

# SB0208S01 compared with SB0208

{Omitted text} shows text that was in SB0208 but was omitted in SB0208S01

inserted text shows text that was not in SB0208 but was inserted into SB0208S01

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## Parent-time and Custody Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses parent-time and custody.

#### Highlighted Provisions:

This bill:

▶ provides that a court may not require a parent to disclose the parent's address if the parent relocated due to domestic violence or family violence by the other parent;

▶ addresses a change of custody or parent-time for a minor child who turns five years old;

▶ modifies the parent-time requirements upon the relocation of a parent;

▶ addresses telephone contact and virtual parent-time for a noncustodial parent when a parent relocates;

▶ requires the time periods for extended parent-time by a parent for summer break or off-track time to be consecutive;

▶ modifies the parent-time schedules to address consistency among the schedules;

▶ modifies the parent-time schedules for Mother's Day and Father's Day;

▶ removes Columbus Day and Veterans Day as holidays in the parent-time schedules; {and}

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19       ▸ includes a coordination clause to address a substantive conflict with the parent-  
time schedule for Juneteenth National Freedom Day if this bill and H.B. 370, State Holiday  
Modifications, both pass and become law; and

17       ▸ makes technical and conforming changes.

### 23 Money Appropriated in this Bill:

24       None

25       This bill provides a coordination clause.

### 28 AMENDS:

29       **81-9-204 , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered**  
**and amended by Laws of Utah 2024, Chapter 366**

30       **81-9-208** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

31       **81-9-209** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

32       **81-9-302** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

33       **81-9-303** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

34       **81-9-304** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

### 35 Utah Code Sections affected by Coordination Clause:

36       **81-9-302** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

37       **81-9-303** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

38       **81-9-304** , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and  
amended by Laws of Utah 2024, Chapter 366

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

41       Section 1. Section 81-9-204 is amended to read:

42       **81-9-204. Custody and parent-time of a minor child -- Custody factors -- Preferences.**

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- 44 (1) In a proceeding between parents in which the custody and parent-time of a minor child is at issue,  
the court shall consider the best interests of the minor child in determining any form of custody and  
parent-time.
- 47 (2) The court shall determine whether an order for custody or parent-time is in the best interests of the  
minor child by a preponderance of the evidence.
- 49 (3) In determining any form of custody and parent-time under Subsection (1), the court shall consider:
- 51 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic violence, physical  
abuse, or sexual abuse involving the minor child, the parent, or a household member of the parent;
- 54 (b) whether the parent has intentionally exposed the minor child to pornography or material harmful to  
minors, as "material" and "harmful to minors" are defined in Section 76-10-1201; and
- 57 (c) whether custody and parent-time would endanger the minor child's health or physical or  
psychological safety.
- 59 (4) In determining the form of custody and parent-time that is in the best interests of the minor child,  
the court may consider, among other factors the court finds relevant, the following for each parent:
- 62 (a) evidence of psychological maltreatment;
- 63 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the developmental  
needs of the minor child, including the minor child's:
- 65 (i) physical needs;
- 66 (ii) emotional needs;
- 67 (iii) educational needs;
- 68 (iv) medical needs; and
- 69 (v) any special needs;
- 70 (c) the parent's capacity and willingness to function as a parent, including:
- 71 (i) parenting skills;
- 72 (ii) co-parenting skills, including:
- 73 (A) ability to appropriately communicate with the other parent;
- 74 (B) ability to encourage the sharing of love and affection; and
- 75 (C) willingness to allow frequent and continuous contact between the minor child and the other parent,  
except that, if the court determines that the parent is acting to protect the minor child from domestic  
violence, neglect, or abuse, the parent's protective actions may be taken into consideration; and
- 79 (iii) ability to provide personal care rather than surrogate care;

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- 80 (d) the past conduct and demonstrated moral character of the parent as described in Subsection (9);  
82 (e) the emotional stability of the parent;  
83 (f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other  
causes;  
85 (g) the parent's reason for having relinquished custody or parent-time in the past;  
86 (h) duration and depth of desire for custody or parent-time;  
87 (i) the parent's religious compatibility with the minor child;  
88 (j) the parent's financial responsibility;  
89 (k) the child's interaction and relationship with step-parents, extended family members of other  
individuals who may significantly affect the minor child's best interests;  
91 (l) who has been the primary caretaker of the minor child;  
92 (m) previous parenting arrangements in which the minor child has been happy and well-adjusted in the  
home, school, and community;  
94 (n) the relative benefit of keeping siblings together;  
95 (o) the stated wishes and concerns of the minor child, taking into consideration the minor child's  
cognitive ability and emotional maturity;  
97 (p) the relative strength of the minor child's bond with the parent, meaning the depth, quality, and nature  
of the relationship between the parent and the minor child; and  
99 (q) any other factor the court finds relevant.
- 100 (5)  
. (a) A minor child may not be required by either party to testify unless the trier of fact determines that  
extenuating circumstances exist that would necessitate the testimony of the minor child be heard and  
there is no other reasonable method to present the minor child's testimony.
- 104 (b)  
. (i) The court may inquire and take into consideration the minor child's desires regarding future custody  
or parent-time schedules, but the expressed desires are not controlling and the court may determine  
the minor child's custody or parent-time otherwise.
- 108 (ii) The desires of a minor child who is 14 years old or older shall be given added weight, but is not the  
single controlling factor.
- 110 (c)  
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- (i) If an interview with a minor child is conducted by the court in accordance with Subsection (5)(b), the interview shall be conducted by the court in camera.
- 112 (ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a minor child is the only method to ascertain the minor child's desires regarding custody.
- 115 (6)
- . (a) Except as provided in Subsection (6)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.
- 119 (b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:
- 122 (i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the minor child at issue; and
- 124 (ii) the parent with a disability lacks sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the minor child at issue.
- 127 (c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.
- 129 (7) This section does not establish:
- 130 (a) a preference for either parent solely because of the gender of the parent; or
- 131 (b) a preference for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the minor child.
- 134 (8) When an issue before the court involves custodial responsibility in the event of a deployment of a parent who is a service member and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.
- 138 (9) In considering the past conduct and demonstrated moral standards of each party under Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 140 (a)
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- (i) consider or treat a parent's lawful possession or use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently than the court would consider or treat the lawful possession or use of any prescribed controlled substance; or
- 147 (ii) discriminate against a parent because of the parent's status as a:
- 148 (A) cannabis production establishment agent, as that term is defined in Section 4-41a-102;
- 150 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 151 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or
- 153 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
- 155 (b) discriminate against a parent based upon the parent's agreement or disagreement with a minor child of the couple's:
- 157 (i) assertion that the minor child's gender identity is different from the minor child's biological sex; or
- 159 (ii) practice of having or expressing a different gender identity than the minor child's biological sex.
- 161 (10)
- . (a) The court shall consider evidence of domestic violence if evidence of domestic violence is presented.
- 163 (b) The court shall consider as primary, the safety and well-being of the minor child and the parent who experiences domestic violence.
- 165 (c) A court shall consider an order issued by a court in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or substantiated potential harm to the minor child.
- 168 (d) If a parent relocates because of an act of domestic violence or family violence by the other parent[<sup>-</sup>] :
- 170 (i) the court shall make specific findings and orders with regards to the application of Section 81-9-209[<sup>-</sup>] ; and
- 172 (ii) the court may not require the parent to disclose the parent's address to the other parent.
- 174 (11) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the minor child:

