

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building  
February 25, 2003**

**MEMBERS PRESENT:** Rep. Ben C. Ferry, Chair  
Rep. J. Stuart Adams, Vice Chair  
Rep. Chad E. Bennion  
Rep. Katherine M. Bryson  
Rep. Scott Daniels  
Rep. Neal B. Hendrickson  
Rep. Eric K. Hutchings  
Rep. M. Susan Lawrence  
Rep. Dana C. Love  
Rep. Rosalind J. McGee  
Rep. J. Morgan Philpot  
Rep. Mike Thompson

**MEMBERS ABSENT:** Rep. Greg J. Curtis

**STAFF:** Jerry D. Howe, Policy Analyst  
Cherri White, Committee Secretary

**VISITORS:** List of visitors on file

Representative Ferry called the meeting to order at 8:12 a.m. and called for a motion to approve the minutes of February 21, 2003.

**MOTION:** Representative Hendrickson moved to approve the minutes of February 21, 2003. The motion passed unanimously with Representatives Bennion, Bryson, Curtis, Hutchings, Philpot, and Adams absent for the vote.

**H.B. 285**     **False Allegations in Divorce Proceedings** (*N. Hendrickson*)

**MOTION:** Representative Hendrickson moved to delete H.B. 285 and replace it with 1<sup>st</sup> Substitute H.B. 285. The motion passed unanimously with Representatives Bennion, Bryson, Curtis, Hutchings, Philpot, and Adams absent for the vote.

**MOTION:** Representative Hendrickson moved to amend:

1. Page 2, Line 28:     After "merit" insert "by the Division of Child and Family Services or the court."
2. Page 2, Line 30:     After "court" delete "may" and insert "shall"; delete "nonalleging"

and insert "prevailing"; after "party" delete ":" and insert "court costs and attorneys fees incurred in defending the allegations."

3. Page 2, Lines 31 - 32: Delete lines 31 and 32.
4. Page 2, Line 33: After line 33, insert:  
"(5) Interference with visitation may be a substantial and material change of circumstances warranting a petition to modify the custody and child support provisions of the existing order."
5. Page 2, Line 39: After "30-3-35.5" delete the rest of the line
6. Page 2, Line 40: At the beginning of the line, delete "the best interests of the child, but"
7. Page 2, Line 41: Delete "that is equal or nearly as equal" and insert "agreed to by the parties"; at the end of the line, delete "minimum"
8. Page 2, Line 42: After "be entitled" delete "unless a parent can" and insert ":"
9. Page 2, Line 43: Delete line 43
10. Page 2, Line 44: At the beginning of the line delete "awarded" and insert "If the parties cannot agree, the courts should award a parent-time schedule"
11. Page 2, Line 44: After "upon" delete "any" and insert "consideration"

The motion passed unanimously with Representative Bryson absent for the vote.

The sponsor then explained the substitute bill and the amendments.

Speaking in favor of the bill:

Lori Nelson, Family Law Section, Utah State Bar  
Steve Barrows, Utah Families Association  
Rick Curtis, Cody Curtis

Speaking against the bill:

Gayle Ruzicka, Utah Eagle Forum  
Judy Kasten-Bell, Utah Domestic Violence Council  
Jacqueline de Gaston, self

**MOTION:** Representative Bennion moved to pass 1<sup>st</sup> Substitute H.B. 285 out favorably as amended. The motion passed 11-1-1, with Representative Bryson voting against the motion and Representative Curtis absent for the vote.

**H.B. 360 Child Support Obligations - Use of Utah Data (E. Hutchings)**

The sponsor introduced the bill to the committee.

Speaking to the bill:

Diana McDowell, Child Support Advisory Committee  
Steve Barrows, Utah Families Association

**MOTION:** Representative Daniels moved to pass the bill out favorably. The motion passed 10-2-1, with Representatives Bryson and Lawrence voting against the motion, and Representative Curtis absent for the vote.

**H.B. 133 Expedited Child Welfare Procedures (C. Bennion)**

**MOTION:** Representative Bennion moved to amend:

1. Page 1, Line 16: After "**home.**" insert "**The act provides a coordination clause.**"
2. Page 2, Line 29: After "develop a" insert "safety"  
Delete "to ensure the safety of" and insert "to protect"
3. Page 2, Line 30: After "child" insert "from further abuse or neglect"
4. Page 3, Line 69: Delete the semicolon at the end of the line
5. Page 3, Line 70: Delete "(a)"
6. Page 3, Line 71: Delete "; and" and insert a period
7. Page 3, Lines 72-73: Delete Lines 72-73
8. Page 3, Line 73: After Line 73 insert:  
"Section 4. **Coordination Clause.**  
If this bill and S.B. 128, Protective Order Amendments, both pass, it is the intent of the Legislature that the amendments to Subsection 78-3a-305(2) in S.B. 128 supersede the amendments to Subsection 78-3a-305(2) in this bill."

The motion passed 7-1-5, with Representative McGee voting against the motion, and Representatives Bryson, Curtis, Hutchings, Lawrence, and Philpot absent for the vote.

The sponsor proceeded to introduce the bill to the committee.

Speaking to the bill:

Rick Schwermer, Administrative Office of the Courts

Speaking in favor of the bill:

David Andreasen, self

**MOTION:** Representative Adams moved to adjourn. The motion passed 7-2-4, with Representatives Bennion and Hutchings voting against the motion, and Representatives Bryson, Curtis, Lawrence, and Philpot absent for the vote. The meeting adjourned at 9:03 a.m.

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Rep. Ben C. Ferry, Chair