

Representative Chad E. Bennion proposes the following substitute bill:

PARENT VISITATION OFFICE

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Edgar Allen

This act modifies the Human Services Code to create a new Office of Parent Visitation as a one-year pilot program in Salt Lake County. The act sets out the duties of the office and allows for coordination with law enforcement, the attorney general, and the Office of Recovery Services. It also provides for agency action under the Administrative Procedures Act and allows the office to help a person fill out court-related documents once the office can no longer effectively help the person. This act raises certain court fees and creates a restricted account to fund the office. The act also has a coordination clause and provides an effective date.

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

AMENDS:

78-7-35, as renumbered and amended by Chapter 46, Laws of Utah 2001

ENACTS:

62A-15-101, Utah Code Annotated 1953

62A-15-102, Utah Code Annotated 1953

62A-15-103, Utah Code Annotated 1953

62A-15-104, Utah Code Annotated 1953

62A-15-105, Utah Code Annotated 1953

62A-15-106, Utah Code Annotated 1953

62A-15-107, Utah Code Annotated 1953

62A-15-108, Utah Code Annotated 1953

62A-15-109, Utah Code Annotated 1953



26 **62A-15-110**, Utah Code Annotated 1953

27 **62A-15-111**, Utah Code Annotated 1953

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

29 Section 1. Section **62A-15-101** is enacted to read:

30 **CHAPTER 15. PARENT VISITATION**

31 **62A-15-101. Office of Parent Visitation -- Creation.**

32 (1) There is created within the department as a one-year pilot program in Salt Lake County
33 the Office of Parent Visitation which has the powers and duties provided by law.

34 (2) The office is under the administrative and general supervision of the executive director
35 of the department.

36 Section 2. Section **62A-15-102** is enacted to read:

37 **62A-15-102. Definitions.**

38 As used in this part:

39 (1) "Director" means the director of the Office of Parent Visitation.

40 (2) "Office" means the Office of Parent Visitation.

41 Section 3. Section **62A-15-103** is enacted to read:

42 **62A-15-103. Duties of office.**

43 The office has the following duties:

44 (1) to provide parent-time services if:

45 (a) the office has received a complaint regarding custodial interference or the denial of
46 parent-time; or

47 (b) the office has received a request for assistance in enforcing a parent-time schedule;

48 (2) to carry out the obligations of the department with regard to supporting families;

49 (3) to promote mediation as an alternative to court action;

50 (4) to promote shared parenting by inclusion of both parents in the lives of their children;

51 (5) to provide information concerning laws pertaining to parent-time; and

52 (6) to cooperate and coordinate with the Office of Recovery Services when necessary to
53 ensure the fair and reasonable enforcement of parent-time laws.

54 Section 4. Section **62A-15-104** is enacted to read:

55 **62A-15-104. Director -- Assistance of law enforcement -- Receipt of grants --**
56 **Rulemaking and enforcement.**

57 (1) The director of the office shall be appointed by the executive director.

58 (2) The office may request the assistance of the attorney general or any local law
59 enforcement agency to enforce a parent-time order.

60 (3) The office, with department approval, is authorized to receive any grants or stipends
61 from the federal government or other public or private source to aid the effective operation of its
62 programs.

63 (4) The office may adopt, amend, and enforce rules in accordance with Title 63, Chapter
64 46a, Utah Administrative Rulemaking Act, as may be necessary to carry out the provisions of this
65 chapter.

66 Section 5. Section **62A-15-105** is enacted to read:

67 **62A-15-105. Access to motor vehicle and law enforcement data.**

68 The office shall have access to any system used by this state to locate an individual,
69 including motor vehicle, drivers license, or law enforcement records.

