filing the complaint mentioned in Section 30-4-1]~~
- 4360 (1) At the time of the filing of a petition described in Section 81-4-202, or at any time
 4361 subsequent [~~thereto, the plaintiff~~] to the filing of the petition, a party may procure from
 4362 the court, and file with the county recorder of any county in the state in which the [~~the~~]
 4363 defendant] other party may own real estate, an order enjoining and restraining the [~~the~~]
 4364 defendant] other party from disposing of or encumbering the [~~same~~] real estate or any
 4365 portion [~~thereof, describing such~~] of the real estate.
- 4366 (2) The party shall describe the real estate with reasonable certainty[~~, and from the time of~~
 4367 filing such order the property described therein shall be charged with a lien in favor of
 4368 the plaintiff to the extent of any judgment which may be rendered in the action.] in a
 4369 filing described in Subsection (1).

4370 (3) From the time in which a party receives a court order described in Subsection (1), the
 4371 party has a lien in favor of the party to the extent of any judgment that is rendered in an
 4372 action under this part.

4373 Section 123. Section **81-4-206**, which is renumbered from Section 30-4-5 is renumbered
 4374 and amended to read:

4375 ~~[30-4-5]~~ **81-4-206. (Effective 09/01/24). Rights and remedies -- Imprisonment of**
 4376 **spouse.**

4377 [~~Like rights and remedies shall be extended to either husband or wife on the~~
 4378 ~~imprisonment of the other in the state prison under a sentence of one year or more when~~
 4379 ~~suitable provision has not been made for the support of the one not so imprisoned.] If a
 4380 party to an action for separate maintenance is imprisoned in the state prison for a
 4381 sentence of one year or more and a suitable provision of support has not been made for
 4382 the other party, the rights and remedies of this part shall be extended to the party that is
 4383 not imprisoned.~~

4384 Section 124. Section **81-4-301** is enacted to read:

4385 **Part 3. Annulment**

4386 **81-4-301 (Effective 09/01/24). Definitions for part.**

4387 As used in this part:

4388 (1) "Petitioner" means an individual who brings a petition for an annulment.

4389 (2) "Respondent" means the individual against whom a petition for an annulment is brought.

4390 Section 125. Section **81-4-302**, which is renumbered from Section 30-1-17.1 is renumbered
 4391 and amended to read:

4392 ~~[30-1-17.1]~~ **81-4-302. (Effective 09/01/24). Annulment -- Grounds.**

4393 [~~A marriage may be annulled] A court may annul a marriage for any of the
 4394 following causes existing at the time of the marriage:~~

4395 [~~(1) When the marriage is prohibited or void under Title 30, Chapter 1, Marriage.]~~

4396 (1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity of
 4397 Marriage; or

4398 (2) [~~Upon~~] upon grounds existing at common law.

4399 Section 126. Section **81-4-303**, which is renumbered from Section 30-1-17 is renumbered
 4400 and amended to read:

4401 ~~[30-1-17]~~ **81-4-303. (Effective 09/01/24). Petition for annulment -- Venue --**
 4402 **Judgment on validity of marriage.**

- 4403 (1) (a) When there is doubt as to the validity of a marriage, [~~either party may, in a court~~
4404 ~~of equity in a county where either party is domiciled,] a party to the marriage may
4405 bring a petition for annulment to demand avoidance or affirmance of the marriage[;
4406 ~~but when] .~~~~
- 4407 (b) If one of the parties was under 18 years old at the time of the marriage, the other
4408 party, being of proper age at the time of the marriage, [does not have a proceeding for
4409 that cause] may not bring a petition for annulment against the party who was under 18
4410 years old.
- 4411 (2) A petitioner may bring a petition for annulment in any county where the petitioner or
4412 respondent is domiciled.
- 4413 (3) (a) If a petition for annulment is filed upon the ground that one or both of the parties
4414 were prohibited from marriage because of the age of the parties, the court may refuse
4415 to grant the annulment if the court finds that it is in the best interest of the parties, or
4416 a child of the parties, to refuse the annulment.
- 4417 (b) The refusal to annul under Subsection (3)(a) makes the marriage valid and subsisting
4418 for all purposes.
- 4419 (4) If the parties have accumulated any property or acquired any obligations subsequent to
4420 the marriage, if there is a genuine need arising from an economic change of
4421 circumstances due to the marriage, or if there is a child born or expected, the court may
4422 make temporary and final orders, and subsequently modify the orders, as may be
4423 equitable, in regards to:
- 4424 (a) the property and obligations of the parties;
- 4425 (b) the support and maintenance of the parties and a child, as defined in Section 81-6-101,
4426 of the parties; and
- 4427 (c) the custody and parent-time for a minor child of the parties.
- 4428 (5) [~~The judgment in the action shall either declare the marriage valid or annulled and shall~~
4429 ~~be conclusive] A judgment in an action under this part:~~
- 4430 (a) shall declare the marriage valid or annulled; and
- 4431 (b) is conclusive upon all persons concerned with the marriage.

4432 *The following section is affected by a coordination clause at the end of this bill.*

4433 Section 127. Section **81-4-401** is enacted to read:

4434

Part 4. Divorce

4435 **81-4-401 (Effective 09/01/24). Definitions for part.**

4436 As used in this part:

4437 (1) "Cohabitation" means the same as the term, "cohabit," is defined in Section 81-4-501.

4438 (2) "Mandatory courses" means:

4439 (a) the mandatory divorce orientation course described in Section 81-4-105; and

4440 (b) the mandatory educational course for divorcing parents described in Section 81-4-106.

4441 (3) "Petitioner" means the individual who brings a petition for divorce.

4442 (4) "Respondent" means the individual against whom a petition for divorce is brought.

4443 *The following section is affected by a coordination clause at the end of this bill.*

4444 Section 128. Section **81-4-402** is enacted to read:

4445 **81-4-402 (Effective 09/01/24). Petition for divorce -- Divorce proceedings --**

4446 **Temporary orders.**

4447 (1) An individual may bring a petition for divorce if:

4448 (a) the individual or the individual's spouse is an actual and bona fide resident of the
4449 county where the petition is filed for at least 90 days before the day on which the
4450 petition is filed; or

4451 (b) the individual is a member of the armed forces of the United States and the
4452 individual is stationed under military orders in this state for at least 90 days before
4453 the day on which the petition is filed.

4454 (2) A divorce action shall be commenced and conducted in accordance with this chapter
4455 and the Utah Rules of Civil Procedure.

4456 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which
4457 the petition is filed, unless the court finds that extraordinary circumstances exist.

4458 (b) The court may make interim orders as the court considers just and equitable before
4459 the expiration of the 30-day period described in Subsection (3)(a).

4460 (4) (a) Except as provided in Subsection (5), if the parties to the divorce action have a
4461 minor child, the parties shall attend the mandatory courses described in Sections
4462 81-4-105 and 81-4-106 within:

4463 (i) for the petitioner, 60 days after the day on which the petition is filed; and

4464 (ii) for the respondent, 30 days after the day on which the respondent is served.

4465 (b) If the parties to a divorce action do not have a minor child, the parties may choose to
4466 attend the mandatory divorce orientation course described in Section 81-4-105.

4467 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the
4468 mandatory courses.

4469 (d) A petition shall include information regarding the mandatory courses when the

- 4470 petition is served on the respondent.
- 4471 (e) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil
- 4472 Procedure, a party may file, but the court may not hear, a motion for an order related
- 4473 to the divorce until the moving party completes the mandatory courses.
- 4474 (5) (a) The court may waive the requirement for the parties to attend the mandatory
- 4475 courses under Subsection (4), on the court's own motion or on the motion of one of
- 4476 the parties, if the court determines course attendance and completion are not
- 4477 necessary, appropriate, feasible, or in the best interest of the parties.
- 4478 (b) If the requirement is waived, the court may permit the divorce action to proceed.
- 4479 (6) The use of counseling, mediation, and education services provided under this part may
- 4480 not be construed as condoning or promoting divorce.

4481 Section 129. Section **81-4-403**, which is renumbered from Section 30-3-39 is renumbered

4482 and amended to read:

4483 **[30-3-39] 81-4-403. (Effective 09/01/24). Mediation requirement.**

- 4484 (1) There is established a mandatory domestic mediation program to help reduce the time
- 4485 and tensions associated with obtaining a divorce.
- 4486 (2) (a) If[, after the filing of an answer to a complaint of divorce,] there are any
- 4487 remaining contested issuesafter the filing of a response to a petition for divorce, the
- 4488 parties shall participate in good faith in at least one session of mediation.
- 4489 (b) [This requirement] The requirement described in Subsection (2)(a) does not preclude
- 4490 the entry of pretrial orders before mediation takes place.
- 4491 (3) The parties shall use a mediator qualified to mediate domestic disputes under criteria
- 4492 established by the Judicial Council in accordance with Section 78B-6-205.
- 4493 (4) Unless otherwise ordered by the court or the parties agree upon a different payment
- 4494 arrangement, the cost of mediation shall be divided equally between the parties.
- 4495 (5) The director of dispute resolution programs for the courts, the court, or the mediator
- 4496 may excuse either party from the requirement to mediate for good cause.
- 4497 (6) [Mediation] A mediation described in this section shall be conducted in accordance with
- 4498 the Utah Rules of Court-Annexed Alternative Dispute Resolution.

4499 Section 130. Section **81-4-404**, which is renumbered from Section 30-3-5.2 is renumbered

4500 and amended to read:

4501 **[30-3-5.2] 81-4-404. (Effective 09/01/24). Allegations of child abuse or child**

4502 **sexual abuse in a divorce proceeding -- Investigation.**

- 4503 (1) When[, in any divorce proceeding or upon a request for modification of a divorce decree,]

4504 an allegation of child abuse or child sexual abuse is made~~[, implicating either]~~ in a
 4505 divorce proceeding, or a request for modification of a divorce decree, that implicates a
 4506 party, the court, after making an inquiry, may order that an investigation be conducted
 4507 by the Division of Child and Family Services ~~[within the Department of Human Services]~~
 4508 in accordance with Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter
 4509 2a, Removal and Protective Custody of a Child.

4510 (2) A final award of custody or parent-time may not be rendered until a report on that
 4511 investigation, consistent with Section 80-2-1005, is received by the court.

4512 (3) ~~[That investigation shall be conducted by the]~~ The Division of Child and Family
 4513 Services shall conduct an investigation described in Subsection (1) within 30 days of the
 4514 court's notice and request for an investigation.

4515 (4) In reviewing ~~[this report]~~ a report described in Subsection (2), the court shall comply
 4516 with Sections 78A-2-703, 78A-2-705, and 78B-15-612.

4517 Section 131. Section **81-4-405**, which is renumbered from Section 30-3-1 is renumbered
 4518 and amended to read:

4519 **[30-3-1] 81-4-405. (Effective 09/01/24). Grounds for divorce.**

4520 ~~[(1) Proceedings in divorce are commenced and conducted as provided by law for~~
 4521 ~~proceedings in civil causes, except as provided in this chapter.]~~

4522 ~~[(2) The court may decree a dissolution of the marriage contract between the petitioner and~~
 4523 ~~respondent on the grounds specified in Subsection (3) in all cases where the petitioner or~~
 4524 ~~respondent has been an actual and bona fide resident of this state and of the county~~
 4525 ~~where the action is brought, or if members of the armed forces of the United States who~~
 4526 ~~are not legal residents of this state, where the petitioner has been stationed in this state~~
 4527 ~~under military orders, for three months next prior to the commencement of the action.]~~

4528 ~~[(3)]~~ (1) [Grounds for divorce] A court may order the dissolution of a marriage contract
 4529 between the petitioner and the respondent on the grounds of:

4530 (a) impotency of the respondent at the time of marriage;

4531 (b) adultery committed by the respondent subsequent to marriage;

4532 (c) willful desertion of the petitioner by the respondent for more than one year;

4533 (d) willful neglect of the respondent to provide for the petitioner the common
 4534 necessities of life;

4535 (e) habitual drunkenness of the respondent;

4536 (f) conviction of the respondent for a felony;

4537 (g) cruel treatment of the petitioner by the respondent to the extent of causing bodily

- 4538 injury or great mental distress to the petitioner;
- 4539 (h) irreconcilable differences of the marriage;
- 4540 (i) incurable insanity; or
- 4541 (j) when the ~~[husband and wife]~~ petitioner and respondent have lived separately under a
- 4542 decree of separate maintenance of any state for three consecutive years without
- 4543 cohabitation.
- 4544 ~~[(4)]~~ (2) A decree of divorce granted under Subsection ~~[(3)(j)]~~ (1)(j) does not affect the
- 4545 liability of either party under any provision for separate maintenance previously granted.
- 4546 ~~[(5)]~~ (3) (a) A ~~[divorcee may not be granted on the]~~ court may not order the dissolution of
- 4547 a marriage contract between the petitioner and the respondent on the grounds of
- 4548 insanity unless:
- 4549 (i) the respondent has been adjudged insane by the appropriate authorities of this or
- 4550 another state prior to the commencement of the action; and
- 4551 (ii) the court finds by the testimony of competent witnesses that the insanity of the
- 4552 respondent is incurable.
- 4553 (b) The court shall appoint for the respondent a guardian ad litem who shall protect the
- 4554 interests of the respondent.
- 4555 (c) A copy of the summons and ~~[complaint]~~ petition shall be served on :
- 4556 (i) the respondent in person or by publication, as provided by the laws of this state in
- 4557 other actions for divorce, or upon ~~[his]~~ the respondent's guardian ad litem~~[-and~~
- 4558 ~~upon-]~~ ; and
- 4559 (ii) the county attorney for the county where the action is prosecuted.
- 4560 ~~[(e)]~~ (d) The county attorney shall :
- 4561 (i) investigate the merits of the case ~~[and-]~~ ;
- 4562 (ii) if the respondent resides out of this state, take depositions as necessary~~[-]~~ ;
- 4563 (iii) attend the proceedings~~[-]~~ ; and
- 4564 (iv) make a defense as is just to protect the rights of the respondent and the interests
- 4565 of the state.
- 4566 ~~[(d) In all actions the court and judge have jurisdiction over the payment of alimony,~~
- 4567 ~~the distribution of property, and the custody and maintenance of minor children, as~~
- 4568 ~~the courts and judges possess in other actions for divorce.]~~
- 4569 (e) The petitioner or respondent may~~[-]~~ ;
- 4570 (i) if the respondent resides in this state, upon notice, have the respondent brought
- 4571 into the court at trial~~[-or-]~~ ; or

4572 (ii) have an examination of the respondent by two or more competent physicians[;] to
4573 determine the mental condition of the respondent.

4574 (f) For [~~this purpose either~~] the purpose described in Subsection (3)(e), a party may have
4575 leave from the court to enter any asylum or institution where the respondent may be
4576 confined.

4577 (g) The court shall apportion the costs of court in this action [~~shall be apportioned by~~
4578 ~~the court~~].

4579 Section 132. Section **81-4-406** is enacted to read:

4580 **81-4-406 (Effective 09/01/24). Decree of divorce -- When decree becomes**
4581 **absolute -- Remarriage -- Jurisdiction to modify a decree for a child born after**
4582 **the decree.**

4583 (1) (a) The court shall enter a decree of divorce upon the evidence or the petitioner's
4584 affidavit in the case of default as described in Subsection (1)(b).

4585 (b) A court may not grant a divorce upon default, unless there is evidence to support a
4586 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the
4587 Utah Rules of Civil Procedure.

4588 (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court
4589 may not grant a decree of divorce for parties with a minor child until:

4590 (a) both parties have attended the mandatory courses described in Sections 81-4-105 and
4591 81-4-106; and

4592 (b) both parties have presented a certificate of course completion for each course to the
4593 court.

4594 (3) In a decree of divorce, the court shall:

4595 (a) specify which party is responsible for the payment of joint debts, obligations, or
4596 liabilities of the parties contracted or incurred during marriage in accordance with
4597 Section 15-4-6.5;

4598 (b) require the parties to notify respective creditors or obligees, regarding the court's
4599 division of debts, obligations, or liabilities and regarding the parties' separate and
4600 current addresses in accordance with Section 15-4-6.5;

4601 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

4602 (d) if a party owns a life insurance policy or an annuity contract, include an
4603 acknowledgment by the court that the party:

4604 (i) has reviewed and updated, where appropriate, the list of beneficiaries;

4605 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries

- 4606 after the divorce becomes final; and
- 4607 (iii) understands that, if no changes are made to the policy or contract, the
- 4608 beneficiaries currently listed will receive any funds paid by the insurance
- 4609 company under the terms of the policy or contract; and
- 4610 (e) if the parties have a child as defined in Section 81-6-101, include an order for child
- 4611 support and medical expenses as described in Chapter 6, Child Support.
- 4612 (4) The court may include in the divorce decree any equitable orders relating to:
- 4613 (a) the parties, including any alimony to be awarded to a party in accordance with Part 5,
- 4614 Spousal Support;
- 4615 (b) a child of the parties; and
- 4616 (c) any property, debts, or obligations.
- 4617 (5) A decree of divorce becomes absolute:
- 4618 (a) on the date it is signed by the court and entered by the clerk in the register of actions;
- 4619 (b) at the expiration of a period of time the court may specifically designate, unless an
- 4620 appeal or other proceedings for review are pending;
- 4621 (c) if an appeal is taken, when the decree is affirmed; or
- 4622 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise
- 4623 orders.
- 4624 (6) The court, upon application or on the court's own motion for good cause shown, may
- 4625 waive, alter, or extend a designated period of time before the decree becomes absolute,
- 4626 but not to exceed six months from the signing and entry of the decree.
- 4627 (7) A party to a divorce proceeding may not marry another individual other than the other
- 4628 party for whom the divorce was granted until the party's divorce becomes absolute.
- 4629 (8) The court has jurisdiction to modify a decree of divorce to address child support,
- 4630 parent-time, and other matters related to a minor child born to the parties after the decree
- 4631 of divorce is entered.

4632 Section 133. Section **81-4-501** is enacted to read:

4633

Part 5. Spousal Support

4634 **81-4-501 (Effective 09/01/24). Definitions for part.**

4635 As used in this part:

- 4636 (1) "Child support guidelines" means the same as that term is defined in Section 81-6-101.
- 4637 (2) "Cohabit" means to live together, or to reside together on a regular basis, in the same
- 4638 residence and in a relationship of a romantic or sexual nature.

- 4639 (3) "Fault" means any of the following wrongful conduct during the marriage that
4640 substantially contributed to the breakup of the marriage:
- 4641 (a) engaging in sexual relations with an individual other than the party's spouse;
4642 (b) knowingly and intentionally causing or attempting to cause physical harm to the
4643 other party or a minor child;
4644 (c) knowingly and intentionally causing the other party or a minor child to reasonably
4645 fear life-threatening harm; or
4646 (d) substantially undermining the financial stability of the other party or the minor child.
- 4647 (4) "Length of the marriage" means, for purposes of alimony, the number of years from the
4648 day on which the parties are legally married to the day on which the petition for divorce
4649 is filed with the court.
- 4650 (5) "Payee" means the party who is or would receive alimony from the other party.
- 4651 (6) "Payor" means the party who is paying, or would pay, alimony to the other party.
- 4652 (7) "Temporary alimony" means money that the court orders a party to pay during the
4653 pendency of an action under this chapter for the support and maintenance of a party as
4654 described in Subsection 81-1-203(4).

4655 Section 134. Section **81-4-502** is enacted to read:

4656 **81-4-502 (Effective 09/01/24). Determination of alimony.**

- 4657 (1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to
4658 modify alimony, the court shall consider at least the following factors in determining
4659 alimony:
- 4660 (a) the financial condition and needs of the payee;
4661 (b) the payee's earning capacity or ability to produce income, including the impact of
4662 diminished workplace experience resulting from primarily caring for a minor child of
4663 the payor;
4664 (c) the ability of the payor to provide support;
4665 (d) the length of the marriage;
4666 (e) whether the payee has custody of a minor child requiring support;
4667 (f) whether the payee worked in a business owned or operated by the payor; and
4668 (g) whether the payee directly contributed to any increase in the payor's skill by paying
4669 for education received by the payor or enabling the payor to attend school during the
4670 marriage.
- 4671 (2) (a) The court may consider the fault of the parties in determining whether to award
4672 alimony and the terms of the alimony.

- 4673 (b) The court may, when fault is at issue, close the proceedings and seal the court
4674 records.
- 4675 (3) (a) Except as otherwise provided by this section, the court shall consider the standard
4676 of living, existing at the time of separation, in determining alimony in accordance
4677 with this section.
- 4678 (b) In considering all relevant facts and equitable principles, the court may, in the court's
4679 discretion, base alimony on the standard of living that existed at the time of trial.
- 4680 (4) The court may, under appropriate circumstances, attempt to equalize the parties'
4681 respective standards of living.
- 4682 (5) (a) If the marriage is short in duration and a minor child has not been conceived or
4683 born during the marriage, the court may consider the standard of living that existed at
4684 the time of the marriage.
- 4685 (b) In determining alimony when a marriage of short duration dissolves and a minor
4686 child has not been conceived or born during the marriage, the court may consider
4687 restoring each party to the condition which existed at the time of the marriage.
- 4688 (6) (a) When a marriage of long duration dissolves on the threshold of a major change in
4689 the income of one of the parties due to the collective efforts of both parties, the court
4690 shall consider the change when dividing the marital property and in determining the
4691 amount of alimony.
- 4692 (b) If a party's earning capacity has been greatly enhanced through the efforts of both
4693 parties during the marriage, the court may make a compensating adjustment in
4694 dividing the marital property and awarding alimony.
- 4695 (7) (a) Except as provided in Subsection (7)(c), the court may not order alimony for a
4696 period of time longer than the length of the marriage.
- 4697 (b) If a party is ordered to pay temporary alimony during the pendency of a divorce
4698 action, the court shall count the period of time that the party pays temporary alimony
4699 towards the period of time for which the party is ordered to pay alimony.
- 4700 (c) At any time before the termination of alimony, the court may find extenuating
4701 circumstances or good cause that justify the payment of alimony for a longer period
4702 of time than the length of the marriage.

4703 Section 135. Section **81-4-503** is enacted to read:

4704 **81-4-503 (Effective 09/01/24). Modification of alimony after divorce decree.**

- 4705 (1) The court has continuing jurisdiction to make substantive changes and new orders
4706 regarding alimony based on a substantial material change in circumstances not expressly

4707 stated in the divorce decree or in the findings that the court entered at the time of the
4708 divorce decree.

4709 (2) (a) A party's retirement is a substantial material change in circumstances that is
4710 subject to a petition to modify alimony, unless the divorce decree, or the findings that
4711 the court entered at the time of the divorce decree, expressly states otherwise.

4712 (b) Subsection (2)(a) applies to a divorce decree regardless of the date on which the
4713 divorce decree was entered.

4714 (3) The court may not modify alimony or issue a new order for alimony to address needs of
4715 the recipient that did not exist at the time the decree was entered, unless the court finds
4716 extenuating circumstances that justify that action.

4717 (4) In modifying the amount of alimony, the court may not consider the income of any
4718 subsequent spouse of the payor, except that the court may consider:

4719 (a) the subsequent spouse's financial ability to share living expenses; or

4720 (b) the income of a subsequent spouse if the court finds that the payor's improper
4721 conduct justifies that consideration.

4722 Section 136. Section **81-4-504** is enacted to read:

4723 **81-4-504 (Effective 09/01/24). Termination of alimony.**

4724 (1) (a) Except as provided in Subsection (1)(b), or unless a decree of divorce specifically
4725 provides otherwise, any order of the court that a payor pay alimony to a payee
4726 automatically terminates upon the remarriage or death of that payee.

4727 (b) If the remarriage of the payee is annulled and found to be void ab initio, the payment
4728 of alimony shall resume if the payor is made a party to the action of annulment and
4729 the payor's rights are determined.

4730 (2) If a payor establishes that a payee cohabits with another individual during the pendency
4731 of the divorce action, the court:

4732 (a) may not order the payor to pay temporary alimony to the payee; and

4733 (b) shall terminate any order that the payor pay temporary alimony to the payee.

4734 (3) (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay
4735 alimony to a payee if the payor establishes that, after the order for alimony is issued,
4736 the payee cohabits with another individual even if the payee is not cohabiting with
4737 the individual when the payor files the motion to terminate alimony.

4738 (b) A payor may not seek termination of alimony under Subsection (3)(a) later than one
4739 year after the day on which the payor knew or should have known that the payee has
4740 cohabited with another individual.

4741 Section 137. Section **81-5-101** is enacted to read:

4742

CHAPTER 5. UNIFORM PARENTAGE ACT

4743 **81-5-101** (Effective 09/01/24). Reserved.

4744 Reserved.

4745 Section 138. Section **81-6-101**, which is renumbered from Section 78B-12-102 is renumbered
4746 and amended to read:

4747

CHAPTER 6. CHILD SUPPORT

4748

Part 1. General Provisions

4749 ~~[78B-12-102]~~ **81-6-101.** (Effective 09/01/24). Definitions for chapter.

4750 As used in this chapter:

4751 ~~[(1) "Adjusted gross income" means income calculated under Subsection 78B-12-204(1).]~~

4752 ~~[(2)]~~ (1) "Administrative agency" means the Office of Recovery Services or the Department
4753 of Health and Human Services.

4754 ~~[(3)]~~ (2) "Administrative order" means ~~[an order that has been issued by the Office of~~
4755 ~~Recovery Services, the Department of Health and Human Services, or an administrative~~
4756 ~~agency of another state or other comparable jurisdiction with similar authority to that of~~
4757 ~~the office.]~~ the same as that term is defined in Section 26B-9-201.

4758 (3) "Alimony" means the same as that term is defined in Section 81-4-101.

4759 (4) "Base child support award" means the award that may be ordered and is calculated
4760 using the child support guidelines before additions for medical expenses and
4761 work-related child care costs.

4762 (5) "Base combined child support obligation" means the presumed amount of child support
4763 that the parents should provide for their child as described in Subsection 81-6-204(1).

4764 (6) "Base combined child support obligation table" means the appropriate table described in
4765 Sections 81-6-302 and 81-6-304.

4766 ~~[(5) "Base combined child support obligation table," "child support table," "base child~~
4767 ~~support obligation table," "low income table," or "table" means the appropriate table in~~
4768 ~~Part 3, Tables.]~~

4769 ~~[(6) "Cash medical support" means an obligation to equally share all reasonable and~~
4770 ~~necessary medical and dental expenses of children.]~~

4771 (7) "Child" means:

4772 (a) a son or daughter ~~[under the age of 18 years]~~ who is under 18 years old and who is

- 4773 not otherwise emancipated, self-supporting, married, or a member of the armed
 4774 forces of the United States;
- 4775 (b) a son or daughter [~~over the age of 18 years,]~~ who is 18 years old or older while
 4776 enrolled in high school during the normal and expected year of graduation and not
 4777 otherwise emancipated, self-supporting, married, or a member of the armed forces of
 4778 the United States; or
- 4779 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to
 4780 provide some financial resources to the family, is not able to support self by own
 4781 means.
- 4782 (8) (a) "Child support" means a base child support award, or a monthly financial award
 4783 for uninsured medical expenses, ordered by a tribunal for the support of a child[
 4784 ~~including~~] .
- 4785 (b) "Child support" includes current periodic payments, arrearages that accrue under an
 4786 order for current periodic payments, and sum certain judgments awarded for
 4787 arrearages, medical expenses, and child care costs.
- 4788 (9) "Child support guidelines" means the calculation and application of child support as
 4789 described in Part 2, Calculation and Adjustment of Child Support.
- 4790 [~~(9)~~] (10) "Child support order" [~~or "support order"~~] means a judgment, decree, or order [~~of~~]
 4791 issued by a tribunal [whether interlocutory or final, whether or not prospectively or
 4792 retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal
 4793 separation, separate maintenance, paternity, guardianship, civil protection, or otherwise]
 4794 whether temporary, final, or subject to modification, that:
- 4795 (a) establishes or modifies child support;
- 4796 (b) reduces child support arrearages to judgment; or
- 4797 (c) establishes child support or registers a child support order under [~~Chapter 14, Utah~~
 4798 Uniform Interstate Family Support Act] Title 78B, Chapter 14, Utah Uniform
 4799 Interstate Family Support Act.
- 4800 (11) "Child support tables" means the tables described in Part 3, Child Support Tables.
- 4801 [~~(10)~~] "~~Child support services~~" or "~~IV-D child support services~~" means services provided
 4802 pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.]
- 4803 [(11) "Court" means the district court or juvenile court.]
- 4804 [(12) "~~Guidelines~~" means the directions for the calculation and application of child support
 4805 in Part 2, Calculation and Adjustment.]
- 4806 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.

- 4807 (13) "Gross income" means the amount of income calculated for a parent as described in
4808 Section 81-6-203.
- 4809 ~~[(13)]~~ (14) "Health care coverage" means coverage under which medical services are
4810 provided to a child through:
4811 (a) fee for service;
4812 (b) a health maintenance organization;
4813 (c) a preferred provider organization;
4814 (d) any other type of private health insurance; or
4815 (e) public health care coverage.
- 4816 ~~[(14)]~~ (15) (a) "Income" means earnings, compensation, or other payment due to an
4817 individual, regardless of source, whether denominated as wages, salary, commission,
4818 bonus, pay, allowances, contract payment, or otherwise, including severance pay,
4819 sick pay, and incentive pay.
4820 (b) "Income" includes:
4821 (i) all gain derived from capital assets, labor, or both, including profit gained through
4822 sale or conversion of capital assets;
4823 (ii) interest and dividends;
4824 (iii) periodic payments made under pension or retirement programs or insurance
4825 policies of any type;
4826 (iv) unemployment compensation benefits;
4827 (v) workers' compensation benefits; and
4828 (vi) disability benefits.
- 4829 ~~[(15)]~~ (16) "Joint physical custody" means the ~~[child stays with each parent overnight for~~
4830 ~~more than 30% of the year, and both parents contribute to the expenses of the child in~~
4831 ~~addition to paying child support]~~ same as that term is defined in Section 81-9-101.
- 4832 (17) "Low income table" means the appropriate table under Section 81-6-303 or 81-6-305.
- 4833 ~~[(16)]~~ (18) "Medical expenses" means health and dental expenses and related insurance
4834 costs.
- 4835 (19) "Minor child" means a child who is younger than 18 years old.
- 4836 ~~[(17)]~~ (20) "Obligee" means an individual, this state, another state, or another comparable
4837 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
4838 support or public assistance.
- 4839 ~~[(18)]~~ (21) "Obligor" means a person owing a duty of support.
- 4840 ~~[(19)]~~ (22) "Office" means the Office of Recovery Services within the Department of Health

- 4841 and Human Services.
- 4842 [~~(20)~~ "Parent" includes a natural parent, or an adoptive parent.]
- 4843 [~~(21)~~ (23) "Pregnancy expenses" means an amount equal to:
- 4844 (a) the sum of a pregnant mother's:
- 4845 (i) health insurance premiums while pregnant that are not paid by an employer or
- 4846 government program; and
- 4847 (ii) medical costs related to the pregnancy, incurred after the date of conception and
- 4848 before the pregnancy ends; ~~minus~~ and
- 4849 (b) minus any portion of the amount described in Subsection [~~(21)(a)~~ (23)(a)] that a court
- 4850 determines is equitable based on the totality of the circumstances, not including any
- 4851 amount paid by the mother or father of the child.
- 4852 [~~(22)~~ (24) "Split custody" means that each parent has physical custody of at least one of the
- 4853 children.
- 4854 [~~(23)~~ (25) "State" [~~includes~~] means a state, territory, possession of the United States, the
- 4855 District of Columbia, the Commonwealth of Puerto Rico, Native American [~~Tribes~~] tribe,
- 4856 or other comparable domestic or foreign jurisdiction.
- 4857 (26) "Support" means past-due, present, and future obligations to provide for the financial
- 4858 support, maintenance, or medical expenses of a child.
- 4859 (27) "Support order" means:
- 4860 (a) a child support order; or
- 4861 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to
- 4862 modification, for alimony.
- 4863 [~~(24)~~ (28) "Temporary" means a period of time that is projected to be less than 12 months
- 4864 in duration.
- 4865 [~~(25)~~ (29) "Third party" means an agency or a person other than [~~the biological or adoptive~~
- 4866 ~~parent~~] a parent or a child who provides care, maintenance, and support to a child.
- 4867 [~~(26)~~ (30) "Tribunal" means the district court, the Department of Health and Human
- 4868 Services, Office of Recovery Services, or court or administrative agency of a state,
- 4869 territory, possession of the United States, the District of Columbia, the Commonwealth
- 4870 of Puerto Rico, Native American [~~Tribes~~] tribe, or other comparable domestic or foreign
- 4871 jurisdiction.
- 4872 [~~(27)~~ (31) "Work-related child care [~~costs~~] expenses" means reasonable child care costs for
- 4873 up to a full-time work week or training schedule as necessitated by the employment or
- 4874 training of a parent [~~under Section 78B-12-215~~].

4875 ~~[(28)] (32) ["Worksheets" means the forms]~~ "Worksheet" means a form used to aid in
4876 calculating the base child support award.

4877 Section 139. Section **81-6-102** is enacted to read:

4878 **81-6-102 (Effective 09/01/24). Application of chapter.**

4879 This chapter applies to any judicial or administrative order establishing or
4880 modifying an award of child support entered on or after July 1, 1989.

4881 Section 140. Section **81-6-103**, which is renumbered from Section 78B-12-103 is renumbered
4882 and amended to read:

4883 **[78B-12-103] 81-6-103. (Effective 09/01/24). Jurisdiction over a child support**
4884 **proceeding -- Appeals.**

4885 [The district court shall have jurisdiction of all proceedings brought under this
4886 chapter.]

4887 (1) A court has jurisdiction over a proceeding brought under this chapter in accordance with
4888 Title 78A, Judiciary and Judicial Administration.

4889 (2) An appeal may be taken from an order or judgment under this part as in other civil
4890 actions.

4891 Section 141. Section **81-6-104**, which is renumbered from Section 78B-12-105 is renumbered
4892 and amended to read:

4893 **[78B-12-105] 81-6-104. (Effective 09/01/24). Duty of parents to provide support**
4894 **for a child -- Support follows the child.**

4895 (1) (a) Every child is presumed to be in need of the support of the [child's mother and
4896 father. Every mother and father shall support their children.] child's parents.

4897 (b) Every parent shall support their child.

4898 (c) Nothing in this chapter relieves a parent of the primary obligation of support for the
4899 parent's child.

4900 (2) Except as limited in a [court order under Section 30-3-5, 30-4-3, or 78B-12-212] court
4901 order under Section 81-6-208:

4902 (a) [The] the expenses incurred on behalf of a minor child for reasonable and necessary
4903 medical and dental expenses[;] and other necessities are chargeable upon the property
4904 of both parents, regardless of the marital status of the parents[;] ; and

4905 (b) [Either or both parents may be sued by a creditor] a creditor may sue a parent for the
4906 expenses described in Subsection (2)(a) incurred on behalf of [minor children] a
4907 minor child.

4908 (3) (a) A parent whose minor child has become a ward of this or any other state is not

- 4909 relieved of the primary obligation to support that child until the minor child is 18
 4910 years old or is legally married, regardless of any agreements or legal defenses that
 4911 exist between the parents or other care providers.
- 4912 (b) Any state that provides support for a child shall have the right to reimbursement.
 4913 (c) A third party has a right to recover support from a parent.
- 4914 (4) An obligation ordered for child support and medical expenses:
 4915 (a) are for the use and benefit of the child; and
 4916 (b) shall follow the child in a case in which a parent, or another person, is awarded sole
 4917 physical custody of the child as described in Subsection 81-6-205(8).
- 4918 (5) The rights created in this chapter are in addition to and not in substitution to any other
 4919 rights.

4920 Section 142. Section **81-6-105**, which is renumbered from Section 78B-12-105.1 is renumbered
 4921 and amended to read:

4922 **[78B-12-105.1] 81-6-105. (Effective 09/01/24). Duty of biological father to share**
 4923 **pregnancy expenses.**

- 4924 (1) Except as otherwise provided in this section, a biological father of a child has a duty to
 4925 pay 50% of the mother's pregnancy expenses.
- 4926 (2) (a) If paternity is disputed, a biological father owes no duty under this section until
 4927 the biological father's paternity is established.
- 4928 (b) Once paternity is established, the biological father is subject to Subsection (1).
- 4929 (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the
 4930 biological father reduces that parent's 50% share under Subsection (1), not the total
 4931 amount of pregnancy expenses.
- 4932 (b) Subsection (3)(a) applies regardless of when the mother or biological father pays the
 4933 pregnancy expense.
- 4934 (4) If a mother receives an abortion, as defined in Section 76-7-301, without the biological
 4935 father's consent, the biological father owes no duty under this section, unless:
 4936 (a) the abortion is necessary to avert the death of the mother; or
 4937 (b) the mother was pregnant as a result of:
 4938 (i) rape, as described in Section 76-5-402;
 4939 (ii) rape of a child, as described in Section 76-5-402.1; or
 4940 (iii) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102.
- 4941 (5) Subsection (1) does not apply if a court apportions pregnancy expenses [~~under Section~~
 4942 ~~30-3-5]~~ in a divorce decree under Section 81-4-406.