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- 176 (a) it is in the best interest of the minor child to have frequent, meaningful, and continuing access to  
each parent following separation or divorce;
- 178 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing access with the  
parent's minor child consistent with the minor child's best interests; and
- 181 (c) it is in the best interest of the minor child to have both parents actively involved in parenting the  
minor child.
- 183 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or parent-  
time of a minor child to a parent convicted of a sexual offense, as defined in Section 77-37-2, that  
resulted in the conception of the minor child unless:
- 186 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents to custody or  
parent-time and the court determines it is in the best interest of the minor child to award custody or  
parent-time to the convicted parent; or
- 189 (b) after the date of the conviction, the convicted parent and the nonconvicted parent cohabit and  
establish a mutual custodial environment for the minor child.
- 191 (13) A denial of custody or parent-time under Subsection (12) does not:
- 192 (a) terminate the parental rights of the parent denied parent-time or custody; or
- 193 (b) affect the obligation of the convicted parent to financially support the minor child.
- 194 Section 2. Section **81-9-208** is amended to read:
- 195 **81-9-208. Modification or termination of a custody or parent-time order -- Noncompliance  
with a parent-time order.**
- 34 (1) The court has continuing jurisdiction to make subsequent changes to modify:
- 35 (a) custody of a minor child if there is a showing of a substantial and material change in circumstances  
since the entry of the order; and
- 37 (b) parent-time for a minor child if there is a showing that there is a change in circumstances since the  
entry of the order.
- 39 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a showing by a  
parent that the other parent:
- 41 (a) resides with an individual or provides an individual with access to the minor child; and
- 43 (b) knows that the individual:
- 44

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- (i) is required to register as a sex offender~~[-or]~~, a kidnap offender, or a child abuse offender for an offense against a minor child under Title 77, Chapter 41, [~~Sex and Kidnap Offender Registry~~] Sex, Kidnap, and Child Abuse Offender Registry; Sex, Kidnap, and Child Abuse Offender Registry; or
- 47 [(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse Offender Registry; or]
- 49 [(iii) (i) has been convicted of:
- 50 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114, or 76-5-208;
- 52 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses;
- 54 (C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 56 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation Act; or
- 58 (E) an offense that is substantially similar to an offense under Subsections (2)(b)(iii)(A) through (D).
- 60 (3) A minor child turning five years old constitutes a substantial and material change in circumstances under Subsection (1)(a) and a change in circumstances under Subsection (1)(b).
- 63 [~~(3)~~] (4) On the petition of one or both of the parents, or the joint legal or physical custodians if they are not the parents, the court may, after a hearing, modify or terminate an order that established joint legal custody or joint physical custody if:
- 66 (a) the verified petition or accompanying affidavit initially alleges that admissible evidence will show that there has been a substantial and material change in the circumstances of the minor child or one or both parents or joint legal or physical custodians since the entry of the order to be modified;
- 70 (b) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child; and
- 72 (c)
- . (i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 81-9-205(8); or
- 74 (ii) if no dispute resolution procedure is contained in the order that established joint legal custody or joint physical custody, the court orders the parents to participate in a dispute resolution procedure in accordance with Subsection 81-9-205(13) unless the parents certify that, in good faith, they have used a dispute resolution procedure to resolve their dispute.
- 79 [~~(4)~~] (5)



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- . (a) In determining whether the best interest of a minor child will be served by either modifying or terminating the joint legal custody or joint physical custody order, the court shall, in addition to other factors the court considers relevant, consider the factors described in Sections 81-9-204 and 81-9-205.
- 83 (b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:
- 85 (i) a substantial and material change of circumstance has occurred; and
- 86 (ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child.
- 88 (c) The court shall give substantial weight to the existing joint legal custody or joint physical custody order when the minor child is thriving, happy, and well-adjusted.
- 90 ~~[(5)]~~ (6) The court shall, in every case regarding a petition for termination of a joint legal custody or joint physical custody order, consider reasonable alternatives to preserve the existing order in accordance with Section 81-9-204.
- 93 ~~[(6)]~~ (7) The court may modify the terms and conditions of the existing order in accordance with this chapter and may order the parents to file a parenting plan in accordance with Section 81-9-203.
- 96 ~~[(7)]~~ (8) A parent requesting a modification from sole custody to joint legal custody or joint physical custody or both, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan with the petition to modify in accordance with Section 81-9-203.
- 100 ~~[(8)]~~ (9) If an issue before the court involves custodial responsibility in the event of deployment of one or both parents who are service members, and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.
- 104 ~~[(9)]~~ (10) If the court finds that an action to modify custody or parent-time is filed or answered frivolously and, in a manner, designed to harass the other party, the court shall assess attorney fees as costs against the offending party.
- 107 ~~[(10)]~~ (11) If a petition to modify custody or parent-time provisions of a court order is made and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by the prevailing party in that action if the court determines that the petition was without merit and not asserted or defended against in good faith.

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[(11)] (12) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a visitation order by a grandparent or other member of the immediate family where a visitation or parent-time right has been previously granted by the court, the court:

- 115 (a) may award to the prevailing party:
- 116 (i) actual attorney fees incurred;
- 117 (ii) the costs incurred by the prevailing party because of the other party's failure to provide or exercise court-ordered visitation or parent-time, including:
- 119 (A) court costs;
- 120 (B) child care expenses;
- 121 (C) transportation expenses actually incurred;
- 122 (D) lost wages, if ascertainable; or
- 123 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 124 (iii) any other appropriate equitable remedy; and
- 125 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up parent-time is not in the best interest of the minor child.

290 Section 3. Section **81-9-209** is amended to read:

291 **81-9-209. Notice of relocation -- Effect of relocation on parent-time schedule.**

- 129 (1) As used in this section, "relocation" means moving 150 miles or more from the residence of the other parent.
- 131 (2) The relocating parent shall provide written notice to the other parent at least 60 days before the day on which the relocating parent intends to relocate.
- 133 (3) The written notice of relocation [~~under~~] described in Subsection (2) shall contain statements affirming[-]:
- 135 (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by both parties will be followed; and
- 137 (b) that a parent will not interfere with the other's parental rights pursuant to court ordered parent-time arrangements or the parent-time schedule approved by both parties.
- 140 (4) [~~The~~] Upon a motion of any party or upon the court's own motion, the court shall[~~, upon motion of any party or upon the court's own motion,~~] schedule a hearing with notice to:
- 142 (a) review the notice of relocation and the relevant parent-time schedule under Section [~~81-8-302 or 81-8-304~~] 81-9-302 or 81-9-304; and

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- 144 (b) make appropriate orders regarding the parent-time schedule and costs for parent-time  
transportation.
- 146 (5) In a hearing to review the notice of relocation, the court shall, in determining if the relocation of a  
custodial parent is in the best interest of the minor child, consider any other factors that the court  
considers relevant to the determination.
- 149 (6) If the court determines that relocation is not in the best interest of the minor child, and the custodial  
parent relocates, the court may order a change of custody.
- 151 (7)
- . (a) If the court finds that the relocation is in the best interest of the minor child, the court shall  
determine the parent-time schedule and allocate the transportation costs that will be incurred for the  
minor child to visit the noncustodial parent.
- 154 (b) In making a determination under Subsection (7)(a), the court shall consider:
- 155 (i) the reason for the parent's relocation;
- 156 (ii) the additional costs or difficulty to both parents in exercising parent-time;
- 157 (iii) the economic resources of both parents; and
- 158 (iv) other factors the court considers necessary and relevant.
- 159 (8) If a parent relocates because of an act of domestic violence or family violence by the other parent,  
the court shall make specific findings and orders with regard to the application of this section.
- 162 (9) Unless otherwise ordered by the court, and upon the relocation of one of the parties, the following  
schedule is the minimum parent-time that the noncustodial parent is entitled to a minor child who is  
five to 18 years old:
- 165 (a) in years ending in an odd number, the minor child shall spend the following holidays with the  
noncustodial parent:
- 167 [~~(i) Thanksgiving holiday beginning Wednesday until Sunday; and]~~
- 168 [~~(ii) Spring break, if applicable, beginning the last day of school before the holiday until the day before  
school resumes;]~~
- 170 (i)
- . (A) fall break if the minor child's school dismisses for a fall break, beginning on the day that school  
dismisses for fall break and ending on the day before school resumes; or
- 173 (B) Labor Day if the minor child's school does not dismiss for a fall break, beginning on the day that  
school dismisses for Labor Day and ending on the day before school resumes; and

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- 176 (ii) the entire winter break period, beginning on the day that school dismisses for the winter break and  
177 ending on the day before school resumes;
- 178 (b) in years ending in an even number, the minor child shall spend the following holidays with the  
179 noncustodial parent:
- 180 [~~(i) the entire winter school break period; and]~~
- 181 [~~(ii) the Fall school break beginning the last day of school before the holiday until the day before school~~  
182 ~~resumes;]~~
- 183 (i)
- 184 . (A) spring break, beginning on the day that school dismisses for the spring break and ending on the day  
185 before school resumes; or
- 186 (B) President's Day if the minor child's school does not dismiss for a spring break, beginning on the day  
187 that school dismisses for President's Day and ending on the day before school resumes; and
- 188 (ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and ending on the day  
189 before school resumes;
- 190 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks with:
- 191 (i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in years ending in an  
192 odd number; and
- 193 (ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time in years ending in  
194 an even number; and
- 195 (d) one weekend per month, at the option and expense of the noncustodial parent.
- 196 (10) For extended parent-time [~~under~~] described in Subsection (9)(c), the [~~minor child should be~~  
197 ~~returned~~] noncustodial parent shall return the minor child to the custodial home no later than seven  
198 days before school begins, except that this week is counted when determining the amount of parent-  
199 time to be divided between the parents for the summer or off-track period.
- 200 (11)
- 201 . (a) [~~The~~] Upon relocation of one of parties, the court may [~~also~~] set a parent-time schedule for a minor  
202 child who is younger than five years old.
- 203 (b) The schedule shall take into consideration the following:
- 204 (i) the age of the minor child;
- 205 (ii) the developmental needs of the minor child;
- 206 (iii) the distance between the parents' homes;
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- 208 (iv) the travel arrangements and cost;
- 209 (v) the level of attachment between the minor child and the noncustodial parent; and
- 210 (vi) any other factors relevant to the best interest of the minor child.
- 211 [(12) The noncustodial parent's monthly weekend entitlement is subject to the following restrictions:]
- 212 [(a)]
- 214 [(i)] (12)
- . (a)
- . (i) If the noncustodial parent has not designated a specific weekend [for parent-time] on which the noncustodial parent will exercise parent-time under Subsection (9)(d), the noncustodial parent shall receive the last weekend of each month[~~unless a holiday assigned to the custodial parent falls on that particular weekend~~].
- 219 (ii) If a holiday assigned to the custodial parent falls on [the last weekend of the month] a weekend on which the noncustodial parent normally exercises parent-time under Subsection (9)(d), the noncustodial parent is entitled to the [next to the last weekend of the month] {~~week~~} weekend before the holiday.
- 223 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends into or through the first weekend of the next month, that weekend shall be considered the noncustodial parent's monthly weekend entitlement under Subsection (9)(d) for that month.
- 227 (c) If a minor child is out of school for teacher development days or snow days after the minor child begins the school year, or other days not included in the list of holidays in Subsection (9), and those days are contiguous with the noncustodial parent's monthly weekend or holiday parent-time, those days shall be included in the noncustodial parent's weekend or holiday parent-time.
- 232 (13)
- . (a) In addition to the parent-time for which a noncustodial parent is entitled under Subsection (9), the noncustodial parent is entitled to, at least two times a week:
- 234 (i) brief telephone contact with the minor child at reasonable hours and for a reasonable duration;  
and
- 236 (ii) virtual parent-time if the equipment is reasonably available at reasonable hours and for reasonable duration.
- 238 (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

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- 241 (i) the best {~~interests~~} interest of the minor child;
- 242 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 243 (iii) any other factors the court considers material.
- 244 (c) Virtual parent-time supplements, but does not replace, the in-person parent-time described in  
Subsection (9).
- 246 [(13)] (14) The custodial parent is entitled to all parent-time not specifically allocated to the  
noncustodial parent.
- 248 [(14)] (15) In the event finances and distance preclude the exercise of minimum parent-time for the  
noncustodial parent during the school year, the court should consider awarding more time for the  
noncustodial parent during the summer time if it is in the best interests of the [the-]minor child.
- 252 [(15)] (16)
- . (a) Upon the motion of any party, the court may order uninterrupted parent-time with the noncustodial  
parent for a minimum of 30 days during extended parent-time, unless the court finds it is not in the  
best interest of the minor child.
- 255 (b) If the court orders uninterrupted parent-time during a period not covered by this section, the court  
shall specify in its order which parent is responsible for the minor child's travel expenses.
- 258 [(16)] (17)
- . (a) Unless otherwise ordered by the court the relocating party shall be responsible for all the minor  
child's travel expenses relating to Subsections (9)(a) and (b) and 1/2 of the minor child's travel  
expenses relating to Subsection (9)(c), provided the noncustodial parent is current on all support  
obligations.
- 262 (b) If the noncustodial parent has been found in contempt for not being current on all support  
obligations, the noncustodial parent is responsible for all of the minor child's travel expenses under  
Subsection (9), unless the court rules otherwise.
- 265 (c) A responsible party shall make a reimbursement to the other for the minor child's travel expenses  
within 30 days of receipt of documents detailing those expenses.
- 267 [(17)] (18) The court may apply this provision to any preexisting decree of divorce.
- 268 [(18)] (19) Any action under this section may be set for an expedited hearing.
- 269 [(19)] (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in contempt  
of the court's order.
- 435 Section 4. Section **81-9-302** is amended to read:

