**Utah Code Sections Affected:** 

AMENDS:

2728

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## **Todd Weiler** proposes the following substitute bill:

## **Parent-time and Custody Amendments**

## 2025 GENERAL SESSION STATE OF UTAH

**Chief Sponsor: Todd Weiler** 

House Sponsor:

2	
3	LONG TITLE
4	General Description:
5	This bill addresses parent-time and custody.
6	Highlighted Provisions:
7	This bill:
8	<ul> <li>provides that a court may not require a parent to disclose the parent's address if the parent</li> </ul>
9	relocated due to domestic violence or family violence by the other parent;
10	<ul> <li>addresses a change of custody or parent-time for a minor child who turns five years old;</li> </ul>
11	<ul> <li>modifies the parent-time requirements upon the relocation of a parent;</li> </ul>
12	<ul> <li>addresses telephone contact and virtual parent-time for a noncustodial parent when a</li> </ul>
13	parent relocates;
14	requires the time periods for extended parent-time by a parent for summer break or
15	off-track time to be consecutive;
16	<ul> <li>modifies the parent-time schedules to address consistency among the schedules;</li> </ul>
17	<ul> <li>modifies the parent-time schedules for Mother's Day and Father's Day;</li> </ul>
18	removes Columbus Day and Veterans Day as holidays in the parent-time schedules;
19	<ul> <li>includes a coordination clause to address a substantive conflict with the parent-time</li> </ul>
20	schedule for Juneteenth National Freedom Day if this bill and H.B. 370, State Holiday
21	Modifications, both pass and become law; and
22	<ul> <li>makes technical and conforming changes.</li> </ul>
23	Money Appropriated in this Bill:
24	None
25	Other Special Clauses:
26	This bill provides a coordination clause.

29	81-9-204, 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
31	81-9-209, 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
33	81-9-303, 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
35	Utah Code Sections affected by Coordination Clause:
36	81-9-302, 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
38	81-9-304, as renumbered and amended by Laws of Utah 2024, Chapter 366
39	
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
43	Preferences.
44	(1) In a proceeding between parents in which the custody and parent-time of a minor child
45	is at issue, the court shall consider the best interests of the minor child in determining
46	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
48	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
50	shall consider:
51	(a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
52	violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
53	household member of the parent;
54	(b) whether the parent has intentionally exposed the minor child to pornography or
55	material harmful to minors, as "material" and "harmful to minors" are defined in
56	Section 76-10-1201; and
57	(c) whether custody and parent-time would endanger the minor child's health or physical
58	or psychological safety.
59	(4) In determining the form of custody and parent-time that is in the best interests of the
60	minor child, the court may consider, among other factors the court finds relevant, the
61	following for each parent:

(a) evidence of psychological maltreatment;

63	(b)	the parent's demonstrated understanding of, responsiveness to, and ability to meet the
64		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
76		and the other parent, except that, if the court determines that the parent is
77		acting to protect the minor child from domestic violence, neglect, or abuse, the
78		parent's protective actions may be taken into consideration; and
79		(iii) ability to provide personal care rather than surrogate care;
80	(d)	the past conduct and demonstrated moral character of the parent as described in
81		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
84		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
90		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
93		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
96		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,
98	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
101	determines that extenuating circumstances exist that would necessitate the testimony
102	of the minor child be heard and there is no other reasonable method to present the
103	minor child's testimony.
104	(b)(i) The court may inquire and take into consideration the minor child's desires
105	regarding future custody or parent-time schedules, but the expressed desires are
106	not controlling and the court may determine the minor child's custody or
107	parent-time otherwise.
108	(ii) The desires of a minor child who is 14 years old or older shall be given added
109	weight, but is not the single controlling factor.
110	(c)(i) If an interview with a minor child is conducted by the court in accordance with
111	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
113	finds that an interview with a minor child is the only method to ascertain the
114	minor child's desires regarding custody.
115	(6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
116	parent due to a disability, as defined in Section 57-21-2, in awarding custody or
117	determining whether a substantial change has occurred for the purpose of modifying
118	an award of custody.
119	(b) The court may not consider the disability of a parent as a factor in awarding custody
120	or modifying an award of custody based on a determination of a substantial change in
121	circumstances, unless the court makes specific findings that:
122	(i) the disability significantly or substantially inhibits the parent's ability to provide
123	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
125	available to supplement the parent's ability to provide for the physical and
126	emotional needs of the minor child at issue.
127	(c) Nothing in this section may be construed to apply to adoption proceedings under
128	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
132	the court and the family the widest discretion to choose a parenting plan that is in the
133	best interest of the minor child.
134	(8) When an issue before the court involves custodial responsibility in the event of a
135	deployment of a parent who is a service member and the service member has not yet
136	been notified of deployment, the court shall resolve the issue based on the standards in
137	Sections 78B-20-306 through 78B-20-309.
138	(9) In considering the past conduct and demonstrated moral standards of each party under
139	Subsection (4)(d) or any other factor a court finds relevant, the court may not:
140	(a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
141	dosage form, a cannabis product in a medicinal dosage form, or a medical
142	cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
143	Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
144	Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently
145	than the court would consider or treat the lawful possession or use of any
146	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
149	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;
152	or
153	(D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
154	Cannabinoid Research and Medical Cannabis; or
155	(b) discriminate against a parent based upon the parent's agreement or disagreement with
156	a minor child of the couple's:
157	(i) assertion that the minor child's gender identity is different from the minor child's
158	biological sex; or
159	(ii) practice of having or expressing a different gender identity than the minor child's
160	biological sex.
161	(10)(a) The court shall consider evidence of domestic violence if evidence of domestic
162	violence is presented.
163	(b) The court shall consider as primary, the safety and well-being of the minor child and
164	the parent who experiences domestic violence

165	(c) A court shall consider an order issued by a court in accordance with Title 78B,
166	Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
167	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
169	other parent[-,] :
170	(i) the court shall make specific findings and orders with regards to the application of
171	Section 81-9-209[-] ; and
172	(ii) the court may not require the parent to disclose the parent's address to the other
173	parent.
174	(11) Absent a showing by a preponderance of evidence of real harm or substantiated
175	potential harm to the minor child:
176	(a) it is in the best interest of the minor child to have frequent, meaningful, and
177	continuing access to each parent following separation or divorce;
178	(b) each parent is entitled to and responsible for frequent, meaningful, and continuing
179	access with the parent's minor child consistent with the minor child's best interests;
180	and
181	(c) it is in the best interest of the minor child to have both parents actively involved in
182	parenting the minor child.
183	(12) Notwithstanding any other provision of this chapter, the court may not grant custody or
184	parent-time of a minor child to a parent convicted of a sexual offense, as defined in
185	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
187	to custody or parent-time and the court determines it is in the best interest of the
188	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
190	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 <b>81-9-208</b> is amended to read:
195	81-9-208. Modification or termination of a custody or parent-time order
196	Noncompliance with a parent-time order.
197	(1) The court has continuing jurisdiction to make subsequent changes to modify:
198	(a) custody of a minor child if there is a showing of a substantial and material change in

