

Effective 5/6/2026

81-9-206 Determination of parent-time schedule -- Parent-time factors.

- (1) If the parties are unable to agree on a parent-time schedule, the court may:
 - (a) establish a parent-time schedule; or
 - (b) order a parent-time schedule described in Part 3, Parent-time Schedules.
- (2) There is a presumption that the advisory guidelines described in Section 81-9-202 and the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which the noncustodial parent and the minor child are entitled.
- (3) In accordance with Section 81-9-104, when ordering a parent-time schedule a court shall consider:
 - (a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, a parent, or a household member of the parent; and
 - (b) whether parent-time is likely to endanger the minor child's health or physical or psychological safety.
- (4) A court may consider the following when ordering a parent-time schedule:
 - (a) evidence of coercive control;
 - (b) evidence of psychological maltreatment;
 - (c) the distance between the residency of the minor child and the noncustodial parent;
 - (d) the lack of demonstrated parenting skills without safeguards to ensure the minor child's well-being during parent-time;
 - (e) the financial inability of the noncustodial parent to provide adequate food and shelter for the minor child during periods of parent-time;
 - (f) the preference of the minor child if the court determines the minor child is of sufficient maturity;
 - (g) the incarceration of the noncustodial parent in a county jail, secure youth corrections facility, or an adult corrections facility;
 - (h) shared interests between the minor child and the noncustodial parent;
 - (i) the involvement or lack of involvement of the noncustodial parent in the school, community, religious, or other related activities of the minor child;
 - (j) the availability of the noncustodial parent to care for the minor child when the custodial parent is unavailable to do so because of work or other circumstances;
 - (k) a substantial and chronic pattern of missing, canceling, or denying regularly scheduled parent-time;
 - (l) the minimal duration of and lack of significant bonding in the parents' relationship before the conception of the minor child;
 - (m) the parent-time schedule of siblings;
 - (n) the lack of reasonable alternatives to the needs of a nursing minor child; and
 - (o) any other criteria the court determines relevant to the best interests of the minor child.
- (5) The court shall enter the reasons underlying the court's order for parent-time that:
 - (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or
 - (b) provides more or less parent-time than a parent-time schedule described in Section 81-9-302 or 81-9-304.
- (6) A court may not order a parent-time schedule unless the court determines by a preponderance of the evidence that the parent-time schedule is in the best interest of the minor child.
- (7)
 - (a) If the court orders parent-time and a protective order or stalking injunction is still in place, the court shall consider whether to order the parents to conduct parent-time pick-up and transfer through a third party.

- (b) The parent who is the stated victim in the protective order or stalking injunction may submit to the court, and the court shall consider, the name of a person considered suitable to act as the third party.
- (c) If the court orders the parents to conduct parent-time through a third party, the parenting plan shall specify the time, day, place, manner, and the third party to be used to implement the exchange.
- (8) If there is a protective order, stalking injunction, or the court finds that a parent has committed domestic violence, the court shall:
 - (a) consider the impact of domestic violence in awarding parent-time; and
 - (b) make specific findings regarding the award of parent-time.
- (9) Upon a specific finding by the court of the need for peace officer enforcement, the court may include a provision in an order for parent-time that authorizes a peace officer to enforce the order for parent-time.
- (10) When parent-time has not taken place for an extended period of time and the minor child lacks an appropriate bond with the noncustodial parent, both parents shall:
 - (a) consider the possible adverse effects upon the minor child; and
 - (b) gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- (11) If a court enters an order establishing a parent-time schedule for a minor child:
 - (a) the court order governs the parent-time schedule for the minor child; and
 - (b) an amendment to this chapter does not modify the parent-time schedule unless the court orders otherwise.
- (12) Once a parent-time schedule has been established for a minor child, the parties may only modify the parent-time schedule if:
 - (a) there is mutual consent of the parties to the modification that is in writing and signed by both parties; or
 - (b) the court modifies the parent-time schedule in a new order.

Amended by Chapter 155, 2026 General Session