

**CHILD CUSTODY AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca P. Edwards**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to child custody.

**Highlighted Provisions:**

This bill:

- ▶ addresses public policy regarding custody of children;
- ▶ changes the age when a child's desire is given weight;
- ▶ addresses joint custody orders;
- ▶ addresses parenting plans;
- ▶ addresses parent-time;
- ▶ modifies advisory guidelines; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**30-3-10**, as last amended by Laws of Utah 2017, Chapters 67 and 224

**30-3-10.2**, as last amended by Laws of Utah 2005, Chapter 142

**30-3-10.4**, as last amended by Laws of Utah 2017, Chapter 224



- 28 [30-3-10.8](#), as last amended by Laws of Utah 2017, Chapter 224
- 29 [30-3-10.9](#), as last amended by Laws of Utah 2017, Chapter 224
- 30 [30-3-32](#), as last amended by Laws of Utah 2017, Chapter 120
- 31 [30-3-33](#), as last amended by Laws of Utah 2017, Chapter 224
- 32 [30-3-35](#), as last amended by Laws of Utah 2017, Chapter 120
- 33 [30-3-35.1](#), as last amended by Laws of Utah 2017, Chapter 120
- 34 [30-3-35.5](#), as last amended by Laws of Utah 2017, Chapter 120
- 35 [78A-6-104](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

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

38 Section 1. Section **30-3-10** is amended to read:

39 **30-3-10. Custody of children in case of separation or divorce -- Custody**  
40 **consideration.**

41 (1) It is the public policy of the state and the general purpose of this section that absent  
42 evidence to the contrary, it is in a child's best interest:

43 (a) to have substantial, frequent, meaningful, and continuing parent-time with both  
44 parents; and

45 (b) to have both parents participate in decision-making about the child.

46 [(†)] (2) If a married couple having one or more minor children are separated, or their  
47 marriage is declared void or dissolved, the court shall make an order for the future care and  
48 custody of the minor children as [†] the court considers appropriate.

49 (a) In determining any form of custody, including a change in custody, the court shall  
50 [~~consider~~] maximize parent-time with both parents considering the best interests of the child  
51 without preference for either parent solely because of the biological sex of the parent or the  
52 child and, among other factors the court finds relevant, the following:

53 (i) the past conduct and demonstrated moral standards of each of the parties;

54 (ii) which parent is most likely to act in the best interest of the child, including  
55 allowing the child substantial, frequent, meaningful, and continuing contact with the  
56 [~~noncustodial~~] other parent;

57 (iii) whether each parent is willing to care for the child as defined in Subsection  
58 [30-3-10.2\(2\)](#);

59           ~~[(iii)]~~ (iv) the extent of bonding between the parent and child, meaning the depth,  
60 quality, and nature of the relationship between a parent and child;

61           ~~[(iv)]~~ (v) whether the parent has intentionally exposed the child to pornography or  
62 material harmful to a minor, as defined in Section [76-10-1201](#); and

63           ~~[(v)]~~ (vi) those factors outlined in Section [30-3-10.2](#).

64           (b) There is a rebuttable presumption that joint legal custody, as defined in Section  
65 [30-3-10.1](#), is in the best interest of the child, except in cases where there is:

66           (i) domestic violence in the home or in the presence of the child;

67           (ii) special physical or mental needs of a parent or child, making joint legal custody  
68 unreasonable; or

69           ~~[(iii) physical distance between the residences of the parents, making joint decision  
70 making impractical in certain circumstances; or]~~

71           ~~[(iv)]~~ (iii) any other factor the court considers relevant including those listed in this  
72 section and Section [30-3-10.2](#).

73           (c) The person who desires joint legal custody shall file a proposed parenting plan in  
74 accordance with Sections [30-3-10.8](#) and [30-3-10.9](#). A presumption for joint legal custody may  
75 be rebutted by a showing by a preponderance of the evidence that it is not in the best interest of  
76 the child.

77           (d) A child may not be required by either party to testify unless the trier of fact  
78 determines that extenuating circumstances exist that would necessitate the testimony of the  
79 child be heard and there is no other reasonable method to present the child's testimony.

80           (e) The court may inquire of a child and take into consideration the child's desires  
81 regarding future custody or parent-time schedules, but the expressed desires are not controlling  
82 and the court may determine the child's custody or parent-time otherwise. The desires of a  
83 child ~~[14]~~ 12 years of age or older shall be given added weight, but is not the single controlling  
84 factor.

85           (f) If an interview with a child is conducted by the court pursuant to Subsection ~~[(1)]~~  
86 (2)(e), the interview shall be conducted by the judge in camera. The prior consent of the  
87 parties may be obtained but is not necessary if the court finds that an interview with a child is  
88 the only method to ascertain the child's desires regarding custody.

89           ~~[(2)]~~ (3) In awarding custody, the court shall consider, among other factors the court

90 finds relevant[, which parent is most likely to act in the best interests of the child, including  
91 allowing the child frequent]:

92 (a) whether each parent is likely to allow the child substantial, frequent, meaningful,  
93 and continuing contact with the [noncustodial] other parent as the court finds appropriate[-];  
94 and

95 (b) whether each parent is likely to act in the best interest of the child.

96 [(3)] (4) If the court finds that one parent does not desire custody of the child, the court  
97 shall take that evidence into consideration in determining whether to award custody to the other  
98 parent.

99 [(4)] (5) (a) Except as provided in Subsection [(4)] (5)(b), a court may not discriminate  
100 against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or  
101 determining whether a substantial change has occurred for the purpose of modifying an award  
102 of custody.

103 (b) The court may not consider the disability of a parent as a factor in awarding custody  
104 or modifying an award of custody based on a determination of a substantial change in  
105 circumstances, unless the court makes specific findings that:

106 (i) the disability significantly or substantially inhibits the parent's ability to provide for  
107 the physical and emotional needs of the child at issue; and

108 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
109 available to supplement the parent's ability to provide for the physical and emotional needs of  
110 the child at issue.

111 (c) Nothing in this section may be construed to apply to adoption proceedings under  
112 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

113 [(5)] (6) This section establishes neither a preference nor a presumption for or against  
114 joint physical custody or sole physical custody, but allows the court and the family the widest  
115 discretion to choose a parenting plan that is in the best interest of the child.

116 [(6)] (7) When an issue before the court involves custodial responsibility in the event  
117 of a deployment of one or both parents who are servicemembers, and the servicemember has  
118 not yet been notified of deployment, the court shall resolve the issue based on the standards in  
119 Sections 78B-20-306 through 78B-20-309.

120 Section 2. Section 30-3-10.2 is amended to read:

121           **30-3-10.2. Joint custody orders -- Factors for court determination -- Public**  
122 **assistance.**

123           (1) The court may order joint legal custody or joint physical custody or both if one or  
124 both parents [~~have filed~~] file a parenting plan in accordance with Section 30-3-10.8 and [~~it~~] the  
125 court determines that joint legal custody or joint physical custody or both is in the best interest  
126 of the child.

127           (2) In determining whether the best interest of a child will be served by ordering joint  
128 legal or physical custody, the court shall consider the following factors:

129           (a) whether the physical, psychological, and emotional needs and development of the  
130 child will benefit from joint legal or physical custody;

131           (b) the ability of the parents to give first priority to the welfare of the child and reach  
132 shared decisions in the child's best interest;

133           (c) whether each parent is capable of encouraging and accepting a positive relationship  
134 between the child and the other parent, including the sharing of love, affection, and contact  
135 between the child and the other parent;

136           (d) whether both parents participated in raising the child before the divorce;

137           (e) the geographical proximity of the homes of the parents;

138           (f) the preference of the child, if any, if the child is of sufficient age and capacity to  
139 reason so as to form an intelligent preference as to joint legal or physical custody;

140           (g) the maturity of the parents and their willingness and ability to protect the child from  
141 conflict that may arise between the parents;

142           (h) the past and present ability of the parents to cooperate with each other and make  
143 decisions jointly;

144           (i) any history of, or potential for, child abuse, spouse abuse, custodial interference, as  
145 defined in Section 76-5-303, or kidnaping; and

146           (j) any other factors the court finds relevant.

147           (3) The determination of the best interest of the child shall be by a preponderance of  
148 the evidence.

149           (4) The court shall inform both parties that an order for joint physical custody may  
150 preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment  
151 Support Act.

152 (5) The court may order that where possible the parties attempt to settle future disputes  
153 by a dispute resolution method before seeking enforcement or modification of the terms and  
154 conditions of the order of joint legal custody or joint physical custody through litigation, except  
155 in emergency situations requiring ex parte orders to protect the child.

156 Section 3. Section **30-3-10.4** is amended to read:

157 **30-3-10.4. Modification or termination of order.**

158 (1) On the petition of one or both of the parents, or the joint legal or physical  
159 custodians if they are not the parents, the court may, after a hearing, modify or terminate an  
160 order that established joint legal or physical custody if:

161 (a) the verified petition or accompanying affidavit initially alleges that admissible  
162 evidence will show that the circumstances of the child or one or both parents or joint legal or  
163 physical custodians have materially and substantially changed since the entry of the order to be  
164 modified;

165 (b) a modification of the terms and conditions of the order would be an improvement  
166 for and in the best interest of the child; and

167 (c) (i) both parents have complied in good faith with the dispute resolution procedure  
168 in accordance with Subsection [30-3-10.3\(7\)](#); or

169 (ii) if no dispute resolution procedure is contained in the order that established joint  
170 legal or physical custody, the court orders the parents to participate in a dispute resolution  
171 procedure in accordance with Subsection [30-3-10.2\(5\)](#) unless the parents certify that, in good  
172 faith, they have used a dispute resolution procedure to resolve their dispute.

173 (2) (a) In determining whether the best interest of a child will be served by either  
174 modifying or terminating the joint legal or physical custody order, the court shall, in addition to  
175 other factors the court considers relevant, consider the factors outlined in Section [30-3-10](#) and  
176 Subsection [30-3-10.2\(2\)](#).

177 (b) A court order modifying or terminating an existing joint legal or physical custody  
178 order shall contain written findings that:

179 (i) a material and substantial change of circumstance has occurred; and

180 (ii) a modification of the terms and conditions of the order would be an improvement  
181 for and in the best interest of the child.

182 (c) The court shall give substantial weight to the existing joint legal or physical custody

183 order when the child is thriving, happy, and well-adjusted.

184 (3) The court shall, in every case regarding a petition for termination of a joint legal or  
185 physical custody order, consider reasonable alternatives to preserve the existing order in  
186 accordance with Subsection ~~30-3-10(1)~~(2)(b). The court may modify the terms and  
187 conditions of the existing order in accordance with Subsection ~~30-3-10(5)~~(6) and may order  
188 the parents to file a parenting plan in accordance with this chapter.

189 (4) A parent requesting a modification from sole custody to joint legal custody or joint  
190 physical custody or both, or any other type of shared parenting arrangement, shall file and serve  
191 a proposed parenting plan with the petition to modify in accordance with Section 30-3-10.8.

192 (5) If the court finds that an action under this section is filed or answered frivolously  
193 and in a manner designed to harass the other party, the court shall assess attorney fees as costs  
194 against the offending party.

195 (6) When an issue before the court involves custodial responsibility in the event of  
196 deployment of one or both parents who are servicemembers, and the servicemember has not yet  
197 been notified of deployment, the court shall resolve the issue based on the standards in Sections  
198 78B-20-306 through 78B-20-309.

199 Section 4. Section 30-3-10.8 is amended to read:

200 **30-3-10.8. Parenting plan -- Filing -- Modifications.**

201 (1) In any proceeding under this chapter, including actions for paternity, a party  
202 requesting joint custody, joint legal or physical custody, or any other type of shared parenting  
203 arrangement, shall file and serve a proposed parenting plan at the time of the filing of their  
204 original petition or at the time of filing their answer or counterclaim.

205 (2) In proceedings for a modification of custody provisions or modification of a  
206 parenting plan, a proposed parenting plan shall be filed and served with the petition to modify,  
207 or the answer or counterclaim to the petition to modify.

208 (3) A party who files a proposed parenting plan in compliance with this section may  
209 move the court for an order of default to adopt the plan if the other party fails to file a proposed  
210 parenting plan as required by this section.

211 (4) Either party may file and serve an amended proposed parenting plan according to  
212 the rules for amending pleadings.

213 (5) The parent submitting a proposed parenting plan shall attach a verified statement

214 that the plan is proposed by that parent in good faith.

215 (6) Both parents may submit a parenting plan which has been agreed upon. A verified  
216 statement, signed by both parents, shall be attached.

217 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad  
218 litem to represent the best interests of the child, who may, if necessary, file a separate parenting  
219 plan reflecting the best interests of the child.

220 (8) When one or both parents are a servicemember, the parenting plan shall be  
221 consistent with Subsection 30-3-10.9~~(10)~~(12). If after a parenting plan is adopted, one or both  
222 parents become servicemembers, as soon as practical, the parents shall amend the existing  
223 parenting plan to comply with Subsection 30-3-10.9~~(10)~~(12).

224 Section 5. Section 30-3-10.9 is amended to read:

225 **30-3-10.9. Parenting plan -- Objectives -- Required provisions -- Dispute**  
226 **resolution.**

227 (1) The objectives of a parenting plan are to:

228 (a) provide for the child's physical care;

229 (b) maintain the child's emotional stability;

230 (c) provide for the child's changing needs as the child grows and matures in a way that  
231 minimizes the need for future modifications to the parenting plan;

232 (d) set forth the authority and responsibilities of each parent with respect to the child  
233 consistent with the definitions outlined in this chapter;

234 (e) minimize the child's exposure to harmful parental conflict;

235 (f) encourage the parents, where appropriate, to meet the responsibilities to their minor  
236 children through agreements in the parenting plan rather than relying on judicial intervention;

237 [~~and~~]

238 (g) preserve parent-child relationships;

239 (h) allow the child to have substantial, frequent, meaningful, and continuing  
240 parent-time with both parents;

241 (i) allow both parents to participate in decision-making about the child; and

242 [~~g~~] (j) protect the best interests of the child.

243 (2) The parenting plan shall contain provisions for resolution of future disputes  
244 between the parents, allocation of decision-making authority, and residential provisions for the



245 child, and provisions addressing notice and parent-time responsibilities in the event of the  
246 relocation of either party. It may contain other provisions comparable to those in Sections  
247 30-3-5 and 30-3-10.3 regarding the welfare of the child.

248 (3) A process for resolving disputes shall be provided unless precluded or limited by  
249 statute. A dispute resolution process may include:

250 (a) counseling;

251 (b) mediation or arbitration by a specified individual or agency; or

252 (c) court action.

253 (4) In the dispute resolution process:

254 (a) preference shall be given to the provisions in the parenting plan;

255 (b) parents shall use the designated process to resolve disputes relating to  
256 implementation of the plan, except those related to financial support, unless an emergency  
257 exists;

258 (c) a written record shall be prepared of any agreement reached in counseling or  
259 mediation and provided to each party;

260 (d) if arbitration becomes necessary, a written record shall be prepared and a copy of  
261 the arbitration award shall be provided to each party;

262 (e) if the court finds that a parent has used or frustrated the dispute resolution process  
263 without good reason, the court may award attorney's fees and financial sanctions to the  
264 prevailing parent;

265 (f) the district court shall have the right of review from the dispute resolution process;  
266 and

267 (g) the provisions of this Subsection (4) shall be set forth in any final decree or order.

268 (5) ~~[The]~~ Consistent with the best interests of the child, the parenting plan shall  
269 allocate decision-making authority to one or both parties regarding the ~~[children's]~~ child's  
270 education, health care, and religious upbringing. The parties may incorporate an agreement  
271 related to the care and growth of the children in these specified areas or in other areas into their  
272 plan, consistent with the criteria outlined in Subsection 30-3-10.7(2) and Subsection (1).

273 Regardless of the allocation of decision-making in the parenting plan, either parent may make  
274 emergency decisions affecting the health or safety of the child.

275 (6) Each parent may make decisions regarding the day-to-day care and control of the

276 child while the child is residing with that parent.

277 (7) When mutual decision-making is designated but cannot be achieved, the parties  
278 shall make a good faith effort to resolve the issue through the dispute resolution process.

279 (8) The plan shall include a residential schedule which designates in which parent's  
280 home each minor child shall reside on given days of the year, including provisions for holidays,  
281 birthdays of family members, vacations, and other special occasions.

282 (9) (a) The plan shall include a procedure for communicating with each other about the  
283 child, including methods and frequency.

284 (b) If a protective order exists between the parents, the plan shall include a procedure  
285 for communicating through a neutral intermediary, if necessary to comply with the protective  
286 order.

287 [~~(9)~~] (10) If a parent fails to comply with a provision of the parenting plan or a child  
288 support order, the other parent's obligations under the parenting plan or the child support order  
289 are not affected. Failure to comply with a provision of the parenting plan or a child support  
290 order may result in a finding of contempt of court.

291 (11) If a parent without good cause fails to comply with a parent-time order, the court  
292 shall sanction that parent.

