

Family Law Legislation 2020

Date: April 6, 2020

House Bills

Title: Abuse, Neglect, and Dependency Proceedings Link: https://le.utah.gov/~2020/bills/hbillenr/HB0033.pdf	Sponsor: Karianne Lisonbee House Sponsor:	HB 33 1st Sub
<p>Purpose: his bill allows a party to request a hearing on reunification services if a petition for termination of parental rights is filed before a dispositional hearing; provides that the court find termination of parental rights is strictly necessary from the child's point of view; requires the court to take into account reunification and kinship preferences in determining whether to terminate parental rights; and makes technical and conforming changes.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 5; Oppose 7; No position 0 Utah Bar Position:</p>		
<p>Status: Judiciary Feb 11th amended, passed 11-0-1; House Feb 18th passed 70-0-4; Senate Judiciary Feb 24th passed 4-0-4; Senate Feb 27th passed 22-0-7; enrolled; Governor signed Mar 28</p>		

Title: Custody and Visitation Rights Amendments Link: https://le.utah.gov/~2020/bills/hbillenr/HB0064.pdf	Sponsor: Kyle R. Andersen Senate Sponsor:	HB 64 2nd Sub
<p>Purpose: This bill addresses the Utah Supreme Court's decision in Jones v. Jones, 359 P.3d 603 (Utah 2015), by amending the factors that a court considers in granting visitation rights to grandparents; amends provisions regarding when a court may inquire, and take into account, a grandchild's desires with respect to visitation; amends provisions regarding custody and visitation rights for an individual other than a parent; and makes technical and conforming changes.</p>		

<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 11; Oppose 1; No position 0 Utah Bar Position:</p>
<p>Status: Judiciary Jan 30th held by sponsor; Feb 11th Substituted and amended, passed 7-0-5; House Feb 18th passed 72-0-3; Senate Judiciary February 24th passed 6-0-2; Senate Feb 28th passed 26-0-3; enrolled; Governor signed Mar 24</p>
<p>NOTE: The second substitute was drafted after input from Family Law leadership to address concerns raised by family law members. I have deleted all the prior votes and comments and would request that EVERYONE send in new votes and comments on the Second Substitute.</p>

<p>Title: Parent-Time Amendments Link: https://le.utah.gov/~2020/bills/hbillenr/HB0079.pdf</p>	<p>Sponsor: Susan Pulsipher House Sponsor:</p>	<p>HB 79</p>
<p>Purpose: This bill modifies the minimum parent-time schedule for the fall school break; and makes technical and conforming changes.</p>		
<p>Executive Committee Recommendations: SUPPORT (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: SUPPORT Family Law Section Members: Support: 20; Oppose 0; No position 0 Utah Bar Position:</p>		
<p>Status: Education Jan 29th passed 10-0-3; House Jan 31st passed 70-0-5; Senate Judiciary Feb 5th passed 5-0-3. Senate Feb 13 passed 28-0-1; enrolled; Governor signed Mar 24</p>		

<p>Title: Child Abuse Reporting Amendments Link: HB0090</p>	<p>Sponsor: Angela Romero House Sponsor:</p>	<p>HB 90</p>
<p>Purpose: This bill deletes provisions that exempt, under certain circumstances, a member of the clergy from being required to report child abuse and neglect; and makes technical changes</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 24; Oppose 8; No position 0 Utah Bar Position:</p>		
<p>Status:</p>		