- 4943 ~~[(6) A person may seek payment under Subsection (1) in accordance with Section~~
4944 ~~78B-12-113.]~~
- 4945 (6) (a) A person who seeks payment under this section for pregnancy expenses shall
4946 provide documentation of payments, medical expenses, and insurance premiums to
4947 the court.
- 4948 (b) The court shall order the payment of the expenses after a review of the
4949 documentation described in Subsection (6)(a).
- 4950 (7) Nothing in this section ~~[or Section 78B-12-212.1]~~ requires a person to separately bill a
4951 biological father for pregnancy expenses.
- 4952 Section 143. Section **81-6-106**, which is renumbered from Section 78B-12-113 is renumbered
4953 and amended to read:
- 4954 **[78B-12-113] 81-6-106. (Effective 09/01/24). Duty of obligor -- Enforcement of**
4955 **right of support.**
- 4956 (1) (a) An obligor who is present in, or a resident of, this state has the duty to provide
4957 support to the child regardless of the presence or residence of the obligee.
- 4958 ~~[(1) (a)]~~ (b) The obligee may enforce [his] the obligee's right of support against the
4959 obligor.
- 4960 (2) (a) The office may proceed pursuant to this [chapter] part or any other applicable
4961 statute on behalf of:
- 4962 (i) the Department of Health and Human Services;
- 4963 (ii) any other department or agency of this state that provides public assistance, as
4964 defined by ~~[Subsection 26B-9-201(4)]~~ Section 26B-9-101, to enforce the right to
4965 recover public assistance; or
- 4966 (iii) the obligee, to enforce the obligee's right of support against the obligor.
- 4967 (b) Whenever any court action is commenced by the office to enforce payment of the
4968 obligor's support obligation, the attorney general or the county attorney of the county
4969 of residence of the obligee shall represent the office.
- 4970 (c) The attorney general or the county attorney does not represent or have an
4971 attorney-client relationship with the obligee or the obligor in carrying out the duties
4972 under this chapter.
- 4973 ~~[(2)]~~ (3) (a) A person may not commence an action, file a pleading, or submit a written
4974 stipulation to the court, without complying with Subsection ~~[(2)(b)]~~ (3)(b), if the
4975 purpose or effect of the action, pleading, or stipulation is to:
- 4976 (i) establish paternity;

- 4977 (ii) establish or modify a support obligation;
- 4978 (iii) change the court-ordered manner of payment of support;
- 4979 (iv) recover support due or owing; or
- 4980 (v) appeal issues regarding child support laws.
- 4981 (b) (i) When taking an action described in Subsection ~~[(2)(a)]~~ (3)(a), a person must
- 4982 file an affidavit with the court at the time the action is commenced, the pleading is
- 4983 filed, or the stipulation is submitted stating whether child support services have
- 4984 been or are being provided under Part IV of the Social Security Act, 42 U.S.C.,
- 4985 Section 601 et seq., on behalf of a child who is a subject of the action, pleading, or
- 4986 stipulation.
- 4987 (ii) If child support services have been or are being provided, under Part IV of the
- 4988 Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of
- 4989 the affidavit and a copy of the pleading or stipulation to the child and family
- 4990 support division of the Office of the Attorney General~~[, Child Support Division]~~.
- 4991 (iii) (A) If notice is not given in accordance with this Subsection ~~[(2)]~~ (3), the
- 4992 office is not bound by any decision, judgment, agreement, or compromise
- 4993 rendered in the action.
- 4994 (B) For purposes of appeals, service must be made on the Office of the Director
- 4995 for the Office of Recovery Services.
- 4996 (c) If ~~[IV-D services]~~ child support services have been or are being provided, that person
- 4997 shall join the office as a party to the action, or mail or deliver a written request to the
- 4998 child and family support division of the Office of the Attorney General, ~~[Child~~
- 4999 ~~Support Division]~~ asking the office to join as a party to the action.
- 5000 (d) A copy of ~~[that request]~~ the request described in Subsection (3)(c), along with proof
- 5001 of service, shall be filed with the court.
- 5002 (e) The office shall be represented as provided in Subsection ~~[(1)(b)]~~ (2)(b).
- 5003 ~~[(3) Neither the attorney general nor the county attorney represents or has an~~
- 5004 ~~attorney-client relationship with the obligee or the obligor in carrying out the duties~~
- 5005 ~~under this chapter.]~~
- 5006 Section 144. Section **81-6-107**, which is renumbered from Section 78B-12-201 is renumbered
- 5007 and amended to read:
- 5008 **[78B-12-201] 81-6-107. (Effective 09/01/24). Procedure for child support**
- 5009 **proceeding -- Documentation.**
- 5010 (1) In any matter in which child support is ordered, the moving party shall submit:

- 5011 (a) a completed [~~child support~~] worksheet;
- 5012 (b) the financial verification required by [~~Subsection 78B-12-203(5)~~] Section 81-6-203;
- 5013 (c) a written statement indicating whether or not the amount of child support requested is
- 5014 consistent with the child support guidelines; and
- 5015 (d) the information required under Subsection (3).
- 5016 (2) (a) If the documentation of income required under Subsection (1) is not available, the
- 5017 moving party may submit a verified representation of the other party's income [~~by the~~
- 5018 ~~moving party,~~] based on the best evidence available[~~, may be submitted~~].
- 5019 (b) [~~The evidence shall be in affidavit form and may only be offered after a copy has~~
- 5020 ~~been provided~~] The moving party shall provide the evidence described in Subsection
- 5021 (2)(a) in affidavit form.
- 5022 (c) The moving party may only offer the evidence described in Subsection (2)(a) after a
- 5023 copy is provided to the other party in accordance with Utah Rules of Civil Procedure
- 5024 or Title 63G, Chapter 4, Administrative Procedures Act, in an administrative
- 5025 proceeding.
- 5026 (3) (a) Upon the entry of an order in a proceeding to establish paternity or to establish,
- 5027 modify, or enforce a child support order, each party shall :
- 5028 (i) file identifying information [~~and shall~~] ; and
- 5029 (ii) update that information as changes occur with the court that conducted the
- 5030 proceeding.
- 5031 [~~(a)~~] (b) The required identifying information shall include the person's social security
- 5032 number, driver's license number, residential and mailing addresses, telephone
- 5033 numbers, the name, address and telephone number of employers, and any other data
- 5034 required by the United States Secretary of Health and Human Services.
- 5035 [~~(b)~~] (c) [~~Attorneys~~] An attorney representing the office in child support services cases [~~are~~]
- 5036 ~~is~~ not required to file the identifying information required by Subsection [~~(3)(a)~~].
- 5037 (3)(b).
- 5038 [~~(4)~~] A stipulated amount for child support or combined child support and alimony is
- 5039 adequate under the guidelines if the stipulated child support amount or combined
- 5040 amount equals or exceeds the base child support award required by the guidelines.]
- 5041 Section 145. Section **81-6-108**, which is renumbered from Section 78B-12-109 is renumbered
- 5042 and amended to read:
- 5043 **[78B-12-109] 81-6-108. (Effective 09/01/24). Waiver and estoppel.**
- 5044 (1) Waiver and estoppel shall apply only to the [~~eustodial parent~~] obligee when there is no

- 5045 order already established by a tribunal if the [~~eustodial parent~~] obligee freely and
 5046 voluntarily waives support specifically and in writing.
- 5047 (2) Waiver and estoppel may not be applied against any third party or public entity that may
 5048 provide support for the child.
- 5049 (3) [~~A noneustodial parent~~] An obligor, or alleged biological father in a paternity action,
 5050 may not rely on statements made by the [~~eustodial parent of the child~~] obligee
 5051 concerning child support unless the statements are reduced to writing and signed by both
 5052 parties.

5053 Section 146. Section **81-6-109**, which is renumbered from Section 78B-12-115 is renumbered
 5054 and amended to read:

5055 **[78B-12-115] 81-6-109. (Effective 09/01/24). Spousal privilege -- Competency of**
 5056 **spouses.**

5057 [~~Laws~~]

- 5058 (1) A law attaching a privilege against the disclosure of communications between [~~husband~~
 5059 ~~and wife~~] spouses are inapplicable under this chapter.
- 5060 (2) Spouses are competent witnesses to testify to any relevant matter, including marriage
 5061 and parentage.

5062 Section 147. Section **81-6-110**, which is renumbered from Section 78B-12-114 is renumbered
 5063 and amended to read:

5064 **[78B-12-114] 81-6-110. (Effective 09/01/24). County attorney to assist obligee.**

- 5065 (1) The county attorney's office shall provide assistance to an obligee desiring to proceed
 5066 under this [~~chapter~~] part in the following manner:
- 5067 (a) provide forms, approved by the Judicial Council [~~of Utah~~], for an order of wage
 5068 assignment if the obligee is not represented by legal counsel;
- 5069 (b) inform the obligee of the right to file [~~impecuniously~~] indigently if the obligee is
 5070 unable to bear the expenses of the action and assist the obligee with such filing;
- 5071 (c) advise the obligee of the available methods for service of process; and
 5072 (d) assist the obligee in expeditiously scheduling a hearing before the court.
- 5073 (2) The county attorney's office may charge a fee not to exceed \$25 for providing assistance
 5074 to an obligee under Subsection (1).

5075 Section 148. Section **81-6-201** is enacted to read:

5076

Part 2. Calculation and Adjustment of Child Support

5077 **81-6-201 (Effective 09/01/24). Definitions for part.**

5078 Reserved.

5079 Section 149. Section **81-6-202**, which is renumbered from Section 78B-12-210 is renumbered
5080 and amended to read:

5081 ~~[78B-12-210]~~ **81-6-202. (Effective 09/01/24). Determination of amount of child**
5082 **support -- Application of child support guidelines -- Requirements for child**
5083 **support order.**

5084 ~~[(1) The guidelines in this chapter apply to any judicial or administrative order establishing~~
5085 ~~or modifying an award of child support entered on or after July 1, 1989.]~~

5086 (1) (a) If a prior child support order does not exist, a substantial change in circumstances
5087 has occurred, or a petition to modify a child support order as described in Section
5088 81-6-212 is filed, the court determining the amount of prospective child support shall
5089 require each party to file a proposed award of child support using the child support
5090 guidelines before the court enters or modifies a child support order.

5091 (b) When no prior child support order exists, the court or administrative agency shall
5092 determine and assess all arrearages based upon the child support guidelines.

5093 (2) (a) The court or administrative agency shall apply the child support guidelines ~~[shall~~
5094 ~~be applied]~~ as a rebuttable presumption in establishing or modifying the amount of
5095 temporary or permanent child support.

5096 (b) The rebuttable presumption means the provisions and considerations required by the
5097 child support guidelines, the award amounts resulting from the application of the
5098 child support guidelines, and the use of worksheets consistent with ~~[these]~~ the child
5099 support guidelines are presumed to be correct, unless ~~[rebutted under the provisions of]~~
5100 the child support guidelines are rebutted in accordance with this section.

5101 (3) (a) A written finding or specific finding on the record supporting the conclusion that
5102 complying with a provision of the child support guidelines or ordering an award
5103 amount resulting from use of the child support guidelines would be unjust,
5104 inappropriate, or not in the best interest of a child in a particular case is sufficient to
5105 rebut the presumption in that case.

5106 (b) If an order rebuts the presumption through findings, ~~[it]~~ the order is considered a
5107 deviated order.

5108 (4) The following ~~[shall be]~~ are considered deviations from the child support guidelines, if:

5109 (a) the order includes a written finding that ~~[it]~~ the order is a deviation from the child
5110 support guidelines;

5111 (b) the ~~[guidelines]~~ worksheet has:

- 5112 (i) the box checked for a deviation; and
- 5113 (ii) an explanation as to the reason; or
- 5114 (c) the deviation is made because there were more children than provided for in the [
5115 ~~guidelines table~~] child support tables.
- 5116 (5) If the amount in the order and the amount on the [~~guidelines~~] worksheet differ by \$10 or
5117 more:
- 5118 (a) the order is considered deviated; and
- 5119 (b) the incomes listed on the worksheet may not be used in adjusting support for
5120 emancipation as described in Section 81-6-213.
- 5121 (6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection
5122 (3), the court shall establish child support after considering all relevant factors, including:
- 5123 (a) the standard of living and situation of the parties;
- 5124 (b) the relative wealth and income of the parties;
- 5125 (c) the ability of the obligor to earn;
- 5126 (d) the ability of the obligee to earn;
- 5127 (e) the ability of an incapacitated adult child to earn, or other benefits received by the
5128 adult child or on the adult child's behalf including Supplemental Security Income;
- 5129 (f) the needs of the obligee, the obligor, and the child;
- 5130 (g) the ages of the parties; and
- 5131 (h) the responsibilities of the obligor and the obligee for the support of others.
- 5132 [~~(6)~~] (7) (a) [~~Natural or adoptive children of either~~] If there are children of either parent
5133 who live in the home of that parent and are not children in common to both parties [
5134 may at the option of either party be taken into account] , the court or administrative
5135 agency, at the option of either party, may take into account the children under the
5136 child support guidelines in setting a base child support award[, as provided] as
5137 described in Subsection [~~(7)~~] (8).
- 5138 (b) Additional worksheets shall be prepared that [~~compute~~] calculate the base child
5139 support award of the respective parents for the additional children.
- 5140 (c) [~~The base child support award shall then be subtracted~~] The court or administrative
5141 agency shall subtract the base child support award calculated under Subsection (7)(b)
5142 from the appropriate parent's income before determining the award in the [~~instant case~~]
5143 case described in Subsection (7)(a).
- 5144 [~~(7)~~] (8) In a proceeding to adjust or modify [~~an existing award, consideration of natural or~~
5145 ~~adoptive children born after entry of the order and who are not in common to both~~

- 5146 ~~parties may be applied]~~ a child support order, the court or administrative agency may
5147 consider children, who are born after the entry of the child support order and are not in
5148 common to both parties, to mitigate an increase in the award, but ~~[may not be applied]~~
5149 the court or administrative agency may not consider the children:
- 5150 (a) for the benefit of the obligee if the credit would increase the support obligation of the
5151 obligor from the most recent child support order; or
- 5152 (b) for the benefit of the obligor if the amount of support received by the obligee would
5153 be decreased from the most recent child support order.
- 5154 (9) A stipulated amount for child support or combined child support and alimony is
5155 adequate under the child support guidelines if the stipulated child support amount or
5156 combined amount equals or exceeds the base child support award required by the child
5157 support guidelines.
- 5158 (10) The court shall include the following provisions in a child support order:
- 5159 (a) a provision establishing the monthly amount of child support obligation for each
5160 parent in accordance with the child support guidelines;
- 5161 (b) a provision assigning responsibility for the payment of reasonable and necessary
5162 medical expenses for the child as described in Section 81-6-208;
- 5163 (c) a provision requiring the purchase and maintenance of appropriate health care
5164 insurance for the medical expenses of the child as described in Section 81-6-208 if
5165 health care insurance is or becomes available at a reasonable cost;
- 5166 (d) a provision regarding the child care expenses and costs as described in Section
5167 81-6-209;
- 5168 (e) a provision regarding each parent's right to claim a child as a tax exemption for
5169 federal and state income tax purposes in accordance with Section 81-6-210;
- 5170 (f) provisions for income withholding as a means of collecting child support, in
5171 accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,
5172 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
- 5173 (g) a provision regarding a parent's opportunity to adjust a child support order as
5174 described in Section 81-6-212.
- 5175 (11) The office shall include the provisions described in Section 26B-9-224 in a child
5176 support order.
- 5177 ~~[(8) (a) If a child support order has not been issued or modified within the previous three~~
5178 ~~years, a parent, legal guardian, or the office may move the court to adjust the amount of~~
5179 ~~a child support order.]~~

- 5180 ~~[(b) Upon receiving a motion under Subsection (8)(a), the court shall, taking into account~~
5181 ~~the best interests of the child:]~~
- 5182 ~~[(i) determine whether there is a difference between the payor's ordered support amount~~
5183 ~~and the payor's support amount that would be required under the guidelines; and]~~
- 5184 ~~[(ii) if there is a difference as described in Subsection (8)(b)(i), adjust the payor's ordered~~
5185 ~~support amount to the payor's support amount provided in the guidelines if:]~~
- 5186 ~~[(A) the difference is 10% or more;]~~
- 5187 ~~[(B) the difference is not of a temporary nature; and]~~
- 5188 ~~[(C) the order adjusting the payor's ordered support amount does not deviate from the~~
5189 ~~guidelines.]~~
- 5190 ~~[(c) A showing of a substantial change in circumstances is not necessary for an adjustment~~
5191 ~~under this Subsection (8).]~~
- 5192 ~~[(9) (a) A parent, legal guardian, or the office may at any time petition the court to adjust~~
5193 ~~the amount of a child support order if there has been a substantial change in~~
5194 ~~circumstances. A change in the base combined child support obligation table is not a~~
5195 ~~substantial change in circumstances for the purposes of this Subsection (9).]~~
- 5196 ~~[(b) For purposes of this Subsection (9), a substantial change in circumstances may include:]~~
- 5197 ~~[(i) material changes in custody;]~~
- 5198 ~~[(ii) material changes in the relative wealth or assets of the parties;]~~
- 5199 ~~[(iii) material changes of 30% or more in the income of a parent;]~~
- 5200 ~~[(iv) material changes in the employment potential and ability of a parent to earn;]~~
- 5201 ~~[(v) material changes in the medical needs of the child; or]~~
- 5202 ~~[(vi) material changes in the legal responsibilities of either parent for the support of others.]~~
- 5203 ~~[(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into account~~
5204 ~~the best interests of the child:]~~
- 5205 ~~[(i) determine whether a substantial change has occurred;]~~
- 5206 ~~[(ii) if a substantial change has occurred, determine whether the change results in a~~
5207 ~~difference of 15% or more between the payor's ordered support amount and the payor's~~
5208 ~~support amount that would be required under the guidelines; and]~~
- 5209 ~~[(iii) adjust the payor's ordered support amount to that which is provided for in the~~
5210 ~~guidelines if:]~~
- 5211 ~~[(A) there is a difference of 15% or more; and]~~
- 5212 ~~[(B) the difference is not of a temporary nature.]~~
- 5213 ~~[(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9)~~

5214 shall be included in each child support order.]

5215 Section 150. Section **81-6-203**, which is renumbered from Section 78B-12-203 is renumbered
5216 and amended to read:

5217 ~~[78B-12-203]~~ **81-6-203. (Effective 09/01/24). Determination of gross income for**
5218 **child support -- Imputing income to a parent.**

5219 ~~[(1) As used in the guidelines, "gross income" includes prospective income from any~~
5220 ~~source, including earned and nonearned income sources which may include salaries,~~
5221 ~~wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends,~~
5222 ~~severance pay, pensions, interest, trust income, alimony from previous marriages,~~
5223 ~~annuities, capital gains, Social Security benefits, workers' compensation benefits,~~
5224 ~~unemployment compensation, income replacement disability insurance benefits, and~~
5225 ~~payments from "nonmeans-tested" government programs.]~~

5226 (1) (a) Each parent shall provide verification of current income to the court or
5227 administrative agency.

5228 (b) Each parent shall provide year-to-date pay stubs or employer statements and
5229 complete copies of tax returns from at least the most recent year, unless the court
5230 finds the verification is not reasonably available.

5231 (c) Verification of income from records maintained by the Department of Workforce
5232 Services may be substituted for pay stubs, employer statements, and income tax
5233 returns.

5234 (2) (a) To calculate gross income of a parent, the court or administrative agency may
5235 include:

5236 (i) prospective income of the parent, including income from earned and nonearned
5237 sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from
5238 anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony
5239 from previous marriages, annuities, capital gains, Social Security benefits, worker
5240 compensation benefits, unemployment compensation, income replacement
5241 disability insurance benefits, and payments from nonmeans-tested government
5242 programs; and

5243 (ii) income imputed to the parent as described in Subsection (6).

5244 ~~[(2)]~~ (b) Income from earned income sources is limited to the equivalent of one full-time
5245 40-hour job.

5246 (c) If and only if during the time before the original support order, the parent normally
5247 and consistently worked more than 40 hours at the parent's job, the court may

5248 consider this extra time as a pattern in calculating the parent's ability to provide child
5249 support.

5250 (3) (a) The court or administrative agency shall use historical and current earnings to
5251 determine whether an underemployment or overemployment situation exists.

5252 (b) The office may not treat incarceration of at least six months as voluntary
5253 unemployment in establishing or modifying a support order.

5254 [~~(3) Notwithstanding Subsection (1), specifically excluded from gross income are:]~~

5255 [~~(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment~~
5256 ~~Program;]~~

5257 [~~(b) benefits received under a housing subsidy program, the Job Training Partnership Act,~~
5258 ~~Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP~~
5259 ~~benefits, or General Assistance; and]~~

5260 [~~(c) other similar means-tested welfare benefits received by a parent.]~~

5261 (4) (a) ~~Gross income from self-employment or operation of a business shall be~~
5262 ~~calculated]~~

5263 (a) To calculate income from self-employment or operation of a business, the court or
5264 administrative agency:

5265 (i) shall calculate gross income from self-employment or operation of a business by
5266 subtracting necessary expenses required for self-employment or business
5267 operation from gross receipts[-] ;

5268 (ii) [The] shall review income and expenses from self-employment or operation of a
5269 business [shall be reviewed] to determine an appropriate level of gross income
5270 available to the parent to satisfy a child support award[-] ; and

5271 (iii) [Only] may only deduct those expenses necessary to allow the business to operate
5272 at a reasonable level [may be deducted] from gross receipts.

5273 (b) Gross income determined under this Subsection (4) may differ from the amount of
5274 business income determined for tax purposes.

5275 [~~(5) (a) When possible, gross income should first be computed on an annual basis and then~~
5276 ~~recalculated to determine the average gross monthly income.]~~

5277 (b) ~~Each parent shall provide verification of current income. Each parent shall provide~~
5278 ~~year-to-date pay stubs or employer statements and complete copies of tax returns from at~~
5279 ~~least the most recent year unless the court finds the verification is not reasonably~~
5280 ~~available. Verification of income from records maintained by the Department of~~
5281 ~~Workforce Services may be substituted for pay stubs, employer statements, and income~~

- 5282 tax returns.]
- 5283 [(e) Historical and current earnings shall be used to determine whether an
- 5284 underemployment or overemployment situation exists.]
- 5285 [(6) Incarceration of at least six months may not be treated as voluntary unemployment by
- 5286 the office in establishing or modifying a support order.]
- 5287 [(7) Gross income includes income imputed to the parent under Subsection (8).]
- 5288 [(8) (a) Income may not be imputed]
- 5289 (5) When possible, the court or administrative agency shall determine the average monthly
- 5290 gross income for each parent by:
- 5291 (a) calculating the gross income of each parent on an annual basis; and
- 5292 (b) dividing the annual gross income for each parent by 12.
- 5293 (6) (a) The court or administrative agency may not impute income to a parent unless the
- 5294 parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a
- 5295 hearing is held and [~~the judge in a judicial proceeding or the presiding officer in an~~
- 5296 ~~administrative proceeding~~] the court or administrative agency enters findings of fact
- 5297 as to the evidentiary basis for the imputation.
- 5298 (b) If income is imputed to a parent, [~~the income shall be based~~] the court or
- 5299 administrative agency shall base income upon employment potential and probable
- 5300 earnings considering, to the extent known:
- 5301 (i) employment opportunities;
- 5302 (ii) work history;
- 5303 (iii) occupation qualifications;
- 5304 (iv) educational attainment;
- 5305 (v) literacy;
- 5306 (vi) age;
- 5307 (vii) health;
- 5308 (viii) criminal record;
- 5309 (ix) other employment barriers and background factors; and
- 5310 (x) prevailing earnings and job availability for persons of similar backgrounds in the
- 5311 community.
- 5312 (c) If a parent has no recent work history or a parent's occupation is unknown, [~~that~~
- 5313 ~~parent may be imputed~~] the court or administrative agency may impute an income to
- 5314 that parent at the federal minimum wage for a 40-hour work week.
- 5315 (d) To impute a greater or lesser income, the [~~judge in a judicial proceeding or the~~

- 5316 ~~presiding officer in an administrative proceeding]~~ court or administrative agency shall
 5317 enter specific findings of fact as to the evidentiary basis for the imputation.
- 5318 ~~[(d)]~~ (e) ~~[Income may not be imputed]~~ The court or administrative agency may not impute
 5319 income to a parent if any of the following conditions exist and the condition is not of
 5320 a temporary nature:
- 5321 (i) the reasonable costs of child care for the parents' minor ~~[children]~~ child approach
 5322 or equal the amount of income the custodial parent can earn;
- 5323 (ii) a parent is physically or mentally unable to earn minimum wage;
- 5324 (iii) a parent is engaged in career or occupational training to establish basic job skills;
 5325 or
- 5326 (iv) unusual emotional or physical needs of a child require the custodial parent's
 5327 presence in the home.
- 5328 (7) Notwithstanding Subsection (2), the court or administrative agency may not include the
 5329 following sources of income when calculating the gross income of a parent:
- 5330 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
 5331 Program;
- 5332 (b) benefits received under a housing subsidy program, the Job Training Partnership Act,
 5333 Supplemental Security Income, Social Security Disability Insurance, Medicaid,
 5334 SNAP benefits, or General Assistance;
- 5335 (c) other similar means-tested welfare benefits received by a parent;
- 5336 (d) the earned income of a child who is the subject of a child support award; or
- 5337 (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's
 5338 own right, such as Supplemental Security Income.
- 5339 (8) (a) The court or administrative agency shall credit, as child support, the amount of
 5340 social security benefits received by a child due to the earnings of the parent on whose
 5341 earning record the social security benefits are based by crediting the amount against
 5342 the potential obligation of that parent.
- 5343 (b) The court or administrative agency may consider other unearned income of a child as
 5344 income of a parent depending upon the circumstances of each case.
- 5345 ~~[(9) (a) Gross income may not include the earnings of a minor child who is the subject of a~~
 5346 ~~child support award nor benefits to a minor child in the child's own right such as~~
 5347 ~~Supplemental Security Income.]~~
- 5348 ~~[(b) Social security benefits received by a child due to the earnings of a parent shall be~~
 5349 ~~credited as child support to the parent upon whose earning record it is based, by~~

5350 crediting the amount against the potential obligation of that parent. Other unearned
5351 income of a child may be considered as income to a parent depending upon the
5352 circumstances of each case.]

5353 Section 151. Section **81-6-204** is enacted to read:

5354 **81-6-204 (Effective 09/01/24). General provisions for calculating child support --**
5355 **Determination of base combined child support obligation.**

- 5356 (1) To calculate child support, the court or administrative agency shall determine the base
5357 combined child support obligation for the parents by:
- 5358 (a) except as provided in Subsection (3), adjusting the average monthly gross income for
5359 each parent by subtracting any alimony previously ordered and paid and any child
5360 support previously ordered for that parent;
- 5361 (b) adjusting the average monthly gross income for each parent by subtracting any
5362 credits deemed appropriate under Subsections 81-6-202(7) and (8);
- 5363 (c) combining the adjusted average monthly gross incomes for both parents; and
5364 (d) locating the base combined child support obligation in the base combined child
5365 support obligation table by finding:
- 5366 (i) the combined adjusted average monthly gross incomes of the parents in the table;
5367 and
- 5368 (ii) the total number of children in common to the parents.
- 5369 (2) The court or administrative agency may only use the income of the parents of the child
5370 to determine the base child support award.
- 5371 (3) The court or administrative agency may not subtract any alimony ordered in the pending
5372 proceeding from the gross incomes of the parents as described in Subsection (1)(a).
- 5373 (4) If there is no amount listed for the base combined child support obligation in the base
5374 combined child support obligation table, the base combined support obligation for the
5375 parents is \$0.
- 5376 (5) Upon determining the base combined child support obligation, the court or
5377 administrative agency shall make additional calculations as described in Section
5378 81-6-205, 81-6-206, or 81-6-207 to determine the base child support award.
- 5379 (6) (a) Except as provided in Subsection (6)(b), the court may consider any amount that
5380 an incapacitated adult child can contribute to the child's support and use the amount
5381 to justify a reduction in the amount of support ordered.
- 5382 (b) If the case described in Subsection (6)(a) involves more than one child, the reduction
5383 may not be greater than the effect of reducing the total number of children by one.

- 5384 (7) (a) The base combined child support obligation table provides combined child
 5385 support obligations for up to six children.
- 5386 (b) If a case involves more than six children, the court may add additional amounts to
 5387 the base child support obligation shown in the base combined child support
 5388 obligation table.
- 5389 (c) Unless rebutted by Subsection 81-6-202(3), the court or administrative agency may
 5390 not order an amount less than the amount that would be ordered for up to six children.
- 5391 (8) (a) If the combined adjusted gross income exceeds the highest level specified in the
 5392 base combined child support obligation table, the court shall order an appropriate and
 5393 just amount of child support on a case-by-case basis, except that the court may not
 5394 order an amount that is less than the highest level specified in the table for the
 5395 number of children due child support.
- 5396 (b) There is no maximum limit on the base child support award that a court may order
 5397 using the child support tables.
- 5398 (9) The amount shown in a child support table is the child support amount for the total
 5399 number of children not an amount per child.
- 5400 (10) For all worksheets, income and child support award figures are rounded to the nearest
 5401 dollar.
- 5402 Section 152. Section **81-6-205** is enacted to read:
- 5403 **81-6-205 (Effective 09/01/24). Sole physical custody -- Obligation calculations --**
 5404 **Change in physical custody.**
- 5405 (1) This section applies to a case in which a parent, or another person, is awarded sole
 5406 physical custody of the children.
- 5407 (2) Except as provided in Subsections (3) and (4), the court or administrative agency shall
 5408 determine the base child support award for each parent by:
- 5409 (a) dividing each parent's monthly adjusted gross income by the combined monthly
 5410 adjusted gross income to determine each parent's percentage; and
- 5411 (b) multiplying each parent's percentage by the base combined child support obligation
 5412 that is calculated as described in Subsection 81-6-204(1).
- 5413 (3) (a) If the base combined child support obligation is \$0, the court or administrative
 5414 agency shall establish the base child support award for each parent by:
- 5415 (i) determining the individual monthly adjusted gross income for the parent;
 5416 (ii) locating the amount of the base child support award in the low income table by
 5417 finding:

- 5418 (A) the monthly adjusted gross income for the parent in the low income table; and
5419 (B) the number of children in common with the parents.
- 5420 (b) The corresponding amount in the low income table is the base child support award
5421 for that parent.
- 5422 (4) (a) If a parent's individual monthly adjusted gross income is less than the highest
5423 amount of monthly adjusted gross income shown in the low income table, the court
5424 or administrative agency shall determine that the base child support award is the
5425 lesser of:
- 5426 (i) the amount calculated using the base combined child support obligation table as
5427 described in Subsection (2); and
- 5428 (ii) the amount calculated using the low income table as described in Subsection (3).
- 5429 (b) If the monthly adjusted gross income of a parent is found in an area of the low
5430 income table in which no amount is shown, the court or administrative agency shall
5431 determine the base child support award by using the amount listed in the base
5432 combined child support obligation table and calculated as described in Subsection (2).
- 5433 (5) A base child support award in a sole physical custody case may not be less than \$30.
- 5434 (6) The amounts calculated under this section are rebuttable as described in Section
5435 81-6-202.
- 5436 (7) A parent without sole physical custody of the children is an obligor and is required to
5437 pay the amount of child support calculated under this section.
- 5438 (8) (a) When physical custody of a child changes after the original child support order,
5439 the parent without physical custody of the child is required to pay the amount of child
5440 support calculated under this section, without the need to modify the order, to:
- 5441 (i) the parent who has physical custody of the child;
5442 (ii) a relative to whom physical custody of the child has been voluntarily given; or
5443 (iii) the state when the child is residing outside of the home in the protective custody,
5444 temporary custody, or care of the state or a state-licensed facility for at least 30
5445 days.
- 5446 (b) When physical custody of a child changes from the physical custody that is assumed
5447 in the original child support order calculated under this section, the modification of
5448 the child support order is not necessary even if only one parent is specifically ordered
5449 to pay in the child support order.

5450 Section 153. Section **81-6-206** is enacted to read:

5451 **81-6-206 (Effective 09/01/24). Joint physical custody -- Obligation calculations.**

- 5452 (1) This section applies to a case in which the parents are awarded joint physical custody of
5453 the children.
- 5454 (2) If the base combined child support obligation that is calculated as described in
5455 Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.
- 5456 (3) If the base combined child support obligation that is calculated as described in
5457 Subsection 81-6-204(1) is greater than \$0, the court or administrative agency shall
5458 determine each parent's share of the base combined child support obligation by:
5459 (a) dividing each parent's monthly adjusted gross income by the combined monthly
5460 adjusted gross income to determine each parent's percentage; and
5461 (b) multiplying each parent's percentage by the base combined child support obligation.
- 5462 (4) The court or administrative agency shall determine the base child support award for the
5463 parent with the lesser number of overnights by:
5464 (a) multiplying the number of overnights over 110 and under 131 for that parent by
5465 .0027;
5466 (b) multiplying the number calculated under Subsection (4)(a) by the base combined
5467 child support obligation;
5468 (c) multiplying the number of overnights over 130 for that parent by .0084;
5469 (d) multiplying the number calculated under Subsection (4)(c) by the base combined
5470 child support obligation; and
5471 (e) subtracting the numbers calculated in Subsections (4)(b) and (4)(d) from that parent's
5472 share of the base combined child support obligation calculated under Subsection (3).
- 5473 (5) If the base child support award calculated under Subsection (4) is greater than \$0, the
5474 parent with the lesser number of overnights is the obligor and is required to pay child
5475 support.
- 5476 (6) If the base child support award calculated under Subsection (4) is less than \$0:
5477 (a) the parent with the lesser number of overnights is the obligee; and
5478 (b) the parent with the greater number of overnights is the obligor and is required to pay
5479 child support.
- 5480 (7) If the parents have an equal parent-time schedule under Section 81-9-305, the amount of
5481 time to be spent with the parent who has the lower monthly adjusted gross income is
5482 considered 183 overnights, regardless of whether the parent receives 182 overnights or
5483 183 overnights under the equal parent-time schedule.
- 5484 Section 154. Section **81-6-207** is enacted to read:
5485 **81-6-207 (Effective 09/01/24). Split physical custody -- Obligation calculations.**

- 5486 (1) This section applies to a case in which the parents are awarded split physical custody of
 5487 the children.
- 5488 (2) If the base combined child support obligation that is calculated as described in
 5489 Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.
- 5490 (3) If the base combined child support obligation that is calculated as described in
 5491 Subsection 81-6-204(1) is greater than \$0, the court shall determine the base child
 5492 support award by:
- 5493 (a) dividing the number of children with each parent by the combined number of
 5494 children to calculate each parent's percentage of children;
- 5495 (b) dividing each parent's monthly adjusted gross income by the combined monthly
 5496 adjusted gross income to calculate each parent's percentage of the combined monthly
 5497 adjusted gross income;
- 5498 (c) multiplying each parent's percentage of the combined monthly adjusted gross income
 5499 by the base combined child support obligation to calculate each parent's share of the
 5500 base combined child support obligation;
- 5501 (d) multiplying each parent's share of the base combined child support obligation by the
 5502 other parent's percentage of children to determine the individual child support
 5503 obligations for each parent; and
- 5504 (e) subtracting the lesser individual child support obligation from the higher individual
 5505 child support obligation to reach the base child support award.
- 5506 (4) The parent with the higher individual child support obligation is the parent required to
 5507 pay the base child support award calculated under Subsection (3).

5508 Section 155. Section **81-6-208**, which is renumbered from Section 78B-12-212 is renumbered
 5509 and amended to read:

5510 **[78B-12-212] 81-6-208. (Effective 09/01/24). Requirements for a child support**
 5511 **order regarding medical expenses -- Determination of parental liability for medical**
 5512 **expenses.**

5513 (1) As used in this section, "health insurance" means the same as that term is defined in
 5514 Section 31A-1-301.

5515 ~~[(1)]~~ (2) Except as provided in Subsection ~~[(3)]~~ (4), a child support order issued or modified
 5516 in this state on or after May 3, 2023, shall require compliance with the requirements
 5517 described in Subsection ~~[(2)]~~ (3) as of the effective date of the child support order.

5518 ~~[(2)]~~ (3) A child support order shall:

5519 (a) ~~[order that]~~ require the parents provide health care coverage for the medical expenses

- 5520 of a child;
- 5521 (b) ~~[order that]~~ require the parents provide health insurance for the medical expenses of a
- 5522 child if health insurance is available to the parents at a reasonable cost;
- 5523 (c) ~~[in accordance with Subsection 30-3-5(3)(b)(ii) and Section 30-3-5.4,]~~ designate
- 5524 which health~~[- hospital, or dental]~~ insurance plan is primary and which health~~[-~~
- 5525 ~~hospital, or dental]~~ insurance plan is secondary if, at any time, a child is covered by
- 5526 both parents' health~~[- hospital, or dental]~~ insurance plans as described in Subsection (7);
- 5527 (d) ~~[require]~~ require each parent to share equally the out-of-pocket costs of the premium
- 5528 actually paid by a parent for the child's portion of health insurance; and
- 5529 (e) ~~[in accordance with Subsection 30-3-5(3)(a),]~~ include a provision that requires each
- 5530 parent to equally share all reasonable and necessary uninsured and unreimbursed
- 5531 medical and dental expenses incurred for a child, including co-payments,
- 5532 co-insurance, and deductibles.
- 5533 ~~[(3)]~~ (4) ~~[A court]~~ The court may deviate from the requirements described in Subsection ~~[(2)]~~
- 5534 ~~(3)~~ if:
- 5535 (a) the court makes specific findings establishing good cause for the deviation; or
- 5536 (b) subject to the court's approval, the parents agree which parent shall provide health
- 5537 insurance for the child.
- 5538 ~~[(4)]~~ (5) In determining whether to take the action described in Subsection ~~[(3)]~~ (4), the court
- 5539 may consider:
- 5540 (a) the reasonableness of the cost;
- 5541 (b) the availability of a group insurance policy;
- 5542 (c) the coverage of the policy; or
- 5543 (d) the preference of the custodial parent.
- 5544 ~~[(5)]~~ (6) Subject to Subsection ~~[(3)]~~ (4), if a child support order does not contain the
- 5545 requirements described in Subsection ~~[(2)]~~ (3):
- 5546 (a) the parents are nonetheless subject to the requirements described in Subsection ~~[(2)]~~
- 5547 ~~(3)~~, as applicable; and
- 5548 (b) for purposes of Subsection ~~[(2)(e)]~~ (3)(c), the health insurance plan of the parent
- 5549 whose birthday falls first in the calendar year is primary, and the health insurance
- 5550 plan of the parent whose birthday falls second in the calendar year is secondary.
- 5551 (7) (a) The provisions of an order under Subsection (3)(c) shall:
- 5552 (i) take effect if at any time a child is covered by both parents' health insurance plans;
- 5553 and

5554 (ii) include the following language: "If, at any point in time, a child is covered by the
5555 health insurance plans of both parents, the health insurance plan of (Parent's
5556 Name) shall be primary coverage for the child and the health insurance plan of
5557 (Other Parent's Name) shall be secondary coverage for the child. If a parent
5558 remarries and the child is not covered by that parent's health insurance plan but is
5559 covered by a step-parent's plan, the health insurance plan of the step-parent shall
5560 be treated as if it is the plan of the remarried parent and shall retain the same
5561 designation as the primary or secondary plan of the child."

5562 (b) A court or administrative agency may not modify the language required by
5563 Subsection (7)(a)(ii).

5564 (c) Notwithstanding Subsection (7)(b), the court may allocate the payment of medical
5565 expenses including co-payments, deductibles, and co-insurance not covered by health
5566 insurance between the parents.

5567 (d) In designating primary coverage pursuant to Subsection (3)(c), the court may take
5568 into account:

5569 (i) the birth dates of the parents;

5570 (ii) a requirement in a court order, if any, for one of the parents to maintain health
5571 insurance coverage for a child;

5572 (iii) the parent with physical custody of the child; or

5573 (iv) any other factor the court considers relevant.

5574 ~~[(6)]~~ (8) (a) The parent who provides health insurance may receive credit against the base
5575 child support award or recover the other parent's share of the child's portion of the
5576 premium.

5577 (b) If the parent does not have health insurance but another member of the parent's
5578 household provides health insurance for the child, the parent may receive credit
5579 against the base child support award or recover the other parent's share of the child's
5580 portion of the premium.

5581 ~~[(7)]~~ (9) (a) The child's portion of the premium is a per capita share of the premium
5582 actually paid.

5583 (b) The premium expense for a child shall be calculated by dividing the premium
5584 amount by the number of persons covered under the policy and multiplying the result
5585 by the number of children in the instant case.

5586 ~~[(8)]~~ (10) (a) The parent maintaining health care coverage or insurance shall provide
5587 verification of coverage to the other parent, or to the ~~[Office of Recovery Services]~~

5588 office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., upon
 5589 initial enrollment of the child, and after initial enrollment on or before January 2 of
 5590 each calendar year.

5591 (b) The parent shall notify the other parent, or the [~~Office of Recovery Services~~] office
 5592 under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., of any change
 5593 of insurance carrier, premium, or benefits within 30 calendar days of the date the
 5594 parent first knew or should have known of the change.

5595 ~~[(9)]~~ (c) A parent who incurs medical expenses shall provide written verification of the
 5596 cost and payment of medical expenses to the other parent within 30 days of payment.

5597 ~~[(10)]~~ (d) [~~In addition to any other sanctions provided by the court, a~~] The court may deny
 5598 a parent incurring medical expenses [may be denied] the right to receive credit for the
 5599 expenses or to recover the other parent's share of the expenses if that parent fails to
 5600 comply with [~~Subsections (8) and (9)] this Subsection (10).~~

5601 (11) (a) The court or administrative agency may issue an order determining the amount
 5602 of a parent's liability for medical expenses of a child when the parent:

5603 (i) is required by a prior court or administrative order to:

5604 (A) share those expenses with the other parent of the child; or

5605 (B) obtain insurance for medical expenses but fails to do so; or

5606 (ii) receives direct payment from an insurer under insurance coverage obtained after
 5607 the prior court or administrative order was issued.

5608 (b) If the prior court or administrative order does not specify what proportions of the
 5609 expenses are to be shared:

5610 (i) the court may determine the amount of liability as may be reasonable and
 5611 necessary; and

5612 (ii) the administrative agency may determine the amount of liability in accordance
 5613 with established rules.

5614 (c) This Subsection (11) applies to an order without regard to when the order was issued.

5615 Section 156. Section **81-6-209**, which is renumbered from Section 78B-12-214 is renumbered
 5616 and amended to read:

5617 ~~[78B-12-214]~~ **81-6-209. (Effective 09/01/24). Requirements for a child support**
 5618 **order regarding child care costs and expenses -- Actual expenses for child care.**

5619 ~~[(1) The child support order shall require that each parent share equally the reasonable~~
 5620 ~~work-related child care expenses of the parents.]~~

5621 (1) The court or administrative agency shall require in a child support order that each parent

- 5622 share equally the reasonable work-related child care expenses of the parents.
- 5623 (2) (a) If an actual expense for child care is incurred, a parent shall begin paying [his] the
5624 parent's share on a monthly basis immediately upon presentation of proof of the child
5625 care expense~~[, but if]~~ .
- 5626 (b) If the child care expense ceases to be incurred, [that] the parent may suspend making
5627 monthly payment of that expense, while [it] the expense is not being incurred, without
5628 obtaining a modification of the child support order.
- 5629 ~~[(b)]~~ (c) (i) In the absence of a court order to the contrary, a parent who incurs child
5630 care expense shall provide written verification of the cost and identity of a child
5631 care provider to the other parent upon initial engagement of a provider and
5632 thereafter on the request of the other parent.
- 5633 (ii) In the absence of a court order to the contrary, the parent shall notify the other
5634 parent of any change of child care provider or the monthly expense of child care
5635 within 30 calendar days ~~[of the date of the change]~~ after the day on which the
5636 change occurred.
- 5637 (3) ~~[In addition to any other sanctions provided by the court, a]~~ The court may deny a parent
5638 incurring child care expenses [may be denied] the right to receive credit for the expenses
5639 or to recover the other parent's share of the expenses if the parent incurring the expenses
5640 fails to comply with Subsection ~~[(2)(b)]~~ (2)(c).
- 5641 (4) (a) The court or administrative agency shall presume that child care costs should be
5642 included in a child support order if a parent, during extended parent-time, is working
5643 and actually incurring the child care costs.
- 5644 (b) The presumption under Subsection (4)(a) is rebutted if:
- 5645 (i) the obligor's base child support award, in combination with the award of medical
5646 expenses, exceeds 50% of the obligor's adjusted gross income; or
- 5647 (ii) by adding the child care costs, the obligor's child support obligation would exceed
5648 50% of the obligor's adjusted gross income.
- 5649 (5) (a) The court or administrative agency may award child care costs on a case-by-case
5650 basis if the child care costs are related to the career and occupational training of the
5651 custodial parent or the child care costs would be in the interest of justice.
- 5652 (b) The court or administrative agency may assign financial responsibility in a child
5653 support order for all or a portion of child care expenses incurred on behalf of a child
5654 due to the employment or training of the custodial parent.
- 5655 (6) (a) The court or administrative agency may impute a monthly obligation for child

5656 care costs when the court imputes income to a parent who is providing child care for
 5657 the child so that the parties are not incurring child care costs for the child.

5658 (b) The court shall apply any monthly obligation imputed under Subsection (6)(a)
 5659 towards any actual child care costs incurred within the same month for the child.

5660 Section 157. Section **81-6-210**, which is renumbered from Section 78B-12-217 is renumbered
 5661 and amended to read:

5662 ~~[78B-12-217]~~ **81-6-210. (Effective 09/01/24). Award of tax exemption for a child.**

5663 (1) ~~[No presumption exists]~~ There is no presumption as to which parent should be awarded
 5664 the right to claim a child ~~[or children as exemptions]~~ as an exemption for federal and
 5665 state income tax purposes.

5666 (2) Unless the parties otherwise stipulate in writing, the court ~~[or administrative agency]~~
 5667 shall award in any final order the exemption on a case-by-case basis.

5668 ~~[(2)]~~ (3) In awarding the exemption, the court ~~[or administrative agency]~~ shall consider:

5669 (a) as the primary factor, the relative contribution of each parent to the cost of raising the
 5670 child; and

5671 (b) among other factors, the relative tax benefit to each parent.

5672 ~~[(3)]~~ (4) (a) Notwithstanding Subsection ~~[(2)]~~ (3), the court ~~[or administrative agency]~~
 5673 may not award any exemption to ~~[the noncustodial parent if that parent is not current~~
 5674 ~~in his]~~ a parent if the parent is not current in the parent's child support obligation~~[, in~~
 5675 ~~which case]~~ .

5676 (b) If a parent is not current in the parent's child support obligation under Subsection
 5677 (4)(a), the court ~~[or administrative agency]~~ may award an exemption to the ~~[custodial~~
 5678 ~~parent]~~ other parent.

5679 ~~[(4)]~~ (5) An exemption may not be awarded to a parent unless the award will result in a tax
 5680 benefit to that parent.

5681 Section 158. Section **81-6-211**, which is renumbered from Section 78B-12-216 is renumbered
 5682 and amended to read:

5683 ~~[78B-12-216]~~ **81-6-211. (Effective 09/01/24). Reduction for extended parent-time.**

5684 (1) The base child support award ~~[shall be]~~ is:

5685 (a) reduced by 50% for each child for time periods during which the child is with the
 5686 noncustodial parent by order of the court or by written agreement of the parties for at
 5687 least 25 of any 30 consecutive days of extended parent-time; or

5688 (b) reduced by 25% for each child for time periods during which the child is with the
 5689 noncustodial parent by order of the court~~[;]~~ or by written agreement of the parties for

- 5690 at least 12 of any 30 consecutive days of extended parent-time.
- 5691 (2) If the ~~[dependent]~~ child is a client of cash assistance provided under Title 35A, Chapter
5692 3, Part 3, Family Employment Program,~~the administrative agency shall approve~~ any
5693 agreement by the parties for reduction of child support during extended parent-time [
5694 shall be approved by the administrative agency].
- 5695 (3) ~~[Normal]~~ For purposes of this section, normal parent-time and holiday visits to the
5696 custodial parent ~~[shall not be]~~ are not considered extended parent-time.
- 5697 (4) For cases receiving ~~[IV-D]~~ child support services in accordance with ~~[Title 26B,~~
5698 ~~Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child~~
5699 ~~Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,~~
5700 ~~to receive the adjustment]~~ Title 26B, Chapter 9, Recovery Services and Administration
5701 of Child Support, the noncustodial parent shall provide written documentation to the
5702 office of the extended parent-time schedule to receive the adjustment under Subsection
5703 (1), including the beginning and ending dates, [to the Office of Recovery Services] in
5704 the form of ~~[either]~~ a court order or a voluntary written agreement between the parties.
- 5705 (5) If the noncustodial parent complies with Subsection (4), owes no past-due support, and
5706 pays the full, unadjusted amount of current child support due for the month of scheduled
5707 extended parent-time and the following month, the ~~[Office of Recovery Services]~~ office
5708 shall refund the difference from the child support due to the custodial parent or the state,
5709 between the full amount of current child support received during the month of extended
5710 parent-time and the adjusted amount of current child support due:
- 5711 (a) from current child support received in the month following the month of scheduled
5712 extended parent-time; or
- 5713 (b) from current child support received in the month following the month written
5714 documentation of the scheduled extended parent-time is provided to the office,
5715 whichever occurs later.
- 5716 (6) If the noncustodial parent complies with Subsection (4), owes past-due support, and
5717 pays the full, unadjusted amount of current child support due for the month of scheduled
5718 extended parent-time, the ~~[Office of Recovery Services]~~ office shall apply the difference,
5719 from the child support due to the custodial parent or the state, between the full amount
5720 of current child support received during the month of extended parent-time and the
5721 adjusted amount of current child support due, to the past-due support obligation in the
5722 case.
- 5723 (7) For cases not receiving ~~[IV-D]~~ child support services in accordance with ~~[Title 26B,~~

5724 Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child
 5725 Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,
 5726 any potential adjustment of the support payment during the month of extended visitation
 5727 or any refund that may be due to the noncustodial parent from the custodial parent, shall
 5728 be resolved between the parents or through the court without involvement by the Office
 5729 of Recovery Services] Title 26B, Chapter 9, Recovery Services and Administration of
 5730 Child Support, the court or the parents shall resolve, without involvement by the office,
 5731 any potential adjustment of the child support payment during the month of extended
 5732 visitation or any refund that is due to the noncustodial parent from the custodial parent.

5733 (8) For purposes of this section, the per child amount to which the abatement applies [~~shall~~
 5734 ~~be~~] is calculated by dividing the base child support award by the number of children
 5735 included in the award.

5736 (9) The reduction in this section does not apply to parents with joint physical custody
 5737 obligations calculated in accordance with Section [~~78B-12-208~~] 81-6-206.

5738 Section 159. Section **81-6-212** is enacted to read:

5739 **81-6-212 (Effective 09/01/24). Modification of child support order -- Adjustment**
 5740 **of child support.**

5741 (1) The amount of prospective child support is equal to the amount granted by a prior child
 5742 support order unless:

5743 (a) there is a substantial change of circumstances on the part of the obligor or obligee as
 5744 described in this section; or

5745 (b) an adjustment is made as described in this section or Section 81-6-213.

5746 (2) If the prior child support order contains a stipulated provision for the automatic
 5747 adjustment for prospective child support, the prospective child support is the amount as
 5748 stated in the order, without a showing of a substantial change of circumstances, if the
 5749 stipulated provision:

5750 (a) is clear and unambiguous;

5751 (b) is self-executing;

5752 (c) provides for child support that equals or exceeds the base child support award
 5753 required by the child support guidelines; and

5754 (d) does not allow a decrease in child support as a result of the obligor's voluntary
 5755 reduction of income.

5756 (3) (a) A parent, legal guardian, or the office may, at any time, petition the court to
 5757 adjust the amount of a child support order if there has been a substantial change in

- 5758 circumstances.
- 5759 (b) A change in the child support tables is not a substantial change in circumstances for
5760 the purposes of Subsection (3)(a).
- 5761 (c) For purposes of this Subsection (3)(a), a substantial change in circumstances may
5762 include:
- 5763 (i) material changes in custody;
- 5764 (ii) material changes in the relative wealth or assets of the parties;
- 5765 (iii) material changes of 30% or more in the income of a parent;
- 5766 (iv) material changes in the employment potential and ability of a parent to earn;
- 5767 (v) material changes in the medical needs of the child; or
- 5768 (vi) material changes in the legal responsibilities of either parent for the support of
5769 others.
- 5770 (4) Upon receiving a petition under Subsection (3)(a), the court shall, taking into account
5771 the best interests of the child:
- 5772 (a) determine whether a substantial change has occurred;
- 5773 (b) if a substantial change has occurred, determine whether the change results in a
5774 difference of 15% or more between the obligor's ordered support amount and the
5775 obligor's support amount that would be required under the child support guidelines;
5776 and
- 5777 (c) adjust the obligor's ordered support amount to that which is provided for in the child
5778 support guidelines if:
- 5779 (i) there is a difference of 15% or more; and
- 5780 (ii) the difference is not of a temporary nature.
- 5781 (5) (a) If a child support order has not been issued or modified within the previous three
5782 years, a parent, legal guardian, or the office may move the court to adjust the amount
5783 of a child support order.
- 5784 (b) Upon receiving a motion under Subsection (5)(a), the court shall, taking into account
5785 the best interests of the child:
- 5786 (i) determine whether there is a difference between the obligor's ordered support
5787 amount and the obligor's support amount that would be required under the child
5788 support guidelines; and
- 5789 (ii) if there is a difference as described in Subsection (5)(b)(i), adjust the obligor's
5790 ordered support amount to the obligor's support amount provided in the child
5791 support guidelines if:

- 5792 (A) the difference is 10% or more;
 5793 (B) the difference is not of a temporary nature; and
 5794 (C) the order adjusting the obligor's ordered support amount does not deviate from
 5795 the child support guidelines.

5796 (c) A showing of a substantial change in circumstances is not necessary for an
 5797 adjustment under this Subsection (5).

5798 Section 160. Section **81-6-213** is enacted to read:

5799 **81-6-213 (Effective 09/01/24). Adjustment to child support when child becomes**
 5800 **emancipated.**

5801 (1) Except as otherwise provided in the child support order, the base child support award is
 5802 automatically adjusted to the base child support award for the remaining number of
 5803 children due child support, without the need to modify the most recent child support
 5804 order by a court, when a child:

5805 (a) becomes 18 years old or graduates from high school during the child's normal and
 5806 expected year of graduation, whichever occurs later;

5807 (b) dies, marries, becomes a member of the armed forces of the United States; or

5808 (c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.

5809 (2) The base child support award is adjusted as described in Subsection (1) by using the
 5810 child support table that was used to establish the most recent child support order and by
 5811 using the income of the parties as specified in the most recent child support order or the
 5812 worksheets.

5813 (3) The base child support award may not be reduced by a per child amount derived from
 5814 the base child support award originally ordered.

5815 (4) If the incomes of the parties are not specified in the most recent child support order or
 5816 the worksheets, the information regarding the incomes is not consistent, or the order
 5817 deviates from the child support guidelines, the base child support award is not
 5818 automatically adjusted under Subsection (1) and the child support order will continue
 5819 until modified by the issuing tribunal.

5820 (5) If the child support order is deviated and the parties subsequently obtain a court order
 5821 that adjusts the amount of child support back to the date of the emancipation of the
 5822 child, the office may not be required to repay any difference in the child support
 5823 collected during the interim.

5824 Section 161. Section **81-6-214**, which is renumbered from Section 78B-12-218 is renumbered
 5825 and amended to read:

5826 **[78B-12-218] 81-6-214. (Effective 09/01/24). Accountability of support provided**
 5827 **to benefit child -- Accounting.**

5828 (1) The court or administrative agency ~~[which]~~ that issues the initial or modified order for
 5829 child support may, upon the petition of the obligor, order prospectively the obligee to
 5830 furnish an accounting of amounts provided for the child's benefit to the obligor,
 5831 including an accounting or receipts.

5832 (2) The court or administrative agency may prescribe the frequency and the form of the
 5833 accounting ~~[which shall include]~~ , including receipts ~~[and an accounting]~~.

5834 (3) The obligor may petition for the accounting only if current on all child support that has
 5835 been ordered.

5836 Section 162. Section **81-6-301** is enacted to read:

5837

Part 3. Child Support Tables

5838 **81-6-301 (Effective 09/01/24). Definitions for part.**

5839 Reserved.

5840 Section 163. Section **81-6-302**, which is renumbered from Section 78B-12-301 is renumbered
 5841 and amended to read:

5842 **[78B-12-301] 81-6-302. (Effective 09/01/24). Base combined child support**
 5843 **obligation table -- Both parents -- Child support orders entered before January 1,**
 5844 **2023.**

5845 The table in this section ~~[shall be]~~ is used to:

5846 (1) establish a child support order entered for the first time on or after January 1, 2008, but
 5847 before January 1, 2023;

5848 (2) modify a child support order entered for the first time on or after January 1, 2008, but
 5849 before January 1, 2023;

5850 (3) modify a temporary judicial child support order established on or before December 31,
 5851 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023;
 5852 or

5853 (4) modify a final child support order entered on or before December 31, 2007, if the
 5854 modification is made on or after January 1, 2010, but before January 1, 2025.

5855

Combined Monthly Adjusted Gross Income	Number of Children					
	1	2	3	4	5	6
5856						

5857	From	To						
5858	726 - 750		138	245	286	319	351	382
5859	751 - 775		141	252	294	328	360	392
5860	776 - 800		146	259	301	336	370	402
5861	801 - 825		151	265	309	345	379	412
5862	826 - 850		155	272	317	353	389	423
5863	851 - 875		160	279	324	362	398	433
5864	876 - 900		165	285	332	370	407	443
5865	901 - 925		169	292	340	379	417	453
5866	926 - 950		174	299	348	387	426	464
5867	951 - 975		179	305	355	396	436	474
5868	976 - 1,000		183	312	363	405	445	484
5869	1,001 - 1,050		193	322	374	417	459	500
5870	1,051 - 1,100		201	335	390	435	478	520
5871	1,101 - 1,150		210	348	405	452	497	541
5872	1,151 - 1,200		220	362	420	469	516	561
5873	1,201 - 1,250		229	375	436	486	535	582
5874	1,251 - 1,300		238	388	451	503	553	602
5875	1,301 - 1,350		248	401	467	520	572	623
5876	1,351 - 1,400		256	414	481	536	590	642
5877	1,401 - 1,450		265	426	495	552	607	661
5878	1,451 - 1,500		275	438	510	568	625	680
5879	1,501 - 1,550		284	451	524	584	643	699
5880	1,551 - 1,600		293	463	538	600	660	718
5881	1,601 - 1,650		303	476	553	616	678	737
5882	1,651 - 1,700		311	488	567	632	695	757
5883	1,701 - 1,750		320	500	581	648	713	776
5884	1,751 - 1,800		330	513	596	664	731	795

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5885	1,801 - 1,850	339	525	610	680	748	814
5886	1,851 - 1,900	348	538	624	696	766	833
5887	1,901 - 1,950	358	550	638	712	783	852
5888	1,951 - 2,000	366	562	652	727	800	870
5889	2,001 - 2,100	385	580	673	750	825	898
5890	2,101 - 2,200	399	604	701	781	859	935
5891	2,201 - 2,300	410	628	728	812	893	972
5892	2,301 - 2,400	420	652	756	843	927	1,009
5893	2,401 - 2,500	431	676	784	874	961	1,046
5894	2,501 - 2,600	443	700	811	904	995	1,082
5895	2,601 - 2,700	453	723	838	934	1,028	1,118
5896	2,701 - 2,800	464	747	865	964	1,060	1,154
5897	2,801 - 2,900	475	770	891	994	1,093	1,189
5898	2,901 - 3,000	485	794	918	1,024	1,126	1,225
5899	3,001 - 3,100	496	817	945	1,054	1,159	1,261
5900	3,101 - 3,200	508	838	970	1,081	1,189	1,294
5901	3,201 - 3,300	518	859	994	1,108	1,219	1,326
5902	3,301 - 3,400	529	881	1,018	1,135	1,248	1,358
5903	3,401 - 3,500	539	902	1,042	1,162	1,278	1,391
5904	3,501 - 3,600	548	923	1,066	1,189	1,308	1,423
5905	3,601 - 3,700	555	944	1,090	1,216	1,337	1,455
5906	3,701 - 3,800	564	965	1,115	1,243	1,367	1,487
5907	3,801 - 3,900	573	985	1,138	1,269	1,396	1,519
5908	3,901 - 4,000	581	1,004	1,160	1,294	1,423	1,548
5909	4,001 - 4,100	590	1,024	1,182	1,318	1,450	1,577
5910	4,101 - 4,200	599	1,043	1,204	1,342	1,477	1,607
5911	4,201 - 4,300	608	1,062	1,226	1,367	1,503	1,636
5912	4,301 - 4,400	616	1,081	1,248	1,391	1,530	1,665

5913	4,401 - 4,500	624	1,101	1,270	1,416	1,557	1,694
5914	4,501 - 4,600	633	1,119	1,291	1,439	1,583	1,722
5915	4,601 - 4,700	641	1,133	1,306	1,456	1,601	1,742
5916	4,701 - 4,800	650	1,147	1,321	1,473	1,620	1,762
5917	4,801 - 4,900	659	1,161	1,336	1,489	1,638	1,783
5918	4,901 - 5,000	668	1,175	1,351	1,506	1,657	1,803
5919	5,001 - 5,100	676	1,189	1,366	1,523	1,675	1,823
5920	5,101 - 5,200	684	1,203	1,381	1,540	1,694	1,843
5921	5,201 - 5,300	693	1,217	1,396	1,557	1,712	1,863
5922	5,301 - 5,400	701	1,227	1,408	1,570	1,726	1,878
5923	5,401 - 5,500	710	1,238	1,419	1,582	1,741	1,894
5924	5,501 - 5,600	719	1,248	1,431	1,595	1,755	1,909
5925	5,601 - 5,700	728	1,259	1,442	1,608	1,769	1,925
5926	5,701 - 5,800	733	1,269	1,454	1,621	1,783	1,940
5927	5,801 - 5,900	739	1,280	1,465	1,634	1,797	1,956
5928	5,901 - 6,000	745	1,290	1,477	1,647	1,812	1,971
5929	6,001 - 6,100	751	1,302	1,490	1,661	1,827	1,988
5930	6,101 - 6,200	756	1,313	1,503	1,676	1,843	2,005
5931	6,201 - 6,300	763	1,325	1,516	1,690	1,859	2,023
5932	6,301 - 6,400	769	1,336	1,528	1,704	1,874	2,039
5933	6,401 - 6,500	775	1,347	1,540	1,717	1,889	2,055
5934	6,501 - 6,600	780	1,358	1,553	1,731	1,904	2,072
5935	6,601 - 6,700	786	1,369	1,565	1,745	1,919	2,088
5936	6,701 - 6,800	786	1,380	1,577	1,759	1,934	2,105
5937	6,801 - 6,900	841	1,391	1,590	1,772	1,950	2,121
5938	6,901 - 7,000	850	1,402	1,602	1,786	1,965	2,138
5939	7,001 - 7,100	859	1,413	1,614	1,800	1,980	2,154
5940	7,101 - 7,200	868	1,417	1,618	1,804	1,985	2,159

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5941	7,201 - 7,300	876	1,420	1,621	1,807	1,988	2,163
5942	7,301 - 7,400	883	1,423	1,624	1,811	1,992	2,167
5943	7,401 - 7,500	888	1,426	1,627	1,814	1,996	2,171
5944	7,501 - 7,600	894	1,429	1,630	1,818	1,999	2,175
5945	7,601 - 7,700	899	1,432	1,633	1,821	2,003	2,179
5946	7,701 - 7,800	904	1,436	1,636	1,824	2,007	2,184
5947	7,801 - 7,900	910	1,439	1,639	1,828	2,011	2,188
5948	7,901 - 8,000	915	1,442	1,642	1,831	2,014	2,192
5949	8,001 - 8,100	921	1,445	1,646	1,835	2,018	2,196
5950	8,101 - 8,200	926	1,448	1,649	1,838	2,022	2,200
5951	8,201 - 8,300	933	1,451	1,652	1,842	2,026	2,204
5952	8,301 - 8,400	938	1,454	1,655	1,845	2,029	2,208
5953	8,401 - 8,500	944	1,460	1,661	1,852	2,037	2,216
5954	8,501 - 8,600	949	1,475	1,678	1,871	2,058	2,240
5955	8,601 - 8,700	954	1,491	1,696	1,891	2,080	2,263
5956	8,701 - 8,800	960	1,506	1,714	1,911	2,102	2,287
5957	8,801 - 8,900	965	1,522	1,732	1,931	2,124	2,311
5958	8,901 - 9,000	971	1,537	1,749	1,951	2,146	2,334
5959	9,001 - 9,100	976	1,553	1,767	1,970	2,167	2,358
5960	9,101 - 9,200	983	1,568	1,785	1,990	2,189	2,382
5961	9,201 - 9,300	988	1,584	1,803	2,010	2,211	2,405
5962	9,301 - 9,400	994	1,599	1,820	2,030	2,233	2,429
5963	9,401 - 9,500	999	1,614	1,838	2,049	2,254	2,453
5964	9,501 - 9,600	1,004	1,630	1,856	2,069	2,276	2,477
5965	9,601 - 9,700	1,010	1,645	1,874	2,089	2,298	2,500
5966	9,701 - 9,800	1,015	1,661	1,891	2,109	2,320	2,524
5967	9,801 - 9,900	1,021	1,673	1,905	2,124	2,336	2,542
5968	9,901 - 10,000	1,026	1,683	1,917	2,137	2,351	2,557

5969	10,001 - 10,100	1,033	1,694	1,928	2,150	2,365	2,573
5970	10,101 - 10,200	1,039	1,704	1,940	2,163	2,379	2,589
5971	10,201 - 10,300	1,045	1,715	1,951	2,176	2,394	2,604
5972	10,301 - 10,400	1,051	1,725	1,963	2,189	2,408	2,620
5973	10,401 - 10,500	1,058	1,736	1,975	2,202	2,422	2,635
5974	10,501 - 10,600	1,064	1,746	1,986	2,215	2,436	2,651
5975	10,601 - 10,700	1,070	1,757	1,998	2,228	2,451	2,666
5976	10,701 - 10,800	1,077	1,767	2,010	2,241	2,465	2,682
5977	10,801 - 10,900	1,083	1,778	2,021	2,254	2,479	2,697
5978	10,901 - 11,000	1,090	1,788	2,033	2,267	2,494	2,713
5979	11,001 - 11,100	1,096	1,799	2,045	2,280	2,508	2,729
5980	11,101 - 11,200	1,103	1,809	2,056	2,293	2,522	2,744
5981	11,201 - 11,300	1,109	1,820	2,068	2,306	2,537	2,760
5982	11,301 - 11,400	1,116	1,830	2,080	2,319	2,551	2,775
5983	11,401 - 11,500	1,123	1,841	2,091	2,332	2,565	2,791
5984	11,501 - 11,600	1,129	1,851	2,103	2,345	2,579	2,806
5985	11,601 - 11,700	1,136	1,862	2,115	2,358	2,594	2,822
5986	11,701 - 11,800	1,143	1,872	2,126	2,371	2,608	2,838
5987	11,801 - 11,900	1,150	1,882	2,138	2,383	2,622	2,852
5988	11,901 - 12,000	1,157	1,892	2,148	2,395	2,635	2,867
5989	12,001 - 12,100	1,164	1,901	2,159	2,407	2,648	2,881
5990	12,101 - 12,200	1,171	1,910	2,170	2,419	2,661	2,895
5991	12,201 - 12,300	1,178	1,919	2,180	2,431	2,674	2,910
5992	12,301 - 12,400	1,185	1,929	2,191	2,443	2,687	2,924
5993	12,401 - 12,500	1,192	1,938	2,202	2,455	2,700	2,938
5994	12,501 - 12,600	1,199	1,947	2,212	2,467	2,714	2,952
5995	12,601 - 12,700	1,206	1,956	2,223	2,479	2,727	2,967
5996	12,701 - 12,800	1,213	1,966	2,234	2,491	2,740	2,981

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5997	12,801 - 12,900	1,220	1,975	2,245	2,503	2,753	2,995
5998	12,901 - 13,000	1,227	1,984	2,255	2,514	2,766	3,009
5999	13,001 - 13,100	1,233	1,993	2,265	2,525	2,778	3,022
6000	13,101 - 13,200	1,239	2,001	2,275	2,536	2,790	3,035
6001	13,201 - 13,300	1,245	2,010	2,285	2,547	2,802	3,049
6002	13,301 - 13,400	1,250	2,018	2,294	2,558	2,814	3,062
6003	13,401 - 13,500	1,256	2,027	2,304	2,569	2,826	3,075
6004	13,501 - 13,600	1,262	2,035	2,314	2,580	2,838	3,088
6005	13,601 - 13,700	1,267	2,044	2,324	2,591	2,850	3,101
6006	13,701 - 13,800	1,273	2,052	2,334	2,602	2,862	3,114
6007	13,801 - 13,900	1,279	2,061	2,344	2,613	2,875	3,127
6008	13,901 - 14,000	1,284	2,069	2,354	2,624	2,887	3,141
6009	14,001 - 14,100	1,290	2,078	2,363	2,635	2,899	3,154
6010	14,101 - 14,200	1,296	2,087	2,373	2,646	2,911	3,167
6011	14,201 - 14,300	1,301	2,095	2,383	2,657	2,923	3,180
6012	14,301 - 14,400	1,306	2,104	2,393	2,668	2,935	3,193
6013	14,401 - 14,500	1,312	2,112	2,403	2,679	2,947	3,206
6014	14,501 - 14,600	1,317	2,121	2,413	2,690	2,959	3,220
6015	14,601 - 14,700	1,323	2,129	2,423	2,701	2,971	3,233
6016	14,701 - 14,800	1,329	2,138	2,432	2,712	2,983	3,246
6017	14,801 - 14,900	1,334	2,146	2,442	2,723	2,995	3,259
6018	14,901 - 15,000	1,340	2,155	2,452	2,734	3,008	3,272
6019	15,001 - 15,100	1,345	2,163	2,461	2,744	3,018	3,284
6020	15,101 - 15,200	1,351	2,170	2,469	2,752	3,028	3,294
6021	15,201 - 15,300	1,357	2,177	2,476	2,761	3,037	3,304
6022	15,301 - 15,400	1,362	2,184	2,484	2,769	3,046	3,314
6023	15,401 - 15,500	1,368	2,191	2,491	2,778	3,056	3,325
6024	15,501 - 15,600	1,373	2,198	2,499	2,786	3,065	3,335

6025	15,601 - 15,700	1,379	2,205	2,507	2,795	3,074	3,345
6026	15,701 - 15,800	1,384	2,211	2,514	2,803	3,084	3,355
6027	15,801 - 15,900	1,390	2,218	2,522	2,812	3,093	3,365
6028	15,901 - 16,000	1,395	2,225	2,529	2,820	3,102	3,375
6029	16,001 - 16,100	1,401	2,232	2,537	2,829	3,112	3,385
6030	16,101 - 16,200	1,407	2,239	2,545	2,837	3,121	3,396
6031	16,201 - 16,300	1,412	2,246	2,552	2,846	3,130	3,406
6032	16,301 - 16,400	1,418	2,253	2,560	2,854	3,140	3,416
6033	16,401 - 16,500	1,423	2,260	2,567	2,863	3,149	3,426
6034	16,501 - 16,600	1,429	2,267	2,575	2,871	3,158	3,436
6035	16,601 - 16,700	1,434	2,274	2,583	2,880	3,168	3,446
6036	16,701 - 16,800	1,440	2,281	2,590	2,888	3,177	3,457
6037	16,801 - 16,900	1,445	2,288	2,598	2,897	3,186	3,467
6038	16,901 - 17,000	1,451	2,295	2,605	2,905	3,196	3,477
6039	17,001 - 17,100	1,456	2,302	2,613	2,914	3,205	3,487
6040	17,101 - 17,200	1,462	2,309	2,621	2,922	3,214	3,497
6041	17,201 - 17,300	1,467	2,316	2,628	2,931	3,224	3,507
6042	17,301 - 17,400	1,473	2,323	2,636	2,939	3,233	3,517
6043	17,401 - 17,500	1,478	2,330	2,643	2,947	3,242	3,528
6044	17,501 - 17,600	1,483	2,337	2,651	2,956	3,252	3,538
6045	17,601 - 17,700	1,489	2,344	2,659	2,964	3,261	3,548
6046	17,701 - 17,800	1,494	2,351	2,666	2,973	3,270	3,558
6047	17,801 - 17,900	1,499	2,358	2,674	2,981	3,280	3,568
6048	17,901 - 18,000	1,505	2,365	2,682	2,990	3,289	3,578
6049	18,001 - 18,100	1,510	2,372	2,689	2,998	3,298	3,588
6050	18,101 - 18,200	1,516	2,379	2,697	3,007	3,308	3,599
6051	18,201 - 18,300	1,520	2,386	2,704	3,015	3,317	3,609
6052	18,301 - 18,400	1,525	2,392	2,712	3,024	3,326	3,619

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6053	18,401 - 18,500	1,530	2,399	2,720	3,032	3,336	3,629
6054	18,501 - 18,600	1,535	2,406	2,727	3,041	3,345	3,639
6055	18,601 - 18,700	1,540	2,413	2,735	3,049	3,354	3,649
6056	18,701 - 18,800	1,545	2,420	2,742	3,058	3,364	3,659
6057	18,801 - 18,900	1,550	2,427	2,750	3,066	3,373	3,670
6058	18,901 - 19,000	1,555	2,434	2,758	3,075	3,382	3,680
6059	19,001 - 19,100	1,560	2,441	2,765	3,083	3,391	3,690
6060	19,101 - 19,200	1,565	2,448	2,773	3,092	3,401	3,700
6061	19,201 - 19,300	1,570	2,455	2,780	3,100	3,410	3,710
6062	19,301 - 19,400	1,575	2,462	2,788	3,109	3,419	3,720
6063	19,401 - 19,500	1,580	2,469	2,796	3,117	3,429	3,731
6064	19,501 - 19,600	1,585	2,476	2,803	3,126	3,438	3,741
6065	19,601 - 19,700	1,590	2,483	2,811	3,134	3,447	3,751
6066	19,701 - 19,800	1,595	2,490	2,818	3,143	3,457	3,761
6067	19,801 - 19,900	1,600	2,497	2,826	3,151	3,466	3,771
6068	19,901 - 20,000	1,605	2,504	2,834	3,159	3,475	3,781
6069	20,001 - 22,000	1,766	2,754	3,117	3,475	3,822	4,159
6070	22,001 - 24,000	1,926	3,005	3,401	3,791	4,170	4,537
6071	24,001 - 26,000	2,087	3,255	3,684	4,107	4,518	4,915
6072	26,001 - 28,000	2,247	3,506	3,968	4,423	4,865	5,293
6073	28,001 - 30,000	2,408	3,756	4,251	4,739	5,213	5,672
6074	30,001 - 32,000	2,508	3,916	4,451	4,979	5,473	5,952
6075	32,001 - 34,000	2,608	4,076	4,651	5,219	5,733	6,232
6076	34,001 - 36,000	2,708	4,236	4,851	5,459	5,993	6,512
6077	36,001 - 38,000	2,808	4,396	5,051	5,699	6,253	6,792
6078	38,001 - 40,000	2,908	4,556	5,251	5,939	6,513	7,072
6079	40,001 - 42,000	3,008	4,716	5,451	6,179	6,773	7,352
6080	42,001 - 44,000	3,108	4,876	5,651	6,419	7,033	7,632

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6081	44,001 - 46,000	3,208	5,036	5,851	6,659	7,293	7,912
6082	46,001 - 48,000	3,308	5,196	6,051	6,899	7,553	8,192
6083	48,001 - 50,000	3,408	5,356	6,251	7,139	7,813	8,472
6084	50,001 - 52,000	3,508	5,476	6,391	7,299	7,993	8,672
6085	52,001 - 54,000	3,608	5,596	6,531	7,459	8,173	8,872
6086	54,001 - 56,000	3,708	5,716	6,671	7,619	8,353	9,072
6087	56,001 - 58,000	3,808	5,836	6,811	7,779	8,533	9,272
6088	58,001 - 60,000	3,908	5,956	6,951	7,939	8,713	9,472
6089	60,001 - 62,000	4,008	6,076	7,091	8,099	8,893	9,672
6090	62,001 - 64,000	4,108	6,196	7,231	8,259	9,073	9,872
6091	64,001 - 66,000	4,208	6,316	7,371	8,419	9,253	10,072
6092	66,001 - 68,000	4,308	6,436	7,511	8,579	9,433	10,272
6093	68,001 - 70,000	4,408	6,556	7,651	8,739	9,613	10,472
6094	70,001 - 72,000	4,508	6,676	7,791	8,899	9,793	10,672
6095	72,001 - 74,000	4,608	6,796	7,931	9,059	9,973	10,872
6096	74,001 - 76,000	4,708	6,916	8,071	9,219	10,153	11,072
6097	76,001 - 78,000	4,808	7,036	8,211	9,379	10,333	11,272
6098	78,001 - 80,000	4,908	7,156	8,351	9,539	10,513	11,472
6099	80,001 - 82,000	5,008	7,276	8,491	9,699	10,693	11,672
6100	82,001 - 84,000	5,108	7,396	8,631	9,859	10,873	11,872
6101	84,001 - 86,000	5,208	7,516	8,771	10,019	11,053	12,072
6102	86,001 - 88,000	5,308	7,636	8,911	10,179	11,233	12,272
6103	88,001 - 90,000	5,408	7,756	9,051	10,339	11,413	12,472
6104	90,001 - 92,000	5,508	7,876	9,191	10,499	11,593	12,672
6105	92,001 - 94,000	5,608	7,996	9,331	10,659	11,773	12,872
6106	94,001 - 96,000	5,708	8,116	9,471	10,819	11,953	13,072
6107	96,001 - 98,000	5,808	8,236	9,611	10,979	12,133	13,272
6108	98,001 - 100,000	5,908	8,356	9,751	11,139	12,313	13,472

6109 Section 164. Section **81-6-303**, which is renumbered from Section 78B-12-302 is renumbered
 6110 and amended to read:

6111 ~~[78B-12-302]~~ **81-6-303. (Effective 09/01/24). Low income table -- Obligor parent**
 6112 **only -- Child support orders entered before January 1, 2023.**

6113 The table in this section [shall be] is used to:

6114 (1) establish a child support order entered for the first time on or after January 1, 2008, but
 6115 before January 1, 2023;

6116 (2) modify a child support order entered for the first time on or after January 1, 2008, but
 6117 before January 1, 2023;

6118 (3) modify a temporary judicial child support order established on or before December 31,
 6119 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023;
 6120 or

6121 (4) modify a final child support order entered on or before December 31, 2007, if the
 6122 modification is made on or after January 1, 2010, but before January 1, 2025.