70 Section 6. Section **62A-15-106** is enacted to read:

71 **62A-15-106. Request for assistance -- Procedure.**

72 Any person who has been awarded parent-time rights by a court may request assistance
73 from the office in the enforcement of those rights. A person requesting assistance shall:

74 (1) provide copies of all documents relevant to an award of parent-time rights, including
75 divorce decree, custody agreement, any written communication with the other parent concerning
76 parent-time schedules, mediation documents, and any other documents necessary to adequately
77 represent their situation;

78 (2) provide the name, current address, and phone number of the other party, if known; and

79 (3) any other information considered necessary by the office.

80 Section 7. Section **62A-15-107** is enacted to read:

81 **62A-15-107. Office procedures.**

82 (1) Upon the receipt of a request for assistance, the office shall immediately attempt to
83 contact the other party by phone and attempt to resolve any difficulties to insure that parent-time
84 is properly carried out.

85 (2) If the party cannot be reached by phone, a letter shall be sent requesting an interview
86 or a written and notarized statement explaining the circumstances surrounding the denial of
87 parent-time referred to in the letter, and requiring a response by a date not later than ten days from

88 the date of the letter.

89 (3) If no response is received, or if the response is uncooperative, the office may initiate
90 an action in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

91 Section 8. Section **62A-15-108** is enacted to read:

92 **62A-15-108. Hearings.**

93 (1) The office shall by rule:

94 (a) designate hearings as formal or informal; and

95 (b) provide for notice requirements and hearing procedures.

96 (2) The office may impose a fine of up to \$250 against any party who refuses to respond,
97 does not appear, or is found to have been noncompliant with court-ordered parent-time.

98 (3) The office may also order make-up parent-time at up to twice the amount denied.

99 Section 9. Section **62A-15-109** is enacted to read:

100 **62A-15-109. Office assistance in preparation of court documents.**

101 (1) The office may assist a party in the preparation of documents to be presented to the
102 court involving custody and parent-time matters, if the office determines that a pattern or practice
103 of denial of parent-time is continuing such that the office can no longer effectively assist the party
104 being denied parent-time. The office, however, may not provide legal advice.

105 (2) The office shall supply any party or the court, upon request, a detailed, written
106 accounting of efforts by the office to assist in the enforcement of parent-time, the results of those
107 efforts, and any recommended changes to the current parent-time order.

108 Section 10. Section **62A-15-110** is enacted to read:

109 **62A-15-110. Pilot Program -- Department to assess need -- Report to Judiciary**
110 **Committee.**

111 (1) As a pilot program, this chapter shall be limited to Salt Lake County.

112 (2) The department may provide a limited amount of services during the pilot program
113 while assessing the demand for broader, more comprehensive services.

114 (3) The department shall assess the need for services, including the demand for specific
115 services.

116 (4) The department shall report its assessments, findings, and conclusions to the Judiciary
117 Interim Committee by September 30, 2003.

118 Section 11. Section **62A-15-111** is enacted to read:

119 **62A-15-111. Parent-time Assistance Account.**120 (1) There is created a restricted account within the General Fund known as the Parent-time
121 Assistance Account.122 (2) The purpose of the Parent-time Assistance Account is to provide for programs that
123 assist in implementing, fostering, and enforcing parent-time.124 (3) (a) The Legislature shall appropriate money from the account for the administrative
125 and related costs of the Office of Parent Visitation created in this chapter.126 (b) The Legislature shall also appropriate not more than \$95,000 of available funds
127 remaining in the account after appropriation for the Office of Parent Visitation to the courts for
128 implementing and administering Section 78-32-12.2.129 (4) Fifteen dollars of the fee in Subsection 78-7-35(1)(b)(iv) and five dollars of the fee in
130 Subsection 78-7-35(1)(d)(iv) shall be allocated to the Parent-time Assistance Account.131 (5) The Division of Finance shall allocate the monies described in Subsection (4) from the
132 General Fund to the Parent-time Assistance Account.133 Section 12. Section **78-7-35** is amended to read:134 **78-7-35. Civil fees of the courts of record -- Courts complex design.**135 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court
136 of record not governed by another subsection is \$120.

