

1 **DIVORCE AND PARENT-TIME REVISIONS**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Chad E. Bennion**

5 **This act modifies provisions pertaining to parent-time and child support. It provides for a**  
6 **minimum visitation schedule when a parent relocates, either by leaving the state or by**  
7 **putting more than 150 miles between a noncustodial parent and a child. It also requires that**  
8 **the Office of Recovery Services verify information received concerning nonpayment of**  
9 **support before acting on a possibly unfounded allegation.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **30-3-37**, as last amended by Chapter 255, Laws of Utah 2001

13 **62A-11-104**, as last amended by Chapter 161, Laws of Utah 2000

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **30-3-37** is amended to read:

16 **30-3-37. Relocation.**

17 (1) When either parent decides to move from the state of Utah or 150 miles or more from  
18 the residence specified in the court's decree, that parent shall provide reasonable advance written  
19 notice of the intended relocation to the other parent.

20 (2) The court may, upon motion of any party or upon the court's own motion, schedule a  
21 hearing with notice to review the parent-time schedule as provided in Section 30-3-35 and make  
22 appropriate orders regarding the parent-time and costs for parent-time transportation.

23 (3) In determining the parent-time schedule and allocating the transportation costs, the  
24 court shall consider:

- 25 (a) the reason for the parent's relocation;
- 26 (b) the additional costs or difficulty to both parents in exercising parent-time;
- 27 (c) the economic resources of both parents; and



28 (d) other factors the court considers necessary and relevant.

29 (4) Upon the motion of any party, the court may order the parent intending to move to pay  
30 the costs of transportation for:

31 (a) at least one visit per year with the other parent; and

32 (b) any number of additional visits as determined equitable by the court.

33 (5) Unless otherwise ordered by the court, upon the relocation of one of the parties the  
34 following schedule shall be the minimum requirements for parent-time with a school-age child:

35 (a) in years ending in an odd number, the child shall spend the following holidays with the  
36 noncustodial parent:

37 (i) Thanksgiving holiday beginning Wednesday § [at 7 p.m.] § until Sunday § [at 7 p.m.] § ; and

38 (ii) the fall school break, if applicable, § [commonly known as U.E.A. weekend;] § beginning

39 § [at 6 p.m. the day before the holiday until Sunday at 7 p.m. unless the holiday extends for a

40 lengthier period of time to which the noncustodial parent is completely entitled;] § [AT 6 P.M.] § THE LAST  
40a DAY OF SCHOOL BEFORE THE HOLIDAY UNTIL § [7 P.M.] § THE DAY BEFORE SCHOOL RESUMES; §

41 (b) in years ending in an even number, the child shall spend the following holidays with  
42 the noncustodial parent:

43 (i) the entire § [Christmas or] § winter school break period; and

44 (ii) Spring break § [or Easter holiday] § beginning § [at 6 p.m.] § § [on the day school lets out for the]

44a THE LAST DAY OF SCHOOL BEFORE THE §

45 holiday until § [7 p.m.] § § [on the Sunday] THE DAY § before school resumes; and

46 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive

47 weeks. § THE WEEK BEFORE SCHOOL BEGINS MAY NOT BE COUNTED AS PART OF THE SUMMER

47a PERIOD. §

48 ~~[(5)]~~ (6) Upon the motion of any party, the court may order uninterrupted parent-time with  
49 the noncustodial parent for a minimum of 30 days during extended parent-time, ~~[except if]~~ unless  
50 the court finds it is not in the best interests of the child. If the court orders uninterrupted  
51 parent-time during a period not covered by this section, it shall specify in its order which parent  
52 is responsible for the child's travel expenses.