293 [~~(10)~~] (12) (a) When one or both parents are servicemembers, the parenting plan shall  
294 contain provisions that address the foreseeable parenting and custodial issues likely to arise in  
295 the event of notification of deployment or other contingency, including long-term deployments,  
296 short-term deployments, death, incapacity, and noncombatant evacuation operations.

297 (b) The provisions in the parenting plan described in Subsection [~~(10)~~] (12)(a) shall  
298 comport substantially with the requirements of an agreement made pursuant to Section  
299 78B-20-201.

300 Section 6. Section 30-3-32 is amended to read:

301 **30-3-32. Parent-time -- Intent -- Policy -- Definitions.**

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

304 (2) (a) A court shall consider as primary the safety and well-being of the child and the  
305 parent who experiences domestic or family violence.

306 (b) Absent a showing by a preponderance of evidence of real harm or substantiated

307 potential harm to the child:

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

311 (ii) it is in the best interest of the child to maximize parent-time with both parents;

312 ~~[(ii)]~~ (iii) each divorcing, separating, or adjudicated parent is entitled to and  
313 responsible for substantial, frequent, meaningful, and continuing access with the parent's child  
314 consistent with the child's best interests; and

315 ~~[(iii)]~~ (iv) it is in the best interests of the child to have both parents actively involved in  
316 parenting the child.

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

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

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

322 (b) Subject to Subsection (5), "Christmas school vacation" means:

323 (i) for a single child, the time period beginning on the evening the child is released  
324 from school for the Christmas or winter school break and ending the evening before the child  
325 returns to school; and

326 (ii) for multiple children when the children's school schedules differ, the time period  
327 beginning on the first evening all children's schools are released for the Christmas or winter  
328 school break and ending the evening before any of the children returns to school.

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

332 (d) "Supervised parent-time" means parent-time that requires ~~the noncustodial~~ a  
333 parent to be accompanied during parent-time by an individual approved by the court.

334 (e) "Surrogate care" means care by any individual other than the parent of the child.

335 (f) "Uninterrupted time" means parent-time exercised by one parent without  
336 interruption at any time by the presence of the other parent.

337 (g) "Virtual parent-time" means parent-time facilitated by tools such as telephone,

338 email, instant messaging, video conferencing, and other wired or wireless technologies over the  
339 Internet or other communication media to supplement in-person visits between a noncustodial  
340 parent and a child or between a child and the custodial parent when the child is staying with the  
341 noncustodial parent. Virtual parent-time is designed to supplement, not replace, in-person  
342 parent-time.

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

346 (5) A Christmas school vacation shall be divided equally as required by Section  
347 30-3-35.

348 Section 7. Section 30-3-33 is amended to read:

349 **30-3-33. Advisory guidelines.**

350 In addition to the parent-time schedules provided in Sections 30-3-35 and 30-3-35.5,  
351 the following advisory guidelines are suggested to govern all parent-time arrangements  
352 between parents.

353 (1) Parent-time schedules mutually agreed upon by both parents are preferable to a  
354 court-imposed solution.

355 (2) The parent-time schedule shall be used to maximize the continuity and stability of  
356 the child's life.

357 (3) Special consideration shall be given by each parent to make the child available to  
358 attend family functions including funerals, weddings, family reunions, religious holidays,  
359 important ceremonies, and other significant events in the life of the child or in the life of either  
360 parent which may inadvertently conflict with the parent-time schedule.

361 (4) The responsibility for the pick up, delivery, and return of the child shall be  
362 determined by the court when the parent-time order is entered, and may be changed at any time  
363 a subsequent modification is made to the parent-time order.

364 (5) If the noncustodial parent will be providing transportation, the custodial parent  
365 shall have the child ready for parent-time at the time the child is to be picked up and shall be  
366 present at the custodial home or shall make reasonable alternate arrangements to receive the  
367 child at the time the child is returned.

368 (6) If the custodial parent will be transporting the child, the noncustodial parent shall

369 be at the appointed place at the time the noncustodial parent is to receive the child, and have  
370 the child ready to be picked up at the appointed time and place, or have made reasonable  
371 alternate arrangements for the custodial parent to pick up the child .

372 (7) Regular school hours may not be interrupted for a school-age child for the exercise  
373 of parent-time by either parent.

374 (8) The court may make alterations in the parent-time schedule to reasonably  
375 accommodate the work schedule of both parents and may increase the parent-time allowed to  
376 the noncustodial parent but may not diminish the standardized parent-time provided in Sections  
377 [30-3-35](#) and [30-3-35.5](#).

378 (9) The court may make alterations in the parent-time schedule to reasonably  
379 accommodate the distance between the parties and the expense of exercising parent-time.

380 (10) Neither parent-time nor child support is to be withheld due to either parent's  
381 failure to comply with a court-ordered parent-time schedule.

382 (11) [~~The custodial parent~~] Each parent shall notify the [~~noncustodial~~] other parent  
383 within 24 hours of receiving notice of all significant school, social, sports, religious, and  
384 community functions in which the child is participating or being honored, and [~~the~~  
385 ~~noncustodial parent~~] both parents shall be entitled to attend and participate fully.

386 (12) [~~The noncustodial parent~~] Each parent shall have access directly to all school  
387 reports including preschool and daycare reports and medical records and shall be notified  
388 immediately by the [~~custodial~~] other parent in the event of a medical emergency.

389 (13) Each parent shall provide the other with the parent's current address and telephone  
390 number, email address, and other virtual parent-time access information within 24 hours of any  
391 change.

392 (14) Each parent shall permit and encourage, during reasonable hours, reasonable and  
393 uncensored communications with the child, in the form of mail privileges and virtual  
394 parent-time if the equipment is reasonably available, provided that if the parties cannot agree  
395 on whether the equipment is reasonably available, the court shall decide whether the equipment  
396 for virtual parent-time is reasonably available, taking into consideration:

- 397 (a) the best interests of the child;
- 398 (b) each parent's ability to handle any additional expenses for virtual parent-time; and
- 399 (c) any other factors the court considers material.