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

138 (i) \$37 if the claim for damages or amount in interpleader exclusive of court costs, interest,
139 and attorney fees is \$2,000 or less;140 (ii) \$80 if the claim for damages or amount in interpleader exclusive of court costs,
141 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

142 (iii) \$120 if the claim for damages or amount in interpleader is \$10,000 or more; and

143 (iv) [~~\$80~~] \$95 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
144 Chapter 4, Separate Maintenance.

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

146 (i) \$37 if the claim for damages or amount in interpleader exclusive of court costs, interest,
147 and attorney fees is \$2,000 or less; and148 (ii) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
149 interest, and attorney fees is greater than \$2,000.

150 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
151 complaint, or other claim for relief against an existing or joined party other than the original
152 complaint or petition is:

153 (i) \$45 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000
154 or less;

155 (ii) \$60 if the claim for relief exclusive of court costs, interest, and attorney fees is greater
156 than \$2,000 and less than \$10,000;

157 (iii) \$90 if the original petition is filed under Subsection (1)(a), the claim for relief is
158 \$10,000 or more, or the party seeks relief other than monetary damages; and

159 (iv) ~~[\$60]~~ \$65 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title
160 30, Chapter 4, Separate Maintenance.

161 (e) The fee for filing a small claims counter affidavit is:

162 (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000
163 or less; and

164 (ii) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is greater
165 than \$2,000.

166 (f) The fee for depositing funds under Section 57-1-29 when not associated with an action
167 already before the court is determined under Subsection (1)(b) based on the amount deposited.

168 (g) The fee for filing a petition is:

169 (i) \$70 for trial de novo of an adjudication of the justice court or of the small claims
170 department; and

171 (ii) \$40 for an appeal of a municipal administrative determination in accordance with
172 Section 10-3-703.7.

173 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
174 petition for writ of certiorari is \$190.

175 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a petition
176 for expungement is \$50.

177 (ii) There is no fee for a petition filed under Subsection 77-18-10(2).

178 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
179 allocated to the Judges' Retirement Trust Fund, as provided in Title 49, Chapter 6, Judges'
180 Retirement Act.

181 (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be allocated
182 by the state treasurer to be deposited in the restricted account, Children's Legal Defense Account,
183 as provided in Section 63-63a-8.

184 (iii) One dollar of the fees established under Subsections (1)(a) through (e), (1)(g), and
185 (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in Section
186 78-31b-9.

187 (iv) Fifteen dollars of the fee established under Subsection (1)(b)(iv) and five dollars of
188 the fee established under Subsection (1)(d)(iv) shall be allocated to and deposited in the
189 Parent-time Assistance Account as provided in Section 62A-15-111.

190 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
191 United States is \$25.

192 (l) The fee for filing probate or child custody documents from another state is \$25.

193 (m) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the Utah
194 State Tax Commission is \$30.

195 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
196 or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing
197 officer of this state or of its political subdivisions other than the Utah State Tax Commission, is
198 \$40.

199 (n) The fee for filing a judgment by confession without action under Section 78-22-3 is
200 \$25.

201 (o) The fee for filing an award of arbitration for confirmation, modification, or vacation
202 under Title 78, Chapter 31a, Utah Arbitration Act, that is not part of an action before the court is
203 \$25.

204 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is \$30.

205 (q) The fee for filing any accounting required by law is:

206 (i) \$10 for an estate valued at \$50,000 or less;

207 (ii) \$20 for an estate valued at \$75,000 or less but more than \$50,000;

208 (iii) \$40 for an estate valued at \$112,000 or less but more than \$75,000;

209 (iv) \$80 for an estate valued at \$168,000 or less but more than \$112,000; and

210 (v) \$150 for an estate valued at more than \$168,000.

211 (r) The fee for filing a demand for a civil jury is \$50.

