

Effective 5/1/2024

Renumbered 9/1/2024

30-3-33 Advisory guidelines for a custody and parent-time arrangement.

- (1) In addition to the parent-time schedules provided in Sections 30-3-35 and 30-3-35.5, the following advisory guidelines are suggested to govern a custody and parent-time arrangement between parents.
- (2) A parent-time schedule mutually agreed upon by both parents is preferable to a court-imposed solution.
- (3) A parent-time schedule shall be used to maximize the continuity and stability of the child's life.
- (4) Each parent shall give special consideration to make the child available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- (5)
 - (a) The court shall determine the responsibility for the pick up, delivery, and return of the child when the parent-time order is entered.
 - (b) The court may change the responsibility described in Subsection (5)(a) at any time a subsequent modification is made to the parent-time order.
 - (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
 - (i) have the child ready for parent-time at the time the child is to be picked up; and
 - (ii) be present at the custodial home or make reasonable alternate arrangements to receive the child at the time the child is returned.
 - (d) If the custodial parent will be transporting the child, the noncustodial parent shall:
 - (i) be at the appointed place at the time the noncustodial parent is to receive the child; and
 - (ii) have the child ready to be picked up at the appointed time and place or have made reasonable alternate arrangements for the custodial parent to pick up the child.
- (6) A parent may not interrupt regular school hours for a school-age child for the exercise of parent-time.
- (7) The court may:
 - (a) make alterations in the parent-time schedule to reasonably accommodate the work schedule of both parents; and
 - (b) increase the parent-time allowed to the noncustodial parent but may not diminish the standardized parent-time provided in Sections 30-3-35 and 30-3-35.5.
- (8) The court may make alterations in the parent-time schedule to reasonably accommodate the distance between the parties and the expense of exercising parent-time.
- (9) A parent may not withhold parent-time or child support due to the other parent's failure to comply with a court-ordered parent-time schedule.
- (10)
 - (a) The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the child is participating or being honored.
 - (b) The noncustodial parent is entitled to attend and participate fully in the functions described in Subsection (10)(a).
 - (c) The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records .
 - (d) A parent shall immediately notify the other parent in the event of a medical emergency.
- (11) Each parent shall provide the other with the parent's current address and telephone number, email address, and other virtual parent-time access information within 24 hours of any change.

(12)

- (a) Each parent shall permit and encourage, during reasonable hours, reasonable and uncensored communications with the child, in the form of mail privileges and virtual parent-time if the equipment is reasonably available.
- (b) If the parents cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available by taking into consideration:
 - (i) the best interests of the child;
 - (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (iii) any other factors the court considers material.

(13)

- (a) Parental care is presumed to be better care for the child than surrogate care .
- (b) The court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the children, to provide the child care.
- (c) Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.

(14) Each parent shall :

- (a) provide all surrogate care providers with the name, current address, and telephone number of the other parent ; and
- (b) provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers unless the court for good cause orders otherwise.

(15)

- (a) Each parent is entitled to an equal division of major religious holidays celebrated by the parents.
- (b) The parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.

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

(17)

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

(18) A parent shall immediately notify the other parent if:

- (a) the parent resides with an individual or provides an individual with access to the child; and
- (b) the parent knows that the individual:
 - (i) is required to register as a sex offender or a kidnap offender for an offense against a child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;
 - (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse Offender Registry; or
 - (iii) has been convicted of:
 - (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;

- (B) a sexual offense against a child under Title 76, Chapter 5, Part 4, Sexual Offenses;
- (C) an offense for kidnapping or human trafficking of a child under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- (D) a sexual exploitation offense against a child under Title 76, Chapter 5b, Sexual Exploitation Act; or
- (E) an offense that is substantially similar to an offense under Subsections (18)(b)(iii)(A) through (D).