400 (15) Parental care shall be presumed to be better care for the child than surrogate care  
401 and the court shall [~~encourage the parties to cooperate in allowing the noncustodial~~] allow each  
402 parent, if willing and able, to transport the [~~children,~~] child, and to provide the child care.  
403 Child care arrangements existing during the marriage are preferred as are child care  
404 arrangements with nominal or no charge.

405 (16) Each parent shall provide all surrogate care providers with the name, current  
406 address, and telephone number of the other parent and shall provide the [~~noncustodial~~] other  
407 parent with the name, current address, and telephone number of all surrogate care providers  
408 unless the court for good cause orders otherwise.

409 (17) Each parent shall be entitled to an equal division of major religious holidays  
410 celebrated by the parents, and the parent who celebrates a religious holiday that the other parent  
411 does not celebrate shall have the right to be together with the child on the religious holiday.

412 (18) If the child is on a different parent-time schedule than a sibling, based on Sections  
413 30-3-35 and 30-3-35.5, the parents should consider if an upward deviation for parent-time with  
414 all the minor children so that parent-time is uniform between school aged and nonschool aged  
415 children, is appropriate.

416 (19) When one or both parents are servicemembers or contemplating joining a  
417 uniformed service, the parents should resolve issues of custodial responsibility in the event of  
418 deployment as soon as practicable through reaching a voluntary agreement pursuant to Section  
419 78B-20-201 or through court order obtained pursuant to Section 30-3-10. Servicemembers  
420 shall ensure their family care plan reflects orders and agreements entered and filed pursuant to  
421 Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-Time, and Visitation Act.

422 Section 8. Section 30-3-35 is amended to read:

423 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

424 (1) The parent-time schedule in this section applies to [~~children~~] a child 5 to 18 years  
425 of age.

426 (2) If the parties do not agree to a parent-time schedule[;] the court shall maximize the  
427 time the child spends with both parents. The following schedule shall be considered the  
428 minimum parent-time to which the noncustodial parent and the child shall be entitled.

429 (a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court,  
430 or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;

431 (B) at the election of the noncustodial parent, one weekday from the time the child's  
432 school is regularly dismissed until 8:30 p.m., unless the court directs the application of  
433 Subsection (2)(a)(i); or

434 (C) at the election of the noncustodial parent, if school is not in session, one weekday  
435 from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30  
436 p.m. if the noncustodial parent is available to be with the child, unless the court directs the  
437 application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

438 (ii) Once the election of the weekday for the weekday evening parent-time is made, it  
439 may not be changed except by mutual written agreement or court order.

440 (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the  
441 decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

442 (B) at the election of the noncustodial parent, from the time the child's school is  
443 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of  
444 Subsection (2)(b)(i)(A); or

445 (C) at the election of the noncustodial parent, if school is not in session, on Friday from  
446 approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on  
447 Sunday, if the noncustodial parent is available to be with the child unless the court directs the  
448 application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

449 (ii) A step-parent, grandparent, or other responsible adult designated by the  
450 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the  
451 individual, and the parent will be with the child by 7 p.m.

452 (iii) An election should be made by the noncustodial parent at the time of entry of the  
453 divorce decree or court order, and may be changed by mutual agreement, court order, or by the  
454 noncustodial parent in the event of a change in the child's schedule.

455 (iv) Weekends include any "snow" days, teacher development days, or other days when  
456 school is not scheduled and which are contiguous to the weekend period.

457 (c) Holidays include any "snow" days, teacher development days after the children  
458 begin the school year, or other days when school is not scheduled, contiguous to the holiday  
459 period, and take precedence over the weekend parent-time. Changes may not be made to the  
460 regular rotation of the alternating weekend parent-time schedule, however:

461 (i) birthdays take precedence over holidays and extended parent-time, except Mother's

462 Day and Father's Day; and

463 (ii) birthdays do not take precedence over uninterrupted parent-time if the parent  
464 exercising uninterrupted time takes the child away from that parent's residence for the  
465 uninterrupted extended parent-time.

466 (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall  
467 be responsible for the child's attendance at school for that school day.

468 (e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday  
469 period extends beyond that time so that the child is free from school and the parent is free from  
470 work, the noncustodial parent shall be entitled to this lengthier holiday period.

471 (ii) (A) At the election of the noncustodial parent, parent-time over a scheduled holiday  
472 weekend may begin from the time the child's school is regularly dismissed at the beginning of  
473 the holiday weekend until 7 p.m. on the last day of the holiday weekend; or

474 (B) at the election of the noncustodial parent, if school is not in session, parent-time  
475 over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the  
476 custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last  
477 day of the holiday weekend, if the noncustodial parent is available to be with the child unless  
478 the court directs the application of Subsection (2)(e)(ii)(A).

479 (iii) A step-parent, grandparent, or other responsible individual designated by the  
480 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the  
481 individual, and the parent will be with the child by 7 p.m.

482 (iv) An election should be made by the noncustodial parent at the time of the divorce  
483 decree or court order, and may be changed by mutual agreement, court order, or by the  
484 noncustodial parent in the event of a change in the child's schedule.

485 (f) In years ending in an odd number, the noncustodial parent is entitled to the  
486 following holidays:

487 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.  
488 until 9 p.m., at the discretion of the noncustodial parent, the noncustodial parent may take other  
489 siblings along for the birthday;

490 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless  
491 the holiday extends for a lengthier period of time to which the noncustodial parent is  
492 completely entitled;



493 (iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets  
494 out for the holiday until 7 p.m. on the evening before school resumes;

495 (iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6  
496 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

497 (v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday  
498 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

499 (vi) the fall school break, if applicable, commonly known as U.E.A. weekend  
500 beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a  
501 lengthier period of time to which the noncustodial parent is completely entitled;

502 (vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on  
503 the holiday; and

504 (viii) the first portion of the Christmas school vacation as defined in Subsection  
505 30-3-32(3)(b) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day  
506 halfway through the holiday period, if there are an odd number of days for the holiday period,  
507 or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire  
508 holiday period is equally divided.