199	circumstances since the entry of the order; and
200	(b) parent-time for a minor child if there is a showing that there is a change in
201	circumstances since the entry of the order.
202	(2) A substantial and material change in circumstances under Subsection (1)(a) includes a
203	showing by a parent that the other parent:
204	(a) resides with an individual or provides an individual with access to the minor child;
205	and
206	(b) knows that the individual:
207	(i) is required to register as a sex offender[-or], a kidnap offender, or a child abuse
208	offender for an offense against a minor child under Title 77, Chapter 41, [Sex and
209	Kidnap Offender Registry; Sex, Kidnap, and Child Abuse Offender Registry; or
210	[(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child
211	Abuse Offender Registry; or]
212	[(iii)] (ii) has been convicted of:
213	(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
214	76-5-114, or 76-5-208;
215	(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
216	Offenses;
217	(C) an offense for kidnapping or human trafficking of a minor child under Title
218	76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
219	(D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
220	Sexual Exploitation Act; or
221	(E) an offense that is substantially similar to an offense under Subsections
222	(2)(b)(iii)(A) through $(D)$ .
223	(3) A minor child turning five years old constitutes a substantial and material change in
224	circumstances under Subsection (1)(a) and a change in circumstances under Subsection
225	<u>(1)(b).</u>
226	[(3)] (4) On the petition of one or both of the parents, or the joint legal or physical
227	custodians if they are not the parents, the court may, after a hearing, modify or terminate
228	an order that established joint legal custody or joint physical custody if:
229	(a) the verified petition or accompanying affidavit initially alleges that admissible
230	evidence will show that there has been a substantial and material change in the
231	circumstances of the minor child or one or both parents or joint legal or physical
232	custodians since the entry of the order to be modified:

233	(b) a modification of the terms and conditions of the order would be an improvement for
234	and in the best interest of the minor child; and
235	(c)(i) both parents have complied in good faith with the dispute resolution procedure
236	in accordance with Subsection 81-9-205(8); or
237	(ii) if no dispute resolution procedure is contained in the order that established joint
238	legal custody or joint physical custody, the court orders the parents to participate
239	in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
240	unless the parents certify that, in good faith, they have used a dispute resolution
241	procedure to resolve their dispute.
242	[(4)] (5)(a) In determining whether the best interest of a minor child will be served by
243	either modifying or terminating the joint legal custody or joint physical custody
244	order, the court shall, in addition to other factors the court considers relevant,
245	consider the factors described in Sections 81-9-204 and 81-9-205.
246	(b) A court order modifying or terminating an existing joint legal custody or joint
247	physical custody order shall contain written findings that:
248	(i) a substantial and material change of circumstance has occurred; and
249	(ii) a modification of the terms and conditions of the order would be an improvement
250	for and in the best interest of the minor child.
251	(c) The court shall give substantial weight to the existing joint legal custody or joint
252	physical custody order when the minor child is thriving, happy, and well-adjusted.
253	[(5)] (6) The court shall, in every case regarding a petition for termination of a joint legal
254	custody or joint physical custody order, consider reasonable alternatives to preserve the
255	existing order in accordance with Section 81-9-204.
256	[(6)] (7) The court may modify the terms and conditions of the existing order in accordance
257	with this chapter and may order the parents to file a parenting plan in accordance with
258	Section 81-9-203.
259	[(7)] (8) A parent requesting a modification from sole custody to joint legal custody or joint
260	physical custody or both, or any other type of shared parenting arrangement, shall file
261	and serve a proposed parenting plan with the petition to modify in accordance with
262	Section 81-9-203.
263	[(8)] (9) If an issue before the court involves custodial responsibility in the event of
264	deployment of one or both parents who are service members, and the service member
265	has not yet been notified of deployment, the court shall resolve the issue based on the
266	standards in Sections 78B-20-306 through 78B-20-309.

267	$\left[\frac{(9)}{(10)}\right]$ If the court finds that an action to modify custody or parent-time is filed or
268	answered frivolously and, in a manner, designed to harass the other party, the court shall
269	assess attorney fees as costs against the offending party.
270	[(10)] (11) If a petition to modify custody or parent-time provisions of a court order is made
271	and denied, the court shall order the petitioner to pay the reasonable attorney fees
272	expended by the prevailing party in that action if the court determines that the petition
273	was without merit and not asserted or defended against in good faith.
274	[(11)] (12) If a motion or petition alleges noncompliance with a parent-time order by a
275	parent, or a visitation order by a grandparent or other member of the immediate family
276	where a visitation or parent-time right has been previously granted by the court, the
277	court:
278	(a) may award to the prevailing party:
279	(i) actual attorney fees incurred;
280	(ii) the costs incurred by the prevailing party because of the other party's failure to
281	provide or exercise court-ordered visitation or parent-time, including:
282	(A) court costs;
283	(B) child care expenses;
284	(C) transportation expenses actually incurred;
285	(D) lost wages, if ascertainable; or
286	(E) counseling for a parent or a minor child if ordered or approved by the court; or
287	(iii) any other appropriate equitable remedy; and
288	(b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
289	parent-time is not in the best interest of the minor child.
290	Section 3. Section <b>81-9-209</b> is amended to read:
291	81-9-209 . Notice of relocation Effect of relocation on parent-time schedule.
292	(1) As used in this section, "relocation" means moving 150 miles or more from the
293	residence of the other parent.
294	(2) The relocating parent shall provide written notice to the other parent at least 60 days
295	before the day on which the relocating parent intends to relocate.
296	(3) The written notice of relocation [under] described in Subsection (2) shall contain
297	statements affirming[-]:
298	(a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by
299	both parties will be followed; and
300	(b) that a parent will not interfere with the other's parental rights pursuant to court

301	ordered parent-time arrangements or the parent-time schedule approved by both
302	parties.
303	(4) [The] Upon a motion of any party or upon the court's own motion, the court shall[, upon
304	motion of any party or upon the court's own motion,] schedule a hearing with notice to:
305	(a) review the notice of relocation and the relevant parent-time schedule under Section [
306	<del>81-8-302 or 81-8-304</del> ] <u>81-9-302 or 81-9-304</u> ; and
307	(b) make appropriate orders regarding the parent-time schedule and costs for
308	parent-time transportation.
309	(5) In a hearing to review the notice of relocation, the court shall, in determining if the
310	relocation of a custodial parent is in the best interest of the minor child, consider any
311	other factors that the court considers relevant to the determination.
312	(6) If the court determines that relocation is not in the best interest of the minor child, and
313	the custodial parent relocates, the court may order a change of custody.
314	(7)(a) If the court finds that the relocation is in the best interest of the minor child, the
315	court shall determine the parent-time schedule and allocate the transportation costs
316	that will be incurred for the minor child to visit the noncustodial parent.
317	(b) In making a determination under Subsection (7)(a), the court shall consider:
318	(i) the reason for the parent's relocation;
319	(ii) the additional costs or difficulty to both parents in exercising parent-time;
320	(iii) the economic resources of both parents; and
321	(iv) other factors the court considers necessary and relevant.
322	(8) If a parent relocates because of an act of domestic violence or family violence by the
323	other parent, the court shall make specific findings and orders with regard to the
324	application of this section.
325	(9) Unless otherwise ordered by the court, <u>and</u> upon the relocation of one of the parties, the
326	following schedule is the minimum parent-time that the noncustodial parent is entitled to
327	a minor child who is five to 18 years old:
328	(a) in years ending in an odd number, the minor child shall spend the following holidays
329	with the noncustodial parent:
330	[(i) Thanksgiving holiday beginning Wednesday until Sunday; and]
331	[(ii) Spring break, if applicable, beginning the last day of school before the holiday
332	until the day before school resumes;]
333	(i)(A) fall break if the minor child's school dismisses for a fall break, beginning on
334	the day that school dismisses for fall break and ending on the day before school

