

**EXTENDING CHILD VISITATION FOR
DIVORCED FAMILIES**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Terry R. Spencer

This act modifies the visitation schedule for children aged three to five years by allowing a noncustodial parent to pick the child up from daycare for a specified evening visitation.

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

AMENDS:

30-3-35.5, as last amended by Chapter 13, Laws of Utah 1998

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

Section 1. Section **30-3-35.5** is amended to read:

30-3-35.5. Minimum schedule for visitation for children under five years of age.

(1) The visitation schedule in this section applies to children under five years old.

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

(a) for children under five months of age:

(i) six hours of visitation per week to be specified by the court or the noncustodial parent preferably:

(A) divided into three visitation periods; and

(B) in the custodial home, established child care setting, or other environment familiar to the child; and

(ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f) through

(i) preferably in the custodial home, the established child care setting, or other environment familiar to the child;

(b) for children five months of age or older, but younger than [~~10~~] ten months of age:

(i) nine hours of visitation per week to be specified by the court or the noncustodial parent

28 preferably:

29 (A) divided into three visitation periods; and

30 (B) in the custodial home, established child care setting, or other environment familiar to
31 the child; and

32 (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
33 through (i) preferably in the custodial home, the established child care setting, or other
34 environment familiar to the child;

35 (c) for children [~~10~~] ten months of age or older, but younger than 18 months of age:

36 (i) one eight hour visit per week to be specified by the noncustodial parent or court;

37 (ii) one three hour visit per week to be specified by the noncustodial parent or court;

38 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-5(2)(f)
39 through (i); and

40 (iv) brief phone contact with the noncustodial parent at least two times per week;

41 (d) for children 18 months of age or older, but younger than three years of age:

42 (i) one weekday evening [~~for two hours~~] between 5:30 p.m. and 8:30 p.m. to be specified
43 by the noncustodial parent or court, however if the child is being cared for during the day outside
44 his regular place of residence, the noncustodial parent may, with advance notice to the caregiver,
45 pick up the child from the caregiver at an earlier time and return him to the custodial parent by
46 8:30 p.m.;

47 (ii) alternative weekends beginning on the first weekend after the entry of the decree from
48 6[:00] p.m. on Friday until 7[:00] p.m. on Sunday continuing each year;

49 (iii) visitation on holidays as specified in Subsections 30-3-35(2)(c) through (i);

50 (iv) extended visitation may be:

51 (A) two one-week periods, separated by at least four weeks, at the option of the
52 noncustodial parent;

53 (B) one week shall be uninterrupted time for the noncustodial parent;

54 (C) the remaining week shall be subject to visitation for the custodial parent consistent
55 with these guidelines; and

56 (D) the custodial parent shall have an identical one-week period of uninterrupted time for
57 vacation; and

58 (v) brief phone contact with the noncustodial parent at least two times per week;

- 59 (e) for children three years of age or older, but younger than five years of age:
- 60 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
- 61 noncustodial parent or court, however if the child is being cared for during the day outside his
- 62 regular place of residence, the noncustodial parent may, with advance notice to the caregiver, pick
- 63 up the child from the caregiver at an earlier time and return him to the custodial parent by 8:30
- 64 p.m.;
- 65 (ii) alternative weekends beginning on the first weekend after the entry of the decree from
- 66 6[:00] p.m. on Friday until 7[:00] p.m. on Sunday continuing each year;
- 67 (iii) visitation on holidays as specified in Subsections 30-3-35(2)(c) through (i);
- 68 (iv) extended visitation with the noncustodial parent may be:
- 69 (A) two two-week periods, separated by at least four weeks, at the option of the
- 70 noncustodial parent;
- 71 (B) one two-week period shall be uninterrupted time for the noncustodial parent;
- 72 (C) the remaining two-week period shall be subject to visitation for the custodial parent
- 73 consistent with these guidelines; and
- 74 (D) the custodial parent shall have an identical two-week period of uninterrupted time for
- 75 vacation; and
- 76 (v) brief phone contact with the noncustodial parent at least two times per week.
- 77 (3) A parent shall notify the other parent at least 30 days in advance of extended visitation
- 78 or vacation weeks.
- 79 (4) Telephone contact shall be at reasonable hours and for reasonable duration.

Legislative Review Note
as of 1-12-01 4:08 PM

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

Office of Legislative Research and General Counsel