509 (g) In years ending in an even number, the noncustodial parent is entitled to the  
510 following holidays:

511 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m., at the discretion  
512 of the noncustodial parent, the noncustodial parent may take other siblings along for the  
513 birthday;

514 (ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the  
515 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
516 entitled;

517 (iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the  
518 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
519 entitled;

520 (iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later  
521 than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

522 (v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the  
523 holiday;

524 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the  
525 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

526 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

527 (viii) the second portion of the Christmas school vacation as defined in Subsection  
528 [30-3-32\(3\)\(b\)](#), beginning 1 p.m. on the day halfway through the holiday period, if there are an  
529 odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for  
530 the holiday period, so long as the entire Christmas holiday period is equally divided.

531 (h) The custodial parent is entitled to the odd year holidays in even years and the even  
532 year holidays in odd years.

533 (i) If there is more than one child and the children's school schedules vary for purpose  
534 of a holiday, it is presumed that the children will remain together for the holiday period  
535 beginning the first evening all children's schools are let out for the holiday and ending the  
536 evening before any child returns to school.

537 (j) Father's Day shall be spent with the natural or adoptive father every year beginning  
538 at 9 a.m. until 7 p.m. on the holiday.

539 (k) Mother's Day shall be spent with the natural or adoptive mother every year  
540 beginning at 9 a.m. until 7 p.m. on the holiday.

541 (l) Extended parent-time with the noncustodial parent may be:

542 (i) up to four consecutive weeks when school is not in session at the option of the  
543 noncustodial parent, including weekends normally exercised by the noncustodial parent, but  
544 not holidays;

545 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

546 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent for  
547 weekday parent-time but not weekends, except for a holiday to be exercised by the other  
548 parent.

549 (m) The custodial parent shall have an identical two-week period of uninterrupted time  
550 when school is not in session for purposes of vacation.

551 (n) Both parents shall provide notification of extended parent-time or vacation weeks  
552 with the child at least 30 days before the end of the child's school year to the other parent and if  
553 notification is not provided timely the complying parent may determine the schedule for  
554 extended parent-time for the noncomplying parent.

555 (o) Telephone contact shall be at reasonable hours and for a reasonable duration.

556 (p) Virtual parent-time, if the equipment is reasonably available and the parents reside  
557 at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that  
558 if the parties cannot agree on whether the equipment is reasonably available, the court shall  
559 decide whether the equipment for virtual parent-time is reasonably available, taking into  
560 consideration:

561 (i) the best interests of the child;

562 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

563 (iii) any other factors the court considers material.

564 (3) An election required to be made in accordance with this section by either parent  
565 concerning parent-time shall be made a part of the decree and made a part of the parent-time  
566 order.

567 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended  
568 beyond the hours designated in Subsection (2)(g)(vi).

569 Section 9. Section **30-3-35.1** is amended to read:

570 **30-3-35.1. Optional schedule for parent-time for children 5 to 18 years of age.**

571 (1) The optional parent-time schedule in this section applies to children 5 to 18 years of  
572 age. This schedule is 145 overnights. Any impact on child support shall be consistent with  
573 Subsection [78B-12-102\(14\)](#).

574 (2) The parents and the court may consider the following increased parent-time  
575 schedule as a minimum when the parties agree or the noncustodial parent can demonstrate the  
576 following:

577 (a) the noncustodial parent has been actively involved in the child's life;

578 (b) the parties are able to communicate effectively regarding the child, or the  
579 noncustodial parent has a plan to accomplish effective communications regarding the child;

580 (c) the noncustodial parent has the ability to facilitate the increased parent-time;

581 (d) the increased parent-time would be in the best interest of the child; and

582 (e) any other factor the court considers relevant.

583 (3) In determining whether a noncustodial parent has been actively involved in the  
584 child's life, the court shall consider:

585 (a) demonstrated responsibility in caring for the child;

- 586 (b) involvement in day care;
- 587 (c) presence or volunteer efforts in the child's school and at extracurricular activities;
- 588 (d) assistance with the child's homework;
- 589 (e) involvement in preparation of meals, bath time, and bedtime for the child;
- 590 (f) bonding with the child; and
- 591 (g) any other factor the court considers relevant.

592 (4) In determining whether a noncustodial parent has the ability to facilitate the  
593 increased parent-time, the court shall consider:

594 (a) the geographic distance between the residences of the parents and the distance  
595 between the parents' residences and the child's school;

596 (b) the noncustodial parent's ability to assist with after school care;

597 (c) the health of the child and the noncustodial parent, consistent with Subsection

598 [30-3-10](#)~~(4)~~[\(5\)](#);

- 599 (d) flexibility of employment or other schedule of the parent;
- 600 (e) ability to provide appropriate playtime with the child;
- 601 (f) history and ability of the parent to implement a flexible schedule for the child;
- 602 (g) physical facilities of the noncustodial parent's residence; and
- 603 (h) any other factor the court considers relevant.

604 (5) An election required to be made in accordance with this section by either parent  
605 concerning parent-time shall be made a part of the decree and made a part of the parent-time  
606 order. An election may only be changed by mutual agreement, court order, or by the  
607 noncustodial parent in the event of a change in the child's schedule.