335	resumes; or
336	(B) Labor Day if the minor child's school does not dismiss for a fall break,
337	beginning on the day that school dismisses for Labor Day and ending on the
338	day before school resumes; and
339	(ii) the entire winter break period, beginning on the day that school dismisses for the
340	winter break and ending on the day before school resumes;
341	(b) in years ending in an even number, the minor child shall spend the following
342	holidays with the noncustodial parent:
343	[(i) the entire winter school break period; and]
344	[(ii) the Fall school break beginning the last day of school before the holiday until the
345	day before school resumes;]
346	(i)(A) spring break, beginning on the day that school dismisses for the spring
347	break and ending on the day before school resumes; or
348	(B) President's Day if the minor child's school does not dismiss for a spring break.
349	beginning on the day that school dismisses for President's Day and ending on
350	the day before school resumes; and
351	(ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and
352	ending on the day before school resumes;
353	(c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
354	weeks with:
355	(i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in
356	years ending in an odd number; and
357	(ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time
358	in years ending in an even number; and
359	(d) one weekend per month, at the option and expense of the noncustodial parent.
360	(10) For extended parent-time [under] described in Subsection (9)(c), the [minor child
361	should be returned] noncustodial parent shall return the minor child to the custodial home
362	no later than seven days before school begins, except that this week is counted when
363	determining the amount of parent-time to be divided between the parents for the summer
364	or off-track period.
365	(11)(a) [The] Upon relocation of one of parties, the court may [also-]set a parent-time
366	schedule for a minor child who is younger than five years old.
367	(b) The schedule shall take into consideration the following:
368	(i) the age of the minor child;

369	(ii) the developmental needs of the minor child;
370	(iii) the distance between the parents' homes;
371	(iv) the travel arrangements and cost;
372	(v) the level of attachment between the minor child and the noncustodial parent; and
373	(vi) any other factors relevant to the best interest of the minor child.
374	[(12) The noncustodial parent's monthly weekend entitlement is subject to the following
375	restrictions.]
376	[ <del>(a)</del> ]
377	[(i)] (12)(a)(i) If the noncustodial parent has not designated a specific weekend [for
378	parent-time] on which the noncustodial parent will exercise parent-time under
379	Subsection (9)(d), the noncustodial parent shall receive the last weekend of each
380	month[-unless a holiday assigned to the custodial parent falls on that particular
381	weekend].
382	(ii) If a holiday assigned to the custodial parent falls on [the last weekend of the
383	month] a weekend on which the noncustodial parent normally exercises
384	parent-time under Subsection (9)(d), the noncustodial parent is entitled to the [
385	next to the last weekend of the month] weekend before the holiday.
386	(b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends
387	into or through the first weekend of the next month, that weekend shall be considered
388	the noncustodial parent's monthly weekend entitlement under Subsection (9)(d) for
389	that month.
390	(c) If a minor child is out of school for teacher development days or snow days after the
391	minor child begins the school year, or other days not included in the list of holidays
392	in Subsection (9), and those days are contiguous with the noncustodial parent's
393	monthly weekend or holiday parent-time, those days shall be included in the
394	noncustodial parent's weekend or holiday parent-time.
395	(13)(a) In addition to the parent-time for which a noncustodial parent is entitled under
396	Subsection (9), the noncustodial parent is entitled to, at least two times a week:
397	(i) brief telephone contact with the minor child at reasonable hours and for a
398	reasonable duration; and
399	(ii) virtual parent-time if the equipment is reasonably available at reasonable hours
400	and for reasonable duration.
401	(b) If the parties cannot agree on whether the equipment is reasonably available, the
402	court shall decide whether the equipment for virtual parent-time is reasonably

403	available, taking into consideration:
404	(i) the best interest of the minor child;
405	(ii) each parent's ability to handle any additional expenses for virtual parent-time; and
406	(iii) any other factors the court considers material.
407	(c) Virtual parent-time supplements, but does not replace, the in-person parent-time
408	described in Subsection (9).
409	[(13)] (14) The custodial parent is entitled to all parent-time not specifically allocated to the
410	noncustodial parent.
411	[(14)] (15) In the event finances and distance preclude the exercise of minimum parent-time
412	for the noncustodial parent during the school year, the court should consider awarding
413	more time for the noncustodial parent during the summer time if it is in the best interests
414	of the [the-]minor child.
415	[(15)] (16)(a) Upon the motion of any party, the court may order uninterrupted
416	parent-time with the noncustodial parent for a minimum of 30 days during extended
417	parent-time, unless the court finds it is not in the best interest of the minor child.
418	(b) If the court orders uninterrupted parent-time during a period not covered by this
419	section, the court shall specify in its order which parent is responsible for the minor
420	child's travel expenses.
421	[(16)] (17)(a) Unless otherwise ordered by the court the relocating party shall be
422	responsible for all the minor child's travel expenses relating to Subsections (9)(a) and
423	(b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided
424	the noncustodial parent is current on all support obligations.
425	(b) If the noncustodial parent has been found in contempt for not being current on all
426	support obligations, the noncustodial parent is responsible for all of the minor child's
427	travel expenses under Subsection (9), unless the court rules otherwise.
428	(c) A responsible party shall make a reimbursement to the other for the minor child's
429	travel expenses within 30 days of receipt of documents detailing those expenses.
430	[(17)] (18) The court may apply this provision to any preexisting decree of divorce.
431	[(18)] (19) Any action under this section may be set for an expedited hearing.
432	[(19)] (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in
433	contempt of the court's order.
434	The following section is affected by a coordination clause at the end of this bill.
435	Section 4. Section <b>81-9-302</b> is amended to read:
436	81-9-302. Minimum schedule for parent-time for a minor child five to 18 years