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
0 -	649	30	30	30	30	30	30
650 -	675	30	30	30	30	31	31
676 -	700	58	60	60	61	61	62
701 -	725	88	88	90	91	92	92
726 -	750	117	118	119	120	122	123
751 -	775		148	149	151	153	155
776 -	800		178	179	182	183	186
801 -	825		207	209	212	214	216
826 -	850		236	239	242	244	247
851 -	875		266	269	272	275	278
876 -	900			299	303	305	309
901 -	925			329	333	337	339
926 -	950				363	366	370

6139	951 -	975				393	398	402
6140	976 -	1,000					428	433
6141	1,001 -	1,050						494

6142 Section 165. Section **81-6-304**, which is renumbered from Section 78B-12-303 is renumbered
 6143 and amended to read:

6144 **[78B-12-303] 81-6-304. (Effective 09/01/24). Based combined child support**
 6145 **obligation table -- Both parents -- Child support orders entered on or after January**
 6146 **1, 2023.**

6147 The following table [shall be] is used to:

- 6148 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 6149 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 6150 (3) modify a temporary judicial child support order established on or before December 31,
 6151 2022, if the new order is entered on or after January 1, 2023; or
- 6152 (4) modify a final child support order entered on or before December 31, 2022, if the
 6153 modification is made on or after January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
6155							
6156	1,951 - 2,000	366					
6157	2,001 - 2,100	385					
6158	2,101 - 2,200	399					
6159	2,201 - 2,300	410	628	728			
6160	2,301 - 2,400	420	652	756	843	927	
6161	2,401 - 2,500	431	676	784	874	961	1,046
6162	2,501 - 2,600	443	700	811	904	995	1,082
6163	2,601 - 2,700	453	723	838	934	1,028	1,118
6164	2,701 - 2,800	464	747	865	964	1,060	1,154
6165	2,801 - 2,900	475	770	891	994	1,093	1,189
6166	2,901 - 3,000	485	794	918	1,024	1,126	1,225
6167							

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6168	3,001 - 3,100	496	817	945	1,054	1,159	1,261
6169	3,101 - 3,200	508	838	970	1,081	1,189	1,294
6170	3,201 - 3,300	518	859	994	1,108	1,219	1,326
6171	3,301 - 3,400	529	881	1,018	1,135	1,248	1,358
6172	3,401 - 3,500	539	902	1,042	1,162	1,278	1,391
6173	3,501 - 3,600	548	923	1,066	1,189	1,308	1,423
6174	3,601 - 3,700	555	944	1,090	1,216	1,337	1,455
6175	3,701 - 3,800	564	965	1,115	1,243	1,367	1,487
6176	3,801 - 3,900	573	985	1,138	1,269	1,396	1,519
6177	3,901 - 4,000	581	1,004	1,160	1,294	1,423	1,548
6178	4,001 - 4,100	590	1,024	1,182	1,318	1,450	1,577
6179	4,101 - 4,200	599	1,043	1,204	1,342	1,477	1,607
6180	4,201 - 4,300	608	1,062	1,226	1,367	1,503	1,636
6181	4,301 - 4,400	616	1,081	1,248	1,391	1,530	1,665
6182	4,401 - 4,500	624	1,101	1,270	1,416	1,557	1,694
6183	4,501 - 4,600	633	1,119	1,291	1,439	1,583	1,722
6184	4,601 - 4,700	641	1,133	1,306	1,456	1,601	1,742
6185	4,701 - 4,800	650	1,147	1,321	1,473	1,620	1,762
6186	4,801 - 4,900	659	1,161	1,336	1,489	1,638	1,783
6187	4,901 - 5,000	668	1,175	1,351	1,506	1,657	1,803
6188	5,001 - 5,100	676	1,189	1,366	1,523	1,675	1,823
6189	5,101 - 5,200	684	1,203	1,381	1,540	1,694	1,843
6190	5,201 - 5,300	693	1,217	1,396	1,557	1,712	1,863
6191	5,301 - 5,400	701	1,227	1,408	1,570	1,726	1,878
6192	5,401 - 5,500	710	1,238	1,419	1,582	1,741	1,894
6193	5,501 - 5,600	719	1,248	1,431	1,595	1,755	1,909
6194	5,601 - 5,700	728	1,259	1,442	1,608	1,769	1,925
6195	5,701 - 5,800	733	1,269	1,454	1,621	1,783	1,940

6196	5,801 - 5,900	739	1,280	1,465	1,634	1,797	1,956
6197	5,901 - 6,000	745	1,290	1,477	1,647	1,812	1,971
6198	6,001 - 6,100	751	1,302	1,490	1,661	1,827	1,988
6199	6,101 - 6,200	756	1,313	1,503	1,676	1,843	2,005
6200	6,201 - 6,300	763	1,325	1,516	1,690	1,859	2,023
6201	6,301 - 6,400	769	1,336	1,528	1,704	1,874	2,039
6202	6,401 - 6,500	775	1,347	1,540	1,717	1,889	2,055
6203	6,501 - 6,600	780	1,358	1,553	1,731	1,904	2,072
6204	6,601 - 6,700	786	1,369	1,565	1,745	1,919	2,088
6205	6,701 - 6,800	786	1,380	1,577	1,759	1,934	2,105
6206	6,801 - 6,900	841	1,391	1,590	1,772	1,950	2,121
6207	6,901 - 7,000	850	1,402	1,602	1,786	1,965	2,138
6208	7,001 - 7,100	859	1,413	1,614	1,800	1,980	2,154
6209	7,101 - 7,200	868	1,417	1,618	1,804	1,985	2,159
6210	7,201 - 7,300	876	1,420	1,621	1,807	1,988	2,163
6211	7,301 - 7,400	883	1,423	1,624	1,811	1,992	2,167
6212	7,401 - 7,500	888	1,426	1,627	1,814	1,996	2,171
6213	7,501 - 7,600	894	1,429	1,630	1,818	1,999	2,175
6214	7,601 - 7,700	899	1,432	1,633	1,821	2,003	2,179
6215	7,701 - 7,800	904	1,436	1,636	1,824	2,007	2,184
6216	7,801 - 7,900	910	1,439	1,639	1,828	2,011	2,188
6217	7,901 - 8,000	915	1,442	1,642	1,831	2,014	2,192
6218	8,001 - 8,100	921	1,445	1,646	1,835	2,018	2,196
6219	8,101 - 8,200	926	1,448	1,649	1,838	2,022	2,200
6220	8,201 - 8,300	933	1,451	1,652	1,842	2,026	2,204
6221	8,301 - 8,400	938	1,454	1,655	1,845	2,029	2,208
6222	8,401 - 8,500	944	1,460	1,661	1,852	2,037	2,216
6223	8,501 - 8,600	949	1,475	1,678	1,871	2,058	2,240

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6224	8,601 - 8,700	954	1,491	1,696	1,891	2,080	2,263
6225	8,701 - 8,800	960	1,506	1,714	1,911	2,102	2,287
6226	8,801 - 8,900	965	1,522	1,732	1,931	2,124	2,311
6227	8,901 - 9,000	971	1,537	1,749	1,951	2,146	2,334
6228	9,001 - 9,100	976	1,553	1,767	1,970	2,167	2,358
6229	9,101 - 9,200	983	1,568	1,785	1,990	2,189	2,382
6230	9,201 - 9,300	988	1,584	1,803	2,010	2,211	2,405
6231	9,301 - 9,400	994	1,599	1,820	2,030	2,233	2,429
6232	9,401 - 9,500	999	1,614	1,838	2,049	2,254	2,453
6233	9,501 - 9,600	1,004	1,630	1,856	2,069	2,276	2,477
6234	9,601 - 9,700	1,010	1,645	1,874	2,089	2,298	2,500
6235	9,701 - 9,800	1,015	1,661	1,891	2,109	2,320	2,524
6236	9,801 - 9,900	1,021	1,673	1,905	2,124	2,336	2,542
6237	9,901 - 10,000	1,026	1,683	1,917	2,137	2,351	2,557
6238	10,001 - 10,100	1,033	1,694	1,928	2,150	2,365	2,573
6239	10,101 - 10,200	1,039	1,704	1,940	2,163	2,379	2,589
6240	10,201 - 10,300	1,045	1,715	1,951	2,176	2,394	2,604
6241	10,301 - 10,400	1,051	1,725	1,963	2,189	2,408	2,620
6242	10,401 - 10,500	1,058	1,736	1,975	2,202	2,422	2,635
6243	10,501 - 10,600	1,064	1,746	1,986	2,215	2,436	2,651
6244	10,601 - 10,700	1,070	1,757	1,998	2,228	2,451	2,666
6245	10,701 - 10,800	1,077	1,767	2,010	2,241	2,465	2,682
6246	10,801 - 10,900	1,083	1,778	2,021	2,254	2,479	2,697
6247	10,901 - 11,000	1,090	1,788	2,033	2,267	2,494	2,713
6248	11,001 - 11,100	1,096	1,799	2,045	2,280	2,508	2,729
6249	11,101 - 11,200	1,103	1,809	2,056	2,293	2,522	2,744
6250	11,201 - 11,300	1,109	1,820	2,068	2,306	2,537	2,760
6251	11,301 - 11,400	1,116	1,830	2,080	2,319	2,551	2,775

6252	11,401 - 11,500	1,123	1,841	2,091	2,332	2,565	2,791
6253	11,501 - 11,600	1,129	1,851	2,103	2,345	2,579	2,806
6254	11,601 - 11,700	1,136	1,862	2,115	2,358	2,594	2,822
6255	11,701 - 11,800	1,143	1,872	2,126	2,371	2,608	2,838
6256	11,801 - 11,900	1,150	1,882	2,138	2,383	2,622	2,852
6257	11,901 - 12,000	1,157	1,892	2,148	2,395	2,635	2,867
6258	12,001 - 12,100	1,164	1,901	2,159	2,407	2,648	2,881
6259	12,101 - 12,200	1,171	1,910	2,170	2,419	2,661	2,895
6260	12,201 - 12,300	1,178	1,919	2,180	2,431	2,674	2,910
6261	12,301 - 12,400	1,185	1,929	2,191	2,443	2,687	2,924
6262	12,401 - 12,500	1,192	1,938	2,202	2,455	2,700	2,938
6263	12,501 - 12,600	1,199	1,947	2,212	2,467	2,714	2,952
6264	12,601 - 12,700	1,206	1,956	2,223	2,479	2,727	2,967
6265	12,701 - 12,800	1,213	1,966	2,234	2,491	2,740	2,981
6266	12,801 - 12,900	1,220	1,975	2,245	2,503	2,753	2,995
6267	12,901 - 13,000	1,227	1,984	2,255	2,514	2,766	3,009
6268	13,001 - 13,100	1,233	1,993	2,265	2,525	2,778	3,022
6269	13,101 - 13,200	1,239	2,001	2,275	2,536	2,790	3,035
6270	13,201 - 13,300	1,245	2,010	2,285	2,547	2,802	3,049
6271	13,301 - 13,400	1,250	2,018	2,294	2,558	2,814	3,062
6272	13,401 - 13,500	1,256	2,027	2,304	2,569	2,826	3,075
6273	13,501 - 13,600	1,262	2,035	2,314	2,580	2,838	3,088
6274	13,601 - 13,700	1,267	2,044	2,324	2,591	2,850	3,101
6275	13,701 - 13,800	1,273	2,052	2,334	2,602	2,862	3,114
6276	13,801 - 13,900	1,279	2,061	2,344	2,613	2,875	3,127
6277	13,901 - 14,000	1,284	2,069	2,354	2,624	2,887	3,141
6278	14,001 - 14,100	1,290	2,078	2,363	2,635	2,899	3,154
6279	14,101 - 14,200	1,296	2,087	2,373	2,646	2,911	3,167

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6280	14,201 - 14,300	1,301	2,095	2,383	2,657	2,923	3,180
6281	14,301 - 14,400	1,306	2,104	2,393	2,668	2,935	3,193
6282	14,401 - 14,500	1,312	2,112	2,403	2,679	2,947	3,206
6283	14,501 - 14,600	1,317	2,121	2,413	2,690	2,959	3,220
6284	14,601 - 14,700	1,323	2,129	2,423	2,701	2,971	3,233
6285	14,701 - 14,800	1,329	2,138	2,432	2,712	2,983	3,246
6286	14,801 - 14,900	1,334	2,146	2,442	2,723	2,995	3,259
6287	14,901 - 15,000	1,340	2,155	2,452	2,734	3,008	3,272
6288	15,001 - 15,100	1,345	2,163	2,461	2,744	3,018	3,284
6289	15,101 - 15,200	1,351	2,170	2,469	2,752	3,028	3,294
6290	15,201 - 15,300	1,357	2,177	2,476	2,761	3,037	3,304
6291	15,301 - 15,400	1,362	2,184	2,484	2,769	3,046	3,314
6292	15,401 - 15,500	1,368	2,191	2,491	2,778	3,056	3,325
6293	15,501 - 15,600	1,373	2,198	2,499	2,786	3,065	3,335
6294	15,601 - 15,700	1,379	2,205	2,507	2,795	3,074	3,345
6295	15,701 - 15,800	1,384	2,211	2,514	2,803	3,084	3,355
6296	15,801 - 15,900	1,390	2,218	2,522	2,812	3,093	3,365
6297	15,901 - 16,000	1,395	2,225	2,529	2,820	3,102	3,375
6298	16,001 - 16,100	1,401	2,232	2,537	2,829	3,112	3,385
6299	16,101 - 16,200	1,407	2,239	2,545	2,837	3,121	3,396
6300	16,201 - 16,300	1,412	2,246	2,552	2,846	3,130	3,406
6301	16,301 - 16,400	1,418	2,253	2,560	2,854	3,140	3,416
6302	16,401 - 16,500	1,423	2,260	2,567	2,863	3,149	3,426
6303	16,501 - 16,600	1,429	2,267	2,575	2,871	3,158	3,436
6304	16,601 - 16,700	1,434	2,274	2,583	2,880	3,168	3,446
6305	16,701 - 16,800	1,440	2,281	2,590	2,888	3,177	3,457
6306	16,801 - 16,900	1,445	2,288	2,598	2,897	3,186	3,467
6307	16,901 - 17,000	1,451	2,295	2,605	2,905	3,196	3,477

6308	17,001 - 17,100	1,456	2,302	2,613	2,914	3,205	3,487
6309	17,101 - 17,200	1,462	2,309	2,621	2,922	3,214	3,497
6310	17,201 - 17,300	1,467	2,316	2,628	2,931	3,224	3,507
6311	17,301 - 17,400	1,473	2,323	2,636	2,939	3,233	3,517
6312	17,401 - 17,500	1,478	2,330	2,643	2,947	3,242	3,528
6313	17,501 - 17,600	1,483	2,337	2,651	2,956	3,252	3,538
6314	17,601 - 17,700	1,489	2,344	2,659	2,964	3,261	3,548
6315	17,701 - 17,800	1,494	2,351	2,666	2,973	3,270	3,558
6316	17,801 - 17,900	1,499	2,358	2,674	2,981	3,280	3,568
6317	17,901 - 18,000	1,505	2,365	2,682	2,990	3,289	3,578
6318	18,001 - 18,100	1,510	2,372	2,689	2,998	3,298	3,588
6319	18,101 - 18,200	1,516	2,379	2,697	3,007	3,308	3,599
6320	18,201 - 18,300	1,520	2,386	2,704	3,015	3,317	3,609
6321	18,301 - 18,400	1,525	2,392	2,712	3,024	3,326	3,619
6322	18,401 - 18,500	1,530	2,399	2,720	3,032	3,336	3,629
6323	18,501 - 18,600	1,535	2,406	2,727	3,041	3,345	3,639
6324	18,601 - 18,700	1,540	2,413	2,735	3,049	3,354	3,649
6325	18,701 - 18,800	1,545	2,420	2,742	3,058	3,364	3,659
6326	18,801 - 18,900	1,550	2,427	2,750	3,066	3,373	3,670
6327	18,901 - 19,000	1,555	2,434	2,758	3,075	3,382	3,680
6328	19,001 - 19,100	1,560	2,441	2,765	3,083	3,391	3,690
6329	19,101 - 19,200	1,565	2,448	2,773	3,092	3,401	3,700
6330	19,201 - 19,300	1,570	2,455	2,780	3,100	3,410	3,710
6331	19,301 - 19,400	1,575	2,462	2,788	3,109	3,419	3,720
6332	19,401 - 19,500	1,580	2,469	2,796	3,117	3,429	3,731
6333	19,501 - 19,600	1,585	2,476	2,803	3,126	3,438	3,741
6334	19,601 - 19,700	1,590	2,483	2,811	3,134	3,447	3,751
6335	19,701 - 19,800	1,595	2,490	2,818	3,143	3,457	3,761

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6336	19,801 - 19,900	1,600	2,497	2,826	3,151	3,466	3,771
6337	19,901 - 20,000	1,605	2,504	2,834	3,159	3,475	3,781
6338	20,001 - 22,000	1,766	2,754	3,117	3,475	3,822	4,159
6339	22,001 - 24,000	1,926	3,005	3,401	3,791	4,170	4,537
6340	24,001 - 26,000	2,087	3,255	3,684	4,107	4,518	4,915
6341	26,001 - 28,000	2,247	3,506	3,968	4,423	4,865	5,293
6342	28,001 - 30,000	2,408	3,756	4,251	4,739	5,213	5,672
6343	30,001 - 32,000	2,508	3,916	4,451	4,979	5,473	5,952
6344	32,001 - 34,000	2,608	4,076	4,651	5,219	5,733	6,232
6345	34,001 - 36,000	2,708	4,236	4,851	5,459	5,993	6,512
6346	36,001 - 38,000	2,808	4,396	5,051	5,699	6,253	6,792
6347	38,001 - 40,000	2,908	4,556	5,251	5,939	6,513	7,072
6348	40,001 - 42,000	3,008	4,716	5,451	6,179	6,773	7,352
6349	42,001 - 44,000	3,108	4,876	5,651	6,419	7,033	7,632
6350	44,001 - 46,000	3,208	5,036	5,851	6,659	7,293	7,912
6351	46,001 - 48,000	3,308	5,196	6,051	6,899	7,553	8,192
6352	48,001 - 50,000	3,408	5,356	6,251	7,139	7,813	8,472
6353	50,001 - 52,000	3,508	5,476	6,391	7,299	7,993	8,672
6354	52,001 - 54,000	3,608	5,596	6,531	7,459	8,173	8,872
6355	54,001 - 56,000	3,708	5,716	6,671	7,619	8,353	9,072
6356	56,001 - 58,000	3,808	5,836	6,811	7,779	8,533	9,272
6357	58,001 - 60,000	3,908	5,956	6,951	7,939	8,713	9,472
6358	60,001 - 62,000	4,008	6,076	7,091	8,099	8,893	9,672
6359	62,001 - 64,000	4,108	6,196	7,231	8,259	9,073	9,872
6360	64,001 - 66,000	4,208	6,316	7,371	8,419	9,253	10,072
6361	66,001 - 68,000	4,308	6,436	7,511	8,579	9,433	10,272
6362	68,001 - 70,000	4,408	6,556	7,651	8,739	9,613	10,472
6363	70,001 - 72,000	4,508	6,676	7,791	8,899	9,793	10,672

6364	72,001 - 74,000	4,608	6,796	7,931	9,059	9,973	10,872
6365	74,001 - 76,000	4,708	6,916	8,071	9,219	10,153	11,072
6366	76,001 - 78,000	4,808	7,036	8,211	9,379	10,333	11,272
6367	78,001 - 80,000	4,908	7,156	8,351	9,539	10,513	11,472
6368	80,001 - 82,000	5,008	7,276	8,491	9,699	10,693	11,672
6369	82,001 - 84,000	5,108	7,396	8,631	9,859	10,873	11,872
6370	84,001 - 86,000	5,208	7,516	8,771	10,019	11,053	12,072
6371	86,001 - 88,000	5,308	7,636	8,911	10,179	11,233	12,272
6372	88,001 - 90,000	5,408	7,756	9,051	10,339	11,413	12,472
6373	90,001 - 92,000	5,508	7,876	9,191	10,499	11,593	12,672
6374	92,001 - 94,000	5,608	7,996	9,331	10,659	11,773	12,872
6375	94,001 - 96,000	5,708	8,116	9,471	10,819	11,953	13,072
6376	96,001 - 98,000	5,808	8,236	9,611	10,979	12,133	13,272
6377	98,001 - 100,000	5,908	8,356	9,751	11,139	12,313	13,472

6378 Section 166. Section **81-6-305**, which is renumbered from Section 78B-12-304 is renumbered
 6379 and amended to read:

6380 **~~[78B-12-304]~~ 81-6-305. (Effective 09/01/24). Low income table -- Obligor parent**
 6381 **only -- Child support orders entered on or after January 1, 2023.**

6382 The following table [~~shall be~~] is used to:

- 6383 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 6384 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 6385 (3) modify a temporary judicial child support order established on or before December 31,
 6386 2022, if the new order is entered on or after January 1, 2023; or
- 6387 (4) modify a final child support order entered on or before December 31, 2022, if the
 6388 modification is made on or after January 1, 2025.

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
6390							
6391	From To						
6392	0 - 50	30	30	30	30	30	30

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6393	51 - 100	30	40	50	50	50	50
6394	101 - 150	30	50	75	75	75	75
6395	151 - 750	30	55	75	90	100	105
6396	751 - 1,256	60	111	151	181	201	211
6397	1,257 - 1,270	75	138	189	226	251	264
6398	1,271 - 1,280	76	140	191	229	254	267
6399	1,281 - 1,290	77	141	192	231	256	269
6400	1,291 - 1,300	77	142	194	232	258	271
6401	1,301 - 1,310	78	143	195	234	260	273
6402	1,311 - 1,320	79	144	197	236	262	275
6403	1,321 - 1,330	79	145	198	238	264	277
6404	1,331 - 1,340	80	146	200	240	266	280
6405	1,341 - 1,350	80	148	201	241	268	282
6406	1,351 - 1,360	95	162	216	257	284	297
6407	1,361 - 1,370	95	163	218	259	286	299
6408	1,371 - 1,380	96	165	219	260	288	302
6409	1,381 - 1,390	97	166	221	262	290	304
6410	1,391 - 1,400	97	167	223	264	292	306
6411	1,401 - 1,410	98	168	224	266	294	308
6412	1,411 - 1,420	113	183	240	282	310	325
6413	1,421 - 1,430	114	185	242	284	313	327
6414	1,431 - 1,440	114	186	243	286	315	329
6415	1,441 - 1,450	115	187	245	288	317	331
6416	1,451 - 1,460	116	189	247	290	319	334
6417	1,461 - 1,470	131	205	263	307	336	351
6418	1,471 - 1,480	132	206	265	309	338	353
6419	1,481 - 1,490	133	207	267	311	341	355
6420	1,491 - 1,500	134	209	268	313	343	358

6421	1,501 - 1,510	135	210	270	315	345	360
6422	1,511 - 1,520	151	227	287	332	363	378
6423	1,521 - 1,530	152	228	289	335	365	380
6424	1,531 - 1,540	153	230	291	337	367	383
6425	1,541 - 1,550	154	231	293	339	370	385
6426	1,551 - 1,560	155	233	295	341	372	388
6427	1,561 - 1,570	172	250	312	359	390	406
6428	1,571 - 1,580	173	251	314	361	393	408
6429	1,581 - 1,590	174	253	316	364	395	411
6430	1,591 - 1,600	175	255	318	366	398	414
6431	1,601 - 1,610	176	256	320	368	400	416
6432	1,611 - 1,620	193	274	338	387	419	435
6433	1,621 - 1,630	195	276	340	389	421	438
6434	1,631 - 1,640	196	277	343	391	424	440
6435	1,641 - 1,650	197	279	345	394	427	443
6436	1,651 - 1,660	198	281	347	396	429	446
6437	1,661 - 1,670	216	299	365	415	448	465
6438	1,671 - 1,680	217	301	368	418	451	468
6439	1,681 - 1,690	219	303	370	420	454	471
6440	1,691 - 1,700	220	304	372	423	457	473
6441	1,701 - 1,710	221	306	374	425	459	476
6442	1,711 - 1,720	240	325	394	445	479	496
6443	1,721 - 1,730	241	327	396	447	482	499
6444	1,731 - 1,740	242	329	398	450	485	502
6445	1,741 - 1,750	244	331	400	453	487	505
6446	1,751 - 1,760	245	333	403	455	490	508
6447	1,761 - 1,770	264	352	423	475	511	528
6448	1,771 - 1,780	266	354	425	478	514	531

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6449	1,781 - 1,790	267	356	427	481	516	534
6450	1,791 - 1,800	269	358	430	484	519	537
6451	1,801 - 1,810	270	360	432	486	522	540
6452	1,811 - 1,820	290	380	453	507	543	561
6453	1,821 - 1,830	291	382	455	510	546	565
6454	1,831 - 1,840	293	385	458	513	549	568
6455	1,841 - 1,850	295	387	460	515	552	571
6456	1,851 - 1,860	296	389	463	518	555	574
6457	1,861 - 1,870	316	409	484	540	577	596
6458	1,871 - 1,880	318	412	486	543	580	599
6459	1,881 - 1,890	320	414	489	545	583	602
6460	1,891 - 1,900	321	416	492	548	586	605
6461	1,901 - 1,910	323	418	494	551	589	608
6462	1,911 - 1,920	344	440	516	573	612	631
6463	1,921 - 1,930	346	442	519	576	615	634
6464	1,931 - 1,940	348	444	521	579	618	637
6465	1,941 - 1,950	349	446	524	582	621	641
6466	1,951 - 1,960	351	449	527	585	624	644
6467	1,961 - 1,970		471	549	608	647	667
6468	1,971 - 1,980		473	552	611	650	670
6469	1,981 - 1,990		475	555	614	654	674
6470	1,991 - 2,000		478	557	617	657	677
6471	2,001 - 2,050		480	560	620	660	680
6472	2,051 - 2,100		513	595	656	697	718
6473	2,101 - 2,150		546	630	693	735	756
6474	2,151 - 2,200		581	667	731	774	796
6475	2,201 - 2,250		616	704	770	814	836
6476	2,251 - 2,300				810	855	878

6477	2,301 - 2,350					897	920
6478	2,351 - 2,400						964
6479	2,401 - 2,450						1,008

6480 Section 167. Section **81-6-401** is enacted to read:

6481

Part 4. Child Support Guidelines Advisory Committee

6482 **81-6-401 (Effective 09/01/24). Definitions for part.**

6483 As used in this part, "advisory committee" means the Child Support Guidelines
 6485 Advisory Committee.

6486 Section 168. Section **81-6-402**, which is renumbered from Section 78B-12-401 is renumbered
 6487 and amended to read:

6488 ~~[78B-12-401]~~ **81-6-402. (Effective 09/01/24). Creation of advisory committee.**

6489 (1) (a) There is created the advisory committee known as the "Child Support Guidelines
 6490 Advisory Committee."

6491 ~~[(b) As used in this part, "advisory committee" means the Child Support Guidelines~~
 6492 ~~Advisory Committee.]~~

6493 ~~[(e)]~~ (b) The governor shall appoint the 11 members of the advisory committee as
 6494 follows:

- 6495 (i) one representative recommended by the Office of Recovery Services;
- 6496 (ii) one representative recommended by the Judicial Council;
- 6497 (iii) two representatives recommended by the Utah State Bar Association;
- 6498 (iv) two representatives of noncustodial parents;
- 6499 (v) two representatives of custodial parents;
- 6500 (vi) one representative with expertise in economics; and
- 6501 (vii) two representatives from diverse interests related to child support issues and
 6502 who are not members of the Utah State Bar Association, as the governor may
 6503 consider appropriate.

6504 (2) (a) The term of a member of the advisory committee is four years.

6505 (b) When a vacancy occurs in the membership for any reason, the governor shall appoint
 6506 a replacement for the unexpired term of the member.

6507 (c) The governor may appoint a member of the advisory committee to more than one
 6508 term.

6509 (3) (a) Six members of the advisory committee constitute a quorum.

6510 (b) The vote of a majority of a quorum present is an action of the advisory committee.

6511 (4) The advisory committee shall elect two members to serve as cochairs of the advisory
6512 committee for a term of one year.

6513 (5) The advisory committee shall meet at the time and place designated by the cochairs.

6514 Section 169. Section **81-6-403**, which is renumbered from Section 78B-12-402 is renumbered
6515 and amended to read:

6516 ~~[78B-12-402]~~ **81-6-403. (Effective 09/01/24). Duties -- Report -- Staff.**

6517 (1) The advisory committee shall review the child support guidelines to ensure the
6518 application of the guidelines results in the determination of appropriate child support
6519 award amounts.

6520 (2) The advisory committee shall submit, in accordance with Section 68-3-14, a written
6521 report to the [legislative] Judiciary Interim Committee on or before October 1, 2021, and
6522 then on or before October 1 of every fourth year subsequently.

6523 (3) The advisory committee's report shall include recommendations of the majority of the
6524 advisory committee, as well as specific recommendations of individual members of the
6525 advisory committee.

6526 (4) Staff for the advisory committee shall be provided from the existing budget of the
6527 Department of Health and Human Services.

6528 Section 170. Section **81-6-404**, which is renumbered from Section 78B-12-403 is renumbered
6529 and amended to read:

6530 ~~[78B-12-403]~~ **81-6-404. (Effective 09/01/24). Expenses for per diem and travel.**

6531 A member may not receive compensation or benefits for the member's service, but
6532 may receive per diem and travel expenses in accordance with:

6533 (1) Section 63A-3-106;

6534 (2) Section 63A-3-107; and

6535 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

6536 Section 171. Section **81-7-101** is enacted to read:

6537 **CHAPTER 7. PAYMENT AND ENFORCEMENT OF SPOUSAL AND CHILD SUPPORT**

6539 **81-7-101 (Effective 09/01/24). Definitions for chapter.**

6540 As used in this chapter:

6541 (1) "Alimony" means the same as that term is defined in Section 81-4-101.

6542 (2) "Child support" means the same as that term is defined in Section 81-6-101.

6543 (3) "Child support services" means the same as that term is defined in Section 26B-9-101.

6544 (4) "Obligee" means the same as that term is defined in Section 81-6-101.

6545 (5) "Obligor" means the same as that term is defined in Section 81-6-101.

6546 (6) "Support order" means the same as that term is defined in Section 81-6-101.

6547 (7) "Tribunal" means the same as that term is defined in Section 81-6-101.

6548 Section 172. Section **81-7-102**, which is renumbered from Section 78B-12-112 is renumbered
6549 and amended to read:

6550 **[78B-12-112] 81-7-102. (Effective 09/01/24). Payment under child support or**
6551 **alimony order -- Judgment.**

6552 (1) All monthly payments of child support [~~shall be~~] and alimony are due on the 1st day of
6553 each month [~~pursuant to Title 26B, Chapter 9, Part 2, Child Support Services, Title 26B,~~
6554 ~~Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4,~~
6555 ~~Income Withholding in Non IV-D Cases]~~ in accordance with Title 26B, Chapter 9,
6556 Recovery Services and Administration of Child Support.

6557 (2) For purposes of child support services and income withholding [~~pursuant to~~] described in
6558 Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3,
6559 Income Withholding in IV-D Cases, child support is not considered past due until the 1st
6560 day of the following month.

6561 (3) For purposes other than those specified in Subsection (1), [~~support shall be~~] child
6562 support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that
6563 month, unless the order or decree provides for a different time for payment.

6564 [~~(3)~~] (4) Each payment or installment of [~~child or spousal support~~] child support or alimony
6565 under any support order [~~, as defined by Section 78B-12-102,~~] is, on and after the date [~~it~~]
6566 the payment or installment is due:

6567 (a) a judgment with the same attributes and effect of any judgment of a district court,
6568 except as provided in Subsection [~~(4)~~] (5);

6569 (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction;
6570 and

6571 (c) not subject to retroactive modification by this or any other jurisdiction, except as
6572 provided in Subsection [~~(4)~~] (5).