<p>Title: Newborn Safe Haven Amendments Link: https://le.utah.gov/~2020/bills/hbillenr/HB0097.pdf</p>	<p>Sponsor: Patrice M. Arent House Sponsor:</p>	<p>HB 97 1st Sub</p>
<p>Purpose: This bill modifies the definition of "newborn child"; subject to certain requirements, allows a parent or a parent's designee to safely relinquish a newborn child within 30 days after the day on which the child is born; clarifies the type of information that must be provided to the Division of Child and Family Services, within the Department of Human Services, upon safe relinquishment of a newborn child; clarifies certain notice requirements relating to the safe relinquishment of a newborn child; requires the Department of Health to make rules relating to the resolution of conflicting birth and foundling certificates; and makes technical changes.</p>		
<p>Executive Committee Recommendations: SUPPORT (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: SUPPORT Family Law Section Members: Support: 19; Oppose 0; No position 1 Utah Bar Position:</p>		
<p>Status: Health & Human Services Feb 5th 1st Sub adopted, passed 13-0-0; House Feb 12th passed 72-0-3; Senate Health & Human Service Feb 19th passed 4-0-4; Mar 10th Senate 26-0-3, enrolled; Governor signed Mar 28</p>		

<p>Title: Domestic Relations Debt Link: https://le.utah.gov/~2020/bills/hbillenr/HB0196.pdf</p>	<p>Sponsor: Brady Brammer House Sponsor:</p>	<p>HB 196</p>
<p>Purpose: This bill defines terms; and addresses what a court shall order under certain circumstances for collection of an obligation or alleged obligation to pay past due child support or alimony.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 6; Oppose 1; No position 0 Utah Bar Position:</p>		
<p>Status: Judiciary Feb 4th passed 12-0-0; House Feb 12th amended, passed 68-0-7; Senate Judiciary Feb 18th passed 5-0-3; Senate Feb 24th passed 22-0-7; enrolled; Governor signed Mar 28</p>		

<p>Title: Fishing and Hunting Restrictions for Nonpayment of Child Support</p> <p>Link: https://le.utah.gov/~2020/bills/hbillenr/HB0197.pdf</p>	<p>Sponsor: Karianne Lisonbee</p> <p>House Sponsor:</p>	<p>HB 197 1st Sub</p>
<p>Purpose: This bill defines terms; prohibits the issuance of a license, permit, or tag related to fishing or hunting if an individual is delinquent in child support; provides when a license, permit, or tag may be issued after delinquency; addresses responsibilities of the Division of Wildlife Resources and Office of Recovery Services; requires automation; and provides scope of the provision.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters)</p> <p>Family Law Section Position: SUPPORT</p> <p>Family Law Section Members: Support: 9; Oppose 0; No position 0</p> <p>Utah Bar Position:</p>		
<p>Status: Judiciary Feb 11th substituted, passed 11-0-1; House Feb 18th passed 68-4-3; Senate Judiciary Feb 24th passed 5-1-2; Senate Mar 10th passed 26-1-2; enrolled; Governor signed Mar 28</p>		

<p>Title: Extreme Risk Protective Order</p> <p>Link: HB0229</p>	<p>Sponsor: Stephen G. Handy</p> <p>House Sponsor:</p>	<p>HB 229</p>
<p>Purpose: This bill: enacts the Extreme Risk Protective Order Act; defines terms; enables a family member or law enforcement to ask a court to restrain a person from possessing any firearms or ammunition for a specified length of time; requires the courts to develop and adopt uniform forms for all courts; requires that the court consider whether the respondent: has made recent threats or acted violently; violated a recent protective order; has demonstrated a pattern of violent acts or threats within the past 12 months; is dangerous; or has attempted or threatened self-harm; allows a court to issue a search warrant if a respondent refuses to surrender firearms and ammunition upon service of an order; requires the courts to report the respondent's information to the Bureau of Criminal Identification upon issuance, and to remove the information upon expiration; allows the respondent to surrender firearms and ammunition to a law enforcement agency or a federal firearms licensee; provides for disposal if the firearms and ammunition are not reclaimed upon expiration; requires the director of POST to create and implement training and materials; and requires the courts to create and distribute an annual report on extreme risk protective orders.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters)</p> <p>Family Law Section Position:</p> <p>Family Law Section Members: Support: 8; Oppose 2; No position 0</p> <p>Utah Bar Position:</p>		
<p>Status:</p>		

