

28 (1) It is the intent of the Legislature to promote parent-time at a level consistent with
29 all parties' interests.

30 (2) (a) A court shall consider as primary the fundamental liberty interests of parents
31 and children as recognized in Sections 62A-4a-201 and 78A-6-503, which include the safety
32 and well-being of the child and the parent who [~~is the victim of~~] experience domestic or family
33 violence.

34 (b) Absent a showing by ~~H~~→ [f] a preponderance of [t] [~~clear and convincing~~] ←~~H~~
34a evidence of real

35 harm or substantiated potential harm to the child:

36 (i) it is in the best interests of the child of divorcing, divorced, or adjudicated parents to
37 have frequent, meaningful, and continuing access to each parent following separation or
38 divorce;

39 (ii) each divorcing, separating, or adjudicated parent is entitled to and responsible for
40 frequent, meaningful, and continuing access with his child consistent with the child's best
41 interests; and

42 (iii) it is in the best interests of the child to have both parents actively involved in
43 parenting the child.

44 (c) An order issued by a court pursuant to Title 78B, Chapter 7, Part 1, Cohabitant
45 Abuse Act, shall be considered evidence of real harm or substantiated potential harm to the
46 child.

47 (3) For purposes of Sections 30-3-32 through 30-3-37:

48 (a) "Child" means the child or children of divorcing, separating, or adjudicated parents.

49 (b) "Christmas school vacation" means the time period beginning on the evening the
50 child gets out of school for the Christmas or winter school break until the evening before the
51 child returns to school.

52 (c) "Extended parent-time" means a period of parent-time other than a weekend,
53 holiday as provided in Subsections 30-3-35(2)(f) and (2)(g), religious holidays as provided in
54 Subsections 30-3-33(3) and (17), and "Christmas school vacation."

55 (d) "Supervised parent-time" means parent-time that requires the noncustodial parent to
56 be accompanied during parent-time by an individual approved by the court.

57 [~~t~~] (e) "Surrogate care" means care by any individual other than the parent of the
58 child.

59 [(e)] (f) "Uninterrupted time" means parent-time exercised by one parent without
60 interruption at any time by the presence of the other parent.

61 [(f)] (g) "Virtual parent-time" means parent-time facilitated by tools such as telephone,
62 email, instant messaging, video conferencing, and other wired or wireless technologies over the
63 Internet or other communication media to supplement in-person visits between a noncustodial
64 parent and a child or between a child and the custodial parent when the child is staying with the
65 noncustodial parent. Virtual parent-time is designed to supplement, not replace, in-person
66 parent-time.

67 (4) If a parent relocates because of an act of domestic violence or family violence by
68 the other parent, the court shall make specific findings and orders with regards to the
69 application of Section 30-3-37.

70 Section 2. Section **30-3-34.5** is enacted to read:

71 **30-3-34.5. Supervised parent-time.**

72 (1) When ~~H~~→ [strictly] ←~~H~~ necessary to protect a child and no less restrictive means is
73 reasonably available, a court may order supervised parent-time if the court determines from
74 sufficient available evidence that the child would be subject to physical, psychological, or
75 emotional danger ~~H~~→ or child abuse, as described in Section 76-5-109, ←~~H~~ from the
75a noncustodial parent if left unsupervised with the noncustodial
76 parent.

77 (2) A court that indicates its intention to order supervised parent-time shall require
78 both parties to provide the names of at least two persons who are capable and willing to
79 supervise the proposed noncustodial parent if needed during parent-time.

80 (3) The court shall select one name from each list and designate one to be the primary
81 supervisor and one to be the secondary supervisor. The secondary supervisor may only be used
82 when the primary supervisor is unavailable. The court shall provide additional guidance and
83 direction for parent-time when neither supervisor is available.

84 (4) The court shall ~~H~~→ [diligently strive to] ←~~H~~ give preference to a relative of the
84a noncustodial
85 parent who is known to the child, or an individual recommended by the noncustodial parent,
86 when making the selection in Subsection (3).

87 (5) (a) Supervised parent-time may only be assigned to a paid service if the court finds
88 that there is no suitable relative or recommended individual willing and able to fulfill the role
89 as provided in Subsection (2).