608 (6) If the parties agree or the court enters an order for the optional parent-time schedule  
609 as set forth in this section, a parenting plan in compliance with Sections [30-3-10.7](#) through  
610 [30-3-10.10](#) shall be filed with any order incorporating the following optional parent-time  
611 schedule:

612 (a) The noncustodial parent or the court may specify one weekday for parent-time. If  
613 no day is specified, weekday parent-time shall be on Wednesday from 5:30 p.m. until the  
614 following day when delivering the child to school, or until 8 a.m., if there is no school the  
615 following day. Once the election of the weekday is made, it may only be changed in  
616 accordance with Subsection (5). At the election of the noncustodial parent, weekday

617 parent-time may commence:

618 (i) from the time the child's school is regularly dismissed; or

619 (ii) if school is not in session, and the parent is available to be with the child, at  
620 approximately 8 a.m., accommodating the custodial parent's work schedule.

621 (b) Beginning on the first weekend after the entry of the decree, the noncustodial parent  
622 shall be entitled to alternating weekends beginning on the first weekend after the entry of the  
623 decree from 6 p.m. on Friday until Monday when delivering the child to school, or until 8 a.m.  
624 if there is no school on Monday. At the election of the noncustodial parent, weekend

625 parent-time may commence:

626 (i) from the time the child's school is regularly dismissed on Friday; or

627 (ii) if school is not in session, and the parent is available to be with the child, at  
628 approximately 8 a.m. on Friday, accommodating the custodial parent's work schedule.

629 (c) Subsections 30-3-35(2)(f) through (p) are incorporated into this section and  
630 constitute the parent-time schedule with the exception that all instances that require the  
631 noncustodial parent to return the child at any time after 6 p.m. be changed so that the  
632 noncustodial parent is required to return the child to school the next morning or at 8 a.m., if  
633 there is no school.

634 (7) A stepparent, grandparent, or other responsible adult designated by the noncustodial  
635 parent may pick up the child if the custodial parent is aware of the identity of the individual,  
636 and if the noncustodial parent will be with the child by 7 p.m.

637 (8) Weekends include any "snow" days, teacher development days, or other days when  
638 school is not scheduled and that are contiguous to the weekend period.

639 (9) Holidays include any "snow" days, teacher development days after the child begins  
640 the school year, or other days when school is not scheduled, contiguous to the holiday period,  
641 and take precedence over weekend parent-time. Changes may not be made to the regular  
642 rotation of the alternating weekend parent-time schedule.

643 (a) If a holiday falls on a school day, the noncustodial parent shall be responsible for  
644 the child's attendance at school for that school day.

645 (b) If a holiday falls on a weekend or on a Friday or Monday and the total holiday  
646 period extends beyond that time so that the child is free from school and the parent is free from  
647 work, the noncustodial parent shall be entitled to this lengthier holiday period.

648 (c) At the election of the noncustodial parent, parent-time over a scheduled holiday  
649 weekend may begin from the time the child's school is dismissed at the beginning of the  
650 holiday weekend or, if school is not in session, and if the noncustodial parent is available to be  
651 with the child, parent-time over a scheduled holiday weekend may begin at approximately 8  
652 a.m., accommodating the custodial parent's work schedule, unless the court directs the  
653 application of Subsection (6)(a).

654 (10) Birthdays take precedence over holidays and extended parent-time, except  
655 Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted  
656 parent-time if the parent exercising uninterrupted time is out of town for the uninterrupted  
657 extended parent-time. At the discretion of the noncustodial parent, other siblings may be taken  
658 along for birthdays.

659 (11) Notwithstanding Subsection (9)(b), the Halloween holiday may not be extended  
660 beyond the hours designated in Subsection 30-3-35(2)(g)(vi).

661 (12) If there are children aged 5 to 18 and children under the age of five who are the  
662 natural or adopted children of the parties, the parents and the court should consider an upward  
663 deviation for parent-time with all the minor children so that parent-time is uniform based on a  
664 schedule pursuant to this section.

665 Section 10. Section 30-3-35.5 is amended to read:

666 **30-3-35.5. Minimum schedule for parent-time for child under five years of age.**

667 (1) The parent-time schedule in this section applies to [~~children~~] a child under five  
668 years old.

669 (2) All holidays in this section refer to the same holidays referenced in Section  
670 30-3-35.

671 (3) If the parties do not agree, the court shall maximize the time the child spends with  
672 both parents consistent with the best interests of the child.

673 [~~(3)~~] (4) If the parties do not agree to a parent-time schedule, the following schedule  
674 shall be considered the minimum parent-time to which the noncustodial parent and the child  
675 shall be entitled.

676 (a) For [~~children~~] a child under five months of age:

677 (i) six hours of parent-time per week to be specified by the court or the noncustodial  
678 parent preferably:

- 679 (A) divided into three parent-time periods; and
- 680 (B) in the custodial home, established child care setting, or other environment familiar  
681 to the child; and
- 682 (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f)  
683 through (k) preferably in the custodial home, the established child care setting, or other  
684 environment familiar to the child.
- 685 (b) For [~~children~~] a child five months of age or older, but younger than nine months of  
686 age:
  - 687 (i) nine hours of parent-time per week to be specified by the court or the noncustodial  
688 parent preferably:
  - 689 (A) divided into three parent-time periods; and
  - 690 (B) in the custodial home, established child care setting, or other environment familiar  
691 to the child; and
  - 692 (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)  
693 through (k) preferably in the custodial home, the established child care setting, or other  
694 environment familiar to the child.
- 695 (c) For [~~children~~] a child nine months of age or older, but younger than 12 months of  
696 age:
  - 697 (i) one eight hour visit per week to be specified by the noncustodial parent or court;
  - 698 (ii) one three hour visit per week to be specified by the noncustodial parent or court;
  - 699 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)  
700 through (k); and
  - 701 (iv) brief telephone contact and other virtual parent-time, if the equipment is  
702 reasonably available, with the noncustodial parent at least two times per week, provided that if  
703 the parties cannot agree on whether the equipment is reasonably available, the court shall  
704 decide whether the equipment for virtual parent-time is reasonably available, taking into  
705 consideration:
    - 706 (A) the best interests of the child;
    - 707 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
    - 708 (C) any other factors the court considers material.
- 709 (d) For [~~children~~] a child 12 months of age or older, but younger than 18 months of

710 age:

711 (i) one eight-hour visit per alternating weekend to be specified by the noncustodial  
712 parent or court;

713 (ii) on opposite weekends from Subsection [~~(3)~~] (4)(d)(i), from 6 p.m. on Friday until  
714 noon on Saturday;

715 (iii) one three-hour visit per week to be specified by the noncustodial parent or court;

716 (iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)  
717 through (k); and

718 (v) brief telephone contact and other virtual parent-time, if the equipment is reasonably  
719 available, with the noncustodial parent at least two times per week, provided that if the parties  
720 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
721 the equipment for virtual parent-time is reasonably available, taking into consideration:

722 (A) the best interests of the child;

723 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

724 (C) any other factors the court considers material.