<p>Title: Gestational Agreement Amendments Link: https://le.utah.gov/~2020/bills/hbillenr/HB0234.pdf</p>	<p>Sponsor: Patrice M. Arent House Sponsor:</p>	<p>HB 234</p>
<p>Purpose: This bill: addresses the Utah Supreme Court's decision in In re Gestational Agreement, 2019 UT 40, 449 P.3d 69; repeals a requirement that a party demonstrate certain medical evidence in order to obtain a valid gestational agreement from a tribunal; and makes technical and conforming changes.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: SUPPORT Family Law Section Members: Support: 12; Oppose 0; No position 0 Utah Bar Position:</p>		
<p>Status: Judiciary Feb 7th passed 10-0-2; House Feb 12th passed 70-0-5; Senate Judiciary Feb 20th passed 5-1-2. Senate Feb 27th passed 24-1-4, enrolled; Governor signed Mar 24</p>		

<p>Title: Child Abuse and Endangerment Amendments Link: https://le.utah.gov/~2020/bills/hbillenr/HB0365.pdf</p>	<p>Sponsor: Christine F. Watkins House Sponsor:</p>	<p>HB 365</p>
<p>Purpose: This bill defines terms; for the offense of endangerment of a child or vulnerable adult: modifies the penalties and the circumstances under which an individual may be found guilty of the offense; and clarifies the circumstances under which an affirmative defense is applicable; modifies provisions relating to a finding of abuse or neglect in a child welfare case based on the parent's or guardian's use of cannabis; and makes technical changes.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 0; Oppose 1; No position 0 Utah Bar Position:</p>		
<p>Status: Judiciary Mar 3rd held 10-0-2; Mar 4th substituted to 2nd Sub, passed 10-0-2; House Mar 6th passed 69-0-6; Senate Mar 12th substituted to 3rd Sub passed 24-0-5; House Mar 12th concurred 72-0-3; enrolled; Governor signed Mar 24</p>		

<p>Title: Juvenile Justice Amendments Link:</p>	<p>Sponsor: Lowry V. Snow House Sponsor:</p>	<p>HB 384</p>
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https://le.utah.gov/~2020/bills/hbillenr/HB0384.pdf		1st Sub
<p>Purpose: This bill: adds and modifies definitions; amends provisions regarding offenses committed by minors on school property, including requiring a referral to the Division of Juvenile Justice Services if a minor refuses to participate in an evidence-based intervention; amends a sunset date related to offenses committed by minors on school property; clarifies a reporting requirement for the Division of Juvenile Justice Services; defines the term "defendant" in Title 77, Chapter 38a, Crime Victims Restitution Act, to exclude a minor who is adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 78A, Chapter 6, Juvenile Court Act; amends and clarifies the jurisdiction of the juvenile court, district court, and justice court regarding offenses committed by minors; requires a peace officer to have probable cause in order to take a minor into custody; requires a probable cause determination and detention hearing within 24 hours of a minor being held for detention; allows a court to order secure confinement for a minor if a minor's conduct resulted in death; requires a prosecutor to notify a victim of the restitution process; requires a victim to provide the prosecutor with certain information for restitution; amends the amount of time that restitution may be requested; exempts certain offenses committed by a minor from the presumptive timeframes for custody and supervision; modifies the continuing jurisdiction of the juvenile court; repeals the exclusive jurisdiction of the district court over minors who committed certain offenses; repeals the certification and transfer of minors who committed certain offenses to the district court; allows that a criminal information may be filed for minors who are 14 years old or older and are alleged to have committed certain offenses; requires a preliminary hearing before a juvenile court to determine whether a minor, for which a criminal information or indictment has been filed, will be bound over to the district court to be held for trial; provides the requirements for binding a minor over to the district court; provides the detention requirements for a minor who has been bound over to the district court; allows a juvenile court to extend continuing jurisdiction over a minor to the age of 25 years old if a minor is not bound over to the district court; and makes technical and conforming changes.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 3; Oppose 0; No position 0 Utah Bar Position:</p>		
<p>Status: Judiciary Mar 4th substituted, passed 9-0-3; House Mar 9th passed 67-0-8; Senate Mar 11th passed 24-0-4; enrolled; Governor signed Mar 28</p>		