437	old	•
438	(1)	The parent-time schedule in this section applies to a minor child who is five to 18 years
439		old.
440	(2)	If the parties do not agree to a parent-time schedule for a minor child described in
441		Subsection (1), the following schedule is considered the minimum parent-time to which
442		the noncustodial parent is entitled to the minor child:
443		(a)(i) one weekday evening to be specified by the noncustodial parent or the court or
444		Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30
445		p.m.; or
446		(ii) at the election of the noncustodial parent, one weekday to be specified by the
447		noncustodial parent or the court:
448		(A) beginning at the time that the minor child's school is regularly dismissed and
449		ending at 8:30 p.m.; or
450		(B) if school is not in session, the noncustodial parent is available to be with the
451		minor child, and in accommodation with the custodial parent's work schedule,
452		beginning at $[9]$ $\underline{8}$ a.m. and ending at 8:30 p.m.;
453		(b)(i) beginning on the first weekend after entry of the decree, alternating weekends
454		beginning at [6] 5:30 p.m. on Friday and ending on Sunday at [7] 8:30 p.m.; or
455		(ii) at the election of the noncustodial parent and beginning on the first weekend after
456		the entry of the decree, alternating weekends:
457		(A) beginning at the time that the minor child's school is regularly dismissed on
458		Friday and ending on Sunday at [7] 8:30 p.m.; or
459		(B) if school is not in session, the noncustodial parent is available to be with the
460		minor child, and in accommodation with the custodial parent's work schedule,
461		beginning on Friday at [9] 8 a.m. and ending on Sunday at [7] 8:30 p.m.;
462		(c) each holiday granted to the noncustodial parent in accordance with the holiday
463		schedule described in Subsection (12); and
464		(d) extended parent-time with the minor child when school is not in session for summer
465		break in accordance with Subsection (3).
466	(3)	(a) For extended parent-time with the minor child [under] described in Subsection
467		(2)(d) and at the election of the noncustodial parent, the noncustodial parent is
468		entitled up to four weeks of parent-time with the minor child[, which may be
469		consecutive,] when school is not in session for summer break, beginning at 8 a.m. on
470		the first day and ending at 8:30 p.m. on the last day.

471	(b) For the four weeks of extended parent-time for a noncustodial parent under
472	Subsection (3)(a):
473	(i) two weeks[, which may be consecutive,] shall be uninterrupted parent-time for the
474	noncustodial parent; and
475	(ii) two weeks[, which may be consecutive,] may be interrupted by the custodial
476	parent for a weekday visit on the same day on which the noncustodial parent is
477	granted weekday day parent-time.
478	(c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
479	two weeks[, which may be consecutive,] when school is not in session for summer
480	break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
481	(d) Extended parent-time described in this Subsection (3) must be consecutive, except
482	that the four weeks of extended parent-time for the noncustodial parent may be
483	divided into two separate 14-day periods that are not consecutive.
484	(4)(a) Each parent shall provide notification to the other parent of the parent's plans for
485	the exercise of extended parent-time for summer break under Subsection (3).
486	(b) For the notification requirement [under] described in Subsection (4)(a):
487	(i) in odd-numbered years:
488	(A) the noncustodial parent shall provide notice to the custodial parent by May 1;
489	and
490	(B) the custodial parent shall provide notice to the noncustodial parent by May 15;
491	and
492	(ii) in even-numbered years:
493	(A) the custodial parent shall provide notice to the noncustodial parent by May 1;
494	and
495	(B) the noncustodial parent shall provide notice to the custodial parent by May 15.
496	(c)(i) If a parent fails to provide a notification within the time periods described in
497	Subsection (4)(b), the complying parent may determine the schedule for summer
498	break for the noncomplying parent.
499	(ii) If both parents fail to provide notice within the time periods described in
500	Subsection (4)(b), the first parent to provide notice may determine the schedule
501	for summer break for that parent and the other parent.
502	(d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
503	Subsection (3)(b)(ii), the custodial parent shall provide notification to the
504	noncustodial parent of the intent to interrupt parent-time within 10 days after the day

505	on which the custodial parent receives notification of the noncustodial parent's plans
506	for the exercise of interrupted extended parent-time.
507	(5)(a) An election should be made by the noncustodial parent at the time of entry of the
508	divorce decree or court order, except that the election may be changed by mutual
509	agreement, court order, or by the noncustodial parent in the event of a change in the
510	minor child's schedule.
511	(b) An election by either parent concerning parent-time shall be made a part of the
512	decree and made a part of the parent-time order.
513	(6)(a) Changes may not be made to the parent-time schedule under this section, except
514	that if a conflict arises in the parent-time schedule, the following order of precedence
515	shall be applied when determining which parent is entitled to parent-time:
516	(i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);
517	(ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
518	uninterrupted extended parent-time under Subsection (3) and takes the minor child
519	away from that parent's residence during the uninterrupted extended parent-time;
520	(iii) the holiday schedule for any holiday under Subsection (12) that is not Father's
521	Day, Mother's Day, or the minor child's birthday;
522	(iv) extended parent-time under Subsection (3); and
523	(v) the schedule for weekday or weekend parent-time.
524	(b) A parent exercising parent-time for the minor child's birthday may bring other
525	siblings along for the minor child's birthday.
526	(7) A stepparent, grandparent, or other responsible adult designated by [the noncustodial] $\underline{a}$
527	parent, may pick up the minor child for parent-time if the [eustodial-] other parent is
528	aware of the identity of the individual and the [noncustodial] parent will be with the
529	minor child by 7 p.m.
530	(8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
531	shall be responsible for the minor child's attendance at school for that school day.
532	(9) If there is more than one minor child and the minor children's school schedules vary for
533	purpose of a holiday, at the option of the parent exercising the holiday or the parent's
534	half of the holiday, the minor children may remain together for the holiday period
535	beginning the first evening that all minor children's schools are dismissed for the holiday
536	and ending the evening before any minor child returns to school.
537	(10)(a) Telephone contact shall be at reasonable hours and for a reasonable duration.
538	(b)(i) Virtual parent-time, if the equipment is reasonably available and the parents

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- 539 reside at least 100 miles apart, shall be at reasonable hours and for reasonable 540 duration. 541 (ii) If the parties cannot agree on whether the equipment is reasonably available, the 542 court shall decide whether the equipment for virtual parent-time is reasonably 543 available, taking into consideration: 544 (A) the best interests of the minor child; 545 (B) each parent's ability to handle any additional expenses for virtual parent-time; 546 and 547 (C) any other factors the court considers material. 548 (c) Virtual parent-time supplements, but does not replace, in-person parent-time. 549 (11) If there is a minor child five to 18 years old and a minor child under five years old and 550 both minor children are the children of the parties, the parents and the court should
- 553 (12) The following table is the holiday schedule for parent-time under this section.

parent-time is uniform based on a schedule under this section.

consider an upward deviation for parent-time with all the minor children so that

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

		(2) Holiday ends at [7] <u>8:30</u> p.m. on Dr. Martin Luther King Jr. Day.		
556	President's Day	(1) Holiday begins[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  President's Day; or  [(e) 6 p.m.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.  (2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.	Even years	Odd years
557	Spring Break	<ul> <li>(1) Holiday begins at:</li> <li>[6] (a) the time that school is dismissed for spring break; or</li> <li>(b) 5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</li> <li>(2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.</li> </ul>	Odd years	Even years
558	Memorial Day	(1) Holiday begins[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  Memorial Day; or  [(e) 6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.	Even years	Odd years

