

1 **CUSTODY AND PARENT-TIME MODIFICATIONS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

5 Senate Sponsor: John L. Valentine

6

LONG TITLE

7 **General Description:**

8 This bill requires a court to review a person's custody and parent-time if the person is
9 convicted of a crime.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ allows a person to petition a court for review of custody and parent-time upon
- 13 learning the other parent has been convicted of certain crimes;
- 14 ▶ sets a three-year time limit on convictions to be used as the basis for a modification;
- 15 ▶ requires the court to make written findings; and
- 16 ▶ awards costs and attorney fees to the petitioner.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **30-3-41**, Utah Code Annotated 1953

24

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

25 Section 1. Section **30-3-41** is enacted to read:



28 **30-3-41. Custody and parent-time modifications upon conviction of a crime.**

29 (1) A person's custody and parent-time shall be reviewed for modification if the other
30 parent petitions the court and demonstrates that the person has been convicted of any of the
31 following offenses:

32 (a) Section 41-6a-503, driving under the influence of alcohol or drugs with a passenger
33 under the age of 16;

34 (b) Section 76-5-112.5, endangerment of a child;

35 (c) any offense which would require the person to register under the provisions of
36 Section 77-27-21.5;

37 (d) class A misdemeanor or felony child abuse under Section 76-5-109;

38 (e) class A misdemeanor or felony child abandonment under Section 76-5-109; or

39 (f) Section 76-5-109.1, domestic violence in the presence of a child.

40 (2) The parent who is the petitioner shall file a petition for modification within one
41 year of learning of the conviction.

42 (3) A conviction more than three years old may not be used as the basis for a petition,
43 however, the court may take previous convictions which have not been expunged into
44 consideration.

45 (4) If the court determines that a change in custody or parent-time is not in the best
46 interest of the child or children, it shall make written findings supporting its decision.

47 (5) The court shall award attorney fees and costs to the petitioner.

Legislative Review Note
as of 2-23-11 11:21 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 131

SHORT TITLE: Custody and Parent-time Modifications

SPONSOR: Edwards, R.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$20,700 ongoing from the General Fund for additional caseload. The bill is projected to generate additional \$18,000 in new General Fund revenues per year.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$18,000	\$18,000
Total Revenue	\$0	\$18,000	\$18,000
Expenditure:			
General Fund	\$0	\$20,700	\$20,700
Total Expenditure	\$0	\$20,700	\$20,700
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$2,700)	(\$2,700)
Net Impact, General/Education Funds	\$0	(\$2,700)	(\$2,700)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.