<p>Title: Protective Order and Stalking Injunction Amendments Link: https://le.utah.gov/~2020/bills/hbillenr/HB0403.pdf</p>	<p>Sponsor: Lowry V. Snow House Sponsor:</p>	<p>HB 403 1st Sub</p>
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Purpose: his bill creates and modifies definitions; amends provisions relating to an individual's right to bail after violation of a jail release agreement or jail release court order; amends provisions relating to the Administrative Office of the Court's duty to provide forms to an individual seeking a civil protective order or civil stalking injunction; extends the length of time the following are effective: a child protective order; a dating violence protective order; a sexual violence protective order; and a cohabitant abuse protective order; modifies the circumstances under which a child protective order may be sought, modified, or vacated; modifies the time period within which a court shall set a hearing for a petition for a dating violence protective order and a cohabitant abuse protective order after denial of an ex parte protective order; modifies and deletes provisions relating to expiration of a cohabitant abuse protective order; modifies the circumstances under which a sexual violence protective order may be extended; modifies the penalty for a violation of a sentencing protective order and a continuous protective order; under certain circumstances, allows the court to issue a continuous protective order for an offense that is not domestic violence; renumbers and amends provisions relating to criminal protective orders, civil protective orders, and stalking injunctions; and makes technical and conforming changes.

Executive Committee Recommendations:
 (Judges and Commissioners on EC take no positions on legislative matters)
 Family Law Section Position:
 Family Law Section Members: Support: 1; Oppose 0; No position 0
 Utah Bar Position:

Status: Law Enforcement & Criminal Justice Mar 3rd substituted, passed 8-0-3; House March 6th passed 70-0-5; Senate Judiciary Mar 9th amended and passed 6-0-2; Senate Rules Mar 10th; Senate Mar 12th 23-0-6; House Mar 12th concurs 73-0-02, enrolled. Governor signed Mar 24
TAKES EFFECT JULY 1, 2020

Title: Link:	Sponsor: House Sponsor:	HB
Purpose:		
Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 0; Oppose 0; No position 0 Utah Bar Position:		
Status:		

Comments:

Senate Bills

Title: Divorce Amendments Link: https://le.utah.gov/~2020/bills/sbillenr/SB0018.pdf	Sponsor: Lyle W. Hillyard House Sponsor: Lowry V. Snow	SB 18
Purpose: This bill amends the circumstances under which a district court may modify an alimony order; and makes technical and conforming changes.		
Executive Committee Recommendations: SUPPORT (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: SUPPORT Family Law Section Members: Support: 23; Oppose 1; No position 0 Utah Bar Position:		
Status: Jan 27 th Senate 3 rd reading passed 26-0-3; House Judiciary Feb 4 th passed 12-0-0; House Feb 6 th passed 71-0-4; enrolled; Governor signed Mar 30		

Title: Domestic Violence Amendments Link: https://le.utah.gov/~2020/bills/static/SB0046.html	Sponsor: Jani Iwamoto House Sponsor:	SB 46
Purpose: This bill increases the penalty for the offense of commission of domestic violence in the presence of a child; and makes technical changes.		
Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 10; Oppose 1; No position 0 Utah Bar Position:		
Status: Judiciary Jan 29 th held;		