6573 [~~(4)~~] (5) (a) A [~~child or spousal support~~] child support or alimony payment under a
6574 support order may be modified with respect to any period during which a
6575 modification is pending, but only from the date of service of the pleading on :

6576 (i) the obligee[;] if the obligor is the petitioner[; ~~or on~~]; or

6577 (ii) the obligor[;] if the obligee is the petitioner.

6578 (b) If the tribunal orders that the support order should be modified, the effective date of

6579 the modification shall be the month following service on the [parent] party whose
6580 support is affected.

6581 (c) Once the tribunal determines that a modification is appropriate, the tribunal shall
6582 order a judgment to be entered for any difference in the original order and the
6583 modified amount for the period from the service of the pleading until the final order
6584 of modification is entered.

6585 [(5)] (6) The judgment provided for in Subsection [(3)(a)] (4)(a), to be effective and
6586 enforceable as a lien against the real property interest of any third party relying on the
6587 public record, shall be docketed in the district court in accordance with Sections
6588 78B-5-202 and 26B-9-214.

6589 Section 173. Section **81-7-103**, which is renumbered from Section 30-3-3.5 is renumbered
6590 and amended to read:

6591 **~~[30-3-3.5]~~81-7-103. (Effective 09/01/24). Collection fee for past due child support**
6592 **or alimony.**

6593 (1) As used in this section:

6594 (a) "Debtor" means a person obligated or allegedly obligated to pay a domestic relations
6595 debt.

6596 (b) "Domestic relations debt" means an obligation or alleged obligation to pay past due
6597 child support or alimony.

6598 (2) (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:

6599 (i) the court issues a judgment requiring the payment of a domestic relations debt by
6600 the debtor;

6601 (ii) imposing a collection fee on the debtor or in relation to the domestic relations
6602 debt is not prohibited or otherwise restricted by another federal or state law; and

6603 (iii) the person owed the domestic relations debt has a contingency arrangement with
6604 an attorney to collect the domestic relations debt.

6605 (b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:

6606 (i) the principal amount due;

6607 (ii) applicable interest;

6608 (iii) a collection fee equal to the amount provided in the contingency agreement,
6609 except that the collection fee may not exceed the lesser of:

6610 (A) the actual amount the person owed the domestic relations debt is required to
6611 pay for collection costs, regardless of whether that amount is a specific dollar

6612 amount or a percentage of the principal amount owed for the domestic relations

- 6613 debt; or
- 6614 (B) 40% of the principal amount owed to the person for the domestic relations
- 6615 debt;
- 6616 (iv) reasonable attorney fees; and
- 6617 (v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).
- 6618 (3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred at
- 6619 the time the person owed a domestic relations debt enters into an agreement with an
- 6620 attorney to collect the domestic relations debt.
- 6621 (4) An obligation to pay a collection fee imposed under this section is in addition to any
- 6622 obligation to pay reasonable attorney fees that may exist.
- 6623 (5) The Office of Recovery Services may not collect an order issued pursuant to Subsection
- 6624 (2).

6625 Section 174. Section **81-8-101** is enacted to read:

6626 **CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT**

6627 **81-8-101 (Effective 09/01/24). Reserved.**

6628 Reserved.

6629 Section 175. Section **81-9-101**, which is renumbered from Section 30-3-10.1 is renumbered

6630 and amended to read:

6631 **CHAPTER 9. CUSTODY, PARENT-TIME, AND VISITATION**

6632 **Part 1. General Provisions**

6633 ~~[30-3-10.1]~~ **81-9-101. (Effective 09/01/24). Definitions for chapter.**

6634 As used in this chapter:

- 6635 (1) (a) "Custodial responsibility" [~~includes~~] means all powers and duties relating to
- 6636 caretaking authority and decision-making authority for a minor child.
- 6637 (b) "Custodial responsibility" includes physical custody, legal custody, parenting time,
- 6638 right to access, visitation, and authority to grant limited contact with a minor child.
- 6639 (2) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 6640 [~~(2) "Joint legal custody":~~]
- 6641 [~~(a) means the sharing of the rights, privileges, duties, and powers of a parent by both~~
- 6642 ~~parents, where specified;~~]
- 6643 [~~(b) may include an award of exclusive authority by the court to one parent to make~~
- 6644 ~~specific decisions;~~]

- 6645 [~~(e) does not affect the physical custody of the child except as specified in the order of~~
6646 ~~joint legal custody;~~]
- 6647 [~~(d) is not based on awarding equal or nearly equal periods of physical custody of and~~
6648 ~~access to the child to each of the parents, as the best interest of the child often requires~~
6649 ~~that a primary physical residence for the child be designated; and]~~
- 6650 [~~(e) does not prohibit the court from specifying one parent as the primary caretaker and~~
6651 ~~one home as the primary residence of the child.]~~
- 6652 [(3) "Joint physical custody":]
- 6653 [~~(a) means the child stays with each parent overnight for more than 30% of the year, and~~
6654 ~~both parents contribute to the expenses of the child in addition to paying child support;]~~
- 6655 [~~(b) can mean equal or nearly equal periods of physical custody of and access to the child~~
6656 ~~by each of the parents, as required to meet the best interest of the child;]~~
- 6657 [~~(e) may require that a primary physical residence for the child be designated; and]~~
- 6658 [~~(d) does not prohibit the court from specifying one parent as the primary caretaker and~~
6659 ~~one home as the primary residence of the child.]~~
- 6660 (3) "Joint legal custody" means the sharing of the rights, privileges, duties, and powers of a
6661 parent by both parents, where specified.
- 6662 (4) "Joint physical custody" means the minor child stays with each parent overnight for
6663 more than 30% of the year and both parents contribute to the expenses of the minor child
6664 in addition to paying child support.
- 6665 (5) (a) "Parenting functions" means those aspects of the parent-child relationship in
6666 which the parent makes decisions and performs functions necessary for the care and
6667 growth of the minor child.
- 6668 (b) "Parenting functions" include:
- 6669 (i) maintaining a loving, stable, consistent, and nurturing relationship with the minor
6670 child;
- 6671 (ii) attending to the daily needs of the minor child, such as feeding, clothing, physical
6672 care, grooming, supervision, health care, day care, and engaging in other activities
6673 which are appropriate to the developmental level of the minor child and that are
6674 within the social and economic circumstances of the particular family;
- 6675 (iii) attending to adequate education for the minor child, including remedial or other
6676 education essential to the best interest of the minor child;
- 6677 (iv) assisting the minor child in developing and maintaining appropriate interpersonal
6678 relationships;

6679 (v) exercising appropriate judgment regarding the minor child's welfare, consistent
 6680 with the minor child's developmental level and family social and economic
 6681 circumstances; and

6682 (vi) providing for the financial support of the minor child.

6683 (6) (a) "Parenting plan" means a plan for parenting a minor child.

6684 (b) "Parenting plan" includes the allocation of parenting functions that are incorporated
 6685 in any final decree or decree of modification including an action for dissolution of
 6686 marriage, annulment, legal separation, or paternity.

6687 ~~[(4)]~~ (7) "Service member" means a member of a uniformed service.

6688 (8) "Supervised parent-time" means parent-time that requires the noncustodial parent to be
 6689 accompanied during parent-time by an individual approved by the court.

6690 (9) "Surrogate care" means care by any individual other than the parent of the minor child.

6691 ~~[(5)]~~ (10) "Uniformed service" means:

6692 (a) active and reserve components of the United States Armed Forces;

6693 (b) the United States Merchant Marine;

6694 (c) the commissioned corps of the United States Public Health Service;

6695 (d) the commissioned corps of the National Oceanic and Atmospheric Administration of
 6696 the United States; or

6697 (e) the National Guard of a state.

6698 (11) "Uninterrupted time" means parent-time exercised by one parent without interruption
 6699 at any time by the presence of the other parent.

6700 (12) "Virtual parent-time" means parent-time facilitated by tools such as telephone, email,
 6701 instant messaging, video conferencing, and other wired or wireless technologies over the
 6702 Internet or other communication media, to supplement in-person visits between a
 6703 noncustodial parent and a minor child or between a minor child and the custodial parent
 6704 when the minor child is staying with the noncustodial parent.

6705 Section 176. Section **81-9-102**, which is renumbered from Section 30-3-38 is renumbered
 6706 and amended to read:

6707 ~~[30-3-38]~~ **81-9-102. (Effective 09/01/24). Expedited Parent-time Enforcement**
 6708 **Program.**

6709 ~~[(1) There is established an Expedited Parent-time Enforcement Program in the third~~
 6710 ~~judicial district to be administered by the Administrative Office of the Courts.]~~

6711 ~~[(2)]~~ (1) As used in this section:

6712 (a) "Mediator" means a person who:

- 6713 (i) is qualified to mediate parent-time disputes under criteria established by the
6714 Administrative Office of the Courts; and
- 6715 (ii) agrees to follow billing guidelines established by the Administrative Office of the
6716 Courts and this section.
- 6717 (b) "Services to facilitate parent-time" or "services" means services designed to assist
6718 families in resolving parent-time problems through:
- 6719 (i) counseling;
- 6720 (ii) supervised parent-time;
- 6721 (iii) neutral drop-off and pick-up;
- 6722 (iv) educational classes; and
- 6723 (v) other related activities.
- 6724 (2) The Administrative Office of the Courts shall administer an Expedited Parent-time
6725 Enforcement Program in the third judicial district.
- 6726 (3) (a) If a parent files a motion in the third district court alleging that court-ordered
6727 parent-time rights are being violated, the clerk of the court, after assigning the case to
6728 a judge, shall refer the case to the administrator of this program for assignment to a
6729 mediator, unless a parent is incarcerated or otherwise unavailable.
- 6730 (b) Unless the court rules otherwise, a parent residing outside of the state is not
6731 unavailable.
- 6732 (c) The director of the program for the courts, the court, or the mediator may excuse
6733 either party from the requirement to mediate for good cause.
- 6734 ~~[(b)]~~ (d) Upon receipt of a case, the mediator shall:
- 6735 (i) meet with the parents to address parent-time issues within 15 days of the motion
6736 being filed;
- 6737 (ii) assess the situation;
- 6738 (iii) facilitate an agreement on parent-time between the parents; and
- 6739 (iv) determine whether a referral to a service provider under Subsection ~~[(3)(e)]~~ (3)(e)
6740 is warranted.
- 6741 ~~[(e)]~~ (e) While a case is in mediation, a mediator may refer the parents to a service
6742 provider designated by the Department of Health and Human Services for services to
6743 facilitate parent-time if:
- 6744 (i) the services may be of significant benefit to the parents; or
- 6745 (ii) (A) a mediated agreement between the parents is unlikely; and
- 6746 (B) the services may facilitate an agreement.

- 6747 ~~[(d)]~~ (f) At any time during mediation, a mediator shall terminate mediation and transfer
6748 the case to the administrator of the program for referral to the ~~[judge or court~~
6749 ~~commissioner]~~ court to whom the case was assigned under Subsection (3)(a) if:
- 6750 (i) a written agreement between the parents is reached; or
6751 (ii) the parents are unable to reach an agreement through mediation and:
- 6752 (A) the parents have received services to facilitate parent-time;
6753 (B) both parents object to receiving services to facilitate parent-time; or
6754 (C) the parents are unlikely to benefit from receiving services to facilitate
6755 parent-time.
- 6756 ~~[(e)]~~ (g) Upon receiving a case from the administrator of the program, a ~~[judge or court~~
6757 ~~commissioner]~~ court may:
- 6758 (i) review the agreement of the parents and, if acceptable, sign it as an order;
6759 (ii) order the parents to receive services to facilitate parent-time;
6760 (iii) proceed with the case; or
6761 (iv) take other appropriate action.
- 6762 (4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a minor
6763 child who is the subject of a parent-time order against the other parent or a member
6764 of the other parent's household to a mediator or service provider, the mediator or
6765 service provider shall immediately report that information to:
- 6766 (i) the ~~[judge assigned to the case who]~~ court, which may immediately issue orders
6767 and take other appropriate action to resolve the allegation and protect the minor
6768 child; and
- 6769 (ii) the Division of Child and Family Services within the Department of Health and
6770 Human Services in the manner required by Title 80, Chapter 2, Part 6, Child
6771 Abuse and Neglect Reports.
- 6772 (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time
6773 rights or a member of that parent's household, parent-time by that parent shall,
6774 pursuant to an order of the court, be supervised until:
- 6775 (i) the allegation has been resolved; or
6776 (ii) a court orders otherwise.
- 6777 (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to
6778 mediate parent-time problems and a service provider may continue to provide
6779 services to facilitate parent-time unless otherwise ordered by a court.
- 6780 (5) (a) The Department of Health and Human Services may contract with one or more

- 6781 entities in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to
6782 provide:
- 6783 (i) services to facilitate parent-time;
6784 (ii) case management services; and
6785 (iii) administrative services.
- 6786 (b) An entity who contracts with the Department of Health and Human Services under
6787 Subsection (5)(a) shall:
- 6788 (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and
6789 (ii) agree to follow billing guidelines established by the Department of Health and
6790 Human Services and this section.
- 6791 (6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:
- 6792 (i) reduced to a sum certain;
6793 (ii) divided equally between the parents; and
6794 (iii) charged against each parent taking into account the ability of that parent to pay
6795 under billing guidelines adopted in accordance with this section.
- 6796 (b) A ~~judge~~ court may order a parent to pay an amount in excess of that provided for in
6797 Subsection (6)(a) if the parent:
- 6798 (i) failed to participate in good faith in mediation or services to facilitate parent-time;
6799 or
6800 (ii) made an unfounded assertion or claim of physical or sexual abuse of a minor
6801 child.
- 6802 (c) (i) The cost of mediation and services to facilitate parent-time may be charged to
6803 parents at periodic intervals.
6804 (ii) Mediation and services to facilitate parent-time may only be terminated on the
6805 ground of nonpayment if both parents are delinquent.
- 6806 (7) (a) The Judicial Council may make rules to implement and administer the provisions
6807 of this program related to mediation.
6808 (b) The Department of Health and Human Services may make rules to implement and
6809 administer the provisions of this program related to services to facilitate parent-time.
- 6810 (8) (a) (i) The Administrative Office of the Courts shall adopt outcome measures to
6811 evaluate the effectiveness of the mediation component of this program.
6812 (ii) ~~[-Progress reports shall be provided]~~ The Administrative Office of the Courts shall
6813 provide progress reports to the Judiciary Interim Committee as requested by the
6814 committee.

6815 (b) (i) The Department of Health and Human Services shall adopt outcome measures
6816 to evaluate the effectiveness of the services component of this program.

6817 (ii) ~~Progress reports shall be provided~~ The Department of Health and Human
6818 Services shall provide progress reports to the Judiciary Interim Committee as
6819 requested by the committee.

6820 (c) The Administrative Office of the Courts and the Department of Health and Human
6821 Services may adopt joint outcome measures and file joint reports to satisfy the
6822 requirements of Subsections ~~[(7)(a)]~~ (8)(a) and (b).

6823 (9) The Department of Health and Human Services shall, by following the procedures and
6824 requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, apply for federal
6825 funds as available.

6826 Section 177. Section **81-9-201** is enacted to read:

6827

Part 2. Custody and Parent-time Between Parents

6828 **81-9-201 (Effective 09/01/24). Definitions for part.**

6829 Reserved.

6830 Section 178. Section **81-9-202**, which is renumbered from Section 30-3-33 is renumbered
6831 and amended to read:

6832 ~~[30-3-33]~~ **81-9-202. (Effective 09/01/24). Advisory guidelines for a custody and**
6833 **parent-time arrangement.**

6834 (1) In addition to the parent-time schedules provided in Sections ~~[30-3-35 and 30-3-35.5]~~
6835 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern ~~[all~~
6836 parent-time arrangements] a custody and parent-time arrangement between parents.

6837 ~~[(1)]~~ (2) ~~[Parent-time schedules]~~ A parent-time schedule mutually agreed upon by both
6838 parents ~~[are]~~ is preferable to a court-imposed solution.

6839 ~~[(2)]~~ (3) ~~[The]~~ A parent-time schedule shall be used to maximize the continuity and stability
6840 of the minor child's life.

6841 ~~[(3)]~~ (4) ~~[Special consideration shall be given by each parent]~~ Each parent shall give special
6842 consideration to make the minor child available to attend family functions including
6843 funerals, weddings, family reunions, religious holidays, important ceremonies, and other
6844 significant events in the life of the minor child or in the life of either parent which may
6845 inadvertently conflict with the parent-time schedule.

6846 ~~[(4)]~~ (5) (a) The court shall determine the responsibility for the pick up, delivery, and
6847 return of the ~~[child shall be determined by the court]~~ minor child when the parent-time

6848 order is entered~~[, and may be changed]~~ .

6849 (b) The court may change the responsibility described in Subsection (5)(a) at any time a
6850 subsequent modification is made to the parent-time order.

6851 ~~[(5)]~~ (c) If the noncustodial parent will be providing transportation, the custodial parent
6852 shall :

6853 (i) have the minor child ready for parent-time at the time the minor child is to be
6854 picked up ~~[and shall]~~ ; and

6855 (ii) be present at the custodial home or ~~[shall]~~ make reasonable alternate
6856 arrangements to receive the minor child at the time the minor child is returned.

6857 ~~[(6)]~~ (d) If the custodial parent will be transporting the minor child, the noncustodial
6858 parent shall :

6859 (i) be at the appointed place at the time the noncustodial parent is to receive the
6860 minor child~~[, and]~~ ; and

6861 (ii) have the minor child ready to be picked up at the appointed time and place~~;~~ or
6862 have made reasonable alternate arrangements for the custodial parent to pick up the
6863 minor child.

6864 ~~[(7)]~~ (6) ~~[Regular]~~ A parent may not interrupt regular school hours ~~[may not be interrupted]~~
6865 for a school-age minor child for the exercise of parent-time ~~[by either parent]~~.

6866 ~~[(8)]~~ (7) The court may :

6867 (a) make alterations in the parent-time schedule to reasonably accommodate the work
6868 schedule of both parents ~~[and may]~~ ; and

6869 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
6870 standardized parent-time provided in Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and
6871 81-9-304.

6872 ~~[(9)]~~ (8) The court may make alterations in the parent-time schedule to reasonably
6873 accommodate the distance between the parties and the expense of exercising parent-time.

6874 ~~[(10)]~~ (9) ~~[Neither parent-time nor child support is to be withheld due to either]~~ A parent
6875 may not withhold parent-time or child support due to the other parent's failure to comply
6876 with a court-ordered parent-time schedule.

6877 ~~[(11)]~~ (10) (a) The custodial parent shall notify the noncustodial parent within 24 hours
6878 of receiving notice of all significant school, social, sports, and community functions
6879 in which the minor child is participating or being honored~~[, and the]~~ .

6880 (b) The noncustodial parent ~~[shall be]~~ is entitled to attend and participate fully in the
6881 functions described in Subsection (10)(a).

6882 ~~[(12)]~~ (c) The noncustodial parent shall have access directly to all school reports
6883 including preschool and daycare reports and medical records ~~[and shall be notified~~
6884 ~~immediately by the custodial parent]~~ .

6885 (d) A parent shall immediately notify the other parent in the event of a medical
6886 emergency.

6887 ~~[(13)]~~ (11) Each parent shall provide the other with the parent's current address and
6888 telephone number, email address, and other virtual parent-time access information
6889 within 24 hours of any change.

6890 ~~[(14)]~~ (12) (a) Each parent shall permit and encourage, during reasonable hours,
6891 reasonable and uncensored communications with the minor child, in the form of mail
6892 privileges and virtual parent-time if the equipment is reasonably available~~[, provided~~
6893 ~~that if the parties]~~ .

6894 (b) If the parents cannot agree on whether the equipment is reasonably available, the
6895 court shall decide whether the equipment for virtual parent-time is reasonably
6896 available~~;~~ by taking into consideration:

6897 ~~[(a)]~~ (i) the best interests of the minor child;
6898 ~~[(b)]~~ (ii) each parent's ability to handle any additional expenses for virtual
6899 parent-time; and

6900 ~~[(c)]~~ (iii) any other factors the court considers material.

6901 ~~[(15)]~~ (13) (a) Parental care ~~[shall be]~~ is presumed to be better care for the minor child
6902 than surrogate care ~~[and the]~~ .

6903 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
6904 parent, if willing and able to transport the ~~[children]~~ minor child, to provide the child
6905 care.

6906 (c) Child care arrangements existing during the marriage are preferred as are child care
6907 arrangements with nominal or no charge.

6908 ~~[(16)]~~ (14) Each parent shall :

6909 (a) provide all surrogate care providers with the name, current address, and telephone
6910 number of the other parent ~~[and shall]~~ ; and

6911 (b) provide the noncustodial parent with the name, current address, and telephone
6912 number of all surrogate care providers unless the court for good cause orders
6913 otherwise.

6914 ~~[(17)]~~ (15) (a) Each parent ~~[shall be]~~ is entitled to an equal division of major religious
6915 holidays celebrated by the parents~~[, and the]~~ .

6916 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
 6917 shall have the right to be together with the minor child on the religious holiday.

6918 [(18)] (16) If the minor child is on a different parent-time schedule than a sibling, based on
 6919 Sections [30-3-35 and 30-3-35.5] 81-9-302 and 81-9-304, the parents should consider if
 6920 an upward deviation for parent-time with all the minor children so that parent-time is
 6921 uniform between school aged and nonschool aged children, is appropriate.

6922 [(19)] (17) (a) When one or both parents are servicemembers or contemplating joining a
 6923 uniformed service, the parents should resolve issues of custodial responsibility in the
 6924 event of deployment as soon as practicable through reaching a voluntary agreement
 6925 pursuant to Section 78B-20-201 or through court order obtained pursuant to [Section
 6926 30-3-10] this part.

6927 (b) Servicemembers shall ensure their family care plan reflects orders and agreements
 6928 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents
 6929 Custody, Parent-time, and Visitation Act.

6930 (18) (a) For emergency purposes, whenever the minor child travels with a parent, the
 6931 parent shall provide the following information to the other parent:

6932 (i) an itinerary of travel dates;

6933 (ii) destinations;

6934 (iii) places where the minor child or traveling parent can be reached; and

6935 (iv) the name and telephone number of an available third person who would be
 6936 knowledgeable of the minor child's location.

6937 (b) Unchaperoned travel of a minor child under the age of five years is not
 6938 recommended.

6939 Section 179. Section **81-9-203**, which is renumbered from Section 30-3-10.9 is renumbered
 6940 and amended to read:

6941 **[30-3-10.9]81-9-203. (Effective 09/01/24). Custody and parent-time proceedings**
 6942 **-- Requirements for parenting plan.**

6943 (1) In a custody or parent-time proceeding that is not a divorce action, the court may require
 6944 the parents to attend the mandatory educational course described in Section 81-4-106.

6945 (2) (a) In a proceeding between parents regarding the custody or parent-time for a minor
 6946 child, the parent shall file and serve a proposed parenting plan at the time of the filing
 6947 of the parent's original petition or at the time of filing the parent's answer or
 6948 counterclaim.

6949 (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting

- 6950 plan, the parent shall file the proposed parenting plan with the petition to modify or
 6951 the answer or counterclaim to the petition to modify.
- 6952 (c) A parent who desires joint legal custody shall file a proposed parenting plan in
 6953 accordance with this section.
- 6954 (3) If a parent files a proposed parenting plan in compliance with this section, the parent
 6955 may move the court for an order of default to adopt the plan if the other parent fails to
 6956 file a proposed parenting plan as required by this section.
- 6957 (4) A parent may file and serve an amended proposed parenting plan according to the Utah
 6958 Rules of Civil Procedure.
- 6959 (5) The parent submitting a proposed parenting plan shall attach a verified statement that
 6960 the plan is proposed by that parent in good faith.
- 6961 (6) (a) Both parents may submit a parenting plan which has been agreed upon.
 6962 (b) The parents shall attach a verified statement to the parenting plan that is signed by
 6963 both parents.
- 6964 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad
 6965 litem to represent the best interests of the minor child, who may, if necessary, file a
 6966 separate parenting plan reflecting the best interests of the minor child.
- 6967 (8) (a) If a parent is a service member, the parenting plan shall be consistent with
 6968 Subsection (16).
 6969 (b) If a parent becomes a service member after a parenting plan is adopted, the parents
 6970 shall amend the existing parenting plan as soon as practical to comply with
 6971 Subsection (16).
- 6972 [(+) (9) The objectives of a parenting plan are to:
- 6973 (a) provide for the minor child's physical care;
- 6974 (b) maintain the minor child's emotional stability;
- 6975 (c) provide for the minor child's changing needs as the minor child grows and matures in
 6976 a way that minimizes the need for future modifications to the parenting plan;
- 6977 (d) set forth the authority and responsibilities of each parent with respect to the minor
 6978 child consistent with the definitions outlined in this chapter;
- 6979 (e) minimize the minor child's exposure to harmful parental conflict;
- 6980 (f) encourage the parents, where appropriate, to meet the responsibilities to their [~~minor~~
 6981 ~~children~~] minor child through agreements in the parenting plan rather than relying on
 6982 judicial intervention; and
- 6983 (g) protect the best interests of the minor child.

- 6984 [(2)] (10) (a) The parenting plan shall contain :
- 6985 (i) provisions for resolution of future disputes between the parents, allocation of
- 6986 decision-making authority, and residential provisions for the minor child ~~[, and~~
- 6987 ~~provisions] ;~~
- 6988 (ii) provisions addressing notice and parent-time responsibilities in the event of the
- 6989 relocation of [either party. ~~It may contain other provisions comparable to those in~~
- 6990 ~~Sections 30-3-5 and 30-3-10.3 regarding the welfare of the child.~~] a party; and
- 6991 (iii) a process for resolving disputes, unless precluded or limited by statute.
- 6992 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:
- 6993 [(a)] (i) counseling;
- 6994 [(b)] (ii) mediation or arbitration by a specified individual or agency; or
- 6995 [(c)] (iii) court action.
- 6996 [(4)] (c) In the dispute resolution process under Subsection (10)(b):
- 6997 [(a)] (i) preference shall be given to the provisions in the parenting plan;
- 6998 [(b)] (ii) parents shall use the designated process to resolve disputes relating to
- 6999 implementation of the plan, except those related to financial support, unless an
- 7000 emergency exists;
- 7001 [(c)] (iii) a written record shall be prepared of any agreement reached in counseling or
- 7002 mediation and provided to each party;
- 7003 [(d)] (iv) if arbitration becomes necessary, a written record shall be prepared and a
- 7004 copy of the arbitration award shall be provided to each party;
- 7005 [(e)] (v) if the court finds that a parent has used or frustrated the dispute resolution
- 7006 process without good reason, the court may award attorney fees and financial
- 7007 sanctions to the prevailing parent;
- 7008 [(f)] (vi) the district court has the right of review from the dispute resolution process;
- 7009 and
- 7010 [(g)] (vii) the provisions of this Subsection [(4)] (10)(c) shall be set forth in any final
- 7011 decree or order.
- 7012 [(3) A process for resolving disputes shall be provided unless precluded or limited by
- 7013 statute.]
- 7014 [(5)] (11) (a) Subject to the other provisions of this Subsection [(5)] (11), the parenting
- 7015 plan shall allocate decision-making authority to one or both parties regarding the
- 7016 minor child's education, healthcare, and religious upbringing.
- 7017 (b) The parties may incorporate an agreement related to the care and growth of the minor

7018 child in these specified areas or in other areas into the plan~~[, consistent with]~~ that are
 7019 consistent with parenting functions and the criteria outlined in Subsection ~~[30-3-10.7~~
 7020 ~~(2) and Subsection (1)]~~ (9).

7021 (c) Regardless of the allocation of decision-making in the parenting plan, [either] a
 7022 parent may make emergency decisions affecting the health or safety of the minor
 7023 child.

7024 ~~[(b)]~~ (d) A minor child's education plan shall designate the following:

- 7025 (i) the home residence for purposes of identifying the appropriate school or another
 7026 specific plan that provides for where the minor child will attend school;
- 7027 (ii) which parent has authority to make education decisions for the minor child if the
 7028 parents cannot agree; and
- 7029 (iii) whether one or both parents have access to the minor child during school and
 7030 authority to check the minor child out of school.

7031 ~~[(e)]~~ (e) ~~[If no education provision is included in the parent plan]~~ If an education
 7032 provision is not included in the parenting plan:

- 7033 (i) a parent with sole physical custody shall make the decisions listed in Subsection [
 7034 ~~(5)(b)]~~ (11)(d);
- 7035 (ii) in the event of joint physical custody when one parent has custody a majority of
 7036 the time~~[, pursuant to Subsection 30-3-10.3(4):]~~ as described in Subsection
 7037 81-9-205(10):
 - 7038 (A) the parent having the minor child the majority of the time shall make the
 7039 decisions listed in Subsections ~~[(5)(b)(i)]~~ (11)(d)(i) and (ii); and
 - 7040 (B) both parents with joint physical custody shall have access to the minor child
 7041 during school and authority to check the child out of school; or
- 7042 (iii) in the event of joint physical custody when the parents have custody an equal
 7043 amount of time:
 - 7044 (A) the court shall determine how the decisions listed in Subsections ~~[(5)(b)(i)]~~
 7045 (11)(d)(i) and (ii) are made; and
 - 7046 (B) both parents with joint physical custody shall have access to the minor child
 7047 during school and authority to check the minor child out of school.

7048 ~~[(6)]~~ (12) Each parent may make decisions regarding the day-to-day care and control of the
 7049 minor child while the minor child is residing with that parent.

7050 ~~[(7)]~~ (13) When mutual decision-making is designated but cannot be achieved, the parties
 7051 shall make a good faith effort to resolve the issue through the dispute resolution process.

7052 ~~[(8)]~~ (14) The parenting plan shall include a residential schedule that designates in which
 7053 parent's home ~~[each]~~ a minor child shall reside on given days of the year, including
 7054 provisions for holidays, birthdays of family members, vacations, and other special
 7055 occasions.

7056 ~~[(9)]~~ (15) (a) If a parent fails to comply with a provision of the parenting plan or a child
 7057 support order, the other parent's obligations under the parenting plan or the child
 7058 support order are not affected.

7059 (b) Failure to comply with a provision of the parenting plan or a child support order
 7060 may result in a finding of contempt of court.

7061 ~~[(10)]~~ (16) (a) ~~[When one or both parents are servicemembers]~~ If a parent is a service
 7062 member, the parenting plan shall contain provisions that address the foreseeable
 7063 parenting and custodial issues likely to arise in the event of notification of
 7064 deployment or other contingency, including long-term deployments, short-term
 7065 deployments, death, incapacity, and noncombatant evacuation operations.

7066 (b) The provisions in the parenting plan described in Subsection ~~[(10)(a)]~~ (16)(a) shall
 7067 comport substantially with the requirements of an agreement made pursuant to
 7068 Section 78B-20-201.

7069 *The following section is affected by a coordination clause at the end of this bill.*

7070 Section 180. Section **81-9-204**, which is renumbered from Section 30-3-10 is renumbered
 7071 and amended to read:

7072 ~~[30-3-10]~~ **81-9-204. (Effective 09/01/24). Custody and parent-time of a minor**
 7073 **child -- Custody factors -- Preferences.**

7074 ~~[(1) If a married couple having one or more minor children are separated, or the married~~
 7075 ~~couple's marriage is declared void or dissolved, the court shall enter, and has continuing~~
 7076 ~~jurisdiction to modify, an order of custody and parent-time.]~~

7077 (1) In a proceeding between parents in which the custody and parent-time of a minor child
 7078 is at issue, the court shall consider the best interests of the minor child.

7079 (2) The court shall determine whether an order for custody or parent-time is in the best
 7080 interests of the minor child by a preponderance of the evidence.

7081 ~~[(2)]~~ (3) ~~[In determining any form of custody and parent-time under Subsection (1), the~~
 7082 ~~court shall consider the best interest of the child and may consider among other factors~~
 7083 ~~the court finds relevant, the following]~~ In determining the form of custody or parent-time
 7084 that is in the best interests of the minor child, the court may consider the following
 7085 factors for each parent:

- 7086 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
7087 abuse, involving the minor child, the parent, or a household member of the parent;
- 7088 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
7089 developmental needs of the minor child, including the minor child's:
- 7090 (i) physical needs;
- 7091 (ii) emotional needs;
- 7092 (iii) educational needs;
- 7093 (iv) medical needs; and
- 7094 (v) any special needs;
- 7095 (c) the parent's capacity and willingness to function as a parent, including:
- 7096 (i) parenting skills;
- 7097 (ii) co-parenting skills, including:
- 7098 (A) ability to appropriately communicate with the other parent;
- 7099 (B) ability to encourage the sharing of love and affection; and
- 7100 (C) willingness to allow frequent and continuous contact between the minor child
7101 and the other parent, except that, if the court determines that the parent is
7102 acting to protect the minor child from domestic violence, neglect, or abuse, the
7103 parent's protective actions may be taken into consideration; and
- 7104 (iii) ability to provide personal care rather than surrogate care;
- 7105 (d) ~~[in accordance with Subsection (10);]~~ the past conduct and demonstrated moral
7106 character of the parent as described in Subsection (8);
- 7107 (e) the emotional stability of the parent;
- 7108 (f) the parent's inability to function as a parent because of drug abuse, excessive
7109 drinking, or other causes;
- 7110 (g) whether the parent has intentionally exposed the minor child to pornography or [
7111 ~~material harmful to minors, as "material" and "harmful to minors" are]~~ material that is
7112 harmful to minors, as those terms are defined in Section 76-10-1201;
- 7113 (h) the parent's reasons for having relinquished custody or parent-time in the past;
- 7114 (i) duration and depth of desire for custody or parent-time;
- 7115 (j) the parent's religious compatibility with the minor child;
- 7116 (k) the parent's financial responsibility;
- 7117 (l) the minor child's interaction and relationship with step-parents, extended family
7118 members of other individuals who may significantly affect the minor child's best
7119 interests;

- 7120 (m) who has been the primary caretaker of the minor child;
- 7121 (n) previous parenting arrangements in which the minor child has been happy and
7122 well-adjusted in the home, school, and community;
- 7123 (o) the relative benefit of keeping siblings together;
- 7124 (p) the stated wishes and concerns of the minor child, taking into consideration the minor
7125 child's cognitive ability and emotional maturity;
- 7126 (q) the relative strength of the minor child's bond with the parent, meaning the depth,
7127 quality, and nature of the relationship between the parent and the minor child; and
- 7128 (r) any other factor the court finds relevant.
- 7129 [~~(3) There is a rebuttable presumption that joint legal custody, as defined in Section~~
7130 ~~30-3-10.1, is in the best interest of the child, except in cases when there is:~~]
- 7131 [~~(a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional~~
7132 ~~abuse involving the child, a parent, or a household member of the parent;]~~
- 7133 [~~(b) special physical or mental needs of a parent or child, making joint legal custody~~
7134 ~~unreasonable;]~~
- 7135 [~~(c) physical distance between the residences of the parents, making joint decision making~~
7136 ~~impractical in certain circumstances; or]~~
- 7137 [~~(d) any other factor the court considers relevant including those listed in this section and~~
7138 ~~Section 30-3-10.2.]~~
- 7139 [(4) (a) The person who desires joint legal custody shall file a proposed parenting plan in
7140 accordance with Sections 30-3-10.8 and 30-3-10.9.]
- 7141 [(b) A presumption for joint legal custody may be rebutted by a showing by a
7142 preponderance of the evidence that it is not in the best interest of the child.]
- 7143 [(5)] (4) (a) A minor child may not be required by either party to testify unless the trier of
7144 fact determines that extenuating circumstances exist that would necessitate the
7145 testimony of the minor child be heard and there is no other reasonable method to
7146 present the minor child's testimony.
- 7147 (b) (i) The court may inquire [~~of the child's~~] and take into consideration the minor
7148 child's desires regarding future custody or parent-time schedules, but the
7149 expressed desires are not controlling and the court may determine the minor
7150 child's custody or parent-time otherwise.
- 7151 (ii) The desires of a minor child who is 14 years old or older shall be given added
7152 weight, but is not the single controlling factor.
- 7153 (c) (i) If an interview with a minor child is conducted by the court [~~pursuant to~~] in

7154 accordance with Subsection ~~[(5)(b)]~~ (4)(b), the interview shall be conducted by the [
7155 judge] court in camera.

7156 (ii) The prior consent of the parties may be obtained but is not necessary if the court
7157 finds that an interview with a minor child is the only method to ascertain the minor
7158 child's desires regarding custody.

7159 ~~[(6)]~~ (5) (a) Except as provided in Subsection ~~[(6)(b)]~~ (5)(b), a court may not discriminate
7160 against a parent due to a disability, as defined in Section 57-21-2, in awarding
7161 custody or determining whether a substantial change has occurred for the purpose of
7162 modifying an award of custody.