- 212 (s) The fee for filing a notice of deposition in this state concerning an action pending in
213 another state under Utah Rule of Civil Procedure 26 is \$25.
- 214 (t) The fee for filing documents that require judicial approval but are not part of an action
215 before the court is \$25.
- 216 (u) The fee for a petition to open a sealed record is \$25.
- 217 (v) The fee for a writ of replevin, attachment, execution, or garnishment is \$20 in addition
218 to any fee for a complaint or petition.
- 219 (w) The fee for a petition for authorization for a minor to marry required by Section 30-1-9
220 is \$5.
- 221 (x) The fee for a certificate issued under Section 26-2-25 is \$2.
- 222 (y) The fee for a certified copy of a document is \$2 per document plus 50 cents per page.
- 223 (z) The fee for an exemplified copy of a document is \$4 per document plus 50 cents per
224 page.
- 225 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of documents
226 and forms and for the search and retrieval of records under Title 63, Chapter 2, Government
227 Records Access and Management Act. Fees under this subsection shall be credited to the court
228 as a reimbursement of expenditures.
- 229 (bb) There is no fee for services or the filing of documents not listed in this section or
230 otherwise provided by law.
- 231 (cc) Except as provided in this section, all fees collected under this section are paid to the
232 General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts
233 the pleading for filing or performs the requested service.
- 234 (dd) The filing fees under this section may not be charged to the state, its agencies, or
235 political subdivisions filing or defending any action. In judgments awarded in favor of the state,
236 its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order
237 the filing fees and collection costs to be paid by the judgment debtor. The sums collected under
238 this subsection shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or
239 other penalty and costs permitted by law.
- 240 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts shall
241 transfer all revenues representing the difference between the fees in effect after May 2, 1994, and
242 the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities

243 Construction and Management Capital Projects Fund.

244 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
245 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the Capital
246 Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the
247 development of a courts complex in Salt Lake City.

248 (B) If the Legislature approves funding for construction of a courts complex in Salt Lake
249 City in the 1995 Annual General Session, the Division of Facilities Construction and Management
250 shall use the revenue deposited in the Capital Projects Fund under Subsection (2)(a)(ii) to construct
251 a courts complex in Salt Lake City.

252 (C) After the courts complex is completed and all bills connected with its construction
253 have been paid, the Division of Facilities Construction and Management shall use any monies
254 remaining in the Capital Projects Fund under Subsection (2)(a)(ii) to fund the Vernal District Court
255 building.

256 (iii) The Division of Facilities Construction and Management may enter into agreements
257 and make expenditures related to this project before the receipt of revenues provided for under this
258 Subsection (2)(a)(iii).

259 (iv) The Division of Facilities Construction and Management shall:

260 (A) make those expenditures from unexpended and unencumbered building funds already
261 appropriated to the Capital Projects Fund; and

262 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under
263 this Subsection (2).

264 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
265 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
266 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
267 account.

268 (c) The Division of Finance shall deposit all revenues received from the court
269 administrator into the restricted account created by this section.

270 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer
271 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a
272 court of record to the Division of Facilities Construction and Management Capital Projects Fund.
273 The division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine

274 or bail forfeiture paid.

275 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer \$7
276 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court
277 of record or an administrative traffic proceeding in accordance with Section 10-3-703.5 to the
278 Division of Finance for deposit in the restricted account created by this section. The division of
279 money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail forfeiture
280 paid.

281 (3) (a) There is created within the General Fund a restricted account known as the State
282 Courts Complex Account.

283 (b) The Legislature may appropriate monies from the restricted account to the
284 administrator of the courts for the following purposes only:

- 285 (i) to repay costs associated with the construction of the court complex that were funded
286 from sources other than revenues provided for under this Subsection (3)(b)(i); and
287 (ii) to cover operations and maintenance costs on the court complex.

288 **Section 13. Effective date.**

289 This act takes effect on July 1, 2002.

290 **Section 14. Coordination clause.**

291 If this bill and S.B. 200, Statutory Revisions for State Funding Adjustments, both pass, it
292 is the intent of the Legislature that the combined increase of \$15 from both bills be applied to the
293 fee in Subsection 78-7-35(1)(d)(iv).