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- 436           **81-9-302. Minimum schedule for parent-time for a minor child five to 18 years old.**
- 274       (1) The parent-time schedule in this section applies to a minor child who is five to 18 years old.
- 276       (2) If the parties do not agree to a parent-time schedule for a minor child described in Subsection (1),  
the following schedule is considered the minimum parent-time to which the noncustodial parent is  
entitled to the minor child:
- 279       (a)
- .       (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening  
if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or
- 282       (ii) at the election of the noncustodial parent, one weekday to be specified by the noncustodial parent or  
the court:
- 284       (A) beginning at the time that the minor child's school is regularly dismissed and ending at 8:30 p.m.; or
- 286       (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in  
accommodation with the custodial parent's work schedule, beginning at [9] 8 a.m. and ending at  
8:30 p.m.;
- 289       (b)
- .       (i) beginning on the first weekend after entry of the decree, alternating weekends beginning at [6] 5:30  
p.m. on Friday and ending on Sunday at [7] 8:30 p.m.; or
- 291       (ii) at the election of the noncustodial parent and beginning on the first weekend after the entry of the  
decree, alternating weekends:
- 293       (A) beginning at the time that the minor child's school is regularly dismissed on Friday and ending on  
Sunday at [7] 8:30 p.m.; or
- 295       (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in  
accommodation with the custodial parent's work schedule, beginning on Friday at [9] 8 a.m. and  
ending on Sunday at [7] 8:30 p.m.;
- 298       (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in  
Subsection (12); and
- 300       (d) extended parent-time with the minor child when school is not in session for summer break in  
accordance with Subsection (3).
- 302       (3)
- .       (a) For extended parent-time with the minor child [~~under~~] described in Subsection (2)(d) and at the  
election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-

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time with the minor child~~[, which may be consecutive,]~~ when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.

- 307 (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (3)(a):
- 309 (i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the noncustodial parent; and
- 311 (ii) two weeks~~[, which may be consecutive,]~~ may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.
- 314 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks~~[, which may be consecutive,]~~ when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 317 (d) Extended parent-time described in this Subsection (3) must be consecutive, except that the four weeks of extended parent-time for the noncustodial parent may be divided into two separate 14-day periods that are not consecutive.
- 320 (4)
- . (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of extended parent-time for summer break under Subsection (3).
- 322 (b) For the notification requirement [~~under~~] described in Subsection (4)(a):
- 323 (i) in odd-numbered years:
- 324 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
- 326 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
- 328 (ii) in even-numbered years:
- 329 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and
- 331 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 332 (c)
- . (i) If a parent fails to provide a notification within the time periods described in Subsection (4)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.
- 335 (ii) If both parents fail to provide notice within the time periods described in Subsection (4)(b), the first parent to provide notice may determine the schedule for summer break for that parent and the other parent.
- 338 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (3)(b) (ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt



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parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.

343 (5)

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

347 (b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.

349 (6)

(a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:

352 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);

353 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (3) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;

356 (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's Day, Mother's Day, or the minor child's birthday;

358 (iv) extended parent-time under Subsection (3); and

359 (v) the schedule for weekday or weekend parent-time.

360 (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.

362 (7) A stepparent, grandparent, or other responsible adult designated by ~~the noncustodial~~ a parent, may pick up the minor child for parent-time if the ~~eustodial~~ other parent is aware of the identity of the individual and the ~~noncustodial~~ parent will be with the minor child by 7 p.m.

366 (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

368 (9) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all

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minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.

373 (10)

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

374 (b)

. (i) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.

377 (ii) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

380 (A) the best interests of the minor child;

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

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

384 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

385 (11) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

389 (12) The following table is the holiday schedule for parent-time under this section.

390	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
391	Dr. Martin Luther King Jr. Day	(1) Holiday begins [ <del>Friday at (a) 9 a.m. if school is not in session and the parent can be with the minor child;</del> (b) the time that school is regularly dismissed; or] :	Odd years	Even years

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		<p>(a) at the time that school is <u>dismissed for Dr. Martin Luther King Jr. Day; or</u></p> <p><del>[(e) 6 p.m.]</del> (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at <del>[7] 8:30</del> p.m. on Dr. Martin Luther King Jr. Day.</p>		
392	President's Day	<p>(1) Holiday begins <del>[-Friday at:]</del> <del>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p><del>(b)]</del> (a) at the time that school is <del>[regularly dismissed]</del> <u>dismissed for President's Day; or</u></p> <p><del>[(e) 6 p.m.]</del> (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at <del>[7] 8:30</del> p.m. on the day before school resumes.</p>	Even years	Odd years
393	Spring Break	<p>(1) Holiday begins at:</p> <p><del>[6]</del> (a) the time that school is <u>dismissed for spring break; or</u></p> <p>(b) 5:30 p.m. on the day that school dismisses for spring break <u>at the</u></p>	Odd years	Even years

## SB0208 compared with SB0208S01

		<p><u>election of the parent granted the holiday.</u></p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.</p>		
394	Memorial Day	<p>(1) Holiday begins<del>[-Friday at]:</del>  <del>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del>  <del>(b)-] (a) at the time that school is [regularly dismissed] <u>dismissed for Memorial Day;</u> or</del>  <del>[(e)-6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del>                  (2) Holiday ends at [7] <u>8:30</u> p.m. on Memorial Day.</p>	Even years	Odd years
395	Mother's Day	<p>(1) Holiday begins<del>[-on Mother's Day at 9 a.m.]</del> <u>at 5:30 p.m. on the day before Mother's Day.</u>                  (2) Holiday ends on Mother's Day at [7] <u>8:30</u> p.m.</p>	All years if noncustodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
396	Father's Day	<p>(1) Holiday begins <del>[on Father's Day at 9 a.m.]</del> <u>at 5:30 p.m. on the day before Father's Day.</u>                  (2) Holiday ends on Father's Day at [7] <u>8:30</u> p.m.</p>	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.

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397	Juneteenth National Freedom Day	<p>(1) Holiday begins at:</p> <p>(a) <del>[6]</del> <u>5:30</u> p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or</p> <p>(b) <del>[9]</del> <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p> <p>(2) Holiday ends at <del>[6]</del> <u>8:30</u> p.m. on the day following Juneteenth National Freedom Day.</p>	Even years	Odd years
398	Independence Day	<p>(1) Holiday begins on July 3rd at <del>[6]</del> <u>5:30</u> p.m.</p> <p>(2) Holiday ends on July 5th at <del>[6]</del> <u>8:30</u> p.m.</p>	Odd years	Even years
399	Pioneer Day	<p>(1) Holiday begins on July 23rd at <del>[6]</del> <u>5:30</u> p.m.</p> <p>(2) Holiday ends on July 25th at <del>[6]</del> <u>8:30</u> p.m.</p>	Even years	Odd years
400	Labor Day	<p>(1) Holiday begins <del>[-on Friday at]:</del></p> <p><del>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p><del>(b)] (a) at the time that school is [regularly dismissed] <u>dismissed for Labor Day</u>; or</del></p> <p><del>[(e)-6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del></p>	Odd years	Even years

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		(2) Holiday ends at [7] 8:30 p.m. on Labor Day.		
401	<del>[Columbus Day</del>	<del>(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.</del>	Even years	Odd years]
402	Fall Break	(1) Holiday begins at <del>[6 p.m.] :</del> <u>(a) the time that school is dismissed for fall break; or</u> <u>(b) 5:30 p.m. on the day school is dismissed for fall break at the election of the parent granted the holiday.</u> (2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.	Odd years	Even years
403	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at [4] 3 p.m. if there is no school. (2) Holiday ends at [9] 8:30 p.m. on the same day the holiday begins.	Even years	Odd years
404	<del>[Veterans Day</del>	<del>(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.</del>	Odd years	Even years]
405	Thanksgiving	(1) Holiday begins <del>[on Wednesday]</del> at: [(a) 6 p.m.; or	Even years	Odd years

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		<p><del>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.]</del> (a) <u>the time that school is dismissed for Thanksgiving; or (b) 5:30 p.m. on the day that school is dismissed for Thanksgiving at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.</p>		
406	Winter Break (First Half)	<p>(1) Holiday begins at:</p> <p>(a) <del>[6 p.m. on the day on]</del> <u>the time that school dismisses for winter break; or</u></p> <p>(b) <del>[the time school is regularly dismissed]</del> <u>5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends on December 27th at [7] <u>8:30</u> p.m.</p>	Odd years	Even years
407	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at [7] <u>8:30</u> p.m.</p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.</p>	Even years	Odd years
408	Day of Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [9] <u>8:30</u> p.m.</p>	Even years	Odd years
409	Day Before or After Minor	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [9] <u>8:30</u> p.m.</p>	Odd years	Even years

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Child's Birthday			
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- 575 Section 5. Section **81-9-303** is amended to read:
- 576 **81-9-303. Optional schedule for parent-time for a minor child five to 18 years old.**
- 413 (1)
- . (a) The optional parent-time schedule in this section applies to a minor child who is five to 18 years old.
- 415 (b) For purposes of calculating child support, the optional parent-time schedule in this section is 145  
overnights.
- 417 (c) Any impact on child support shall be consistent with joint physical custody.
- 418 (2) The parents and the court may consider the increased parent-time schedule in this section as a  
minimum parent-time schedule when the parties agree or the noncustodial parent can demonstrate:
- 421 (a) the noncustodial parent has been actively involved in the minor child's life;
- 422 (b) the parties can communicate effectively regarding the minor child or the noncustodial parent has a  
plan to accomplish effective communications regarding the minor child;
- 425 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 426 (d) the increased parent-time would be in the best interest of the minor child; and
- 427 (e) any other factor the court considers relevant.
- 428 (3) In determining whether a noncustodial parent has been actively involved in the minor child's life,  
the court shall consider:
- 430 (a) demonstrated responsibility in caring for the minor child;
- 431 (b) involvement in childcare;
- 432 (c) presence or volunteer efforts in the minor child's school and at extracurricular activities;
- 434 (d) assistance with the minor child's homework;
- 435 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- 436 (f) bonding with the minor child; and
- 437 (g) any other factor the court considers relevant.
- 438 (4) In determining whether a noncustodial parent has the ability to facilitate the increased parent-time,  
the court shall consider:
- 440 (a) the geographic distance between the residences of the parents and the distance between the parents'  
residences and the minor child's school;
- 442 (b) the noncustodial parent's ability to assist with after school care;



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- 443 (c) the health of the minor child and the noncustodial parent in accordance with Subsection  
81-9-204(5);
- 445 (d) flexibility of employment or another schedule of the noncustodial parent;
- 446 (e) ability to provide appropriate playtime with the minor child;
- 447 (f) history and ability of the noncustodial parent to implement a flexible schedule for the minor child;
- 449 (g) physical facilities of the noncustodial parent's residence; and
- 450 (h) any other factor the court considers relevant.
- 451 (5) If the parties agree or the court enters an order for the optional parent-time schedule under this  
section, a parenting plan in compliance with Section 81-9-203 shall be filed with any order  
incorporating the optional parent-time schedule described in Subsection (6).
- 455 (6) The following schedule is considered the optional parent-time to which the noncustodial parent is  
entitled to the minor child:
- 457 (a)
- . (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening  
if not specified, beginning at 5:30 p.m. and ending the following day upon delivering the minor  
child to school or at 8 a.m. if there is no school; or
- 461 (ii) at the election of the noncustodial parent, one weekday specified by the noncustodial parent or the  
court:
- 463 (A) beginning at the time the minor child's school is regularly dismissed until the following day upon  
delivering the minor child to school or at 8 a.m. if there is no school; or
- 466 (B) if there is no school, the noncustodial parent is available to be with the minor child, and in  
accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on the  
following day upon delivering the minor child to school or at 8 a.m. if there is no school;
- 470 (b)
- . (i) beginning the first weekend after the entry of the decree, alternating weekends beginning at [6] 5:30  
p.m. on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there  
is no school; or
- 473 (ii) at the election of the noncustodial parent, beginning the first weekend after the entry of the decree,  
alternating weekends:
- 475 (A) beginning at the time the minor child's school is regularly dismissed on Friday and ending on  
Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or

