

1 **CHILD VISITATION GUIDELINES**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Martin R. Stephens**

5 AN ACT RELATING TO HUSBAND AND WIFE; CHANGING VISITATION GUIDELINES
6 FOR WEEKENDS SO THAT THEY MAY BEGIN AFTER A CHILD'S SCHOOL IS
7 DISMISSED ON FRIDAY; MAKING THE GUIDELINES FOR HUMAN RIGHTS DAY AND
8 PRESIDENT'S DAY THE SAME AS FOR OTHER THREE-DAY WEEKENDS; AND
9 PROVIDING AN EFFECTIVE DATE.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **30-3-35**, as last amended by Chapter 80, Laws of Utah 1997

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

14 Section 1. Section **30-3-35** is amended to read:

15 **30-3-35. Minimum schedule for visitation for children 5 to 18 years of age.**

16 (1) The visitation schedule in this section applies to children 5 to 18 years of age.

17 (2) If the parties do not agree to a visitation schedule, the following schedule shall be
18 considered the minimum visitation to which the noncustodial parent and the child shall be entitled:

19 (a) (i) one weekday evening to be specified by the noncustodial parent or the court from
20 5:30 p.m. until 8:30 p.m.; or

21 (ii) at the election of the noncustodial parent, one weekday from the time the child's school
22 is regularly dismissed until 8:30 p.m., unless the court directs the application of Subsection
23 (2)(a)(i);

24 (b) (i) alternating weekends beginning on the first weekend after the entry of the decree
25 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year; or

26 (ii) at the election of the noncustodial parent, from the time the child's school is regularly
27 dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of Subsection

28 (2)(b)(i):

29 (c) holidays take precedence over the weekend visitation, and changes shall not be made
30 to the regular rotation of the alternating weekend visitation schedule;

31 (d) if a holiday falls on a regularly scheduled school day, the noncustodial parent shall be
32 responsible for the child's attendance at school for that school day;

33 (e) (i) if a holiday falls on a weekend or on a Friday or Monday and the total holiday period
34 extends beyond that time so that the child is free from school and the parent is free from work, the
35 noncustodial parent shall be entitled to this lengthier holiday period; or

36 (ii) at the election of the noncustodial parent, visitation over a scheduled holiday weekend
37 may begin from the time the child's school is regularly dismissed at the beginning of the holiday
38 weekend until 7 p.m. on the last day of the holiday weekend;

39 (f) in years ending in an odd number, the noncustodial parent is entitled to the following
40 holidays:

41 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m. until
42 9 p.m.; at the discretion of the noncustodial parent, he may take other siblings along for the
43 birthday;

44 (ii) Human Rights Day beginning 6 p.m. ~~[the day before the holiday]~~ on Friday until
45 Monday at 7 p.m. [on] unless the holiday extends for a lengthier period of time to which the
46 noncustodial parent is completely entitled;

47 (iii) ~~§ [Easter holiday beginning at 6 p.m. on Friday until Sunday at 7 p.m., unless the holiday~~
48 ~~extends for a lengthier period of time to which the noncustodial parent is completely entitled;]~~ **SPRING**
48a **BREAK OR EASTER HOLIDAY BEGINNING AT 6 P.M. ON THE DAY SCHOOL LETS OUT FOR THE**
48b **HOLIDAY UNTIL 7 P.M. ON THE SUNDAY BEFORE SCHOOL RESUMES. §**

49 (iv) Memorial Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday
50 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

51 (v) July 24th beginning 6 p.m. on the day before the holiday until 11 p.m. on the holiday;

52 (vi) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on the
53 holiday; and

54 (vii) the first portion of the Christmas school vacation as defined in Subsection
55 30-3-32(3)(b) plus Christmas Eve and Christmas Day until 1 p.m., so long as the entire holiday is
56 equally divided;

57 (g) in years ending in an even number, the noncustodial parent is entitled to the following
58 holidays:

59 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.; at the discretion
60 of the noncustodial parent, he may take other siblings along for the birthday;

61 (ii) President's Day beginning at 6 p.m. [~~the day before the holiday~~] on Friday until 7 p.m.
62 on Monday unless the holiday extends for a lengthier period of time to which the noncustodial
63 parent is completely entitled;

64 (iii) July 4th beginning at 6 p.m. the day before the holiday until 11 p.m. on the holiday;

65 (iv) Labor Day beginning at 6 p.m. on Friday until Monday at 7 p.m. unless the holiday
66 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

67 (v) the fall school break, if applicable, commonly known as U.E.A. weekend beginning
68 at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period
69 of time to which the noncustodial parent is completely entitled;

70 (vi) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the
71 holiday;

72 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m; and

73 (viii) the second portion of the Christmas school vacation as defined in Subsection
74 30-3-32(3)(b) plus Christmas day beginning at 1 p.m. until 9 p.m., so long as the entire Christmas
75 holiday is equally divided;

76 (h) Father's Day shall be spent with the natural or adoptive father every year beginning at
77 9 a.m. until 7 p.m. on the holiday;

78 (i) Mother's Day shall be spent with the natural or adoptive mother every year beginning
79 at 9 a.m. until 7 p.m. on the holiday;

80 (j) extended visitation with the noncustodial parent may be:

81 (i) up to four weeks consecutive at the option of the noncustodial parent;

82 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

83 (iii) the remaining two weeks shall be subject to visitation for the custodial parent
84 consistent with these guidelines;

85 (k) the custodial parent shall have an identical two-week period of uninterrupted time
86 during the children's summer vacation from school for purposes of vacation;

87 (l) if the child is enrolled in year-round school, the noncustodial parent's extended
88 visitation shall be 1/2 of the vacation time for year-round school breaks, provided the custodial
89 parent has holiday and phone visits;

90 (m) notification of extended visitation or vacation weeks with the child shall be provided
91 at least 30 days in advance to the other parent; and

92 (n) telephone contact shall be at reasonable hours and for reasonable duration.

92a h (3) ANY ELECTIONS REQUIRED TO BE MADE IN ACCORDANCE WITH THIS SECTION BY
92b EITHER PARENT CONCERNING VISITATION SHALL BE MADE § [BEFORE THE FINAL] § A PART
92ba OF THE DECREE § [IS]

92c [ENTERED] § AND MADE A PART OF THE § [FINAL] § VISITATION ORDER. h

93 Section 2. **Effective date.**

94 If approved by two-thirds of all the members elected to each house, this act takes effect
95 upon approval by the governor, or the day following the constitutional time limit of Utah
96 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
97 date of veto override.

Legislative Review Note
as of 1-10-00 12:27 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel