



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 14, 2012

Madam Speaker:

The Judiciary Committee recommends **H.B. 107**, JOINT CUSTODY MODIFICATIONS, by Representative G. Froerer, be replaced and reports a favorable recommendation on **1st Sub. H.B. 107**, JOINT CUSTODY MODIFICATIONS with the following amendments:

1. *Page 3, Lines 57 through 58:*

57 (v) any other factor the court considers relevant, including those listed in **this**
Section and Section
58 30-3-10.2.

2. *Page 2, Line 45 through Page 3, Line 58*

45 (b) [~~The court shall, in every case, consider joint custody but may award any form of~~
46 ~~custody which is determined to be~~] There shall be a rebuttable presumption that joint legal
47 custody, as defined in Section 30-3-10.1, is in the best interest of the child[-], so long as
the
48 party who desires joint legal custody files a proposed parenting plan in accordance with
49 Sections 30-3-10.8 and 30-3-10.9. The presumption may be rebutted by a showing by a
50 preponderance of the evidence that the following circumstances exist:
51 { ~~(i) the parents were not married to each other;~~ }
52 { ~~(ii)~~ } (i) domestic violence in the home or in the presence of the child;
53 { ~~(iii)~~ } (ii) special physical or mental needs of a parent or child, making joint
legal custody
54 unreasonable;
55 { ~~(iv)~~ } (iii) physical distance between the residences of the parents, making
joint decision
56 making impractical in certain circumstances; or
57 { ~~(v)~~ } (iv) any other factor the court considers relevant, including those

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HB0107S01

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listed in Section
58 30-3-10.2.

Respectfully,

Kay L. McIff
Committee Chair

Voting: 11-0-2

7 HB0107.HC1.WPD 2/14/12 3:54 pm /JDH ECM/JDH

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