		(2) Holiday ends at [7] 8:30 p.m. on Memorial Day.		
559	Mother's Day	<ul> <li>(1) Holiday begins[-on Mother's Day at 9 a.m] at 5:30 p.m. on the day before Mother's Day.</li> <li>(2) Holiday ends on Mother's Day at [7] 8:30 p.m.</li> </ul>	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.
560	Father's Day	<ol> <li>Holiday begins [on Father's Day at 9-a.m] at 5:30 p.m. on the day before Father's Day.</li> <li>Holiday ends on Father's Day at [7] 8:30 p.m.</li> </ol>	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.
561	Juneteenth National Freedom Day	<ul> <li>(1) Holiday begins at:</li> <li>(a) [6] 5:30 p.m. on the day before</li> <li>Juneteenth National Freedom Day if the day before Juneteenth National Freedom</li> <li>Day is not Father's Day; or</li> <li>(b) [9] 8 a.m. on Juneteenth National</li> <li>Freedom Day if the day before</li> <li>Juneteenth National Freedom Day is</li> <li>Father's Day.</li> <li>(2) Holiday ends at [6] 8:30 p.m. on</li> <li>the day following Juneteenth National</li> <li>Freedom Day.</li> </ul>	Even years	Odd years
562	Independence Day	<ul> <li>(1) Holiday begins on July 3rd at</li> <li>[6] 5:30 p.m.</li> <li>(2) Holiday ends on July 5th at [6] 8:30 p.m.</li> </ul>	Odd years	Even years

563	Pioneer Day	<ol> <li>Holiday begins on July 23rd at</li> <li><u>5:30</u> p.m.</li> <li>Holiday ends on July 25th at</li> <li><u>8:30</u> p.m.</li> </ol>	Even years	Odd years
564	Labor Day	(1) Holiday begins[-on 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  Labor Day; or [(c)-6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 8:30 p.m. on  Labor Day.	Odd years	Even years
565	[Columbus Day	<ul><li>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</li><li>(2) Holiday ends at 7 p.m. on Columbus Day.</li></ul>	Even years	Odd years]
566	Fall Break	<ul> <li>(1) Holiday begins at[-6 p.m.]:</li> <li>(a) the time that school is dismissed for fall break; or</li> <li>(b) 5:30 p.m. on the day school is dismissed for fall break at the election of the parent granted the holiday.</li> <li>(2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.</li> </ul>	Odd years	Even years
567	Halloween	<ul> <li>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</li> <li>(a) at the time that school is dismissed; or</li> <li>(b) at [4] 3 p.m. if there is no school.</li> </ul>	Even years	Odd years

		(2) Holiday ends at [9] <u>8:30</u> p.m. on the same day the holiday begins.		
568	[Veterans Day	<ul><li>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</li><li>(2) Holiday ends at 7 p.m. on Veterans Day.</li></ul>	Odd years	Even years]
569	Thanksgiving	(1) Holiday begins[-on Wednesday] at: [(a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.] (a) 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. (2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.	Even years	Odd years
570	Winter Break (First Half)	<ul> <li>(1) Holiday begins at:</li> <li>(a) [6 p.m. on the day on] the time that school dismisses for winter break; or</li> <li>(b) [the time school is regularly dismissed] 5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</li> <li>(2) Holiday ends on December 27th at [7] 8:30 p.m.</li> </ul>	Odd years	Even years
571	Winter Break (Second Half)	<ol> <li>Holiday begins on December 27th at [7] 8:30 p.m.</li> <li>Holiday ends at [7] 8:30 p.m. on the day before school resumes.</li> </ol>	Even years	Odd years

572	Day of Minor	(1) Holiday begins at 3 p.m.	Even years	Odd years
	Child's Birthday	(2) Holiday ends at [9] <u>8:30</u> p.m.		
573	Day Before or	(1) Holiday begins at 3 p.m.	Odd years	Even years
	After Minor Child's	(2) Holiday ends at [9] <u>8:30</u> p.m.		
	Birthday			

- The following section is affected by a coordination clause at the end of this bill.
- 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

577 **old.** 

- 578 (1)(a) The optional parent-time schedule in this section applies to a minor child who is
- five to 18 years old.
- 580 (b) For purposes of calculating child support, the optional parent-time schedule in this section is 145 overnights.
- (c) Any impact on child support shall be consistent with joint physical custody.
- 583 (2) The parents and the court may consider the increased parent-time schedule in this 584 section as a minimum parent-time schedule when the parties agree or the noncustodial 585 parent can demonstrate:
- 586 (a) the noncustodial parent has been actively involved in the minor child's life;
- 587 (b) the parties can communicate effectively regarding the minor child or the
  588 noncustodial parent has a plan to accomplish effective communications regarding the
  589 minor child;
  - (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 591 (d) the increased parent-time would be in the best interest of the minor child; and
- (e) any other factor the court considers relevant.
- 593 (3) In determining whether a noncustodial parent has been actively involved in the minor child's life, the court shall consider:
- 595 (a) demonstrated responsibility in caring for the minor child;
- 596 (b) involvement in childcare;
- (c) presence or volunteer efforts in the minor child's school and at extracurricular activities;
- (d) assistance with the minor child's homework;
- (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- (f) bonding with the minor child; and
- (g) any other factor the court considers relevant.

603	(4)	In determining whether a noncustodial parent has the ability to facilitate the increased
604		parent-time, the court shall consider:
605		(a) the geographic distance between the residences of the parents and the distance
606		between the parents' residences and the minor child's school;
607		(b) the noncustodial parent's ability to assist with after school care;
608		(c) the health of the minor child and the noncustodial parent in accordance with
609		Subsection 81-9-204(5);
610		(d) flexibility of employment or another schedule of the noncustodial parent;
611		(e) ability to provide appropriate playtime with the minor child;
612		(f) history and ability of the noncustodial parent to implement a flexible schedule for the
613		minor child;
614		(g) physical facilities of the noncustodial parent's residence; and
615		(h) any other factor the court considers relevant.
616	(5)	If the parties agree or the court enters an order for the optional parent-time schedule
617		under this section, a parenting plan in compliance with Section 81-9-203 shall be filed
618		with any order incorporating the optional parent-time schedule described in Subsection
619		(6).
620	(6)	The following schedule is considered the optional parent-time to which the noncustodial
621		parent is entitled to the minor child:
622		(a)(i) one weekday evening to be specified by the noncustodial parent or the court or
623		Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
624		following day upon delivering the minor child to school or at 8 a.m. if there is no
625		school; or
626		(ii) at the election of the noncustodial parent, one weekday specified by the
627		noncustodial parent or the court:
628		(A) beginning at the time the minor child's school is regularly dismissed until the
629		following day upon delivering the minor child to school or at 8 a.m. if there is
630		no school; or
631		(B) if there is no school, the noncustodial parent is available to be with the minor
632		child, and in accommodation with the custodial parent's work schedule,
633		beginning at 8 a.m. and ending on the following day upon delivering the minor
634		child to school or at 8 a.m. if there is no school;
635		(b)(i) beginning the first weekend after the entry of the decree, alternating weekends
636		beginning at [6] 5:30 p.m. on Friday and ending on Monday upon delivering the