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- 478 (B) if there is no school, the noncustodial parent is available to be with the minor child, and in  
accommodation with the custodial parent's work schedule, beginning on Friday at [9] 8 a.m. and  
ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;
- 482 (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in  
Subsection (15); and
- 484 (d) extended parent-time with the minor child when school is not in session for summer break in  
accordance with Subsection (7).
- 486 (7)
- . (a) For extended parent-time with the minor child under Subsection (6)(d) and at the election of  
the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with  
the minor child[~~, which may be consecutive,~~] when school is not in session for summer break,  
beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 491 (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (7)(a):
- 493 (i) two weeks[~~, which may be consecutive,~~] shall be uninterrupted parent-time for the noncustodial  
parent; and
- 495 (ii) two weeks[~~, which may be consecutive,~~] may be interrupted by the custodial parent for a weekday  
visit on the same day on which the noncustodial parent is granted weekday day parent-time.
- 498 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks[~~;  
which may be consecutive,~~] when school is not in session for summer break, beginning at 8 a.m. on  
the first day and ending at 8:30 p.m. on the last day.
- 501 (d) Extended parent-time described in this Subsection (7) must be consecutive, except that the four  
weeks of extended parent-time for the noncustodial parent may be divided into two 14-day separate  
periods that are not consecutive.
- 504 (8)
- . (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of  
parent-time for summer break under Subsection (7).
- 506 (b) For the notification requirement [~~under~~] described in Subsection (8)(a):
- 507 (i) in odd-numbered years:
- 508 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
- 510 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
- 512 (ii) in even-numbered years:

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- 513 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and  
515 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.  
516 (c)  
. (i) If a parent fails to provide a notification within the time periods described in Subsection (8)(b), the  
complying parent may determine the schedule for summer break for the noncomplying parent.  
519 (ii) If both parents fail to provide notice within the time periods described in Subsection (8)(b), the first  
parent to provide notice may determine the schedule for summer break for that parent and the other  
parent.  
522 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (7)(b)  
(ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt  
parent-time within 10 days after the day on which the custodial parent receives notification of the  
noncustodial parent's plans for the exercise of interrupted extended parent-time.  
527 (9)  
. (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or  
court order, except that the election may be changed by mutual agreement, court order, or by the  
noncustodial parent in the event of a change in the minor child's schedule.  
531 (b) An election by either parent concerning parent-time shall be made a part of the decree and made a  
part of the parent-time order.  
533 (10)  
. (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict  
arises in the parent-time schedule, the following order of precedence shall be applied when  
determining which parent is entitled to parent-time:  
536 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);  
537 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted  
extended parent-time under Subsection (7) and takes the minor child away from that parent's  
residence during the uninterrupted extended parent-time;  
540 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day, Mother's  
Day, or the minor child's birthday;  
542 (iv) extended parent-time under Subsection (7); and  
543 (v) the schedule for weekday or weekend parent-time.  
544

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(b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.

546 (11) A stepparent, grandparent, or other responsible adult designated by ~~[the noncustodial]~~ a parent, may pick up the minor child for parent-time if the ~~[custodial]~~ other parent is aware of the identity of the individual and the ~~[noncustodial]~~ parent will be with the minor child by 7 p.m.

550 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

552 (13) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.

557 (14) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

561 (15) The following table is the holiday schedule for parent-time under this section.

562	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
563	Dr. Martin Luther King Jr. Day	(1) Holiday begins <del>[Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) ] : (a) at the time that school is [regularly dismissed] dismissed for Dr. Martin Luther King Jr. Day; or (c) 6 p.m.] (b) Friday at 5:30 p.m.</del> at the election of the parent granted the holiday.	Odd years	Even years

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		<p>(2) Holiday ends[<del>;</del>  <del>(a)</del>] upon delivering of the minor child to school on the day [<del>following Dr. Martin Luther King Jr. Day;</del> or  <del>(b)</del> at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school] <u>that school resumes.</u></p>		
564	President's Day	<p>(1) Holiday begins[<del>Friday</del> at]:  <del>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del>  <del>(b)] (a) at the time that school is [<del>regularly dismissed</del>] <u>dismissed for President's Day;</u> or  <del>[(c)] [6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del>                  (2) Holiday ends[<del>;</del>  <del>(a)</del> <del>{}</del> <del>}] upon delivering the minor child to school on the day [<del>following President's Day;</del> or  <del>(b)</del> at 8 a.m. on the day following President's Day if there is no school] <u>that school resumes.</u></del></del></p>	Even years	Odd years
565	Spring Break	<p>(1) Holiday begins at[<del>6</del>] :  <del>(a) the time that school is dismissed for spring break;</del> or <del>(b) 5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</del></p>	Odd years	Even years

## SB0208 compared with SB0208S01

		<p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day [<del>following the end of spring break; or</del>]; or</p> <p>(b) <del>at 8 a.m. on the day following the end of spring break if there is no school]</del> <u>that school resumes.</u></p>		
566	Memorial Day	<p>(1) Holiday begins [<del>Friday at:</del> <u>(a) 9 a.m. if school is not in session and the parent can be with the minor child;</u> <del>(b) (a) at the time that school is [regularly dismissed] dismissed for Memorial Day;</del> or <del>(c) 6 (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del></p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following Memorial Day; or</p> <p>(b) at 8 a.m. on the day following Memorial Day if there is no school.</p>	Even years	Odd years
567	Mother's Day	<p>(1) Holiday begins [<del>on Mother's Day at 9 a.m.] <u>at 5:30 p.m. on the day before Mother's Day.</u></del></p> <p>(2) Holiday ends on Mother's Day at [<del>7] <u>8:30 p.m.</u></del></p>	All years if noncustodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.

## SB0208 compared with SB0208S01

568	Father's Day	<p>(1) Holiday begins <del>[on Father's Day at 9 a.m]</del> at <u>5:30 p.m.</u> on the day before <u>Father's Day</u>.</p> <p>(2) Holiday ends on Father's Day at [7] <u>8:30 p.m.</u></p>	<p>All years if noncustodial parent is the father or other parent designated in the order.</p>	<p>All years if custodial parent is the father or other parent designated in the order.</p>
569	<p>Juneteenth National Freedom Day</p>	<p>(1) Holiday begins at:</p> <p>(a) [6] <u>5:30 p.m.</u> on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or</p> <p>(b) [9] <u>8 a.m.</u> on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p> <p>(2) Holiday ends at [6] <u>5:30 p.m.</u> on the day following Juneteenth National Freedom Day.</p>	<p>Even years</p>	<p>Odd years</p>
570	<p>Independence Day</p>	<p>(1) Holiday begins on July 3rd at [6] <u>5:30 p.m.</u></p> <p>(2) Holiday ends on July 5th at [6] <u>8:30 p.m.</u></p>	<p>Odd years</p>	<p>Even years</p>
571	<p>Pioneer Day</p>	<p>(1) Holiday begins on July 23rd at [6] <u>5:30 p.m.</u></p> <p>(2) Holiday ends on July 25th at [6] <u>8:30 p.m.</u></p>	<p>Even years</p>	<p>Odd years</p>
572	<p>Labor Day</p>	<p>(1) Holiday begins<del>[-Friday at]:</del> [<del>a</del>] <del>9 a.m. if school is not in session and the parent can be with the minor child;</del></p>	<p>Odd years</p>	<p>Even years</p>