53 (7) Unless otherwise ordered by the court the § [relocating party] PARTIES § shall be  
53a responsible for § [all] §

54 § [the child's travel expenses relating to Subsections (5)(a) and (b) and] § 1/2 of the child's travel

55 expenses relating to Subsection (5) § [(c)] § § , PROVIDED THE NONCUSTODIAL PARTY IS § [ALSO THE

55a NON-RELOCATING PARTY AND] § CURRENT ON ALL SUPPORT OBLIGATIONS § . § IF §

55b § THE NONCUSTODIAL PARTY HAS BEEN FOUND IN CONTEMPT FOR NOT BEING CURRENT ON ALL  
55c SUPPORT OBLIGATIONS, HE SHALL BE RESPONSIBLE FOR ALL OF THE CHILD'S TRAVEL  
55d EXPENSES UNDER SUBSECTION (5), UNLESS THE COURT RULES OTHERWISE. § Reimbursement

55e by

55b either h RESPONSIBLE h party to the other for the child's

56 travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

57 h (8) h The court may apply this provision to any preexisting decree of divorce.

57 1-a § (9) ANY ACTION UNDER THIS SECTION MAY BE SET FOR AN EXPEDITED HEARING. §

57a § [~~h~~ MODIFICATION OF PARENT-TIME SCHEDULES PURSUANT TO THIS SECTION MAY BE MADE BY

57b ORDER TO SHOW CAUSE OR A PETITION TO MODIFY. ~~h~~] §

58 Section 2. Section **62A-11-104** is amended to read:

59           **62A-11-104. Duties of office.**

60           The office has the following duties:

61           (1) to provide child support services if:

62           (a) the office has received an application for child support services;

63           (b) the state has provided public assistance; or

64           (c) a child lives out of the home in the protective custody, temporary custody, or custody  
65 or care of the state or another party for at least 30 days;66           (2) to carry out the obligations of the department contained in this chapter and in Title 78,  
67 Chapters 45, Uniform Civil Liability for Support Act, Chapter 45a, Uniform Act on Paternity, and  
68 Chapter 45f, Uniform Interstate Family Support Act, for the purpose of collecting child support;

69           (3) to recover public assistance provided to persons for which they were ineligible;

70           (4) to collect money due the department which could act to offset expenditures by the  
71 state;72           (5) to cooperate with the federal government in programs designed to recover health and  
73 social service funds;74           (6) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution, and  
75 reimbursable expenses owed to the state or any of its political subdivisions, if the office has  
76 contracted to provide collection services;77           (7) to implement income withholding for collection of child support in accordance with  
78 Part 4 of this chapter;79           (8) to enter into agreements with financial institutions doing business in the state to  
80 develop and operate, in coordination with such financial institutions, a data match system in the  
81 manner provided for in Section 62A-11-304.5;82           (9) to establish and maintain the state case registry in the manner required by the Social  
83 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:84           (a) the amount of monthly or other periodic support owed under the order, and other  
85 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under the  
86 order;

87           (b) any amount described in Subsection (9)(a) that has been collected;

88           (c) the distribution of collected amounts;

89           (d) the birth date of any child for whom the order requires the provision of support; and

90 (e) the amount of any lien imposed with respect to the order pursuant to this part;

91 (10) to contract with the Department of Workforce Services to establish and maintain the  
92 new hire registry created under Section 35A-7-103;

93 (11) to determine whether an individual who has applied for or is receiving cash assistance  
94 or Medicaid is cooperating in good faith with the office as required by Section 62A-11-307.2;  
95 [and]

96 (12) to finance any costs incurred from collections, fees, General Fund appropriation,  
97 contracts, and federal financial participation[-]; and

98 (13) ~~h [to verify allegations of nonpayment of a child support payment arrearage prior to~~  
99 ~~taking action against a noncustodial parent.]~~ **TO PROVIDE NOTICE TO A NON-CUSTODIAL PARENT IN**  
99a **ACCORDANCE WITH SECTION 62A-11-304.4 OF THE OPPORTUNITY TO CONTEST THE ACCURACY**  
99b **OF ALLEGATIONS BY A CUSTODIAL PARENT OF NONPAYMENT OF PAST-DUE CHILD SUPPORT,**  
99c **PRIOR TO TAKING ACTION AGAINST A NON-CUSTODIAL PARENT TO COLLECT THE ALLEGED**  
99d **PAST-DUE SUPPORT.** ~~h~~

---

---

**Legislative Review Note**  
**as of 11-15-01 1:19 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**