637	minor child to school or at 8 a.m. if there is no school; or
638	(ii) at the election of the noncustodial parent, beginning the first weekend after the
639	entry of the decree, alternating weekends:
640	(A) beginning at the time the minor child's school is regularly dismissed on Friday
641	and ending on Monday upon delivering the minor child to school or at 8 a.m. if
642	there is no school; or
643	(B) if there is no school, the noncustodial parent is available to be with the minor
644	child, and in accommodation with the custodial parent's work schedule,
645	beginning on Friday at [9] $\underline{8}$ a.m. and ending on Monday upon delivering the
646	minor child to school or at 8 a.m. if there is no school;
647	(c) each holiday granted to the noncustodial parent in accordance with the holiday
648	schedule described in Subsection (15); and
649	(d) extended parent-time with the minor child when school is not in session for summer
650	break in accordance with Subsection (7).
651	(7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the
652	election of the noncustodial parent, the noncustodial parent is entitled up to four
653	weeks of parent-time with the minor child[, which may be consecutive,] when school
654	is not in session for summer break, beginning at 8 a.m. on the first day and ending at
655	8:30 p.m. on the last day.
656	(b) For the four weeks of extended parent-time for a noncustodial parent under
657	Subsection (7)(a):
658	(i) two weeks[, which may be consecutive,] shall be uninterrupted parent-time for the
659	noncustodial parent; and
660	(ii) two weeks[, which may be consecutive,] may be interrupted by the custodial
661	parent for a weekday visit on the same day on which the noncustodial parent is
662	granted weekday day parent-time.
663	(c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
664	two weeks[, which may be consecutive,] when school is not in session for summer
665	break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
666	(d) Extended parent-time described in this Subsection (7) must be consecutive, except
667	that the four weeks of extended parent-time for the noncustodial parent may be
668	divided into two 14-day separate periods that are not consecutive.
669	(8)(a) Each parent shall provide notification to the other parent of the parent's plans for
670	the exercise of parent-time for summer break under Subsection (7).

671	(b) For the notification requirement [under] described in Subsection (8)(a):
672	(i) in odd-numbered years:
673	(A) the noncustodial parent shall provide notice to the custodial parent by May 1;
674	and
675	(B) the custodial parent shall provide notice to the noncustodial parent by May 15;
676	and
677	(ii) in even-numbered years:
678	(A) the custodial parent shall provide notice to the noncustodial parent by May 1;
679	and
680	(B) the noncustodial parent shall provide notice to the custodial parent by May 15.
681	(c)(i) If a parent fails to provide a notification within the time periods described in
682	Subsection (8)(b), the complying parent may determine the schedule for summer
683	break for the noncomplying parent.
684	(ii) If both parents fail to provide notice within the time periods described in
685	Subsection (8)(b), the first parent to provide notice may determine the schedule
686	for summer break for that parent and the other parent.
687	(d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
688	Subsection (7)(b)(ii), the custodial parent shall provide notification to the
689	noncustodial parent of the intent to interrupt parent-time within 10 days after the day
690	on which the custodial parent receives notification of the noncustodial parent's plans
691	for the exercise of interrupted extended parent-time.
692	(9)(a) An election should be made by the noncustodial parent at the time of entry of the
693	divorce decree or court order, except that the election may be changed by mutual
694	agreement, court order, or by the noncustodial parent in the event of a change in the
695	minor child's schedule.
696	(b) An election by either parent concerning parent-time shall be made a part of the
697	decree and made a part of the parent-time order.
698	(10)(a) Changes may not be made to the parent-time schedule under this section, except
699	that if a conflict arises in the parent-time schedule, the following order of precedence
700	shall be applied when determining which parent is entitled to parent-time:
701	(i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
702	(ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
703	uninterrupted extended parent-time under Subsection (7) and takes the minor child
704	away from that parent's residence during the uninterrupted extended parent-time;

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- 705 (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;
  - (iv) extended parent-time under Subsection (7); and
  - (v) the schedule for weekday or weekend parent-time.
    - (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
  - (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.
- 715 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time 716 shall be responsible for the minor child's attendance at school for that school day.
- 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.
  - (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.
- 726 (15) The following table is the holiday schedule for parent-time under this section.

727	Holiday	Holiday Time Period	Years	Years Custodial
			Noncustodial	Parent is Granted
			Parent is Granted	Holiday
			Holiday	
728	Dr. Martin Luther	(1) Holiday begins[Friday at:(a) 9 a.m.	Odd years	Even years
	King Jr. Day	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		
		[ <del>(c) 6 p.m.</del> ] <u>(b) Friday at 5:30 p.m.</u> at the		
		election of the parent granted the holiday.		

		(2) Holiday ends[: (a)-] upon delivering of the minor child to school on the day [following Dr. Martin Luther King Jr. Day; or (b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no sehool] that school resumes.		
729	President's Day	(1) Holiday begins[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  President's Day; or  [(c) ] [6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.  (2) Holiday ends[:  (a) ] upon delivering the minor child to school on the day [following President's Day; or  (b) at 8 a.m. on the day following  President's Day if there is no school] that school resumes.	Even years	Odd years
730	Spring Break	<ul> <li>(1) Holiday begins at[-6]:</li> <li>(a) the time that school is dismissed for spring break; or (b) 5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</li> <li>(2) Holiday ends:</li> <li>(a) upon delivering the minor child to school on the day [following the end of spring break; or</li> </ul>	Odd years	Even years

		(b) at 8 a.m. on the day following the end of spring break if there is no school] that school resumes.		
731	Memorial Day	(1) Holiday begins[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  Memorial Day; or  [(c) 6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the minor child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following  Memorial Day if there is no school.	Even years	Odd years
732	Mother's Day	<ol> <li>Holiday begins [on Mother's Day at 9 a.m] at 5:30 p.m. on the day before Mother's Day.</li> <li>Holiday ends on Mother's Day at [7] 8:30 p.m.</li> </ol>	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.
733	Father's Day	<ol> <li>Holiday begins [on Father's Day at 9 a.m] at 5:30 p.m. on the day before Father's Day.</li> <li>Holiday ends on Father's Day at [7] 8:30 p.m.</li> </ol>	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.
734	Juneteenth National Freedom Day	<ul><li>(1) Holiday begins at:</li><li>(a) [6] 5:30 p.m. on the day before</li><li>Juneteenth National Freedom Day if the</li></ul>	Even years	Odd years

		day before Juneteenth National Freedom Day is not Father's Day; or (b) [9] 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] 5:30 p.m. on the day following Juneteenth National Freedom Day.		
735	Independence Day	<ul> <li>(1) Holiday begins on July 3rd at</li> <li>[6] 5:30 p.m.</li> <li>(2) Holiday ends on July 5th at [6] 8:30 p.m.</li> </ul>	Odd years	Even years
736	Pioneer Day	<ul> <li>(1) Holiday begins on July 23rd at</li> <li>[6] 5:30 p.m.</li> <li>(2) Holiday ends on July 25th at [6] 8:30 p.m.</li> </ul>	Even years	Odd years
737	Labor Day	(1) Holiday begins[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 Labor Day; or  [(c) 6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.  (2) Holiday ends[:  (a)] upon delivering the minor child to school on the day [following Labor Day; or  (b) at 8 a.m. on the day following Labor Day if there is no school] that school resumes.	Odd years	Even years
738	[Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day.	Even years	Odd years]