7163 (b) The court may not consider the disability of a parent as a factor in awarding custody
7164 or modifying an award of custody based on a determination of a substantial change in
7165 circumstances, unless the court makes specific findings that:

7166 (i) the disability significantly or substantially inhibits the parent's ability to provide
7167 for the physical and emotional needs of the minor child at issue; and

7168 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
7169 available to supplement the parent's ability to provide for the physical and
7170 emotional needs of the minor child at issue.

7171 (c) Nothing in this section may be construed to apply to adoption proceedings under
7172 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

7173 ~~[(7)]~~ (6) This section does not establish :

7174 (a) a preference for either parent solely because of the gender of the parent~~[-]~~ ; or
7175 ~~[(8)]~~ (b) ~~[This section establishes neither a preference nor a presumption]~~ a preference for
7176 or against joint physical custody or sole physical custody, but allows the court and
7177 the family the widest discretion to choose a parenting plan that is in the best interest
7178 of the minor child.

7179 ~~[(9)]~~ (7) When an issue before the court involves custodial responsibility in the event of a
7180 deployment of ~~[one or both parents who are service members]~~ a parent who is a service
7181 member and the service member has not yet been notified of deployment, the court shall
7182 resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

7183 ~~[(10)]~~ (8) In considering the past conduct and demonstrated moral standards of each party
7184 under Subsection ~~[(2)(d)]~~ (3)(d) or any other factor a court finds relevant, the court may
7185 not:

7186 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal
7187 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis

7188 device, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments
 7189 and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 7190 Cannabis, or Subsection 58-37-3.7(2) or (3) any differently than the court would
 7191 consider or treat the lawful possession or use of any prescribed controlled substance;
 7192 or

7193 (b) discriminate against a parent because of the parent's status as a:

7194 (i) cannabis production establishment agent, as that term is defined in Section
 7195 4-41a-102;

7196 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;

7197 (iii) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or

7198 (iv) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
 7199 Cannabinoid Research and Medical Cannabis.

7200 (9) (a) The court shall consider evidence of domestic violence if evidence of domestic
 7201 violence is presented.

7202 (b) The court shall consider as primary, the safety and well-being of the minor child and
 7203 the parent who experiences domestic violence.

7204 (c) A court shall consider an order issued by a court in accordance with Title 78B,
 7205 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
 7206 substantiated potential harm to the minor child.

7207 (d) If a parent relocates because of an act of domestic violence or family violence by the
 7208 other parent, the court shall make specific findings and orders with regards to the
 7209 application of Section 81-9-209.

7210 (10) Absent a showing by a preponderance of evidence of real harm or substantiated
 7211 potential harm to the minor child:

7212 (a) it is in the best interest of the minor child to have frequent, meaningful, and
 7213 continuing access to each parent following separation or divorce;

7214 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
 7215 access with the parent's minor child consistent with the minor child's best interests;
 7216 and

7217 (c) it is in the best interest of the minor child to have both parents actively involved in
 7218 parenting the minor child.

7219 Section 181. Section **81-9-205**, which is renumbered from Section 30-3-10.2 is renumbered
 7220 and amended to read:

7221 **[30-3-10.2]81-9-205. (Effective 09/01/24). Presumption of joint legal custody --**

7222 **Joint custody factors -- Order for joint custody.**

7223 [(1) The court may order joint legal custody or joint physical custody or both if one or both
7224 parents have filed a parenting plan in accordance with Section 30-3-10.8 and the court
7225 determines that joint legal custody or joint physical custody or both is in the best interest
7226 of the child.]

7227 [(2) In determining whether the best interest of a child will be served by ordering joint
7228 legal custody or joint physical custody or both, the court shall consider the custody
7229 factors in Section 30-3-10 and the following factors:]

7230 (1) The court may order joint legal custody or joint physical custody or both joint legal
7231 custody and joint physical custody if:

7232 (a) one or both parents have filed a parenting plan as described in Section 81-9-203; and

7233 (b) the court determines that, by a preponderance of the evidence, joint legal custody or
7234 joint physical custody or both joint legal custody and joint physical custody is in the
7235 best interest of the minor child in accordance with Subsection (5) and Section
7236 81-9-204.

7237 (2) (a) There is a rebuttable presumption that joint legal custody is in the best interest of
7238 the minor child, except in cases when there is:

7239 (i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
7240 abuse involving the minor child, a parent, or a household member of the parent;

7241 (ii) special physical or mental needs of a parent or minor child, making joint legal
7242 custody unreasonable;

7243 (iii) physical distance between the residences of the parents, making joint decision
7244 making impractical in certain circumstances; or

7245 (iv) any other factor the court considers relevant, including the factors described in
7246 Subsection (5) and Section 81-9-204.

7247 (b) A presumption for joint legal custody may be rebutted by showing by a
7248 preponderance of the evidence that it is not in the best interest of the minor child.

7249 (3) (a) Joint legal custody does not affect the physical custody of the minor child except
7250 as specified in the order of joint legal custody.

7251 (b) Joint legal custody is not based on awarding equal or nearly equal periods of
7252 physical custody of and access to the minor child to each of the parents because the
7253 best interest of the minor child often requires that a primary physical residence for
7254 the minor child be designated.

7255 (c) In ordering joint legal custody, the court:

- 7256 (i) may include an award of exclusive authority by the court to one parent to make
7257 specific decisions regarding the minor child; and
- 7258 (ii) is not prohibited from specifying one parent as the primary caretaker and one
7259 home as the primary residence of the minor child.
- 7260 (4) (a) Joint physical custody may result in equal or nearly equal periods of physical
7261 custody of and access to the minor child by each of the parents to meet the best
7262 interest of the minor child.
- 7263 (b) Joint physical custody may require that a physical residence for the minor child be
7264 designated.
- 7265 (c) In ordering joint physical custody, the court is not prohibited from specifying one
7266 parent as the primary caretaker and one home as the primary residence of the minor
7267 child.
- 7268 (5) In addition to the factors described in Section 81-9-204, the court shall consider the
7269 following factors in determining whether joint legal custody, joint physical custody, or
7270 both joint legal custody and joint physical custody, is in the best interest of the minor
7271 child:
- 7272 (a) whether the physical, psychological, and emotional needs and development of the
7273 minor child will benefit from joint legal custody or joint physical custody or both
7274 joint legal custody and joint physical custody;
- 7275 (b) the ability of the parents to give first priority to the welfare of the minor child and
7276 reach shared decisions in the minor child's best interest;
- 7277 (c) co-parenting skills, including:
- 7278 (i) ability to appropriately communicate with the other parent;
- 7279 (ii) ability to encourage the sharing of love and affection; and
- 7280 (iii) willingness to allow frequent and continuous contact between the minor child
7281 and the other parent, except that, if the court determines that the parent is acting to
7282 protect the minor child from domestic violence, neglect, or abuse, the parent's
7283 protective actions may be taken into consideration; [~~and~~]
- 7284 (d) whether both parents participated in raising the minor child before the divorce;
- 7285 (e) the geographical proximity of the homes of the parents;
- 7286 (f) the preference of the minor child if the minor child is of sufficient age and capacity to
7287 reason so as to form an intelligent preference as to joint legal custody or joint
7288 physical custody or both joint legal custody and joint physical custody;
- 7289 (g) the maturity of the parents and their willingness and ability to protect the minor child

- 7290 from conflict that may arise between the parents;
- 7291 (h) the past and present ability of the parents to cooperate with each other and make
- 7292 decisions jointly; and
- 7293 (i) any other factor the court finds relevant.
- 7294 [~~(3) The determination of the best interest of the child shall be by a preponderance of the~~
- 7295 ~~evidence.~~]
- 7296 [~~(4)~~ (6) The court shall inform both parties that an order for joint physical custody may
- 7297 preclude eligibility for cash assistance provided under Title 35A, Chapter 3,
- 7298 Employment Support Act.
- 7299 (7) An order of joint legal custody or joint physical custody shall provide terms the court
- 7300 determines appropriate, which may include specifying:
- 7301 (a) the county of residence of the minor child, until altered by further order of the court,
- 7302 or the custodian who has the sole legal right to determine the residence of the minor
- 7303 child;
- 7304 (b) that the parents shall exchange information concerning the health, education, and
- 7305 welfare of the minor child, and where possible, confer before making decisions
- 7306 concerning any of these areas;
- 7307 (c) the rights and duties of each parent regarding the minor child's present and future
- 7308 physical care, support, and education;
- 7309 (d) provisions to minimize disruption of the minor child's attendance at school and other
- 7310 activities, the minor child's daily routine, and the minor child's association with
- 7311 friends; and
- 7312 (e) as necessary, the remaining parental rights, privileges, duties, and powers to be
- 7313 exercised by the parents solely, concurrently, or jointly.
- 7314 (8) An order of joint legal custody or joint physical custody shall require the parenting plan
- 7315 contain a dispute resolution procedure that the parties agree to use:
- 7316 (a) in accordance with Subsection 81-9-203(10); and
- 7317 (b) before seeking enforcement or modification of the terms and conditions of the order
- 7318 of joint legal custody or joint physical custody through litigation, except in
- 7319 emergency situations requiring ex parte orders to protect the minor child.
- 7320 (9) The court shall, where possible, include in the order the terms of the parenting plan
- 7321 provided in accordance with Section 81-9-203.
- 7322 (10) Any parental rights not specifically addressed by the court order may be exercised by
- 7323 the parent having physical custody of the minor child the majority of the time.

- 7324 (11) The appointment of joint legal or physical custodians does not impair or limit the
 7325 authority of the court to order support of the child, as defined in Section 81-6-101,
 7326 including payments by one custodian to the other.
- 7327 (12) An order of joint legal custody, in itself, is not grounds for modifying a support order.
 7328 ~~[(5)]~~ (13) The court may order that when possible the parties attempt to settle future disputes
 7329 by a dispute resolution method before seeking enforcement or modification of the terms
 7330 and conditions of the order of joint legal custody or joint physical custody through
 7331 litigation, except in emergency situations requiring ex parte orders to protect the minor
 7332 child.

7333 Section 182. Section **81-9-206**, which is renumbered from Section 30-3-34 is renumbered
 7334 and amended to read:

7335 **[30-3-34] 81-9-206. (Effective 09/01/24). Determination of parent-time schedule --**
 7336 **Parent-time factors.**

- 7337 (1) If the parties are unable to agree on a parent-time schedule, the court may:
 7338 (a) establish a parent-time schedule; or
 7339 (b) order a parent-time schedule described in [~~Section 30-3-35, 30-3-35.1, 30-3-35.2, or~~
 7340 ~~30-3-35.5]~~ Part 3, Parent-time Schedules.
- 7341 (2) [~~The advisory guidelines as provided in Section 30-3-33 and the parent-time schedule as~~
 7342 ~~provided in Sections 30-3-35 and 30-3-35.5 shall be considered]~~ There is a presumption
 7343 that the advisory guidelines described in Section 81-9-202 and the parent-time schedules
 7344 described in Part 3, Parent-time Schedules, are the minimum parent-time to which the
 7345 noncustodial parent and the minor child [~~shall be~~] are entitled.
- 7346 (3) A court may consider the following when ordering a parent-time schedule:
 7347 (a) whether parent-time would endanger the minor child's physical health or mental
 7348 health, or significantly impair the minor child's emotional development;
 7349 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
 7350 abuse, involving the minor child, a parent, or a household member of the parent as
 7351 described Subsection (4) and Section 81-9-204;
 7352 (c) the distance between the residency of the minor child and the noncustodial parent;
 7353 (d) a credible allegation of child abuse has been made;
 7354 (e) the lack of demonstrated parenting skills without safeguards to ensure the minor
 7355 child's well-being during parent-time;
 7356 (f) the financial inability of the noncustodial parent to provide adequate food and shelter
 7357 for the minor child during periods of parent-time;

- 7358 (g) the preference of the minor child if the court determines the minor child is of
7359 sufficient maturity;
- 7360 (h) the incarceration of the noncustodial parent in a county jail, secure youth corrections
7361 facility, or an adult corrections facility;
- 7362 (i) shared interests between the minor child and the noncustodial parent;
- 7363 (j) the involvement or lack of involvement of the noncustodial parent in the school,
7364 community, religious, or other related activities of the minor child;
- 7365 (k) the availability of the noncustodial parent to care for the minor child when the
7366 custodial parent is unavailable to do so because of work or other circumstances;
- 7367 (l) a substantial and chronic pattern of missing, canceling, or denying regularly
7368 scheduled parent-time;
- 7369 (m) the minimal duration of and lack of significant bonding in the parents' relationship
7370 before the conception of the minor child;
- 7371 (n) the parent-time schedule of siblings;
- 7372 (o) the lack of reasonable alternatives to the needs of a nursing minor child; and
- 7373 (p) any other criteria the court determines relevant to the best interests of the minor child.
- 7374 (4) The court shall enter the reasons underlying the court's order for parent-time that:
- 7375 (a) incorporates a parent-time schedule [~~provided in Section 30-3-35 or 30-3-35.5~~
7376 described in Section 81-9-302 or 81-9-304; or
- 7377 (b) provides more or less parent-time than a parent-time schedule [~~provided in Section~~
7378 30-3-35 or 30-3-35.5] described in Section 81-9-302 or 81-9-304.
- 7379 (5) A court may not order a parent-time schedule unless the court determines by a
7380 preponderance of the evidence that the parent-time schedule is in the best interest of the
7381 minor child.
- 7382 (6) Once the parent-time schedule has been established, the parties may not alter the
7383 parent-time schedule except by mutual consent of the parties or a court order.
- 7384 (7) (a) If the court orders parent-time and a protective order or stalking injunction is still
7385 in place, the court shall consider whether to order the parents to conduct parent-time
7386 pick-up and transfer through a third party.
- 7387 (b) The parent who is the stated victim in the protective order or stalking injunction may
7388 submit to the court, and the court shall consider, the name of a person considered
7389 suitable to act as the third party.
- 7390 (c) If the court orders the parents to conduct parent-time through a third party, the
7391 parenting plan shall specify the time, day, place, manner, and the third party to be

7392 used to implement the exchange.

7393 (8) If there is a protective order, stalking injunction, or the court finds that a parent has
7394 committed domestic violence, the court shall:

7395 (a) consider the impact of domestic violence in awarding parent-time; and

7396 (b) make specific findings regarding the award of parent-time.

7397 (9) Upon a specific finding by the court of the need for peace officer enforcement, the court
7398 may include a provision in an order for parent-time that authorizes a peace officer to
7399 enforce the order for parent-time.

7400 (10) When parent-time has not taken place for an extended period of time and the minor
7401 child lacks an appropriate bond with the noncustodial parent, both parents shall consider
7402 the possible adverse effects upon the minor child and gradually reintroduce an
7403 appropriate parent-time plan for the noncustodial parent.

7404 Section 183. Section **81-9-207**, which is renumbered from Section 30-3-34.5 is renumbered
7405 and amended to read:

7406 **[30-3-34.5]81-9-207. (Effective 09/01/24). Supervised parent-time.**

7407 [~~(1) Considering the fundamental liberty interests of parents and children, it is the policy of~~
7408 ~~this state that divorcing parents have unrestricted and unsupervised access to their~~
7409 ~~children. When necessary to protect a child and no less restrictive means is reasonably~~
7410 ~~available however, a court may order supervised parent-time if the court finds evidence~~
7411 ~~that the child would be subject to physical or emotional harm or child abuse, as~~
7412 ~~described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the~~
7413 ~~noncustodial parent if left unsupervised with the noncustodial parent.]~~

7414 (1) If it is necessary to protect a minor child and there is no less restrictive means
7415 reasonably available, a court may order supervised parent-time if the court finds
7416 evidence that the minor child would be subject to physical or emotional harm or child
7417 abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from
7418 the noncustodial parent if left unsupervised with the noncustodial parent.

7419 (2) (a) A court that orders supervised parent-time shall give preference to persons
7420 suggested by the parties to supervise, including relatives.

7421 (b) If the court finds that the persons suggested by the parties are willing to supervise,
7422 and are capable of protecting the [children] minor child from physical or emotional
7423 harm, or child abuse, the court shall authorize the persons to supervise parent-time.

7424 [~~(3)~~] (c) If the court is unable to authorize any persons to supervise parent-time [~~pursuant~~
7425 ~~to Subsection (2)~~], the court may require that the noncustodial parent seek the

7426 services of a professional individual or agency to exercise their supervised
7427 parent-time.

7428 [(4)] (3) At the time supervised parent-time is imposed, the court shall consider:

7429 (a) whether the cost of professional or agency services is likely to prevent the
7430 noncustodial parent from exercising parent-time; and

7431 (b) whether the requirement for supervised parent-time should expire after a set period
7432 of time.

7433 [(5)] (4) (a) The court shall, in its order for supervised parent-time, provide specific goals
7434 and expectations for the noncustodial parent to accomplish before unsupervised
7435 parent-time may be granted.

7436 (b) The court shall schedule one or more follow-up hearings to revisit the issue of
7437 supervised parent-time.

7438 [(6)] (5) A noncustodial parent may, at any time, petition the court to modify the order for
7439 supervised parent-time if the noncustodial parent can demonstrate that the specific goals
7440 and expectations set by the court [~~in Subsection (5)~~] as described in Subsection (4) have
7441 been accomplished.

7442 *The following section is affected by a coordination clause at the end of this bill.*

7443 Section 184. Section **81-9-208**, which is renumbered from Section 30-3-10.4 is renumbered
7444 and amended to read:

7445 ~~[30-3-10.4]~~ **81-9-208. (Effective 09/01/24). Modification or termination of a**
7446 **custody or parent-time order -- Noncompliance with a parent-time order.**

7447 (1) The court has continuing jurisdiction to make subsequent changes to modify:

7448 (a) custody of a minor child if there is a showing of a substantial and material change in
7449 circumstances since the entry of the order; and

7450 (b) parent-time for a minor child if there is a showing that there is a change in
7451 circumstances since the entry of the order.

7452 [(1)] (2) On the petition of one or both of the parents, or the joint legal or physical
7453 custodians if they are not the parents, the court may, after a hearing, modify or terminate
7454 an order that established joint legal custody or joint physical custody if:

7455 (a) the verified petition or accompanying affidavit initially alleges that admissible
7456 evidence will show that there has been a substantial and material change in the
7457 circumstances of the minor child or one or both parents or joint legal or physical
7458 custodians [~~have materially and substantially changed~~] since the entry of the order to
7459 be modified;

7460 (b) a modification of the terms and conditions of the order would be an improvement for
7461 and in the best interest of the minor child; and

7462 (c) (i) both parents have complied in good faith with the dispute resolution procedure
7463 in accordance with Subsection [~~30-3-10.3(7)~~] 81-9-205(8); or

7464 (ii) if no dispute resolution procedure is contained in the order that established joint
7465 legal custody or joint physical custody, the court orders the parents to participate
7466 in a dispute resolution procedure in accordance with Subsection [~~30-3-10.2(5)~~]
7467 81-9-205(13) unless the parents certify that, in good faith, they have used a
7468 dispute resolution procedure to resolve their dispute.

7469 [~~(2)~~] (3) (a) In determining whether the best interest of a minor child will be served by
7470 either modifying or terminating the joint legal custody or joint physical custody
7471 order, the court shall, in addition to other factors the court considers relevant,
7472 consider the factors [~~outlined in Section 30-3-10 and Subsection 30-3-10.2(2)~~]
7473 described in Sections 81-9-204 and 81-9-205.

7474 (b) A court order modifying or terminating an existing joint legal custody or joint
7475 physical custody order shall contain written findings that:

7476 (i) a [~~material and substantial~~] substantial and material change of circumstance has
7477 occurred; and

7478 (ii) a modification of the terms and conditions of the order would be an improvement
7479 for and in the best interest of the minor child.

7480 (c) The court shall give substantial weight to the existing joint legal custody or joint
7481 physical custody order when the minor child is thriving, happy, and well-adjusted.

7482 [~~(3)~~] (4) The court shall, in every case regarding a petition for termination of a joint legal
7483 custody or joint physical custody order, consider reasonable alternatives to preserve the
7484 existing order in accordance with [~~Subsection 30-3-10(3)~~] Section 81-9-204.

7485 (5) The court may modify the terms and conditions of the existing order in accordance with [~~Subsection 30-3-10(8)~~] this chapter and may order the parents to file a parenting plan in
7486 accordance with [~~this chapter~~] Section 81-9-203.

7488 [~~(4)~~] (6) A parent requesting a modification from sole custody to joint legal custody or joint
7489 physical custody or both, or any other type of shared parenting arrangement, shall file
7490 and serve a proposed parenting plan with the petition to modify in accordance with
7491 Section [~~30-3-10.8~~] 81-9-203.

7492 [~~(5)~~] If the court finds that an action under this section is filed or answered frivolously and
7493 in a manner designed to harass the other party, the court shall assess attorney fees as

- 7494 costs against the offending party.]
- 7495 [(6)] (7) If an issue before the court involves custodial responsibility in the event of
- 7496 deployment of one or both parents who are service members, and the service member
- 7497 has not yet been notified of deployment, the court shall resolve the issue based on the
- 7498 standards in Sections 78B-20-306 through 78B-20-309.
- 7499 (8) If the court finds that an action to modify custody or parent-time is filed or answered
- 7500 frivolously and, in a manner, designed to harass the other party, the court shall assess
- 7501 attorney fees as costs against the offending party.
- 7502 (9) If a petition to modify custody or parent-time provisions of a court order is made and
- 7503 denied, the court shall order the petitioner to pay the reasonable attorney fees expended
- 7504 by the prevailing party in that action if the court determines that the petition was without
- 7505 merit and not asserted or defended against in good faith.
- 7506 (10) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a
- 7507 visitation order by a grandparent or other member of the immediate family where a
- 7508 visitation or parent-time right has been previously granted by the court, the court:
- 7509 (a) may award to the prevailing party:
- 7510 (i) actual attorney fees incurred;
- 7511 (ii) the costs incurred by the prevailing party because of the other party's failure to
- 7512 provide or exercise court-ordered visitation or parent-time, including:
- 7513 (A) court costs;
- 7514 (B) child care expenses;
- 7515 (C) transportation expenses actually incurred;
- 7516 (D) lost wages, if ascertainable; or
- 7517 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 7518 (iii) any other appropriate equitable remedy; and
- 7519 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
- 7520 parent-time is not in the best interest of the minor child.
- 7521 Section 185. Section **81-9-209**, which is renumbered from Section 30-3-37 is renumbered
- 7522 and amended to read:
- 7523 **[30-3-37] 81-9-209. (Effective 09/01/24). Notice of relocation -- Effect of**
- 7524 **relocation on parent-time schedule.**
- 7525 (1) ~~[For purposes of this section]~~ As used in this section, "relocation" means moving 150
- 7526 miles or more from the residence of the other parent.
- 7527 (2) The relocating parent shall provide ~~[60 days advance]~~ written notice ~~[of the intended~~

- 7528 relocation] to the other parent at least 60 days before the day on which the relocating
7529 parent intends to relocate.
- 7530 (3) The written notice of relocation under Subsection (2) shall contain statements affirming [
7531 the following]:
- 7532 (a) the parent-time provisions in Subsection [~~(6)~~] (9) or a parent-time schedule approved
7533 by both parties will be followed; and
- 7534 (b) [~~neither parent will~~] that a parent will not interfere with the other's parental rights
7535 pursuant to court ordered parent-time arrangements[;] or the parent-time schedule
7536 approved by both parties.
- 7537 [~~(3)~~] (4) The court shall, upon motion of any party or upon the court's own motion, schedule
7538 a hearing with notice to :
- 7539 (a) review the notice of relocation and [~~parent-time schedule as provided in Section~~
7540 30-3-35] the relevant parent-time schedule under Section 81-8-302 or 81-8-304; and
- 7541 (b) make appropriate orders regarding the parent-time schedule and costs for
7542 parent-time transportation.
- 7543 [~~(4)~~] (5) In a hearing to review the notice of relocation, the court shall, in determining if the
7544 relocation of a custodial parent is in the best interest of the minor child, consider any
7545 other factors that the court considers relevant to the determination.
- 7546 (6) If the court determines that relocation is not in the best interest of the minor child, and
7547 the custodial parent relocates, the court may order a change of custody.
- 7548 [~~(5)~~] (7) (a) If the court finds that the relocation is in the best interest of the minor child,
7549 the court shall determine the parent-time schedule and allocate the transportation
7550 costs that will be incurred for the minor child to visit the noncustodial parent.
- 7551 (b) In making [~~its determination~~] a determination under Subsection (7)(a), the court shall
7552 consider:
- 7553 [~~(a)~~] (i) the reason for the parent's relocation;
- 7554 [~~(b)~~] (ii) the additional costs or difficulty to both parents in exercising parent-time;
- 7555 [~~(c)~~] (iii) the economic resources of both parents; and
- 7556 [~~(d)~~] (iv) other factors the court considers necessary and relevant.
- 7557 (8) If a parent relocates because of an act of domestic violence or family violence by the
7558 other parent, the court shall make specific findings and orders with regard to the
7559 application of this section.
- 7560 [~~(6)~~] (9) Unless otherwise ordered by the court, upon the relocation[~~, as defined in~~
7561 Subsection (1),] of one of the parties, the following schedule [~~shall be the minimum~~

- 7562 requirements for parent-time for children 5 to 18 years of age] is the minimum
 7563 parent-time the noncustodial parent is entitled to a minor child who is five to 18 years old:
- 7564 (a) in years ending in an odd number, the minor child shall spend the following holidays
 7565 with the noncustodial parent:
- 7566 (i) Thanksgiving holiday beginning Wednesday until Sunday; and
 7567 (ii) Spring break, if applicable, beginning the last day of school before the holiday
 7568 until the day before school resumes;
- 7569 (b) in years ending in an even number, the minor child shall spend the following
 7570 holidays with the noncustodial parent:
- 7571 (i) the entire winter school break period; and
 7572 (ii) the Fall school break beginning the last day of school before the holiday until the
 7573 day before school resumes;
- 7574 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
 7575 weeks~~[- The children should be returned to the custodial home no later than seven~~
 7576 ~~days before school begins; however, this week shall be counted when determining the~~
 7577 ~~amount of parent-time to be divided between the parents for the summer or off-track~~
 7578 ~~period]; and~~
- 7579 (d) one weekend per month, at the option and expense of the noncustodial parent.
- 7580 (10) For extended parent-time under Subsection (9)(c), the minor child should be returned
 7581 to the custodial home no later than seven days before school begins, except that this
 7582 week is counted when determining the amount of parent-time to be divided between the
 7583 parents for the summer or off-track period.
- 7584 ~~[(7)]~~ (11) (a) The court may also set a parent-time schedule for ~~[children under the age of~~
 7585 ~~five]~~ a minor child who is younger than five years old.
- 7586 (b) The schedule shall take into consideration the following:
- 7587 ~~[(a)]~~ (i) the age of the minor child;
 7588 ~~[(b)]~~ (ii) the developmental needs of the minor child;
 7589 ~~[(c)]~~ (iii) the distance between the parents' homes;
 7590 ~~[(d)]~~ (iv) the travel arrangements and cost;
 7591 ~~[(e)]~~ (v) the level of attachment between the minor child and the noncustodial parent;
 7592 and
 7593 ~~[(f)]~~ (vi) any other factors relevant to the best interest of the minor child.
- 7594 ~~[(8)]~~ (12) The noncustodial parent's monthly weekend entitlement is subject to the following
 7595 restrictions.

- 7596 (a) (i) If the noncustodial parent has not designated a specific weekend for
7597 parent-time, the noncustodial parent shall receive the last weekend of each month
7598 unless a holiday assigned to the custodial parent falls on that particular weekend.
- 7599 (ii) If a holiday assigned to the custodial parent falls on the last weekend of the
7600 month, the noncustodial parent [~~shall be~~] is entitled to the next to the last weekend
7601 of the month.
- 7602 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends
7603 into or through the first weekend of the next month, that weekend shall be considered
7604 the noncustodial parent's monthly weekend entitlement for that month.
- 7605 (c) If a minor child is out of school for teacher development days or snow days after the [
7606 ~~children begin~~] minor child begins the school year, or other days not included in the
7607 list of holidays in Subsection [~~(6)~~] (9) and those days are contiguous with the
7608 noncustodial parent's monthly weekend parent-time, those days shall be included in
7609 the weekend parent-time.
- 7610 [~~(9)~~] (13) The custodial parent is entitled to all parent-time not specifically allocated to the
7611 noncustodial parent.
- 7612 [~~(10)~~] (14) In the event finances and distance preclude the exercise of minimum parent-time
7613 for the noncustodial parent during the school year, the court should consider awarding
7614 more time for the noncustodial parent during the summer time if it is in the best interests
7615 of the [~~children~~] the minor child.
- 7616 [~~(11)~~] (15) (a) Upon the motion of any party, the court may order uninterrupted
7617 parent-time with the noncustodial parent for a minimum of 30 days during extended
7618 parent-time, unless the court finds it is not in the best [~~interests~~] interest of the minor
7619 child.
- 7620 (b) If the court orders uninterrupted parent-time during a period not covered by this
7621 section, [~~it~~] the court shall specify in its order which parent is responsible for the
7622 minor child's travel expenses.
- 7623 [~~(12)~~] (16) (a) Unless otherwise ordered by the court the relocating party shall be
7624 responsible for all the minor child's travel expenses relating to Subsections [~~(6)(a)~~]
7625 (9)(a) and (b) and 1/2 of the minor child's travel expenses relating to Subsection [
7626 ~~(6)(e)~~] (9)(c), provided the noncustodial parent is current on all support obligations.
- 7627 (b) If the noncustodial parent has been found in contempt for not being current on all
7628 support obligations, the noncustodial parent [~~shall be~~] is responsible for all of the
7629 minor child's travel expenses under Subsection [~~(6)~~] (9), unless the court rules

7630 otherwise.

7631 (c) ~~[Reimbursement by either]~~ A responsible party shall make a reimbursement to the
7632 other for the minor child's travel expenses ~~[shall be made]~~ within 30 days of receipt
7633 of documents detailing those expenses.

7634 ~~[(13)]~~ (17) The court may apply this provision to any preexisting decree of divorce.

7635 ~~[(14)]~~ (18) Any action under this section may be set for an expedited hearing.

7636 ~~[(15)]~~ (19) A parent who fails to comply with the notice of relocation in Subsection (2) [
7637 ~~shall be]~~ is in contempt of the court's order.

7638 Section 186. Section **81-9-301** is enacted to read:

7639

Part 3. Parent-time Schedules

7640 **81-9-301 (Effective 09/01/24). Definitions for part.**

7641 As used in this part:

7642 (1) "Juneteenth National Freedom Day" means the day on which the Juneteenth National
7643 Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.

7644 (2) "Weekends" include, for a parent-time schedule under Sections 81-9-302 and 81-9-303,
7645 any snow days, teacher development days, or other days when school is not scheduled
7646 and that are contiguous to the weekend period.

7647 Section 187. Section **81-9-302**, which is renumbered from Section 30-3-35 is renumbered
7648 and amended to read:

7649 ~~[30-3-35]~~ **81-9-302. (Effective 09/01/24). Minimum schedule for parent-time for a**
7650 **minor child five to 18 years old.**

7651 ~~[(1) As used in this section:]~~

7652 ~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth National~~
7653 ~~Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.]~~

7654 ~~[(b) "Weekends" include any snow days, teacher development days, or other days when~~
7655 ~~school is not scheduled and that are contiguous to the weekend period.]~~

7656 ~~[(2)]~~ (1) The parent-time schedule in this section applies to a minor child who is five to 18
7657 years old.

7658 ~~[(3)]~~ (2) If the parties do not agree to a parent-time schedule for a minor child described in
7659 Subsection ~~[(2)]~~ (1), the following schedule is considered the minimum parent-time to
7660 which the noncustodial parent is entitled to the minor child:

7661 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or
7662 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30

- 7663 p.m.; or
- 7664 (ii) at the election of the noncustodial parent, one weekday to be specified by the
- 7665 noncustodial parent or the court:
- 7666 (A) beginning at the time that the minor child's school is regularly dismissed and
- 7667 ending at 8:30 p.m.; or
- 7668 (B) if school is not in session, the noncustodial parent is available to be with the
- 7669 minor child, and in accommodation with the custodial parent's work schedule,
- 7670 beginning at 9 a.m. and ending at 8:30 p.m.;
- 7671 (b) (i) beginning on the first weekend after entry of the decree, alternating weekends
- 7672 beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or
- 7673 (ii) at the election of the noncustodial parent and beginning on the first weekend after
- 7674 the entry of the decree, alternating weekends:
- 7675 (A) beginning at the time that the minor child's school is regularly dismissed on
- 7676 Friday and ending on Sunday at 7 p.m.; or
- 7677 (B) if school is not in session, the noncustodial parent is available to be with the
- 7678 minor child, and in accommodation with the custodial parent's work schedule,
- 7679 beginning on Friday at 9 a.m. and ending on Sunday at 7 p.m.;
- 7680 (c) each holiday granted to the noncustodial parent in accordance with the holiday
- 7681 schedule described in Subsection [~~(13)~~] (12); and
- 7682 (d) extended parent-time with the minor child when school is not in session for summer
- 7683 break in accordance with Subsection [~~(4)~~] (3).
- 7684 [~~(4)~~] (3) (a) For extended parent-time with the minor child under Subsection [~~(3)(d)~~] (2)(d)
- 7685 and at the election of the noncustodial parent, the noncustodial parent is entitled up
- 7686 to four weeks of parent-time with the minor child, which may be consecutive, when
- 7687 school is not in session for summer break.
- 7688 (b) For the four weeks of extended parent-time for a noncustodial parent under
- 7689 Subsection [~~(4)(a)~~] (3)(a):
- 7690 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
- 7691 noncustodial parent; and
- 7692 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
- 7693 for a weekday visit on the same day on which the noncustodial parent is granted
- 7694 weekday day parent-time.
- 7695 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
- 7696 two weeks, which may be consecutive, when school is not in session for summer

- 7697 break.
- 7698 [~~(5)~~] (4) (a) Each parent shall provide notification to the other parent of the parent's plans
 7699 for the exercise of extended parent-time for summer break under Subsection [~~(4)~~] (3).
- 7700 (b) For the notification requirement under Subsection [~~(5)(a)~~] (4)(a):
- 7701 (i) in odd-numbered years:
- 7702 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
 7703 and
- 7704 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
 7705 and
- 7706 (ii) in even-numbered years:
- 7707 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
 7708 and
- 7709 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 7710 (c) (i) If a parent fails to provide a notification within the time periods described in
 7711 Subsection [~~(5)(b)~~] (4)(b), the complying parent may determine the schedule for
 7712 summer break for the noncomplying parent.
- 7713 (ii) If both parents fail to provide notice within the time periods described in
 7714 Subsection [~~(5)(b)~~] (4)(b), the first parent to provide notice may determine the
 7715 schedule for summer break for the other parent.
- 7716 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
 7717 Subsection [~~(4)(b)(ii)~~] (3)(b)(ii), the custodial parent shall provide notification to the
 7718 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
 7719 on which the custodial parent receives notification of the noncustodial parent's plans
 7720 for the exercise of interrupted extended parent-time.
- 7721 [~~(6)~~] (5) (a) An election should be made by the noncustodial parent at the time of entry of
 7722 the divorce decree or court order, except that the election may be changed by mutual
 7723 agreement, court order, or by the noncustodial parent in the event of a change in the
 7724 minor child's schedule.
- 7725 (b) An election by either parent concerning parent-time shall be made a part of the
 7726 decree and made a part of the parent-time order.
- 7727 [~~(7)~~] (6) (a) Changes may not be made to the parent-time schedule under this section,
 7728 except that if a conflict arises in the parent-time schedule, the following order of
 7729 precedence shall be applied when determining which parent is entitled to parent-time:
- 7730 (i) the holiday schedule for Mother's Day or Father's Day under Subsection [~~(13)~~] (12);

- 7731 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
7732 uninterrupted extended parent-time under Subsection [~~(4)~~] (3) and takes the minor
7733 child away from that parent's residence during the uninterrupted extended
7734 parent-time;
- 7735 (iii) the holiday schedule for any holiday under Subsection [~~(13)~~] (12) that is not
7736 Father's Day, Mother's Day, or the minor child's birthday;
- 7737 (iv) extended parent-time under Subsection [~~(4)~~] (3); and
7738 (v) the schedule for weekday or weekend parent-time.
- 7739 (b) A parent exercising parent-time for the minor child's birthday may bring other
7740 siblings along for the minor child's birthday.
- 7741 [~~(8)~~] (7) A stepparent, grandparent, or other responsible adult designated by the
7742 noncustodial parent, may pick up the minor child for parent-time if the custodial parent
7743 is aware of the identity of the individual and the noncustodial parent will be with the
7744 minor child by 7 p.m.
- 7745 [~~(9)~~] (8) If a holiday falls on a regularly scheduled school day, the parent exercising
7746 parent-time shall be responsible for the minor child's attendance at school for that school
7747 day.
- 7748 [~~(10)~~] (9) If there is more than one minor child and the minor children's school schedules
7749 vary for purpose of a holiday, at the option of the parent exercising the holiday or the
7750 parent's half of the holiday, the minor children may remain together for the holiday
7751 period beginning the first evening that all minor children's schools are dismissed for the
7752 holiday and ending the evening before any minor child returns to school.
- 7753 [~~(11)~~] (10) (a) Telephone contact shall be at reasonable hours and for a reasonable
7754 duration.
- 7755 (b) (i) Virtual parent-time, if the equipment is reasonably available and the parents
7756 reside at least 100 miles apart, shall be at reasonable hours and for reasonable
7757 duration.
- 7758 (ii) If the parties cannot agree on whether the equipment is reasonably available, the
7759 court shall decide whether the equipment for virtual parent-time is reasonably
7760 available, taking into consideration:
- 7761 (A) the best interests of the minor child;
- 7762 (B) each parent's ability to handle any additional expenses for virtual parent-time;
- 7763 and
- 7764 (C) any other factors the court considers material.