## SB0208 compared with SB0208S01

		<p>(b) (a) at the time that school is <del>regularly dismissed</del> <u>dismissed for Labor Day</u>; or</p> <p><del>(e) 6</del> (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends[<del>:</del></p> <p>(a) upon delivering the minor child to school on the day <del>following Labor Day</del>; or</p> <p>(b) at 8 a.m. on the day following Labor Day if there is no school] <u>that school resumes.</u></p>		
573	<del>[Columbus Day</del>	<p>(1) <del>Holiday begins at 6 p.m. on the day before Columbus Day.</del></p> <p>(2) <del>Holiday ends at 7 p.m. on Columbus Day.</del></p>	Even years	Odd years]
574	Fall Break	<p>(1) <del>Holiday begins at 6 p.m. on the day school is dismissed for fall break] :</del></p> <p><u>(a) the time that school is dismissed for fall break; or (b) 5:30 p.m. on the day that school is dismissed for fall break at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[<del>:</del></p> <p>(a) <del>{}</del> <u>]</u> upon delivering the minor child to school on the day <del>following the end of fall break</del>; or</p> <p>(b) at 8 a.m. on the day following the end of fall break if there is no school] <u>that school resumes.</u></p>	Odd years	Even years



## SB0208 compared with SB0208S01

575	Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at [4] 3 p.m. if there is no school.</p> <p>(2) Holiday ends at [9] 8:30 p.m. on the same day the holiday begins.</p>	Even years	Odd years
576	[Veterans Day	<p><del>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</del></p> <p><del>(2) Holiday ends at 7 p.m. on Veterans Day.</del></p>	Odd years	Even years]
577	Thanksgiving	<p>(1) Holiday begins<del>[on Wednesday]</del> at:</p> <p>(a) <del>[6 p.m.] the time that school is dismissed for Thanksgiving;</del> or</p> <p>(b) <del>[the time school is regularly] 5:30 p.m. on the day that school is dismissed for Thanksgiving at the election of the parent granted the holiday.</del></p> <p>(2) Holiday ends<del>[:</del></p> <p><del>(a) { } ] upon delivering the minor child to school on the [Monday following Thanksgiving; or</del></p> <p><del>(b) at 8 a.m. on the Monday following Thanksgiving if there is no school] day that school resumes.</del></p>	Even years	Odd years
578	Winter Break (First Half)	(1) Holiday begins at:	Odd years	Even years

## SB0208 compared with SB0208S01

		<p>(a) [<del>6 p.m. on the day</del>] <u>the time</u> that school dismisses for winter break; or</p> <p>(b) [<del>the time school is regularly dismissed</del>] <u>5:30 p.m.</u> on the day that school dismisses for winter break at the election of the parent granted the holiday.</p> <p>(2) Holiday ends on December 27th at [7] <u>8:30</u> p.m.</p>		
579	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at [7] <u>8:30</u> p.m.</p> <p>(2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.</p>	Even years	Odd years
580	Day of Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [9] <u>8:30</u> p.m.</p>	Even years	Odd years
581	Day Before or After Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [9] <u>8:30</u> p.m.</p>	Odd years	Even years

748 Section 6. Section **81-9-304** is amended to read:

749 **81-9-304. Minimum schedule for parent-time for a minor child under five years old.**

585 (1) The parent-time schedule in this section applies to a minor child who is younger than five years old.

587 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections (3) through (8) are considered the minimum parent-time to which the noncustodial parent is entitled to the minor child.

590 (3) For a minor child who is younger than five months old, the noncustodial parent is entitled to:

592 (a) three two-hour visits every week; and

593 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).

## SB0208 compared with SB0208S01

- 595 (4) For a minor child who is at least five months old but younger than nine months old, the noncustodial  
parent is entitled to:
- 597 (a) three three-hour visits every week; and
- 598 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under  
Subsection (15).
- 600 (5) For a minor child who is at least nine months old but younger than 12 months old, the noncustodial  
parent is entitled to:
- 602 (a) one eight-hour visit every week;
- 603 (b) one three-hour visit every week; and
- 604 (c) eight hours for each holiday granted to the noncustodial parent in accordance with the holiday  
schedule under Subsection (15).
- 606 (6) For a minor child who is at least 12 months old but younger than 18 months old, the noncustodial  
parent is entitled to:
- 608 (a) one three-hour visit every week;
- 609 [~~(b) one eight-hour visit on alternating weekends to be specified by the noncustodial parent or court;~~]
- 611 [(e)] (b) [~~an overnight visit on opposite weekends from Subsection (6)(b)] beginning on the first  
weekend after the entry of the decree, alternating weekends beginning at [6] 5:30 p.m. on Friday and  
ending [~~at noon on Saturday]~~ on Sunday at 7:30 p.m.; and~~
- 614 [~~(d)~~] (c) eight hours for each holiday granted to the noncustodial parent in the holiday schedule under  
Subsection (15).
- 616 (7) For a minor child who is at least 18 months old but younger than three years old, the noncustodial  
parent is entitled to:
- 618 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 619 (i) beginning at 5:30 p.m. and ending at [8:30] 7:30 p.m.; or
- 620 (ii) if the minor child is being cared for during the day outside the minor child's regular place of  
residence and with advance notice to the custodial parent, beginning at the time that the minor child  
is picked up from the caregiver and ending at [8:30] 7:30 p.m.;
- 624 (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at  
[6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
- 626 (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in  
Subsection (15); and

## SB0208 compared with SB0208S01

- 628 (d) extended parent-time for two one-week periods, separated by at least four weeks, at the option of the  
noncustodial parent, as follows:
- 630 (i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8 a.m. on the first  
day and ending at 7:30 p.m. on the last day; and
- 632 (ii) one week of interrupted parent-time, beginning at 8 a.m. on the first day and ending at 7:30 p.m. on  
the last day, where the custodial parent may have an equal amount of weekday parent-time as the  
noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-  
time under Subsection (7)(a).
- 637 (8)
- . (a) For a minor child who is at least three years old but younger than five years old, the noncustodial  
parent is entitled to:
- 639 [(a)] (i) one weekday evening to be specified by the noncustodial parent or the court:
- 640 [(+)] (A) beginning at 5:30 p.m. and ending at [8:30] 7:30 p.m.; or
- 641 [(+)] (B) if the minor child is being cared for during the day outside the minor child's regular place of  
residence and with advance notice to the custodial parent, beginning at the time that the minor child  
is picked up from the caregiver and ending at [8:30] 7:30 p.m.;
- 645 [(b)] (ii) beginning on the first weekend after the entry of the decree, alternating weekends  
beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
- 648 [(e)] (iii) each holiday granted to the noncustodial parent in accordance with the holiday schedule  
described in Subsection (15); and
- 650 [(d)] (iv) extended parent-time for two two-week periods, separated by at least four weeks, at the  
option of the noncustodial parent, as follows:
- 652 [(+)] (A) two weeks of uninterrupted parent-time[~~-, which may be consecutive,~~] for the noncustodial  
parent, beginning at 8 a.m. on the first day and ending at 7:30 p.m. on the last day; and
- 655 [(+)] (B) two weeks of interrupted parent-time[~~-, which may be consecutive,~~] , beginning at 8 a.m.  
on the first day and ending at 7:30 p.m. on the last day, where the custodial parent may have an  
equal amount of weekday parent-time as the noncustodial parent on the same day on which the  
noncustodial parent is granted weekday parent-time under Subsection (8)(a)(i).
- 660 (9) For a minor child who is at least 18 months old but younger than five years old, the custodial parent  
is entitled to one week of uninterrupted extended parent-time.
- 662 (10)

