

Effective 5/3/2023

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30-3-35.5 Minimum schedule for parent-time for child under five years old.

- (1) As used in this section, "Juneteenth National Freedom Day" means the day on which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.
- (2) The parent-time schedule in this section applies to a child who is younger than five years old.
- (3) If the parties do not agree to a parent-time schedule, the schedules in Subsections (4) through (9) are considered the minimum parent-time to which the noncustodial parent is entitled to the child.
- (4) For a child who is younger than five months old, the noncustodial parent is entitled to:
 - (a) three two-hour visits every week; and
 - (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (16).
- (5) For a child who is at least five months old but younger than nine months old, the noncustodial parent is entitled to:
 - (a) three three-hour visits every week; and
 - (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (16).
- (6) For a child who is at least nine months old but younger than 12 months old, the noncustodial parent is entitled to the child:
 - (a) one eight-hour visit every week;
 - (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 (16).
- (7) For a child who is at least 12 months old but younger than 18 months old, the noncustodial parent is entitled to:
 - (a) one three-hour visit every week;
 - (b) one eight-hour visit on alternating weekends to be specified by the noncustodial parent or court;
 - (c) an overnight visit on opposite weekends from Subsection (7)(b) beginning at 6 p.m. on Friday and ending at noon on Saturday; and
 - (d) eight hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (16).
- (8) For a 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:
 - (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or
 - (ii) if the child is being cared for during the day outside the child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the child is picked up from the caregiver and ending at 8:30 p.m.;
 - (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
 - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (16); and
 - (d) extended parent-time for two one-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:
 - (i) one week of uninterrupted parent-time for the noncustodial parent; and

- (ii) one week of interrupted parent-time where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection (8)(a).
- (9) For a child who is at least three years old but younger than five years old, the noncustodial parent is entitled to:
 - (a) one weekday evening to be specified by the noncustodial parent or the court:
 - (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or
 - (ii) if the child is being cared for during the day outside the child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the child is picked up from the caregiver and ending at 8:30 p.m.;
 - (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
 - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (16); and
 - (d) extended parent-time for two two-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:
 - (i) two weeks of uninterrupted parent-time, which may be consecutive, for the noncustodial parent; and
 - (ii) two weeks of interrupted parent-time, which may be consecutive, where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection (9)(a).
- (10) For a child who is at least 18 months old but younger than five years old, the custodial parent is entitled to one week of uninterrupted extended parent-time.
- (11)
 - (a) For a child who is nine months old or older, the noncustodial parent shall have at least two times a week:
 - (i) brief telephone contact at reasonable hours and for a reasonable duration; and
 - (ii) virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, at reasonable hours and for reasonable duration.
 - (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, 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.
 - (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- (12) For a child who is younger than nine months old, unless the parents agree otherwise, parent-time should take place in the home of the custodial parent, an established child-care setting, or other environment familiar to the child.
- (13)
 - (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
 - (i) the holiday schedule for Mother's Day or Father's Day under Subsection (16);
 - (ii) the holiday schedule for the child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (8)(d), (9)(d), or (10) and takes the child away from that parent's residence during the uninterrupted extended parent-time;

- (iii) the holiday schedule for any holiday under Subsection (16) that is not Father's Day, Mother's Day, or the child's birthday;
 - (iv) extended parent-time under Subsection (8)(d), (9)(d), or (10); and
 - (v) the schedule for weekday or weekend parent-time.
- (b) A parent exercising parent-time for the child's birthday may bring other siblings along for the child's birthday.
- (14) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the child's attendance at school for that school day.
- (15) 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 (8)(d), (9)(d), or (10).
- (16) The following table is the holiday schedule for parent-time under this section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
President's Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on President's Day.	Even years	Odd years
Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
Memorial Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.	Even years	Odd years
Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m.	All years if noncustodial parent is the	All years if custodial parent is the mother

	(2) Holiday ends on Mother's Day at 7 p.m.	mother or other parent designated in the order.	or other parent designated in the order.
Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	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.
Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years

Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years
Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years
Thanksgiving	(1) Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at 7 p.m. on day before school resumes.	Even years	Odd years
Winter Break (First Half)	(1) Holiday begins at 6 p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
Day of Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
Day Before or After Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years