7765 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
 7766 [(12)] (11) If there is a minor child five to 18 years old and a minor child under five years
 7767 old and both minor children are the [~~natural or adopted~~] children of the parties, the
 7768 parents and the court should consider an upward deviation for parent-time with all the
 7769 minor children so that parent-time is uniform based on a schedule under this section.
 7770 [(13)] (12) 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
7772 Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
7773 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 <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7774 Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
7775 Memorial Day	(1) Holiday begins Friday at:	Even years	Odd years

		<p>(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 7 p.m. on Memorial Day.</p>		
7776	Mother's Day	<p>(1) Holiday begins on Mother's Day at 9 a.m.</p> <p>(2) Holiday ends on Mother's Day at 7 p.m.</p>	All years if noncustodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
7777	Father's Day	<p>(1) Holiday begins on Father's Day at 9 a.m.</p> <p>(2) Holiday ends on Father's Day at 7 p.m.</p>	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.
7778	Juneteenth National Freedom Day	<p>(1) Holiday begins at:</p> <p>(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</p> <p>(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p>	Even years	Odd years

		(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.		
7779	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
7780	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
7781	Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
7782	Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years
7783	Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
7784	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years

7785	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
7786	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 at 7 p.m. on the day before school resumes.	Even years	Odd years
7787	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day on that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7788	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7789	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
7790	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

7791 Section 188. Section **81-9-303**, which is renumbered from Section 30-3-35.1 is renumbered
7792 and amended to read:

7793 **[30-3-35.1]81-9-303. (Effective 09/01/24). Optional schedule for parent-time for a**

7794 **minor child five to 18 years old.**

7795 [~~(1)~~ As used in this section:]

7796 ~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth National~~
7797 ~~Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.]~~

7798 ~~[(b) "Weekends" include any snow days, teacher development days, or other days when~~
7799 ~~school is not scheduled and that are contiguous to the weekend period.]~~

7800 [~~(2)~~] (1) (a) The optional parent-time schedule in this section applies to a minor child
7801 who is five to 18 years old.

7802 (b) For purposes of calculating child support, the optional parent-time schedule in this
7803 section is 145 overnights.

7804 (c) Any impact on child support shall be consistent with joint physical custody[~~—~~as
7805 defined in Section 78B-12-102].

7806 [~~(3)~~] (2) The parents and the court may consider the increased parent-time schedule in this
7807 section as a minimum parent-time schedule when the parties agree or the noncustodial
7808 parent can demonstrate:

7809 (a) the noncustodial parent has been actively involved in the minor child's life;

7810 (b) the parties can communicate effectively regarding the minor child or the
7811 noncustodial parent has a plan to accomplish effective communications regarding the
7812 minor child;

7813 (c) the noncustodial parent has the ability to facilitate the increased parent-time;

7814 (d) the increased parent-time would be in the best interest of the minor child; and

7815 (e) any other factor the court considers relevant.

7816 [~~(4)~~] (3) In determining whether a noncustodial parent has been actively involved in the
7817 minor child's life, the court shall consider:

7818 (a) demonstrated responsibility in caring for the minor child;

7819 (b) involvement in childcare;

7820 (c) presence or volunteer efforts in the minor child's school and at extracurricular
7821 activities;

7822 (d) assistance with the minor child's homework;

7823 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;

7824 (f) bonding with the minor child; and

7825 (g) any other factor the court considers relevant.

7826 [~~(5)~~] (4) In determining whether a noncustodial parent has the ability to facilitate the
7827 increased parent-time, the court shall consider:

- 7828 (a) the geographic distance between the residences of the parents and the distance
7829 between the parents' residences and the minor child's school;
- 7830 (b) the noncustodial parent's ability to assist with after school care;
- 7831 (c) the health of the minor child and the noncustodial parent in accordance with
7832 Subsection [~~30-3-10(6)~~] 81-9-204(5);
- 7833 (d) flexibility of employment or another schedule of the noncustodial parent;
- 7834 (e) ability to provide appropriate playtime with the minor child;
- 7835 (f) history and ability of the noncustodial parent to implement a flexible schedule for the
7836 minor child;
- 7837 (g) physical facilities of the noncustodial parent's residence; and
- 7838 (h) any other factor the court considers relevant.
- 7839 [~~(6)~~] (5) If the parties agree or the court enters an order for the optional parent-time schedule
7840 under this section, a parenting plan in compliance with [~~Sections 30-3-10.7 through~~
7841 ~~30-3-10.10~~] Section 81-9-203 shall be filed with any order incorporating the optional
7842 parent-time schedule described in Subsection [~~(7)~~] (6).
- 7843 [~~(7)~~] (6) The following schedule is considered the optional parent-time to which the
7844 noncustodial parent is entitled to the minor child:
- 7845 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or
7846 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
7847 following day upon delivering the minor child to school or at 8 a.m. if there is no
7848 school; or
- 7849 (ii) at the election of the noncustodial parent, one weekday specified by the
7850 noncustodial parent or the court:
- 7851 (A) beginning at the time the minor child's school is regularly dismissed until the
7852 following day upon delivering the minor child to school or at 8 a.m. if there is
7853 no school; or
- 7854 (B) if there is no school, the noncustodial parent is available to be with the minor
7855 child, and in accommodation with the custodial parent's work schedule,
7856 beginning at 8 a.m. and ending on the following day upon delivering the minor
7857 child to school or at 8 a.m. if there is no school;
- 7858 (b) (i) beginning the first weekend after the entry of the decree, alternating weekends
7859 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor
7860 child to school or at 8 a.m. if there is no school; or
- 7861 (ii) at the election of the noncustodial parent, beginning the first weekend after the

- 7862 entry of the decree, alternating weekends:
- 7863 (A) beginning at the time the minor child's school is regularly dismissed on Friday
- 7864 and ending on Monday upon delivering the minor child to school or at 8 a.m. if
- 7865 there is no school; or
- 7866 (B) if there is no school, the noncustodial parent is available to be with the minor
- 7867 child, and in accommodation with the custodial parent's work schedule,
- 7868 beginning on Friday at 9 a.m. and ending on Monday upon delivering the minor
- 7869 child to school or at 8 a.m. if there is no school;
- 7870 (c) each holiday granted to the noncustodial parent in accordance with the holiday
- 7871 schedule described in Subsection [~~(16)~~] (15); and
- 7872 (d) extended parent-time with the minor child when school is not in session for summer
- 7873 break in accordance with Subsection [~~(8)~~] (7).
- 7874 [~~(8)~~] (7) (a) For extended parent-time with the minor child under Subsection [~~(7)(d)~~] (6)(d)
- 7875 and at the election of the noncustodial parent, the noncustodial parent is entitled up
- 7876 to four weeks of parent-time with the minor child, which may be consecutive, when
- 7877 school is not in session for summer break.
- 7878 (b) For the four weeks of extended parent-time for a noncustodial parent under
- 7879 Subsection [~~(8)(a)~~] (7)(a):
- 7880 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
- 7881 noncustodial parent; and
- 7882 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
- 7883 for a weekday visit on the same day on which the noncustodial parent is granted
- 7884 weekday day parent-time.
- 7885 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
- 7886 two weeks, which may be consecutive, when school is not in session for summer
- 7887 break.
- 7888 [~~(9)~~] (8) (a) Each parent shall provide notification to the other parent of the parent's plans
- 7889 for the exercise of parent-time for summer break under Subsection [~~(8)~~] (7).
- 7890 (b) For the notification requirement under Subsection [~~(9)(a)~~] (8)(a):
- 7891 (i) in odd-numbered years:
- 7892 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
- 7893 and
- 7894 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
- 7895 and

- 7896 (ii) in even-numbered years:
- 7897 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
- 7898 and
- 7899 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 7900 (c) (i) If a parent fails to provide a notification within the time periods described in
- 7901 Subsection ~~[(9)(b)]~~ (8)(b), the complying parent may determine the schedule for
- 7902 summer break for the noncomplying parent.
- 7903 (ii) If both parents fail to provide notice within the time periods described in
- 7904 Subsection ~~[(9)(b)]~~ (8)(b), the first parent to provide notice may determine the
- 7905 schedule for summer break for the other parent.
- 7906 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
- 7907 Subsection ~~[(8)(b)(ii)]~~ (7)(b)(ii), the custodial parent shall provide notification to the
- 7908 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
- 7909 on which the custodial parent receives notification of the noncustodial parent's plans
- 7910 for the exercise of interrupted extended parent-time.
- 7911 ~~[(10)]~~ (9) (a) An election should be made by the noncustodial parent at the time of entry
- 7912 of the divorce decree or court order, except that the election may be changed by
- 7913 mutual agreement, court order, or by the noncustodial parent in the event of a change
- 7914 in the minor child's schedule.
- 7915 (b) An election by either parent concerning parent-time shall be made a part of the
- 7916 decree and made a part of the parent-time order.
- 7917 ~~[(11)]~~ (10) (a) Changes may not be made to the parent-time schedule under this section,
- 7918 except that if a conflict arises in the parent-time schedule, the following order of
- 7919 precedence shall be applied when determining which parent is entitled to parent-time:
- 7920 (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);
- 7921 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
- 7922 uninterrupted extended parent-time under Subsection ~~[(8)]~~ (7) and takes the minor
- 7923 child away from that parent's residence during the uninterrupted extended
- 7924 parent-time;
- 7925 (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not
- 7926 Father's Day, Mother's Day, or the minor child's birthday;
- 7927 (iv) extended parent-time under Subsection ~~[(8)]~~ (7); and
- 7928 (v) the schedule for weekday or weekend parent-time.
- 7929 (b) A parent exercising parent-time for the minor child's birthday may bring other

7930 siblings along for the minor child's birthday.

7931 [(12)] (11) A stepparent, grandparent, or other responsible adult designated by the

7932 noncustodial parent, may pick up the minor child for parent-time if the custodial parent

7933 is aware of the identity of the individual and the noncustodial parent will be with the

7934 minor child by 7 p.m.

7935 [(13)] (12) If a holiday falls on a regularly scheduled school day, the parent exercising

7936 parent-time shall be responsible for the minor child's attendance at school for that school

7937 day.

7938 [(14)] (13) If there is more than one minor child and the minor children's school schedules

7939 vary for purpose of a holiday, at the option of the parent exercising the holiday or the

7940 parent's half of the holiday, the minor children may remain together for the holiday

7941 period beginning the first evening that all minor children's schools are dismissed for the

7942 holiday and ending the evening before any minor child returns to school.

7943 [(15)] (14) If there is a minor child five to 18 years old and a minor child under five years

7944 old and both minor children are the [natural or adopted] children of the parties, the

7945 parents and the court should consider an upward deviation for parent-time with all the

7946 minor children so that parent-time is uniform based on a schedule under this section.

7947 [(16)] (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
7949 Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering of the <u>minor</u> 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.		
7950	President's Day	<p>(1) Holiday begins Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the day following President's Day; or</p> <p>(b) at 8 a.m. on the day following President's Day if there is no school.</p>	Even years	Odd years
7951	Spring Break	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the day following the end of spring break; or</p> <p>(b) at 8 a.m. on the day following the end of spring break if there is no school.</p>	Odd years	Even years
7952	Memorial Day	<p>(1) Holiday begins Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p>	Even years	Odd years

		(a) upon delivering the <u>minor</u> 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.		
7953	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.
7954	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.
7955	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
7956	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
7957	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
7958	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 <u>minor</u> child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the day following Labor Day; or</p> <p>(b) at 8 a.m. on the day following Labor Day if there is no school.</p>		
7959	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
7960	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 <u>minor</u> 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
7961	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

7962	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
7963	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 <u>minor</u> 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
7964	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
7965	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the <u>minor</u> child to school on the day that school resumes after the winter break.	Even years	Odd years
7966	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years

7967	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years
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7968 Section 189. Section **81-9-304**, which is renumbered from Section 30-3-35.5 is renumbered
7969 and amended to read:

7970 **[30-3-35.5]81-9-304. (Effective 09/01/24). Minimum schedule for parent-time for**
7971 **a minor child under five years old.**

7972 ~~[(1) As used in this section, "Juneteenth National Freedom Day" means the day on which~~
7973 ~~the Juneteenth National Freedom Day holiday is celebrated in this state in accordance~~
7974 ~~with Section 63G-1-301.]~~

7975 ~~[(2)]~~ (1) The parent-time schedule in this section applies to a minor child who is younger
7976 than five years old.

7977 ~~[(3)]~~ (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections [
7978 ~~(4) through (9)]~~ (3) through (8) are considered the minimum parent-time to which the
7979 noncustodial parent is entitled to the minor child.

7980 ~~[(4)]~~ (3) For a minor child who is younger than five months old, the noncustodial parent is
7981 entitled to:

7982 (a) three two-hour visits every week; and

7983 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule
7984 under Subsection ~~[(16)]~~ (15).

7985 ~~[(5)]~~ (4) For a minor child who is at least five months old but younger than nine months old,
7986 the noncustodial parent is entitled to:

7987 (a) three three-hour visits every week; and

7988 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule
7989 under Subsection ~~[(16)]~~ (15).

7990 ~~[(6)]~~ (5) For a minor child who is at least nine months old but younger than 12 months old,
7991 the noncustodial parent is entitled to ~~[the child]~~:

7992 (a) one eight-hour visit every week;

7993 (b) one three-hour visit every week; and

7994 (c) eight hours for each holiday granted to the noncustodial parent in accordance with
7995 the holiday schedule under Subsection ~~[(16)]~~ (15).

7996 ~~[(7)]~~ (6) For a minor child who is at least 12 months old but younger than 18 months old, the
7997 noncustodial parent is entitled to:

7998 (a) one three-hour visit every week;

- 7999 (b) one eight-hour visit on alternating weekends to be specified by the noncustodial
8000 parent or court;
- 8001 (c) an overnight visit on opposite weekends from Subsection [~~(7)(b)~~] (6)(b) beginning at
8002 6 p.m. on Friday and ending at noon on Saturday; and
- 8003 (d) eight hours for each holiday granted to the noncustodial parent in the holiday
8004 schedule under Subsection [~~(16)~~] (15).
- 8005 [~~(8)~~] (7) For a minor child who is at least 18 months old but younger than three years old,
8006 the noncustodial parent is entitled to:
- 8007 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 8008 (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or
- 8009 (ii) if the minor child is being cared for during the day outside the minor child's
8010 regular place of residence and with advance notice to the custodial parent,
8011 beginning at the time that the minor child is picked up from the caregiver and
8012 ending at 8:30 p.m.;
- 8013 (b) beginning on the first weekend after the entry of the decree, alternating weekends
8014 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
- 8015 (c) each holiday granted to the noncustodial parent in accordance with the holiday
8016 schedule described in Subsection [~~(16)~~] (15); and
- 8017 (d) extended parent-time for two one-week periods, separated by at least four weeks, at
8018 the option of the noncustodial parent, as follows:
- 8019 (i) one week of uninterrupted parent-time for the noncustodial parent; and
- 8020 (ii) one week of interrupted parent-time where the custodial parent may have an equal
8021 amount of weekday parent-time as the noncustodial parent on the same day on
8022 which the noncustodial parent is granted weekday parent-time under Subsection [
8023 ~~(8)(a)~~] (7)(a).
- 8024 [~~(9)~~] (8) For a minor child who is at least three years old but younger than five years old, the
8025 noncustodial parent is entitled to:
- 8026 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 8027 (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or
- 8028 (ii) if the minor child is being cared for during the day outside the minor child's
8029 regular place of residence and with advance notice to the custodial parent,
8030 beginning at the time that the minor child is picked up from the caregiver and
8031 ending at 8:30 p.m.;
- 8032 (b) beginning on the first weekend after the entry of the decree, alternating weekends

- 8033 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
- 8034 (c) each holiday granted to the noncustodial parent in accordance with the holiday
8035 schedule described in Subsection [~~(16)~~] (15); and
- 8036 (d) extended parent-time for two two-week periods, separated by at least four weeks, at
8037 the option of the noncustodial parent, as follows:
- 8038 (i) two weeks of uninterrupted parent-time, which may be consecutive, for the
8039 noncustodial parent; and
- 8040 (ii) two weeks of interrupted parent-time, which may be consecutive, where the
8041 custodial parent may have an equal amount of weekday parent-time as the
8042 noncustodial parent on the same day on which the noncustodial parent is granted
8043 weekday parent-time under Subsection [~~(9)(a)~~] (8)(a).
- 8044 [~~(10)~~] (9) For a minor child who is at least 18 months old but younger than five years old,
8045 the custodial parent is entitled to one week of uninterrupted extended parent-time.
- 8046 [~~(11)~~] (10) (a) For a minor child who is nine months old or older, the noncustodial parent
8047 shall have at least two times a week:
- 8048 (i) brief telephone contact at reasonable hours and for a reasonable duration; and
8049 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside
8050 at least 100 miles apart, at reasonable hours and for reasonable duration.
- 8051 (b) If the parties cannot agree on whether the equipment is reasonably available, the
8052 court shall decide whether the equipment for virtual parent-time is reasonably
8053 available, taking into consideration:
- 8054 (i) the best interests of the minor child;
8055 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
8056 (iii) any other factors the court considers material.
- 8057 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 8058 [~~(12)~~] (11) For a minor child who is younger than nine months old, unless the parents agree
8059 otherwise, parent-time should take place in the home of the custodial parent, an
8060 established child-care setting, or other environment familiar to the minor child.
- 8061 [~~(13)~~] (12) (a) Changes may not be made to the parent-time schedule under this section,
8062 except that if a conflict arises in the parent-time schedule, the following order of
8063 precedence shall be applied when determining which parent is entitled to parent-time:
- 8064 (i) the holiday schedule for Mother's Day or Father's Day under Subsection [~~(16)~~] (15);
8065 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
8066 uninterrupted extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~]

8067 (7)(d), (8)(d), or (9) and takes the minor child away from that parent's residence
 8068 during the uninterrupted extended parent-time;
 8069 (iii) the holiday schedule for any holiday under Subsection [~~(16)~~] (15) that is not
 8070 Father's Day, Mother's Day, or the minor child's birthday;
 8071 (iv) extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~] (7)(d), (8)(d), or (9);
 8072 and
 8073 (v) the schedule for weekday or weekend parent-time.
 8074 (b) A parent exercising parent-time for the minor child's birthday may bring other
 8075 siblings along for the minor child's birthday.
 8076 [~~(14)~~] (13) If a holiday falls on a regularly scheduled school day, the parent exercising
 8077 parent-time shall be responsible for the minor child's attendance at school for that school
 8078 day.
 8079 [~~(15)~~] (14) A parent shall notify the other parent at least 30 days in advance of the parent's
 8080 plans for the exercise of extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~]
 8081 (7)(d), (8)(d), or (9).
 8082 [~~(16)~~] (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
8085 Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at:(a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
8086 President's Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday.	Even years	Odd years

		(2) Holiday ends at 7 p.m. on President's Day.		
8087	Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
8088	Memorial Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.	Even years	Odd years
8089	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.
8090	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.
8091	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.	Even years	Odd years

		(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.		
8092	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
8093	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
8094	Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
8095	Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years
8096	Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
8097	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years
8098	Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day.	Odd years	Even years

		(2) Holiday ends at 7 p.m. on Veterans Day.		
8099	Thanksgiving	(1) Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at 7 p.m. on day before school resumes.	Even years	Odd years
8100	Winter Break (First Half)	(1) Holiday begins at 6 p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
8101	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
8102	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
8103	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

8104 Section 190. Section **81-9-305**, which is renumbered from Section 30-3-35.2 is renumbered
8105 and amended to read:

8106 **~~[30-3-35.2]~~ 81-9-305. (Effective 09/01/24). Equal parent-time schedule.**

8107 (1) (a) A court may order the equal parent-time schedule described in this section if the
8108 court determines that:

- 8109 (i) the equal parent-time schedule is in the minor child's best interest;
- 8110 (ii) each parent has been actively involved in the minor child's life; and
- 8111 (iii) each parent can effectively facilitate the equal parent-time schedule.

8112 (b) To determine whether each parent has been actively involved in the minor child's
8113 life, the court shall consider:

- 8114 (i) each parent's demonstrated responsibility in caring for the minor child;
- 8115 (ii) each parent's involvement in child care;
- 8116 (iii) each parent's presence or volunteer efforts in the minor child's school and at
8117 extracurricular activities;

- 8118 (iv) each parent's assistance with the minor child's homework;
- 8119 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the
- 8120 minor child;
- 8121 (vi) each parent's bond with the minor child; and
- 8122 (vii) any other factor the court considers relevant.
- 8123 (c) To determine whether each parent can effectively facilitate the equal parent-time
- 8124 schedule, the court shall consider:
- 8125 (i) the geographic distance between the residence of each parent and the distance
- 8126 between each residence and the minor child's school;
- 8127 (ii) each parent's ability to assist with the minor child's after school care;
- 8128 (iii) the health of the minor child and each parent, consistent with Subsection [30-3-10
- 8129 ~~(6)~~] 81-9-204(5);
- 8130 (iv) the flexibility of each parent's employment or other schedule;
- 8131 (v) each parent's ability to provide appropriate playtime with the minor child;
- 8132 (vi) each parent's history and ability to implement a flexible schedule for the minor
- 8133 child;
- 8134 (vii) physical facilities of each parent's residence; and
- 8135 (viii) any other factor the court considers relevant.
- 8136 (2) (a) If the parties agree to or the court orders the equal parent-time schedule described
- 8137 in this section, a parenting plan in accordance with [Sections 30-3-10.7 through
- 8138 30-3-10.10] Section 81-9-203 shall be filed with an order incorporating the equal
- 8139 parent-time schedule.
- 8140 (b) An order under this section shall result in 182 overnights per year for one parent, and
- 8141 183 overnights per year for the other parent.
- 8142 (c) Under the equal parent-time schedule, [~~neither parent is~~] a parent is not considered to
- 8143 have the minor child the majority of the time for the purposes of Subsection [
- 8144 ~~30-3-10.3(4) or 30-3-10.9(5)(e)(ii)~~] 81-9-203(11)(e)(ii) or 81-9-205(10).
- 8145 (d) Child support for the equal parent-time schedule shall be consistent with Section [
- 8146 ~~78B-12-208~~] 81-6-206.
- 8147 (e) [(i)] A court shall determine which parent receives 182 overnights and which
- 8148 parent receives 183 overnights for parent-time.
- 8149 [(ii) ~~For the purpose of calculating child support under Section 78B-12-208, the~~
- 8150 ~~amount of time to be spent with the parent who has the lower gross monthly~~
- 8151 ~~income is considered 183 overnights, regardless of whether the parent receives~~

- 8152 ~~182 overnights or 183 overnights under Subsection (2)(e)(i).]~~
- 8153 (3) (a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time
8154 schedule is as follows:
- 8155 (i) one parent shall exercise parent-time starting Monday morning and ending
8156 Wednesday morning;
- 8157 (ii) the other parent shall exercise parent-time starting Wednesday morning and
8158 ending Friday morning; and
- 8159 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning
8160 and ending Monday morning.
- 8161 (b) The child exchange shall take place:
- 8162 (i) at the time the minor child's school begins; or
8163 (ii) if school is not in session, at 9 a.m.
- 8164 (4) (a) The parents may create a holiday schedule.
- 8165 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the
8166 court shall:
- 8167 (i) order the holiday schedule described in Section ~~[30-3-35]~~ 81-9-302 or 81-9-304;
8168 and
- 8169 (ii) designate which parent shall exercise parent-time for each holiday described in
8170 Section ~~[30-3-35]~~ 81-9-302 or 81-9-304.
- 8171 (5) (a) Each year, a parent may designate two consecutive weeks to exercise
8172 uninterrupted parent-time during the summer when school is not in session.
- 8173 (b) (i) One parent may make a designation at any time and the other parent may make
8174 a designation after May 1.
- 8175 (ii) A parent shall make a designation at least 30 days before the day on which the
8176 designated two-week period begins.
- 8177 (c) The court shall designate which parent may make the earlier designation described in
8178 Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make
8179 the earlier designation in an odd numbered year.
- 8180 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all
8181 holidays except for Mother's Day and Father's Day.
- 8182 Section 191. Section **81-9-401**, which is renumbered from Section 30-5-1 is renumbered
8183 and amended to read:

8184

Part 4. Custody and Visitation by Individual Other than a Parent

8185 **~~[30-5-1]~~ 81-9-401. (Effective 09/01/24). Definitions for part.**

8186 As used in this ~~[aet]~~ part:

8187 (1) "District court" means the district court with proper jurisdiction over the ~~[grandchild]~~
8188 minor child.

8189 (2) "Grandchild" means the minor child with respect to whom a grandparent is seeking
8190 visitation rights under this ~~[chapter]~~ part.

8191 (3) "Grandparent" means an individual whose child, either by blood, marriage, or adoption,
8192 is the parent of the grandchild.

8193 (4) "Individual other than a parent" means an individual who is not a parent and is related to
8194 the minor child by marriage or blood, including:

8195 (a) siblings;

8196 (b) aunts;

8197 (c) uncles;

8198 (d) grandparents;

8199 (e) current or former step-parents; or

8200 (f) any of the individuals described in Subsections (4)(a) through (d) in a step
8201 relationship to the minor child.

8202 Section 192. Section **81-9-402**, which is renumbered from Section 30-5a-103 is renumbered
8203 and amended to read:

8204 **~~[30-5a-103]~~ 81-9-402. (Effective 09/01/24). Custody and visitation for individuals**
8205 **other than a parent -- Venue.**

8206 (1) (a) In accordance with Section 80-2a-201, it is the public policy of this state that a
8207 parent retain the fundamental right and duty to exercise primary control over the care,
8208 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the
8209 parent.

8210 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's
8211 best interests.

8212 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or
8213 visitation rights to an individual other than a parent who, by clear and convincing
8214 evidence, establishes that:

8215 (a) the individual has intentionally assumed the role and obligations of a parent;

8216 (b) the individual and the minor child have formed a substantial emotional bond and
8217 created a parent-child type relationship;

8218 (c) the individual substantially contributed emotionally or financially to the minor child's

- 8219 well being;
- 8220 (d) the assumption of the parental role is not the result of a financially compensated
8221 surrogate care arrangement;
- 8222 (e) the continuation of the relationship between the individual and the minor child is in
8223 the minor child's best interest;
- 8224 (f) the loss or cessation of the relationship between the individual and the minor child
8225 would substantially harm the minor child; and
- 8226 (g) the parent:
- 8227 (i) is absent; or
- 8228 (ii) is found by a court to have abused or neglected the minor child.
- 8229 (3) [~~A proceeding under this chapter may be commenced by filing a verified petition, or~~
8230 ~~petition supported by an affidavit,]~~ Notwithstanding Title 78B, Chapter 3a, Venue for
8231 Civil Actions, or Section 78A-6-350, an individual shall file a verified petition, or a
8232 petition supported by an affidavit, for custodial or visitation rights to the minor child in
8233 the juvenile court if a matter is pending in the juvenile court, or in the district court in
8234 the county where the minor child:
- 8235 (a) currently resides; or
- 8236 (b) lived with a parent or an individual other than a parent who acted as a parent within
8237 six months before the commencement of the action.
- 8238 (4) [~~A proceeding under this chapter may be filed]~~ An individual may file a petition under
8239 this section in a pending divorce, parentage action, or other proceeding, including a
8240 proceeding in the juvenile court involving custody of or visitation with a minor child.
- 8241 (5) The petition shall include detailed facts supporting the petitioner's right to file the
8242 petition including the criteria set forth in Subsection (2) and residency information [~~as~~
8243 ~~set forth]~~ described in Section 78B-13-209.
- 8244 (6) [~~A proceeding under this chapter may not be filed]~~ An individual may not file a petition
8245 under this section against a parent who is actively serving outside the state in any branch
8246 of the military.
- 8247 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the [
8248 ~~rules of civil procedure]~~ Utah Rules of Civil Procedure on all of the following:
- 8249 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- 8250 (b) any individual who has court-ordered custody or visitation rights;
- 8251 (c) the minor child's guardian;
- 8252 (d) the guardian ad litem, if one has been appointed;

- 8253 (e) an individual or agency that has physical custody of the minor child or that claims to
 8254 have custody or visitation rights; and
- 8255 (f) any other individual or agency that has previously appeared in any action regarding
 8256 custody of or visitation with the minor child.
- 8257 (8) The court may order a custody evaluation to be conducted in any [~~action brought under~~
 8258 ~~this chapter~~] proceeding brought under this section.
- 8259 (9) The court may enter temporary orders in [~~an action brought under this chapter~~] a
 8260 proceeding brought under this section pending the entry of final orders.
- 8261 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
 8262 under this section to an individual :
- 8263 (a) who is not the parent of the [~~child and~~] minor child; and
- 8264 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
 8265 contest to a felony or attempted felony involving conduct that constitutes any of the
 8266 following:
- 8267 [~~(a)~~] (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and
 8268 76-5-114;
- 8269 [~~(b)~~] (ii) child abuse homicide, as described in Section 76-5-208;
- 8270 [~~(c)~~] (iii) child kidnapping, as described in Section 76-5-301.1;
- 8271 [~~(d)~~] (iv) human trafficking of a child, as described in Section 76-5-308.5;
- 8272 [~~(e)~~] (v) sexual abuse of a minor, as described in Section 76-5-401.1;
- 8273 [~~(f)~~] (vi) rape of a child, as described in Section 76-5-402.1;
- 8274 [~~(g)~~] (vii) object rape of a child, as described in Section 76-5-402.3;
- 8275 [~~(h)~~] (viii) sodomy on a child, as described in Section 76-5-403.1;
- 8276 [~~(i)~~] (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated
 8277 sexual abuse of a child, as described in Section 76-5-404.3;
- 8278 [~~(j)~~] (x) sexual exploitation of a minor, as described in Section 76-5b-201;
- 8279 [~~(k)~~] (xi) aggravated sexual exploitation of a minor, as described in Section
 8280 76-5b-201.1; or
- 8281 [~~(l)~~] (xii) an offense in another state that, if committed in this state, would constitute
 8282 an offense described in this Subsection (10).
- 8283 (11) (a) As used in this Subsection (11), "disqualifying offense" means an offense listed
 8284 in Subsection (10) that prevents a court from granting custody except as provided in
 8285 this Subsection (11).
- 8286 (b) An individual described in Subsection (10) may only be considered for custody of a

- 8287 minor child if the following criteria are met by clear and convincing evidence:
- 8288 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 8289 (ii) at least 10 years have elapsed from the day on which the individual is
- 8290 successfully released from prison, jail, parole, or probation related to a
- 8291 disqualifying offense;
- 8292 (iii) during the 10 years before the day on which the individual files a petition with
- 8293 the court seeking custody the individual has not been convicted, plead guilty, or
- 8294 plead no contest to an offense greater than an infraction or traffic violation that
- 8295 would likely impact the health, safety, or well-being of the minor child;
- 8296 (iv) the individual can provide evidence of successful treatment or rehabilitation
- 8297 directly related to the disqualifying offense;
- 8298 (v) the court determines that the risk related to the disqualifying offense is unlikely to
- 8299 cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 8300 currently or at any time in the future when considering all of the following:
- 8301 (A) the minor child's age;
- 8302 (B) the minor child's gender;
- 8303 (C) the minor child's development;
- 8304 (D) the nature and seriousness of the disqualifying offense;
- 8305 (E) the preferences of a minor child who is 12 years old or older;
- 8306 (F) any available assessments, including custody evaluations, parenting
- 8307 assessments, psychological or mental health assessments, and bonding
- 8308 assessments; and
- 8309 (G) any other relevant information;
- 8310 (vi) the individual can provide evidence of the following:
- 8311 (A) the relationship with the minor child is of long duration;
- 8312 (B) that an emotional bond exists with the minor child; and
- 8313 (C) that custody by the individual who has committed the disqualifying offense
- 8314 ensures the best interests of the minor child are met;
- 8315 (vii) (A) there is no other responsible relative known to the court who has or likely
- 8316 could develop an emotional bond with the minor child and does not have a
- 8317 disqualifying offense; or
- 8318 (B) if there is a responsible relative known to the court that does not have a
- 8319 disqualifying offense, Subsection (11)(d) applies; and
- 8320 (viii) that the continuation of the relationship between the individual with the

8321 disqualifying offense and the minor child could not be sufficiently maintained
 8322 through any type of visitation if custody were given to the relative with no
 8323 disqualifying offense described in Subsection (11)(d).

8324 (c) The individual with the disqualifying offense bears the burden of proof regarding
 8325 why placement with that individual is in the best interest of the minor child over
 8326 another responsible relative or equally situated individual who does not have a
 8327 disqualifying offense.

8328 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
 8329 the court who does not have a disqualifying offense:

8330 (i) preference for custody is given to a relative who does not have a disqualifying
 8331 offense; and

8332 (ii) before the court may place custody with the individual who has the disqualifying
 8333 offense over another responsible, willing, and able relative:

8334 (A) an impartial custody evaluation shall be completed; and

8335 (B) a guardian ad litem shall be assigned.

8336 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
 8337 decision on custody has not been made and to a case filed on or after March 25, 2017.

8338 Section 193. Section **81-9-403**, which is renumbered from Section 30-5-2 is renumbered
 8339 and amended to read:

8340 ~~[30-5-2]~~ **81-9-403. (Effective 09/01/24). Visitation rights of grandparents.**

8341 (1) In accordance with the provisions and requirements of this section:

8342 (a) a grandparent has standing to bring an action requesting visitation in district court by
 8343 petition; and

8344 (b) a grandparent may file a petition for visitation rights in the juvenile court or district
 8345 court where a divorce proceeding or other proceeding involving custody and
 8346 visitation issues is pending.

8347 (2) (a) In accordance with Section 80-2a-201, it is the public policy of this state that a
 8348 parent retains the fundamental right and duty to exercise primary control over the
 8349 care, supervision, upbringing, and education of [~~the parent's children~~] a minor child of
 8350 the parent.

8351 (b) A court shall presume that a parent's decision in regard to grandparent visitation is in
 8352 the best interest of the parent's minor child.

8353 (3) A court may find the presumption in Subsection (2)(b) rebutted if the grandparent, by
 8354 clear and convincing evidence, establishes that:

- 8355 (a) the grandparent has filled the role of custodian or caregiver to the grandchild that:
 8356 (i) is in a manner akin to a parent; and
 8357 (ii) the loss of the relationship between the grandparent and the grandchild would
 8358 cause substantial harm to the grandchild; or
 8359 (b) both parents are unfit or incompetent in a manner that causes potential harm to the
 8360 grandchild.
- 8361 (4) (a) If the court finds the presumption in Subsection (2)(b) is rebutted, the court may
 8362 consider whether grandparent visitation is in the best interest of the grandchild.
 8363 (b) If the court considers whether grandparent visitation is in the best interest of the
 8364 child, the court shall take into account the totality of the circumstances, including:
 8365 (i) the reasonableness of the parent's decision to deny grandparent visitation;
 8366 (ii) the age of the grandchild;
 8367 (iii) the death or unavailability of a parent; and
 8368 (iv) if the grandchild is 14 years old or older, the grandchild's desires regarding
 8369 visitation after the court inquires of the grandchild.
- 8370 (5) If the court finds the presumption in Subsection (2)(b) is rebutted and grandparent
 8371 visitation is in the best interest of the grandchild, the court may issue an order for
 8372 grandparent visitation.
- 8373 (6) [The] Notwithstanding Section 81-9-404, the adoption of a grandchild by the
 8374 grandchild's stepparent does not diminish or alter visitation rights previously ordered
 8375 under this section.
- 8376 (7) On the petition of a grandparent or the legal custodian of a grandchild the court may,
 8377 after a hearing, modify an order regarding grandparent visitation if:
 8378 (a) the circumstances of the grandchild, the grandparent, or the custodian have
 8379 materially and substantially changed since the entry of the order to be modified, or
 8380 the order has become unworkable or inappropriate under existing circumstances; and
 8381 (b) the court determines that a modification is appropriate based upon the factors set
 8382 forth in Subsections (3) and (4).
- 8383 (8) A grandparent may petition the court to remedy a parent's wrongful noncompliance with
 8384 a visitation order.

8385 Section 194. Section **81-9-404**, which is renumbered from Section 30-5a-104 is renumbered
 8386 and amended to read:

8387 **[30-5a-104] 81-9-404. (Effective 09/01/24). Exceptions to visitation by nonparent.**

8388 This ~~[chapter]~~ part may not be used to seek, obtain, maintain or continue custody

8389 of, or visitation with, a minor child who has been relinquished for adoption, or adopted [
8390 pursuant to an order of a court of competent jurisdiction] in accordance with a court order.

