

PARENT-TIME AFTER RELOCATION OF A PARENT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions governing the relocation of a custodial parent with a minor child or children.

Highlighted Provisions:

This bill:

clarifies that parent-time associated with a minor child and the relocation of the custodial parent of the minor child is limited to children age 5 to 18.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-37, as last amended by Laws of Utah 2012, Chapter 227

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

Section 1. Section **30-3-37** is amended to read:

30-3-37. Relocation.

(1) For purposes of this section, "relocation" means moving 150 miles or more from the residence of the other parent.



28 (2) The relocating parent shall provide 60 days advance written notice of the intended
29 relocation to the other parent. The written notice of relocation shall contain statements
30 affirming the following:

31 (a) the parent-time provisions in Subsection (5) or a schedule approved by both parties
32 will be followed; and

33 (b) neither parent will interfere with the other's parental rights pursuant to court
34 ordered parent-time arrangements, or the schedule approved by both parties.

35 (3) The court shall, upon motion of any party or upon the court's own motion, schedule
36 a hearing with notice to review the notice of relocation and parent-time schedule as provided in
37 Section 30-3-35 and make appropriate orders regarding the parent-time and costs for
38 parent-time transportation.

39 (4) In a hearing to review the notice of relocation, the court shall, in determining if the
40 relocation of a custodial parent is in the best interest of the child, consider any other factors that
41 the court considers relevant to the determination. If the court determines that relocation is not
42 in the best interest of the child, and the custodial parent relocates, the court may order a change
43 of custody.

44 (5) If the court finds that the relocation is in the best interest of the child, the court shall
45 determine the parent-time schedule and allocate the transportation costs that will be incurred
46 for the child to visit the noncustodial parent. In making its determination, court shall consider:

- 47 (a) the reason for the parent's relocation;
- 48 (b) the additional costs or difficulty to both parents in exercising parent-time;
- 49 (c) the economic resources of both parents; and
- 50 (d) other factors the court considers necessary and relevant.

51 (6) Unless otherwise ordered by the court, upon the relocation, as defined in
52 Subsection (1), of one of the parties the following schedule shall be the minimum requirements
53 for parent-time ~~[with a school-age child]~~ for children 5 to 18 years of age:

54 (a) in years ending in an odd number, the child shall spend the following holidays with
55 the noncustodial parent:

- 56 (i) Thanksgiving holiday beginning Wednesday until Sunday; and
- 57 (ii) Spring break, if applicable, beginning the last day of school before the holiday until
58 the day before school resumes;

59 (b) in years ending in an even number, the child shall spend the following holidays
60 with the noncustodial parent:

61 (i) the entire winter school break period; and

62 (ii) the Fall school break beginning the last day of school before the holiday until the
63 day before school resumes;

64 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
65 weeks. The children should be returned to the custodial home no later than seven days before
66 school begins; however, this week shall be counted when determining the amount of
67 parent-time to be divided between the parents for the summer or off-track period; and

68 (d) one weekend per month, at the option and expense of the noncustodial parent.

69 (7) ~~H~~→ **The court may also set a parent time schedule for children under the age of**
69a **five. The schedule shall take into consideration the following:**

69b **(a) the age of the child;**

69c **(b) the developmental needs of the child;**

69d **(c) the distance between the parents' homes;**

69e **(d) the travel arrangements and cost;**

69f **(e) the level of attachment between the child and the non-custodial parent; and**

69g **(f) any other factors relevant to the best interest of the child.**

69h **(8) ←H** The noncustodial parent's monthly weekend entitlement is subject to the following
70 restrictions.

71 (a) If the noncustodial parent has not designated a specific weekend for parent-time,
72 the noncustodial parent shall receive the last weekend of each month unless a holiday assigned
73 to the custodial parent falls on that particular weekend. If a holiday assigned to the custodial
74 parent falls on the last weekend of the month, the noncustodial parent shall be entitled to the
75 next to the last weekend of the month.

76 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday
77 extends into or through the first weekend of the next month, that weekend shall be considered
78 the noncustodial parent's monthly weekend entitlement for that month.

79 (c) If a child is out of school for teacher development days or snow days after the
80 children begin the school year, or other days not included in the list of holidays in Subsection
81 (6) and those days are contiguous with the noncustodial parent's monthly weekend parent-time,
82 those days shall be included in the weekend parent-time.

83 ~~H~~→ **(8)** **(9) ←H** The custodial parent is entitled to all parent-time not specifically
83a allocated to the
84 noncustodial parent.

85 ~~Ĥ→ [9]~~ (10) ~~←Ĥ~~ In the event finances and distance preclude the exercise of
85a minimum parent-time
86 for the noncustodial parent during the school year, the court should consider awarding more
87 time for the noncustodial parent during the summer time if it is in the best interests of the
88 children.
89 ~~Ĥ→ [10]~~ (11) ~~←Ĥ~~ Upon the motion of any party, the court may order uninterrupted
89a parent-time with

90 the noncustodial parent for a minimum of 30 days during extended parent-time, unless the
 91 court finds it is not in the best interests of the child. If the court orders uninterrupted
 92 parent-time during a period not covered by this section, it shall specify in its order which parent
 93 is responsible for the child's travel expenses.

94 ~~H→ [(11)]~~ (12) ←H Unless otherwise ordered by the court the relocating party shall be
 94a responsible for

95 all the child's travel expenses relating to Subsections (6)(a) and (b) and 1/2 of the child's travel
 96 expenses relating to Subsection (6)(c), provided the noncustodial parent is current on all
 97 support obligations. If the noncustodial parent has been found in contempt for not being
 98 current on all support obligations, the noncustodial parent shall be responsible for all of the
 99 child's travel expenses under Subsection (6), unless the court rules otherwise. Reimbursement
 100 by either responsible party to the other for the child's travel expenses shall be made within 30
 101 days of receipt of documents detailing those expenses.

102 ~~H→ [(12)]~~ (13) ←H The court may apply this provision to any preexisting decree of divorce.

103 ~~H→ [(13)]~~ (14) ←H Any action under this section may be set for an expedited hearing.

104 ~~H→ [(14)]~~ (15) ←H A parent who fails to comply with the notice of relocation in
 104a Subsection (2) shall
 105 be in contempt of the court's order.

Legislative Review Note
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Office of Legislative Research and General Counsel