725 (e) For [~~children~~] a child 18 months of age or older, but younger than three years of  
726 age:

727 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the  
728 noncustodial parent or court[;], however, if the child is being cared for during the day outside  
729 [~~his~~] the child's regular place of residence, the noncustodial parent may, with advance notice to  
730 the custodial parent, pick up the child from the caregiver at an earlier time and return [~~him~~] the  
731 child to the custodial parent by 8:30 p.m.;

732 (ii) alternative weekends beginning on the first weekend after the entry of the decree  
733 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

734 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (k);

735 (iv) extended parent-time may be:

736 (A) two one-week periods, separated by at least four weeks, at the option of the  
737 noncustodial parent;

738 (B) one week shall be uninterrupted time for the noncustodial parent;

739 (C) the remaining week shall be subject to parent-time for the custodial parent

740 consistent with these guidelines; and



741 (D) the custodial parent shall have an identical one-week period of uninterrupted time  
742 for vacation; and

743 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably  
744 available, with the noncustodial parent at least two times per week, provided that if the parties  
745 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
746 the equipment for virtual parent-time is reasonably available, taking into consideration:

747 (A) the best interests of the child;

748 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

749 (C) any other factors the court considers material.

750 (f) For [~~children~~] a child three years of age or older, but younger than five years of age:

751 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the  
752 noncustodial parent or court; however, if the child is being cared for during the day outside  
753 [~~his~~] the child's regular place of residence, the noncustodial parent may, with advance notice to  
754 the custodial parent, pick up the child from the caregiver at an earlier time and return [~~him~~] the  
755 child to the custodial parent by 8:30 p.m.;

756 (ii) alternative weekends beginning on the first weekend after the entry of the decree  
757 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

758 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (k);

759 (iv) extended parent-time with the noncustodial parent may be:

760 (A) two two-week periods, separated by at least four weeks, at the option of the  
761 noncustodial parent;

762 (B) one two-week period shall be uninterrupted time for the noncustodial parent;

763 (C) the remaining two-week period shall be subject to parent-time for the custodial  
764 parent consistent with these guidelines; and

765 (D) the custodial parent shall have an identical two-week period of uninterrupted time  
766 for vacation; and

767 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably  
768 available, with the noncustodial parent at least two times per week, provided that if the parties  
769 cannot agree on whether the equipment is reasonably available, the court shall decide whether  
770 the equipment for virtual parent-time is reasonably available, taking into consideration:

771 (A) the best interests of the child;

772 (B) each parent's ability to handle any additional expenses for virtual parent-time; and  
773 (C) any other factors the court considers material.

774 [~~(4)~~] (5) A parent shall notify the other parent at least 30 days in advance of extended  
775 parent-time or vacation weeks.

776 [~~(5)~~] (6) Virtual parent-time shall be at reasonable hours and for reasonable duration.

777 Section 11. Section 78A-6-104 is amended to read:

778 **78A-6-104. Concurrent jurisdiction -- District court and juvenile court.**

779 (1) The district court or other court has concurrent jurisdiction with the juvenile court  
780 as follows:

781 (a) when a person who is 18 years of age or older and who is under the continuing  
782 jurisdiction of the juvenile court under Section 78A-6-117 violates any federal, state, or local  
783 law or municipal ordinance; and

784 (b) in establishing paternity and ordering testing for the purposes of establishing  
785 paternity, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, with regard  
786 to proceedings initiated under Part 3, Abuse, Neglect, and Dependency Proceedings, or Part 5,  
787 Termination of Parental Rights Act.

788 (2) The juvenile court has jurisdiction over petitions to modify a minor's birth  
789 certificate if the court otherwise has jurisdiction over the minor.

790 (3) This section does not deprive the district court of jurisdiction to appoint a guardian  
791 for a child, or to determine the support, custody, and parent-time of a child upon writ of habeas  
792 corpus or when the question of support, custody, and parent-time is incidental to the  
793 determination of a cause in the district court.

794 (4) (a) Where a support, custody, or parent-time award has been made by a district  
795 court in a divorce action or other proceeding, and the jurisdiction of the district court in the  
796 case is continuing, the juvenile court may acquire jurisdiction in a case involving the same  
797 child if the child is dependent, abused, neglected, or otherwise comes within the jurisdiction of  
798 the juvenile court under Section 78A-6-103.

799 (b) The juvenile court may, by order, change the custody, subject to Subsection  
800 30-3-10[~~(4)~~](5), support, parent-time, and visitation rights previously ordered in the district  
801 court as necessary to implement the order of the juvenile court for the safety and welfare of the  
802 child. The juvenile court order remains in effect so long as the jurisdiction of the juvenile court

803 continues.

804 (c) When a copy of the findings and order of the juvenile court has been filed with the  
805 district court, the findings and order of the juvenile court are binding on the parties to the  
806 divorce action as though entered in the district court.

807 (5) The juvenile court has jurisdiction over questions of custody, support, and  
808 parent-time, of a minor who comes within the court's jurisdiction under this section or Section  
809 [78A-6-103](#).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**