

Effective 5/5/2021

Effective until 5/1/2024

30-3-35.2 Equal parent-time schedule.

- (1)
 - (a) A court may order the equal parent-time schedule described in this section if the court determines that:
 - (i) the equal parent-time schedule is in the child's best interest;
 - (ii) each parent has been actively involved in the child's life; and
 - (iii) each parent can effectively facilitate the equal parent-time schedule.
 - (b) To determine whether each parent has been actively involved in the child's life, the court shall consider:
 - (i) each parent's demonstrated responsibility in caring for the child;
 - (ii) each parent's involvement in child care;
 - (iii) each parent's presence or volunteer efforts in the child's school and at extracurricular activities;
 - (iv) each parent's assistance with the child's homework;
 - (v) each parent's involvement in preparation of meals, bath time, and bedtime for the child;
 - (vi) each parent's bond with the child; and
 - (vii) any other factor the court considers relevant.
 - (c) To determine whether each parent can effectively facilitate the equal parent-time schedule, the court shall consider:
 - (i) the geographic distance between the residence of each parent and the distance between each residence and the child's school;
 - (ii) each parent's ability to assist with the child's after school care;
 - (iii) the health of the child and each parent, consistent with Subsection 30-3-10(6);
 - (iv) the flexibility of each parent's employment or other schedule;
 - (v) each parent's ability to provide appropriate playtime with the child;
 - (vi) each parent's history and ability to implement a flexible schedule for the child;
 - (vii) physical facilities of each parent's residence; and
 - (viii) any other factor the court considers relevant.
- (2)
 - (a) If the parties agree to or the court orders the equal parent-time schedule described in this section, a parenting plan in accordance with Sections 30-3-10.7 through 30-3-10.10 shall be filed with an order incorporating the equal parent-time schedule.
 - (b) An order under this section shall result in 182 overnights per year for one parent, and 183 overnights per year for the other parent.
 - (c) Under the equal parent-time schedule, neither parent is considered to have the child the majority of the time for the purposes of Subsection 30-3-10.3(4) or 30-3-10.9(5)(c)(ii).
 - (d) Child support for the equal parent-time schedule shall be consistent with Section 78B-12-208.
 - (e)
 - (i) A court shall determine which parent receives 182 overnights and which parent receives 183 overnights for parent-time.
 - (ii) For the purpose of calculating child support under Section 78B-12-208, the amount of time to be spent with the parent who has the lower gross monthly income is considered 183 overnights, regardless of whether the parent receives 182 overnights or 183 overnights under Subsection (2)(e)(i).
- (3)

- (a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time schedule is as follows:
 - (i) one parent shall exercise parent-time starting Monday morning and ending Wednesday morning;
 - (ii) the other parent shall exercise parent-time starting Wednesday morning and ending Friday morning; and
 - (iii) each parent shall alternate weeks exercising parent-time starting Friday morning and ending Monday morning.
- (b) The child exchange shall take place:
 - (i) at the time the child's school begins; or
 - (ii) if school is not in session, at 9 a.m.
- (4)
 - (a) The parents may create a holiday schedule.
 - (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the court shall:
 - (i) order the holiday schedule described in Section 30-3-35; and
 - (ii) designate which parent shall exercise parent-time for each holiday described in Section 30-3-35.
- (5)
 - (a) Each year, a parent may designate two consecutive weeks to exercise uninterrupted parent-time during the summer when school is not in session.
 - (b)
 - (i) One parent may make a designation at any time and the other parent may make a designation after May 1.
 - (ii) A parent shall make a designation at least 30 days before the day on which the designated two-week period begins.
 - (c) The court shall designate which parent may make the earlier designation described in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the earlier designation in an odd numbered year.
 - (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all holidays except for Mother's Day and Father's Day.