Title: Child Welfare Amendments Link: https://le.utah.gov/~2020/bills/sbillenr/SB0065.pdf	Sponsor: Wayne A. Harper House Sponsor:	SB 65
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Purpose: This bill modifies definitions; modifies provisions relating to a background check of an individual working in a congregate care program that serves children; deletes provisions requiring the Division of Child and Family Services to conduct certain assessments for in-home family services; modifies provisions relating to the circumstances under which the attorney general is required to represent the Division of Child and Family Services; deletes provisions requiring the Division of Child and Family Services to provide certain services to a delinquent, ungovernable, or runaway child; requires the Division of Juvenile Justice Services to, upon court order, conduct an assessment to determine whether provision of certain youth services to an ungovernable or runaway child is appropriate; modifies provisions relating to the juvenile court's jurisdiction over an ungovernable or runaway child; modifies the circumstances under which a child may be temporarily detained; requires the Division of Child and Family Services to report to the Social Services Appropriations Subcommittee regarding reimbursement rates for foster parents; modifies the circumstances under which the Department of Human Services is required to investigate reports of abuse or neglect; modifies provisions relating to the order of priority, qualifications, and considerations that apply to individuals with whom a child may be placed in an emergency placement, foster placement, or adoptive placement; clarifies provisions relating to who may file a legal action to prevent a person from engaging in child placing without a license; modifies notice requirements relating to certain information electronically filed with the court in an abuse, neglect, or dependency proceeding; clarifies the circumstances under which the court is required to review a placement decision for a child in a qualified residential treatment program; and makes technical changes.

Executive Committee Recommendations:
 (Judges and Commissioners on EC take no positions on legislative matters)
 Family Law Section Position:
 Family Law Section Members: Support: 3; Oppose 0; No position 0
 Utah Bar Position:

Status: Health & Human Services Jan 31st passed 6-0-2; Senate Feb 11th passed 27-0-2; House Health & Human Services Feb 18th passed 9-0-4. House February 26th passed 71-0-4, enrolled; Governor signed Mar 28

<p>Title: Termination of Parental Rights Modifications Link: https://le.utah.gov/~2020/bills/static/SB0160.html</p>	<p>Sponsor: Todd Weiler House Sponsor:</p>	<p>SB 160</p>
<p>Purpose: This bill modifies the circumstances under which a court may terminate a parent's rights.</p>		
<p>Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 3; Oppose 0; No position 0 Utah Bar Position:</p>		

Status: Senate Judiciary Feb 25th held 4-0-4;

Title: Guardianship, Conservatorship and Other Protective Order Amendments Link: https://le.utah.gov/~2020/bills/static/SB0189.html	Sponsor: Lyle W. Hillyard House Sponsor:	SB 189
Purpose: This bill creates definitions; provides notice requirements for guardianship proceedings, conservatorship proceedings, and other protective proceedings under Title 75, Chapter 5, Protection of Persons Under Disability and Their Property; requires the disclosure of certain financial and criminal history for a guardian or conservator; provides requirements for the compensation or reimbursement of a conservator or guardian; amends the persons who can examine an individual for whom a guardianship or conservatorship is sought; repeals language regarding the types of individuals that a court visitor may investigate; provides notice requirements for guardianship and conservatorship proceedings for adults and minors, including the contents of the notice and the persons that shall receive the notice; allows the court to modify the powers of a guardian to meet the specific needs of a person subject to the guardianship; provides the persons that can be appointed a guardian or conservator for certain persons and the order of priority for an appointment of a guardian and conservator; amends requirements that allow the mailing of conservatorship reports to the court and require the reports be filed with the court; repeals certain notice requirements for guardianship and conservatorship proceedings; and makes technical and conforming changes.		
Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 0; Oppose 0; No position 0 Utah Bar Position:		
Status: Judiciary Mar 2 nd passed 4-0-4; Senate Mar 10 th Second Calendar sent to Rules		

Title: Link:	Sponsor: House Sponsor:	SB
Purpose:		
Executive Committee Recommendations: (Judges and Commissioners on EC take no positions on legislative matters) Family Law Section Position: Family Law Section Members: Support: 0; Oppose 0; No position 0 Utah Bar Position:		
Status:		

Comments:

