

Effective 5/14/2019

Superseded 5/4/2022

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

- (1) It is the intent of the Legislature to promote parent-time at a level consistent with all parties' interests.
- (2)
 - (a) A court shall consider as primary the safety and well-being of the child and the parent who experiences domestic or family violence.
 - (b) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the child:
 - (i) it is in the best interests of the child of divorcing, divorced, or adjudicated parents to have frequent, meaningful, and continuing access to each parent following separation or divorce;
 - (ii) each divorcing, separating, or adjudicated parent is entitled to and responsible for frequent, meaningful, and continuing access with the parent's child consistent with the child's best interests; and
 - (iii) it is in the best interests of the child to have both parents actively involved in parenting the child.
 - (c) An order issued by a court pursuant to Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, shall be considered evidence of real harm or substantiated potential harm to the child.
- (3) For purposes of this section through Section 30-3-37:
 - (a) "Child" means the child or children of divorcing, separating, or adjudicated parents.
 - (b) Subject to Subsection (5), "Christmas school vacation" means:
 - (i) for a single child, the time period beginning on the evening the child is released from school for the Christmas or winter school break and ending the evening before the child returns to school; and
 - (ii) for multiple children when the children's school schedules differ, at the option of the parent exercising the holiday or the parent's half of the holiday, the time period may begin on the first evening all children's schools are released for the Christmas or winter school break and end the evening before any of the children returns to school.
 - (c) "Extended parent-time" means a period of parent-time other than a weekend, holiday as provided in Subsections 30-3-35(2)(f) and (2)(g), religious holidays as provided in Subsections 30-3-33(3) and (17), and "Christmas school vacation."
 - (d) "Supervised parent-time" means parent-time that requires the noncustodial parent to be accompanied during parent-time by an individual approved by the court.
 - (e) "Surrogate care" means care by any individual other than the parent of the child.
 - (f) "Uninterrupted time" means parent-time exercised by one parent without interruption at any time by the presence of the other parent.
 - (g) "Virtual parent-time" means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. Virtual parent-time is designed to supplement, not replace, in-person parent-time.
- (4) 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 regards to the application of Section 30-3-37.
- (5) A Christmas school vacation shall be divided equally as required by Section 30-3-35.