		(2) Holiday ends at 7 p.m. on Columbus Day.		
739	Fall Break	(1) Holiday begins at [-6 p.m. on the day school is dismissed for fall break]: (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.  (2) Holiday ends [:  (a)—] upon delivering the minor child to school on the day [following the end of fall break; or  (b)—at 8 a.m. on the day following the end of fall break if there is no school] that school resumes.	Odd years	Even years
740	Halloween	<ul> <li>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</li> <li>(a) at the time that school is dismissed; or</li> <li>(b) at [4] 3 p.m. if there is no school.</li> <li>(2) Holiday ends at [9] 8:30 p.m. on the same day the holiday begins.</li> </ul>	Even years	Odd years
741	[Veterans Day	<ul><li>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</li><li>(2) Holiday ends at 7 p.m. on Veterans Day.</li></ul>	Odd years	Even years]
742	Thanksgiving	<ul> <li>(1) Holiday begins[-on Wednesday] at:</li> <li>(a) [6-p.m.] the time that school is dismissed for Thanksgiving; or</li> <li>(b) [the time school is regularly] 5:30 p.m. on the day that school is dismissed</li> </ul>	Even years	Odd years

		for Thanksgiving at the election of the		
		parent granted the holiday.		
		(2) Holiday ends[÷		
		(a) upon delivering the minor child		
		to school on the [Monday following		
		Thanksgiving; or		
		(b) at 8 a.m. on the Monday following		
		Thanksgiving if there is no school] day		
		that school resumes.		
743	Winter Break	(1) Holiday begins at:	Odd years	Even years
	(First Half)	(a) [6 p.m. on the day] the time that		
		school dismisses for winter break; or		
		(b) [the time school is regularly		
		dismissed] 5:30 p.m. on the day that		
		school dismisses for winter break at the		
		election of the parent granted the holiday.		
		(2) Holiday ends on December 27th at		
		[7] <u>8:30</u> p.m.		
744	Winter Break	(1) Holiday begins on December 27th at	Even years	Odd years
	(Second Half)	[7] <u>8:30</u> p.m.		
		(2) Holiday ends upon delivering the		
		minor child to school on the day that		
		school resumes after the winter break.		
745	Day of Minor	(1) Holiday begins at 3 p.m.	Even years	Odd years
	Child's Birthday	(2) Holiday ends at [9] <u>8:30</u> p.m.		
746	Day Before or	(1) Holiday begins at 3 p.m.	Odd years	Even years
	After Minor	(2) Holiday ends at [9] <u>8:30</u> p.m.		
	Child's Birthday			
747	TI 6.11	on is affected by a coordination clause at th	1 0 1 1 1 11	

747 The following section is affected by a coordination clause at the end of this bill.

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

750 **old.** 

751

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

- 752 five years old.
- 753 (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
- 755 entitled to the minor child.
- 756 (3) For a minor child who is younger than five months old, the noncustodial parent is
- 757 entitled to:
- 758 (a) three two-hour visits every week; and
- 759 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).
- 761 (4) For a minor child who is at least five months old but younger than nine months old, the noncustodial parent is entitled to:
- 763 (a) three three-hour visits every week; and
- 764 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).
- 766 (5) For a minor child who is at least nine months old but younger than 12 months old, the noncustodial parent is entitled to:
- 768 (a) one eight-hour visit every week;
- 769 (b) one three-hour visit every week; and
- (c) eight hours for each holiday granted to the noncustodial parent in accordance with the holiday schedule under Subsection (15).
- 772 (6) For a minor child who is at least 12 months old but younger than 18 months old, the 773 noncustodial parent is entitled to:
- 774 (a) one three-hour visit every week;
- 775 [(b) one eight-hour visit on alternating weekends to be specified by the noncustodial parent or court;]
- [(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]
- 779 <u>5:30 p.m.</u> on Friday and ending [at noon on Saturday] on Sunday at 7:30 p.m.; and
- 780 [(d)] (c) eight hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).
- 782 (7) For a minor child who is at least 18 months old but younger than three years old, the noncustodial parent is entitled to:
- (a) one weekday evening to be specified by the noncustodial parent or the court:
- 785 (i) beginning at 5:30 p.m. and ending at [8:30] 7:30 p.m.; or

786	(ii) if the minor child is being cared for during the day outside the minor child's
787	regular place of residence and with advance notice to the custodial parent,
788	beginning at the time that the minor child is picked up from the caregiver and
789	ending at [8:30] 7:30 p.m.;
790	(b) beginning on the first weekend after the entry of the decree, alternating weekends
791	beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
792	(c) each holiday granted to the noncustodial parent in accordance with the holiday
793	schedule described in Subsection (15); and
794	(d) extended parent-time for two one-week periods, separated by at least four weeks, at
795	the option of the noncustodial parent, as follows:
796	(i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8
797	a.m. on the first day and ending at 7:30 p.m. on the last day; and
798	(ii) one week of interrupted parent-time, beginning at 8 a.m. on the first day and
799	ending at 7:30 p.m. on the last day, where the custodial parent may have an equal
800	amount of weekday parent-time as the noncustodial parent on the same day on
801	which the noncustodial parent is granted weekday parent-time under Subsection
802	(7)(a).
803	(8)(a) For a minor child who is at least three years old but younger than five years old,
804	the noncustodial parent is entitled to:
805	[(a)] (i) one weekday evening to be specified by the noncustodial parent or the court:
806	$[\underbrace{(i)}]$ (A) beginning at 5:30 p.m. and ending at $[8:30]$ 7:30 p.m.; or
807	[(ii)] (B) if the minor child is being cared for during the day outside the minor
808	child's regular place of residence and with advance notice to the custodial
809	parent, beginning at the time that the minor child is picked up from the
810	caregiver and ending at [8:30] 7:30 p.m.;
811	[(b)] (ii) beginning on the first weekend after the entry of the decree, alternating
812	weekends beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on
813	Sunday;
814	[(e)] (iii) each holiday granted to the noncustodial parent in accordance with the
815	holiday schedule described in Subsection (15); and
816	[(d)] (iv) extended parent-time for two two-week periods, separated by at least four
817	weeks, at the option of the noncustodial parent, as follows:
818	[(i)] (A) two weeks of uninterrupted parent-time[, which may be consecutive,] for
819	the noncustodial parent, beginning at 8 a.m. on the first day and ending at 7:30

820	p.m. on the last day; and
821	[(ii)] (B) two weeks of interrupted parent-time[, which may be consecutive,],
822	beginning at 8 a.m. on the first day and ending at 7:30 p.m. on the last day,
823	where the custodial parent may have an equal amount of weekday parent-time
824	as the noncustodial parent on the same day on which the noncustodial parent is
825	granted weekday parent-time under Subsection (8)(a)(i).
826	(9) For a minor child who is at least 18 months old but younger than five years old, the
827	custodial parent is entitled to one week of uninterrupted extended parent-time.
828	(10)(a) For a minor child who is nine months old or older, the noncustodial parent shall
829	have at least two times a week:
830	(i) brief telephone contact at reasonable hours and for a reasonable duration; and
831	(ii) virtual parent-time, if the equipment is reasonably available and the parents reside
832	at least 100 miles apart, at reasonable hours and for reasonable duration.
833	(b) If the parties cannot agree on whether the equipment is reasonably available, the
834	court shall decide whether the equipment for virtual parent-time is reasonably
835	available, taking into consideration:
836	(i) the best interests of the minor child;
837	(ii) each parent's ability to handle any additional expenses for virtual parent-time; and
838	(iii) any other factors the court considers material.
839	(c) Virtual parent-time supplements, but does not replace, in-person parent-time.
840	(11) For a minor child who is younger than nine months old, unless the parents agree
841	otherwise, parent-time should take place in the home of the custodial parent, an
842	established child-care setting, or other environment familiar to the minor child, at the
843	option of the noncustodial parent.
844	(12)(a) Changes may not be made to the parent-time schedule under this section, except
845	that if a conflict arises in the parent-time schedule, the following order of precedence
846	shall be applied when determining which parent is entitled to parent-time:
847	(i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
848	(ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
849	uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and
850	takes the minor child away from that parent's residence during the uninterrupted
851	extended parent-time;
852	(iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
853	Day Mother's Day or the minor child's hirthday:

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- 854 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
- (v) the schedule for weekday or weekend parent-time.
- 856 (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- 858 (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time 859 shall be responsible for the minor child's attendance at school for that school day.
  - (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).
- 862 (15) The following table is the holiday schedule for parent-time under this section.

