



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 26, 2009

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 401**, CUSTODY AND PARENT-TIME AMENDMENTS FOR SERVICE MEMBERS, by Representative T. Cosgrove, with the following amendments:

1. *Page 2, Lines 52 through 55:*

52 (i) If willing and able, the noncustodial parent may elect to provide care for any
53 minor
54 children during the time the service member is away. The noncustodial parent shall notify
55 the
56 custodial parent of their willingness to provide care as soon as practicable, but not less
57 than
58 five days before the service member is required to leave.

(A) The parents shall arrange a time and place for the delivery of the children to the noncustodial parent. Except as provided in Subsection (B), a temporary exchange of physical custody under this Section shall be considered extended parent-time under Section 78B-12-216.

(B) Notwithstanding Section 78B-12-216, if a noncustodial parent elects to provide care for the minor children during the time the service member is away, child support payments to the custodial parent shall be suspended from the date the custodial parent leaves until the date the custodial parent resumes custodial care of the children.

2. *Page 2, Line 56 through Page 3, Line 61:*

56 (ii) If the noncustodial parent is unwilling or unable to provide care for any minor
57 children during the time the service member is away, the service member may make
58 specific
59 arrangements for the housing and care of the minor children during the time the service

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59 member will be away. {Arrangements} Notice of arrangements made by the
60 service member shall be provided to the
61 noncustodial parent and may not deprive the noncustodial parent of parent-time during the
same time period.

Respectfully,

Lorie D. Fowlke
Committee Chair

Voting: 7-2-4

3 HB0401.HC1.WPD 2/26/09 10:09 am jdhowe/JDH ECM/JDH

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