## SB0208 compared with SB0208S01

- . (a) For a minor child who is nine months old or older, the noncustodial parent shall have at least two times a week:
- 664 (i) brief telephone contact at reasonable hours and for a reasonable duration; and
- 665 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, at reasonable hours and for reasonable duration.
- 667 (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
- 670 (i) the best interests of the minor child;
- 671 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 672 (iii) any other factors the court considers material.
- 673 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 674 (11) For a minor child who is younger than nine months old, unless the parents agree otherwise, parent-time should take place in the home of the custodial parent, an established child-care setting, or other environment familiar to the minor child, at the option of the noncustodial parent.
- 678 (12)
- . (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
- 681 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 682 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
- 686 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day, Mother's Day, or the minor child's birthday;
- 688 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
- 689 (v) the schedule for weekday or weekend parent-time.
- 690 (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- 692 (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.
- 694

## SB0208 compared with SB0208S01

(14) A parent shall notify the other parent at least 30 days in advance of the parent's plans for the exercise of extended parent-time under Subsection (7)(d), (8)(d), or (9).

696 (15) The following table is the holiday schedule for parent-time under this section.

697	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
698	Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
699	President's Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on President's Day.	Even years	Odd years
700	Spring Break	(1) Holiday begins at [6] 5:30 p.m. on the day that school dismisses for spring break. (2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.	Odd years	Even years
701	Memorial Day	(1) Holiday begins on Friday at:	Even years	Odd years

## SB0208 compared with SB0208S01

		<p>(a) [9] 8 a.m. if the parent is available to be with the minor child; or</p> <p>(b) [6] 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] 7:30 p.m. on Memorial Day.</p>		
702	Mother's Day	<p>(1) Holiday begins <del>[on Mother's Day at 9 a.m.]</del> <u>at 5:30 p.m. on the day before Mother's Day.</u></p> <p>(2) Holiday ends on Mother's Day at [7] 7:30 p.m.</p>	All years if noncustodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
703	Father's Day	<p>(1) Holiday begins <del>[on Father's Day at 9 a.m.]</del> <u>at 5:30 p.m. on the day before Father's Day.</u></p> <p>(2) Holiday ends on Father's Day at [7] 7:30 p.m.</p>	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.
704	Juneteenth National Freedom Day	<p>(1) Holiday begins at:</p> <p>(a) [6] 5:30 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or</p> <p>(b) [9] 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p>	Even years	Odd years

## SB0208 compared with SB0208S01

		(2) Holiday ends at [6] <u>7:30</u> p.m. on the day following Juneteenth National Freedom Day.		
705	Independence Day	(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 5th at [6] <u>7:30</u> p.m.	Odd years	Even years
706	Pioneer Day	(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 25th at [6] <u>7:30</u> p.m.	Even years	Odd years
707	Labor Day	(1) Holiday begins on Friday at: (a) [9] <u>8</u> a.m. if the parent is available to be with the minor child; or (b) [6] <u>5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>7:30</u> p.m. on Labor Day.	Odd years	Even years
708	<del>[Columbus Day</del>	<del>(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.</del>	Even years	<del>Odd years]</del>
709	Fall Break	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day school is dismissed for fall break. (2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.	Odd years	Even years
710	Halloween	(1) Holiday begins on October 31st or the day that Halloween is	Even years	Odd years



## SB0208 compared with SB0208S01

		<p>traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at [4] <u>3</u> p.m. if there is no school.</p> <p>(2) Holiday ends at [9] <u>7:30</u> p.m. on the same day the holiday begins.</p>		
711	[Veterans Day	<p><del>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</del></p> <p><del>(2) Holiday ends at 7 p.m. on Veterans Day.</del></p>	Odd years	Even years]
712	Thanksgiving	<p>(1) Holiday begins at [6] <u>5:30</u> p.m. on the day that school dismisses for Thanksgiving.</p> <p>(2) Holiday ends at [7] <u>7:30</u> p.m. on day before school resumes.</p>	Even years	Odd years
713	Winter Break (First Half)	<p>(1) Holiday begins at [6] <u>5:30</u> p.m. on the day on that school dismisses for winter break.</p> <p>(2) Holiday ends on December 27th at [7] <u>7:30</u> p.m.</p>	Odd years	Even years
714	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at 7 p.m.</p> <p>(2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.</p>	Even years	Odd years
715	Day of Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [9] <u>7:30</u> p.m.</p>	Even years	Odd years
716	Day Before or After Minor	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [9] <u>7:30</u> p.m.</p>	Odd years	Even years

## SB0208 compared with SB0208S01

Child's Birthday			
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883 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

885 Section 8. **Coordinating S.B. 208 with H.B. 370.**

If S.B. 208, Parent-time and Custody Amendments, and H.B. 370, State Holiday

Modifications, both pass and become law, the Legislature intends that, on January 1, 2026:

(1) the holiday time period for Juneteenth National Freedom Day described in the tables in Subsections 81-9-302(12) and 81-8-303(15) be amended to read:

"[(1) Holiday begins at:]

[(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or]

[(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.]

[(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]

(1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth National Freedom Day is on the day before Father's Day.

(2) Holiday begins on Sunday at 8:30 p.m. and ends on Tuesday at 8:30 p.m., if Juneteenth National Freedom Day is on Father's Day or on the day following Father's Day.

(3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and ends at 8:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth National Freedom Day is on Father's Day, the day before Father's Day, or the day following Father's Day."; and

(2) the holiday time period for Juneteenth National Freedom Day described in the table in Subsection 81-9-304(15) be amended to read:

"[(1) Holiday begins at:]

[(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or]

[(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.]

[(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]

## **SB0208 compared with SB0208S01**

(1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth National Freedom Day is on the day before Father's Day.

(2) Holiday begins on Sunday at 7:30 p.m. and ends on Tuesday at 7:30 p.m., if Juneteenth National Freedom Day is on Father's Day or on the day following Father's Day.

(3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and ends at 7:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth National Freedom Day is on Father's Day, the day before Father's Day, or the day following Father's Day."

2-10-25 4:10 PM