802	(10) 110 10110 (1118	table is the horiday schedule for parent-thi		•
863	Holiday	Holiday Time Period	Years	Years Custodial
			Noncustodial	Parent is Granted
			Parent is Granted	Holiday
			Holiday	
864	Dr. Martin Luther	(1) Holiday begins on Friday at:	Odd years	Even years
	King Jr. Day	(a) [9] $\underline{8}$ 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 Dr.		
		Martin Luther King Jr. Day.		
865	President's Day	(1) Holiday begins on Friday at:	Even years	Odd years
		(a) [9] $\underline{8}$ 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		
		President's Day.		
866	Spring Break	(1) Holiday begins at [6] <u>5:30</u> p.m. on	Odd years	Even years
		the day that school dismisses for spring		
		break.		
		(2) Holiday ends at [7] <u>7:30</u> p.m. on the		
		day before school resumes.		
867	Memorial Day	(1) Holiday begins on Friday at:	Even years	Odd years

		<ul> <li>(a) [9] 8 a.m. if the parent is available to be with the minor child; or</li> <li>(b) [6] 5:30 p.m. at the election of the parent granted the holiday.</li> <li>(2) Holiday ends at [7] 7:30 p.m. on Memorial Day.</li> </ul>		
868	Mother's Day	<ul> <li>(1) Holiday begins [on Mother's Day at 9 a.m] at 5:30 p.m. on the day before Mother's Day.</li> <li>(2) Holiday ends on Mother's Day at [7] 7:30 p.m.</li> </ul>	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.
869	Father's Day	<ul> <li>(1) Holiday begins [on Father's Day at 9 a.m] at 5:30 p.m. on the day before Father's Day.</li> <li>(2) Holiday ends on Father's Day at [7] 7:30 p.m.</li> </ul>	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.
870	Juneteenth National Freedom Day	<ul> <li>(1) Holiday begins at:</li> <li>(a) [6] 5:30 p.m. on the day before</li> <li>Juneteenth National Freedom Day if the day before Juneteenth National Freedom</li> <li>Day is not Father's Day; or</li> <li>(b) [9] 8 a.m. on Juneteenth National</li> <li>Freedom Day if the day before Juneteenth</li> <li>National Freedom Day is Father's Day.</li> <li>(2) Holiday ends at [6] 7:30 p.m. on</li> <li>the day following Juneteenth National</li> <li>Freedom Day.</li> </ul>	Even years	Odd years
871	Independence Day	<ul> <li>(1) Holiday begins on July 3rd at</li> <li>[6] 5:30 p.m.</li> <li>(2) Holiday ends on July 5th at [6] 7:30 p.m.</li> </ul>	Odd years	Even years

872	Pioneer Day	<ol> <li>Holiday begins on July 23rd at</li> <li>5:30 p.m.</li> <li>Holiday ends on July 25th at [6] 7:30 p.m.</li> </ol>	Even years	Odd years
873	Labor Day	<ul> <li>(1) Holiday begins on Friday at:</li> <li>(a) [9] 8 a.m. if the parent is available to be with the minor child; or</li> <li>(b) [6] 5:30 p.m. at the election of the parent granted the holiday.</li> <li>(2) Holiday ends at [7] 7:30 p.m. on Labor Day.</li> </ul>	Odd years	Even years
874	[Columbus Day	<ul><li>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</li><li>(2) Holiday ends at 7 p.m. on Columbus Day.</li></ul>	Even years	Odd years]
875	Fall Break	<ol> <li>Holiday begins at [6] 5:30 p.m. on the day school is dismissed for fall break.</li> <li>Holiday ends at [7] 7:30 p.m. on the day before school resumes.</li> </ol>	Odd years	Even years
876	Halloween	<ul> <li>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</li> <li>(a) at the time that school is dismissed; or</li> <li>(b) at [4] 3 p.m. if there is no school.</li> <li>(2) Holiday ends at [9] 7:30 p.m. on the same day the holiday begins.</li> </ul>	Even years	Odd years
877	[Veterans Day	<ul><li>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</li><li>(2) Holiday ends at 7 p.m. on Veterans Day.</li></ul>	Odd years	Even years]

878	Thanksgiving	<ol> <li>Holiday begins at [6] 5:30 p.m.</li> <li>on the day that school dismisses for Thanksgiving.</li> <li>Holiday ends at [7] 7:30 p.m. on day before school resumes.</li> </ol>	Even years	Odd years
879	Winter Break (First Half)	<ol> <li>Holiday begins at [6] 5:30 p.m. on the day on that school dismisses for winter break.</li> <li>Holiday ends on December 27th at [7] 7:30 p.m.</li> </ol>	Odd years	Even years
880	Winter Break (Second Half)	<ul> <li>(1) Holiday begins on December 27th at 7 p.m.</li> <li>(2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.</li> </ul>	Even years	Odd years
881	Day of Minor Child's Birthday	<ul><li>(1) Holiday begins at 3 p.m.</li><li>(2) Holiday ends at [9] 7:30 p.m.</li></ul>	Even years	Odd years
882	Day Before or After Minor Child's Birthday	<ul><li>(1) Holiday begins at 3 p.m.</li><li>(2) Holiday ends at [9] 7:30 p.m.</li></ul>	Odd years	Even years
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- 883 Section 7. **Effective Date.**
- This bill takes effect on May 7, 2025.
- Section 8. Coordinating S.B. 208 with H.B. 370.
- 886 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:
- 888 (1) the holiday time period for Juneteenth National Freedom Day described in the tables in
- 889 <u>Subsections 81-9-302(12) and 81-8-303(15) be amended to read:</u>
- 890 "[(1) Holiday begins at:]
- [(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth
- 892 National Freedom Day is not Father's Day; or
- 893 [(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National
- 894 Freedom Day is Father's Day.]
- 895 [(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]
- 896 (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.
- 898 (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.
- 900 (3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and
- 901 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
- 903 Father's Day."; and
- 904 (2) the holiday time period for Juneteenth National Freedom Day described in the table in
- 905 Subsection 81-9-304(15) be amended to read:
- 906 <u>"[(1) Holiday begins at:]</u>
- 907 [(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth
- 908 National Freedom Day is not Father's Day; or]
- 909 [(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National
- 910 Freedom Day is Father's Day.
- 911 [(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]
- 912 (1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth
- 913 National Freedom Day is on the day before Father's Day.
- 914 (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.
- 916 (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
- 919 Father's Day.".