8391 Section 195. **Repealer.**

8392 This bill repeals:

8393 Section **26B-9-227, (Effective 09/01/24) Determination of parental liability.**

8394 Section **30-1-5, (Effective 09/01/24) Marriage solemnization -- Before unauthorized
8395 person -- Validity.**

8396 Section **30-1-9.1, (Effective 09/01/24) Parental consent to prohibited marriage of minor
8397 -- Penalty.**

8398 Section **30-1-10, (Effective 09/01/24) Affidavit before the clerk -- Penalty.**

8399 Section **30-1-11, (Effective 09/01/24) Return of license after ceremony -- Failure --
8400 Penalty.**

8401 Section **30-1-13, (Effective 09/01/24) Solemnization without license -- Penalty.**

8402 Section **30-1-14, (Effective 09/01/24) Acting without authority -- Penalty.**

8403 Section **30-1-15, (Effective 09/01/24) Solemnization of prohibited marriage -- Penalty.**

8404 Section **30-1-16, (Effective 09/01/24) Misconduct of county clerk -- Penalty.**

8405 Section **30-1-17.2, (Effective 09/01/24) Action to determine validity of marriage --
8406 Orders relating to parties, property, and children -- Presumption of paternity in marriage.**

8407 Section **30-1-17.3, (Effective 09/01/24) Age as basis of action to determine validity of
8408 marriage -- Refusal to grant annulment.**

8409 Section **30-3-2, (Effective 09/01/24) Right of husband to divorce.**

8410 Section **30-3-4, (Effective 09/01/24) Pleadings -- Decree -- Use of affidavit -- Private
8411 records.**

8412 Section **30-3-5, (Effective 09/01/24) Disposition of property -- Maintenance and health
8413 care of parties and children -- Division of debts -- Court to have continuing jurisdiction
8414 -- Custody and parent-time -- Alimony -- Nonmeritorious petition for modification.**

8415 Section **30-3-5.1, (Effective 09/01/24) Provision for income withholding in child support
8416 order.**

8417 Section **30-3-5.4, (Effective 09/01/24) Designation of primary and secondary health,
8418 dental, or hospital insurance coverage.**

8419 Section **30-3-7, (Effective 09/01/24) When decree becomes absolute.**

8420 Section **30-3-8, (Effective 09/01/24) Remarriage -- When unlawful.**

8421 Section **30-3-10.3, (Effective 09/01/24) Terms of joint legal or physical custody order.**

8422 Section **30-3-10.5, (Effective 09/01/24) Payments of support, maintenance, and alimony.**

- 8423 Section 30-3-10.7, (Effective 09/01/24)Parenting plan -- Definitions.
- 8424 Section 30-3-10.8, (Effective 09/01/24)Parenting plan -- Filing -- Modifications.
- 8425 Section 30-3-10.10, (Effective 09/01/24)Parenting plan -- Domestic violence.
- 8426 Section 30-3-10.17, (Effective 09/01/24)Social security number in court records.
- 8427 Section 30-3-11.1, (Effective 09/01/24)Family Court Act -- Purpose.
- 8428 Section 30-3-11.2, (Effective 09/01/24)Appointment of counsel for child.
- 8429 Section 30-3-18, (Effective 09/01/24)Waiting period for hearing after filing for divorce
- 8430 -- Exemption -- Use of counseling and education services not to be construed as
- 8431 condonation or promotion.
- 8432 Section 30-3-32, (Effective 09/01/24)Parent-time -- Definitions -- Considerations for
- 8433 parent-time -- Relocation.
- 8434 Section 30-3-36, (Effective 09/01/24)Special circumstances.
- 8435 Section 30-5a-101, (Effective 09/01/24)Title.
- 8436 Section 30-5a-102, (Effective 09/01/24)Definitions.
- 8437 Section 30-8-1, (Effective 09/01/24)Title.
- 8438 Section 63I-1-230, (Effective 09/01/24)Repeal dates: Title 30.
- 8439 Section 75-2b-101, (Effective 09/01/24)Title.
- 8440 Section 78B-12-101, (Effective 09/01/24)Title.
- 8441 Section 78B-12-104, (Effective 09/01/24)Continuing jurisdiction.
- 8442 Section 78B-12-106, (Effective 09/01/24)Ward of state -- Natural or adoptive parent
- 8443 has primary obligation to support -- Right of third party to recover support.
- 8444 Section 78B-12-107, (Effective 09/01/24)Duty of obligor regardless of presence or
- 8445 residence of obligee.
- 8446 Section 78B-12-108, (Effective 09/01/24)Support follows the child.
- 8447 Section 78B-12-110, (Effective 09/01/24)Appeals.
- 8448 Section 78B-12-111, (Effective 09/01/24)Court order -- Medical expenses of dependent
- 8449 children -- Assigning responsibility for payment -- Insurance coverage -- Income
- 8450 withholding.
- 8451 Section 78B-12-116, (Effective 09/01/24)Social Security number in court records.
- 8452 Section 78B-12-117, (Effective 09/01/24)Rights are in addition to those presently
- 8453 existing.
- 8454 Section 78B-12-202, (Effective 09/01/24)Determination of amount of support --
- 8455 Rebuttable guidelines.
- 8456 Section 78B-12-204, (Effective 09/01/24)Adjusted gross income.

- 8457 Section **78B-12-205**, (Effective 09/01/24)**Calculation of obligations.**
- 8458 Section **78B-12-206**, (Effective 09/01/24)**Income in excess of tables.**
- 8459 Section **78B-12-207**, (Effective 09/01/24)**Obligation -- Adjusted gross income used.**
- 8460 Section **78B-12-208**, (Effective 09/01/24)**Joint physical custody -- Obligation**
- 8461 **calculations.**
- 8462 Section **78B-12-209**, (Effective 09/01/24)**Split custody -- Obligation calculations.**
- 8463 Section **78B-12-211**, (Effective 09/01/24)**Limitation on amount of support ordered.**
- 8464 Section **78B-12-212.1**, (Effective 09/01/24)**Pregnancy expenses.**
- 8465 Section **78B-12-213**, (Effective 09/01/24)**Determination of parental liability.**
- 8466 Section **78B-12-215**, (Effective 09/01/24)**Child care costs.**
- 8467 Section **78B-12-219**, (Effective 09/01/24)**Adjustment when child becomes emancipated.**
- 8468 Section 196. **Effective date.**
- 8469 (1) Except as provided in Subsection (2), this bill takes effect on September 1, 2024.
- 8470 (2) The actions affecting Section 78A-5a-103 (Effective 10/01/24) take effect on October 1,
- 8471 2024.
- 8472 Section 197. **Coordinating S.B. 95 with H.B. 134.**
- 8473 If S.B. 95, Domestic Relations Recodification, and H.B. 134, Marriage
- 8474 Modifications, both pass and become law, the Legislature intends that, on September 1,
- 8475 2024:
- 8476 (1) Section 30-1-2.2 be repealed; and
- 8477 (2) Section 30-1-2.4 enacted in H.B.134 be renumbered to Section 81-2-405.
- 8478 Section 198. **Coordinating S.B. 95 with H.B. 140.**
- 8479 If S.B. 95, Domestic Relations Recodification, and H.B. 140, Amendments to
- 8480 Custody and Parent-time, both pass and become law, the Legislature intends that, on
- 8481 September 1, 2024:
- 8482 (1) all references to the term "child" in Subsection 30-3-33(18) in H.B. 140 change
- 8483 to "minor child"; and
- 8484 (2) Subsections 30-3-10.4(1) and (2) in H.B. 140 be amended to read:
- 8485 "(1) The court has continuing jurisdiction to make subsequent changes to modify:
- 8486 (a) custody of a minor child if there is a showing of a substantial and material change
- 8487 in circumstances since the entry of the order; and
- 8488 (b) parent-time for a minor child if there is a showing that there is a change in
- 8489 circumstances since the entry of the order.
- 8490 (2) A substantial and material change in circumstances under Subsection (1)(a)

8491 includes a showing by a parent that the other parent:
8492 (a) resides with an individual or provides an individual with access to the minor
8493 child; and
8494 (b) knows that the individual:
8495 (i) is required to register as a sex offender or a kidnap offender for an offense against
8496 a minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;
8497 (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child
8498 Abuse Offender Registry; or
8499 (iii) has been convicted of:
8500 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114,
8501 or 76-5-208;
8502 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
8503 Offenses;
8504 (C) an offense for kidnapping or human trafficking of a minor child under Title 76,
8505 Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
8506 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
8507 Sexual Exploitation Act; or
8508 (E) an offense that is substantially similar to an offense under Subsections
8509 (2)(b)(iii)(A) through (D)."
8510 **Section 199. Coordinating S.B. 95 with H.B. 157.**
8511 If S.B. 95, Domestic Relations Recodification, and H.B. 157, Child Custody
8512 Factor Amendments, both pass and become law, the Legislature intends that, on
8513 September 1, 2024, all references to "child" in Subsection 30-3-10(10)(b) in H.B. 157
8514 change to "minor child."
8515 **Section 200. Coordinating S.B. 95 with H.B. 328.**
8516 If S.B. 95, Domestic Relations Recodification, and H.B. 328, Victims of Sexual
8517 Offenses Amendments, both pass and become law, the Legislature intends that, on
8518 September 1, 2024, all references to "child" in Subsections 30-3-10(11) and 30-3-10(12)
8519 in H.B. 328 change to "minor child."
8520 **Section 201. Coordinating S.B. 95 with H.B. 337.**
8521 If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to
8522 Mandatory Courses for Family Law Actions, both pass and become law, the Legislature
8523 intends that, on September 1, 2024:
8524 (1) the changes to Subsection 81-9-208(2)(c)(i) in S.B. 95 supersede the changes to

8525 Subsection 30-3-10.4(1)(c)(i) in H.B. 337;

8526 (2) Section 30-3-11.3 be renumbered to Section 81-9-103 and be amended to read:

8527 "[30-3-11.3.] 81-9-103. Mandatory parenting course for parties in a divorce or
8528 parentage action.

8529 (1) The Judicial Council shall approve and implement:

8530 (a) a mandatory parenting course [~~for divorcing parents~~] in all judicial districts [~~The~~
8531 ~~mandatory course is designed to educate and sensitize divorcing parties to their~~
8532 ~~children's needs both during and after the divorce process.~~] for married parties in a
8533 divorce action determining issues of child custody and parent-time; and

8534 (b) a mandatory parenting course in all judicial districts for unmarried parties in a
8535 parentage action determining issues of child custody and parent-time.

8536 (2) The Judicial Council shall adopt rules to implement and administer [~~this program.~~]
8537 the mandatory parenting courses described in Subsection (1).

8538 [~~(3) (a) As a prerequisite to receiving a divorce decree, both parties are required to~~
8539 ~~attend a mandatory course on their children's needs after filing a complaint for divorce~~
8540 ~~and receiving a docket number, unless waived under Section 30-3-4. If that requirement~~
8541 ~~is waived, the court may permit the divorce action to proceed.~~

8542 (b) ~~With the exception of a temporary restraining order pursuant to Rule 65, Utah~~
8543 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an~~
8544 ~~order related to the divorce until the moving party completes the mandatory educational~~
8545 ~~course for divorcing parents required by this section.~~

8546 (4) ~~The court may require unmarried parents to attend this educational course when~~
8547 ~~those parents are involved in a visitation or custody proceeding before the court.~~

8548 (5) (3) [~~The mandatory course shall instruct both parties.~~] The mandatory parenting
8549 courses shall educate and sensitize parties to the needs of the parties' minor child during
8550 and after the court process, including instructing the parties:

8551 (a) about [~~divorce and its impacts~~] the impact of the court process, and its outcome,
8552 on:

8553 (i) [~~their child or children~~] the minor child;

8554 (ii) [~~their~~] the family relationship; and

8555 (iii) [~~their financial responsibilities for their child or children~~] the financial
8556 responsibilities of the parties to the minor child; and

8557 (b) that domestic violence has a harmful effect on [~~children~~] a minor child and
8558 family relationships.

8559 ~~[(6)]~~ (4) (a) ~~[The course]~~ The mandatory parenting course may be provided through
8560 live instruction, video instruction, or an online provider.

8561 (b) The online and video options under Subsection (4)(a) must be formatted as
8562 interactive presentations that ensure active participation and learning by the ~~[parent]~~
8563 party.

8564 ~~[(7)]~~ (5) (a) The Administrative Office of the Courts shall administer ~~[the course~~
8565 ~~pursuant to]~~ the mandatory parenting courses, in accordance with Title 63G, Chapter 6a,
8566 Utah Procurement Code, through private or public contracts and organize the program in
8567 each of Utah's judicial districts.

8568 (b) The contracts shall provide for the recoupment of administrative expenses
8569 through the costs charged to individual parties~~[, pursuant to Subsection (9)]~~ as described
8570 in Subsection (7).

8571 ~~[(8)]~~ (6) A certificate of completion constitutes evidence to the court of ~~[course]~~
8572 completion of a parenting course under this section by the parties.

8573 ~~[(9)]~~ (7) (a) Each party shall pay the ~~[costs of the]~~ cost of the parenting course to the
8574 independent contractor providing the course at the time and place of the course.

8575 (b) A fee of \$8 shall be collected, as part of ~~[the course]~~ a parenting course fee paid
8576 by each participant, and deposited in the Children's Legal Defense Account, described in
8577 Section 51-9-408.

8578 ~~[(b)]~~ (c) Each party who is unable to pay the ~~[costs of the]~~ cost of a parenting course
8579 may attend the parenting course, without payment, upon a prima facie showing of
8580 indigency as evidenced by an affidavit of indigency filed in the ~~[district]~~ court in
8581 accordance with Section 78A-2-302. ~~[In those situations, the independent contractor~~
8582 ~~shall be reimbursed for the independent contractor's costs from the appropriation to the~~
8583 ~~Administrative Office of the Courts for "Mandatory Educational Course for Divorcing~~
8584 ~~Parents Program." Before a decree of divorce may be entered, the court shall make a~~
8585 ~~final review and determination of indigency and may order the payment of the costs if so~~
8586 ~~determined.]~~

8587 (d) The Administrative Office of the Courts shall use appropriations from the
8588 Children's Legal Defense Account to reimburse an independent contractor for the costs
8589 of a party who is unable to pay for a parenting course under Subsection (7)(c).

8590 ~~[(10)]~~ ~~Appropriations from the General Fund to the Administrative Office of the~~
8591 ~~Courts for the "Mandatory Educational Course for Divorcing Parents Program" shall be~~
8592 ~~used to pay the costs of an indigent parent who makes a showing as provided in~~

8593 Subsection (9)(b):
8594 ~~(11)]~~ (8) The Administrative Office of the Courts shall:
8595 (a) adopt a program to evaluate the effectiveness of ~~[the mandatory educational~~
8596 ~~course. Progress reports shall be provided if requested by the Judiciary Interim~~
8597 ~~Committee.]~~ the mandatory parenting courses; and
8598 (b) provide progress reports to the Judiciary Interim Committee if requested.";
8599 (3) Section 30-3-11.4 be renumbered to Section 81-4-105, except the changes within
8600 Section 30-3-11.4 in H.B. 337 supersede the changes within Section 30-3-11.4 in S.B. 95;
8601 (4) Subsection 81-4-401(2) enacted in S.B. 95 be amended to read:
8602 "(2) "Mandatory courses" means:
8603 (a) the mandatory divorce orientation course described in Section 81-4-105; and
8604 (b) the mandatory parenting course described in Section 81-9-103.";
8605 (5) Subsection 51-9-408(3)(a)(i) be amended to read:
8606 "(i) implementing the mandatory courses described in Sections 81-4-105 and
8607 81-9-103 and the mediation program for child custody or parent-time;"; and
8608 (6) the reference in Subsection 78B-15-610(4)(a) in H.B. 337 to "Subsection
8609 30-3-11.3(1)(b)" be changed to "Subsection 81-9-103(1)(b)."
8610 **Section 202. Coordinating S.B. 95 with S.B. 81.**
8611 If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk
8612 Amendments, both pass and become law, the Legislature intends that, on September 1,
8613 2024:
8614 (1) Subsection 81-2-303(3)(b) in S.B. 95 be amended to read:
8615 "(b) The Department of Health~~[- Bureau of Vital Records and Health]~~ and Human
8616 Services, Office of Vital Records and Statistics shall, upon request, supply the social
8617 security numbers to the Department of Health and Human Services, Office of Recovery
8618 Services ~~[within the Department of Human Services].~~.";
8619 (2) Subsection 81-2-303(4) in S.B. 95 be amended to read:
8620 "(4) (a) A county clerk may not issue a marriage license until the county clerk
8621 receives:
8622 (i) an affidavit from each party applying for the marriage license, stating that there is
8623 no lawful reason preventing the marriage; and
8624 (ii) if one of the parties will not be physically present in the state at the time of
8625 solemnization of the marriage, an affidavit from each party applying for the marriage
8626 license, stating that the party consents to personal jurisdiction of the state, and of the

8627 county issuing the marriage license, for the purposes of filing a divorce or annulment of
8628 the marriage.

8629 (b) A county clerk shall file and preserve each affidavit provided under this section.

8630 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing
8631 witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may
8632 be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in
8633 Official Matters.";

8634 (3) Subsection 81-2-305(5) in S.B. 95 be amended to read:

8635 "(5) (a) Within 30 days after the day on which a marriage is solemnized, the
8636 individual solemnizing the marriage shall return the marriage license to the county clerk
8637 that issued the marriage license with a certificate of the marriage over the individual's
8638 signature stating the date and place of solemnization and the names of two or more
8639 witnesses present at the marriage.

8640 (b) An individual described in Subsection (5)(a) who fails to return the license is
8641 guilty of an infraction.

8642 (c) An individual described in Subsection (5)(a) who knowingly or intentionally
8643 makes a false statement on a certificate of marriage is guilty of perjury and may be
8644 prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in
8645 Official Matters.";

8646 (4) Subsection 81-2-408(3)(b) in S.B. 95 be amended to read:

8647 "(b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be
8648 construed to validate a marriage that:

8649 (i) is prohibited or void under Section 81-2-403; or

8650 (ii) fails to meet the requirements of Section 81-2-302, as validated by a court with
8651 jurisdiction."; and

8652 (5) the reference in Section 30-1-7 in S.B. 81 to "Subsection 30-1-10(1)" be changed
8653 to "Subsection 81-2-303(4)(a)."

8654 **Section 203. Coordinating S.B. 95 with S.B. 81 and H.B. 337 if all pass and become law.**

8655 If S.B. 95, Domestic Relations Recodification, S.B. 81, County Clerk

8656 Amendments, and H.B. 337, Amendments to Mandatory Courses for Family Law

8657 Actions, all pass and become law, the Legislature intends that, on September 1, 2024:

8658 (1) Section 81-4-104 (renumbered from Section 30-3-4.5) in S.B. 95 be amended to
8659 read: "[30-3-4.5] 81-4-104. Temporary separation order.

8660 [1) A petitioner may file an action for a temporary separation order without filing a

8661 petition for divorce by filing a petition for temporary separation and motion for
8662 temporary orders if:

8663 (a) ~~the petitioner is lawfully married to the respondent; and~~
8664 (b) ~~both parties are residents of the state for at least 90 days prior to the date of~~
8665 ~~filing.]~~

8666 (1) An individual may file an action for a temporary separation order, without filing
8667 a petition for divorce, by filing a petition for temporary separation and motion for
8668 temporary orders if:

8669 (a) the individual is lawfully married to the individual from whom the separation is
8670 sought; and

8671 (b) (i) both parties are residents of the state for at least 90 days before the day on
8672 which the action is filed; or

8673 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or
8674 annulment under Subsection 81-2-303(4)(a)(ii).

8675 (2) The temporary orders are valid for one year [~~from the date of the hearing,] after~~
8676 the day on which the hearing for the order is held or until one of the following occurs:

8677 (a) a petition for divorce is filed and consolidated with the petition for temporary
8678 separation; or

8679 (b) the case is dismissed.

8680 (3) If a petition for divorce is filed and consolidated with the petition for temporary
8681 separation, orders entered in the temporary separation shall continue in the consolidated
8682 case.

8683 [~~(4) Both parties shall attend the divorce orientation course described in Section~~
8684 ~~30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days~~
8685 ~~of being served, for respondent.~~

8686 [~~(5) Service shall be made upon respondent, together with a 20-day summons, in~~
8687 ~~accordance with the rules of civil procedure.~~

8688 [(6) The fee for filing the petition for temporary separation orders is \$35. If either
8689 party files a petition for divorce within one year from the date of filing the petition for
8690 temporary separation, the separation filing fee shall be credited towards the filing fee for
8691 the divorce.]

8692 (4) (a) If the parties to the temporary separation action have a minor child, the parties
8693 shall attend the divorce orientation course described in Section 81-4-105:

8694 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

- 8695 (ii) for the respondent, within 30 days after the day on which the respondent is
8696 served.
- 8697 (b) If the parties to the temporary separation action do not have a minor child, the
8698 parties may choose to attend the divorce orientation course described in Section 81-4-105.
- 8699 (c) The clerk of the court shall provide notice to a petitioner of the divorce
8700 orientation course requirement.
- 8701 (d) A petition shall include information regarding the divorce orientation course
8702 requirement when the petition is served on the respondent.
- 8703 (5) For a party that is unable to pay the costs of the divorce orientation course, and
8704 before the court enters a decree of divorce in the action, the court shall:
- 8705 (a) make a final determination of indigency; and
8706 (b) order the party to pay the costs of the divorce orientation course if the court
8707 determines the party is not indigent.
- 8708 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of
8709 Civil Procedure, a party may file, but the court may not hear, a motion for an order
8710 related to the temporary separation petition until the moving party completes the divorce
8711 orientation course.
- 8712 (b) It is an affirmative defense in a temporary separation action that a party has not
8713 completed the divorce orientation course and the action may not continue until a party
8714 has complied with the divorce orientation course.
- 8715 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the
8716 requirement that the parties attend the divorce orientation course, on the court's own
8717 motion or on the motion of one of the parties, if the court determines course attendance
8718 and completion are not necessary, appropriate, feasible, or in the best interest of the
8719 parties.
- 8720 (b) If the requirement is waived, the court may permit the temporary separation
8721 action to proceed.
- 8722 (8) The petitioner shall serve the petition for a temporary separation order in
8723 accordance with the Utah Rules of Civil Procedure.
- 8724 (9) If a party files for divorce within one year after the day on which the petition for
8725 temporary separation is filed, the filing fee for a petition for temporary separation shall
8726 be credited towards the filing fee for a divorce."; and
- 8727 (2) Section 81-4-402 enacted in S.B. 95 be amended to read: "81-4-402.
8728 Petition for divorce -- Divorce proceeding -- Temporary orders.

- 8729 (1) An individual may bring a petition for divorce if:
8730 (a) the individual or the individual's spouse is an actual and bona fide resident of the
8731 county where the petition is filed for at least 90 days before the day on which the
8732 petition is filed;
8733 (b) the individual is a member of the armed forces of the United States and the
8734 individual is stationed under military orders in this state for at least 90 days before the
8735 day on which the petition is filed; or
8736 (c) both parties to the marriage have consented to personal jurisdiction for divorce or
8737 annulment under Subsection 81-2-303(4)(a)(ii).
8738 (2) A divorce action shall be commenced and conducted in accordance with this
8739 chapter and the Utah Rules of Civil Procedure.
8740 (3) (a) The court may not enter a decree of divorce until 30 days after the day on
8741 which the petition is filed, unless the court finds that extraordinary circumstances exist.
8742 (b) The court may make interim orders as the court considers just and equitable
8743 before the expiration of the 30-day period described in Subsection (3)(a).
8744 (4) (a) If the parties to the divorce action have a minor child, the parties shall attend
8745 the mandatory courses:
8746 (i) for the petitioner, within 60 days after the day on which the petition is filed; and
8747 (ii) for the respondent, within 30 days after the day on which the respondent is
8748 served.
8749 (b) If the parties to a divorce action do not have a minor child, the parties may
8750 choose to attend the divorce orientation course described in Section 81-4-105.
8751 (c) The clerk of the court shall provide notice to a petitioner of the requirement for
8752 the mandatory courses.
8753 (d) A petition shall include information regarding the mandatory courses when the
8754 petition is served on the respondent.
8755 (5) For a party that is unable to pay the costs of the mandatory courses, and before
8756 the court enters a decree of divorce in the action, the court shall:
8757 (a) make a final determination of indigency; and
8758 (b) order the party to pay the costs of the mandatory courses if the court determines
8759 the party is not indigent.
8760 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of
8761 Civil Procedure, a party may file, but the court may not hear, a motion for an order
8762 related to the divorce until the moving party completes the mandatory courses.

8763 (b) It is an affirmative defense in a divorce action that a party has not completed the
8764 mandatory courses and the action may not continue until a party has complied with the
8765 mandatory courses.

8766 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the
8767 requirement that the parties attend the mandatory courses, on the court's own motion or
8768 on the motion of one of the parties, if the court determines course attendance and
8769 completion are not necessary, appropriate, or feasible, or in the best interest of the
8770 parties.

8771 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8772 (8) The use of counseling, mediation, and education services provided under this part
8773 may not be construed as condoning or promoting divorce.".

8774 **Section 204. Coordinating S.B. 95 with S.B. 81 if H.B. 337 does not pass and become law.**

8775 If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk
8776 Amendments, both pass and become law, and H.B. 337, Amendments to Mandatory
8777 Courses for Family Law Actions, does not pass and become law, the Legislature intends
8778 that, on September 1, 2024:

8779 (1) Section 81-4-104 (renumbered from Section 30-3-4.5) in S.B. 95 be amended to
8780 read:

8781 ["(1) A petitioner may file an action for a temporary separation order without filing a
8782 petition for divorce by filing a petition for temporary separation and motion for
8783 temporary orders if:

8784 (a) the petitioner is lawfully married to the respondent; and

8785 (b) both parties are residents of the state for at least 90 days prior to the date of
8786 filing.]

8787 (1) An individual may file an action for a temporary separation order, without filing
8788 a petition for divorce, by filing a petition for temporary separation and motion for
8789 temporary orders if:

8790 (a) the individual is lawfully married to the individual from whom the separation is
8791 sought; and

8792 (b) (i) both parties are residents of the state for at least 90 days before the day on
8793 which the action is filed; or

8794 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or
8795 annulment under Subsection 81-2-303(4)(a)(ii).

8796 (2) The temporary orders are valid for one year [from the date of the hearing] after

8797 the day on which the hearing for the order is held, or until one of the following occurs:
8798 (a) a petition for divorce is filed and consolidated with the petition for temporary
8799 separation; or
8800 (b) the case is dismissed.
8801 (3) If a petition for divorce is filed and consolidated with the petition for temporary
8802 separation, orders entered in the temporary separation shall continue in the consolidated
8803 case.
8804 (4) (a) ~~[Both]~~ If the parties have a minor child, the parties shall attend the divorce
8805 orientation course described in Section [30-3-11.4] 81-4-105 within:
8806 (i) 60 days of the filing of the petition, for the petitioner[~~, and within~~]; and
8807 (ii) 45 days of being served, for the respondent.
8808 (b) The clerk of the court shall provide notice to the petitioner of the requirement for
8809 the divorce orientation course.
8810 (c) The petition shall include information regarding the divorce orientation course
8811 when the petition is served on the respondent.
8812 (d) Except for a temporary restraining order under Rule 65A of the Utah Rules of
8813 Civil Procedure, a party may file, but the court may not hear, a motion for an order
8814 related to the petition for temporary separation, until the moving party completes the
8815 divorce orientation course.
8816 (e) The court may waive the requirement for the parties to attend the mandatory
8817 courses under this Subsection (4), on the court's own motion or on the motion of one of
8818 the parties, if the court determines course attendance and completion are not necessary,
8819 appropriate, feasible, or in the best interest of the parties.
8820 (5) The petitioner shall serve the petition for a temporary separation order in
8821 accordance with the Utah Rules of Civil Procedure.
8822 (6) If a party files for divorce within one year after the day on which the petition for
8823 temporary separation is filed, the filing fee for a petition for temporary separation shall
8824 be credited towards the filing fee for a divorce.
8825 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~
8826 ~~accordance with the rules of civil procedure.~~
8827 (6) ~~The fee for filing the petition for temporary separation orders is \$35. If either~~
8828 ~~party files a petition for divorce within one year from the date of filing the petition for~~
8829 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for~~
8830 ~~the divorce.] "; and~~

8831 (2) Section 81-4-402 enacted in S.B. 95 be amended to read: "81-4-402.
8832 Petition for Divorce -- Divorce proceedings -- Temporary orders.
8833 (1) An individual may bring a petition for divorce if:
8834 (a) the individual or the individual's spouse is an actual and bona fide resident of the
8835 county where the petition is filed for at least 90 days before the day on which the
8836 petition is filed;
8837 (b) the individual is a member of the armed forces of the United States and the
8838 individual is stationed under military orders in this state for at least 90 days before the
8839 day on which the petition is filed; or
8840 (c) both parties to the marriage have consented to personal jurisdiction for divorce or
8841 annulment under Subsection 81-2-303(4)(a)(ii).
8842 (2) A divorce action shall be commenced and conducted in accordance with this
8843 chapter and the Utah Rules of Civil Procedure.
8844 (3) (a) The court may not enter a decree of divorce until 30 days after the day on
8845 which the petition is filed, unless the court finds that extraordinary circumstances exist.
8846 (b) The court may make interim orders as the court considers just and equitable
8847 before the expiration of the 30-day period described in Subsection (3)(a).
8848 (4) (a) Except as provided in Subsection (5), if the parties to the divorce action have
8849 a minor child, the parties shall attend the mandatory courses described in Sections
8850 81-4-105 and 81-4-106 within:
8851 (i) for the petitioner, 60 days after the day on which the petition is filed; and
8852 (ii) for the respondent, 30 days after the day on which the respondent is served.
8853 (b) If the parties to a divorce action do not have a minor child, the parties may
8854 choose to attend the mandatory divorce orientation course described in Section 81-4-105.
8855 (c) The clerk of the court shall provide notice to a petitioner of the requirement for
8856 the mandatory courses.
8857 (d) A petition shall include information regarding the mandatory courses when the
8858 petition is served on the respondent.
8859 (e) Except for a temporary restraining order under Rule 65A of the Utah Rules of
8860 Civil Procedure, a party may file, but the court may not hear, a motion for an order
8861 related to the divorce until the moving party completes the mandatory courses.
8862 (5) (a) The court may waive the requirement for the parties to attend the mandatory
8863 courses under Subsection (4), on the court's own motion or on the motion of one of the
8864 parties, if the court determines course attendance and completion are not necessary,

8865 appropriate, feasible, or in the best interest of the parties.

8866 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8867 (6) The use of counseling, mediation, and education services provided under this part
8868 may not be construed as condoning or promoting divorce."

8869 **Section 205. Coordinating S.B. 95 with H.B. 337 if S.B. 81 does not pass and become law.**

8870 If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to
8871 Mandatory Courses for Family Law Actions, both pass and become law, and S.B. 81,
8872 County Clerk Amendments, does not pass and become law, the Legislature intends that,
8873 on September 1, 2024:

8874 (1) Section 81-4-104 (renumbered from Section 30-3-4.5) in S.B. 95 be amended to
8875 read: "[30-3-4.5]. 81-4-104. Temporary separation order.

8876 (1) [A petitioner] An individual may file an action for a temporary separation order,
8877 without filing a petition for divorce, by filing a petition for temporary separation and
8878 motion for temporary orders if:

8879 (a) the [petitioner] individual is lawfully married to the [respondent] individual from
8880 whom the separation is sought; and

8881 (b) both parties are residents of the state for at least 90 days [prior to the date of filing]
8882 before the day on which the action is filed.

8883 (2) The temporary orders are valid for one year [from the date of the hearing,] after
8884 the day on which the hearing for the order is held or until one of the following occurs:

8885 (a) a petition for divorce is filed and consolidated with the petition for temporary
8886 separation; or

8887 (b) the case is dismissed.

8888 (3) If a petition for divorce is filed and consolidated with the petition for temporary
8889 separation, orders entered in the temporary separation shall continue in the consolidated
8890 case.

8891 [(4) Both parties shall attend the divorce orientation course described in Section
8892 30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days
8893 of being served, for respondent.

8894 (5) Service shall be made upon respondent, together with a 20-day summons, in
8895 accordance with the rules of civil procedure.

8896 (6) The fee for filing the petition for temporary separation orders is \$35. If either
8897 party files a petition for divorce within one year from the date of filing the petition for
8898 temporary separation, the separation filing fee shall be credited towards the filing fee for

8899 the divorcee.]

8900 (4) (a) If the parties to the temporary separation action have a minor child, the parties
8901 shall attend the divorce orientation course described in Section 81-4-105:

8902 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8903 (ii) for the respondent, within 30 days after the day on which the respondent is
8904 served.

8905 (b) If the parties to the temporary separation action do not have a minor child, the
8906 parties may choose to attend the divorce orientation course described in Section 81-4-105.

8907 (c) The clerk of the court shall provide notice to a petitioner of the divorce
8908 orientation course requirement.

8909 (d) A petition shall include information regarding the divorce orientation course
8910 requirement when the petition is served on the respondent.

8911 (5) For a party that is unable to pay the costs of the divorce orientation course, and
8912 before the court enters a decree of divorce in the action, the court shall:

8913 (a) make a final determination of indigency; and

8914 (b) order the party to pay the costs of the divorce orientation course if the court
8915 determines the party is not indigent.

8916 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of
8917 Civil Procedure, a party may file, but the court may not hear, a motion for an order
8918 related to the temporary separation petition until the moving party completes the divorce
8919 orientation course.

8920 (b) It is an affirmative defense in a temporary separation action that a party has not
8921 completed the divorce orientation course and the action may not continue until a party
8922 has complied with the divorce orientation course.

8923 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the
8924 requirement that the parties attend the divorce orientation course, on the court's own
8925 motion or on the motion of one of the parties, if the court determines course attendance
8926 and completion are not necessary, appropriate, feasible, or in the best interest of the
8927 parties.

8928 (b) If the requirement is waived, the court may permit the temporary separation
8929 action to proceed.

8930 (8) The petitioner shall serve the petition for a temporary separation order in
8931 accordance with the Utah Rules of Civil Procedure.

8932 (9) If a party files for divorce within one year after the day on which the petition for

8933 temporary separation is filed, the filing fee for a petition for temporary separation shall
8934 be credited towards the filing fee for a divorce."; and

8935 (2) Section 81-4-402 enacted in S.B. 95 be amended to read: "81-4-402.

8936 Petition for divorce -- Divorce proceeding -- Temporary orders.

8937 (1) An individual may bring a petition for divorce if:

8938 (a) the individual or the individual's spouse is an actual and bona fide resident of the
8939 county where the petition is filed for at least 90 days before the day on which the
8940 petition is filed; or

8941 (b) the individual is a member of the armed forces of the United States and the
8942 individual is stationed under military orders in this state for at least 90 days before the
8943 day on which the petition is filed.

8944 (2) A divorce action shall be commenced and conducted in accordance with this
8945 chapter and the Utah Rules of Civil Procedure.

8946 (3) (a) The court may not enter a decree of divorce until 30 days after the day on
8947 which the petition is filed, unless the court finds that extraordinary circumstances exist.

8948 (b) The court may make interim orders as the court considers just and equitable
8949 before the expiration of the 30-day period described in Subsection (3)(a).

8950 (4) (a) If the parties to the divorce action have a minor child, the parties shall attend
8951 the mandatory courses:

8952 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8953 (ii) for the respondent, within 30 days after the day on which the respondent is
8954 served.

8955 (b) If the parties to a divorce action do not have a minor child, the parties may
8956 choose to attend the divorce orientation course described in Section 81-4-105.

8957 (c) The clerk of the court shall provide notice to a petitioner of the requirement for
8958 the mandatory courses.

8959 (d) A petition shall include information regarding the mandatory courses when the
8960 petition is served on the respondent.

8961 (5) For a party that is unable to pay the costs of the mandatory courses, and before
8962 the court enters a decree of divorce in the action, the court shall:

8963 (a) make a final determination of indigency; and

8964 (b) order the party to pay the costs of the mandatory courses if the court determines
8965 the party is not indigent.

8966 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of

8967 Civil Procedure, a party may file, but the court may not hear, a motion for an order
8968 related to the divorce until the moving party completes the mandatory courses.

8969 (b) It is an affirmative defense in a divorce action that a party has not completed the
8970 mandatory courses and the action may not continue until a party has complied with the
8971 mandatory courses.

8972 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the
8973 requirement that the parties attend the mandatory courses, on the court's own motion or
8974 on the motion of one of the parties, if the court determines course attendance and
8975 completion are not necessary, appropriate, or feasible, or in the best interest of the
8976 parties.

8977 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8978 (8) The use of counseling, mediation, and education services provided under this part
8979 may not be construed as condoning or promoting divorce."