

**DIVORCE AND PARENT-TIME REVISIONS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Chad E. Bennion**

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

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

AMENDS:

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

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

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

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

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

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

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

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

- (a) the reason for the parent's relocation;
  - (b) the additional costs or difficulty to both parents in exercising parent-time;
  - (c) the economic resources of both parents; and
  - (d) other factors the court considers necessary and relevant.
- (4) Upon the motion of any party, the court may order the parent intending to move to pay

the costs of transportation for:

- (a) at least one visit per year with the other parent; and
- (b) any number of additional visits as determined equitable by the court.

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

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

- (i) Thanksgiving holiday beginning Wednesday until Sunday; and
- (ii) the fall school break, if applicable, beginning the last day of school before the holiday until the day before school resumes;

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

- (i) the entire winter school break period; and
- (ii) Spring break beginning the last day of school before the holiday until the day before school resumes; and

(c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks. The week before school begins may not be counted as part of the summer period.

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

(7) Unless otherwise ordered by the court the relocating party shall be responsible for all the child's travel expenses relating to Subsections (5)(a) and (b) and 1/2 of the child's travel expenses relating to Subsection (5)(c), provided the noncustodial party is current on all support obligations. If the noncustodial party has been found in contempt for not being current on all support obligations, he shall be responsible for all of the child's travel expenses under Subsection (5), unless the court rules otherwise. Reimbursement by either responsible party to the other for the child's travel

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

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

(9) Any action under this section may be set for an expedited hearing.

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

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

The office has the following duties:

- (1) to provide child support services if:
  - (a) the office has received an application for child support services;
  - (b) the state has provided public assistance; or
  - (c) a child lives out of the home in the protective custody, temporary custody, or custody or care of the state or another party for at least 30 days;
- (2) to carry out the obligations of the department contained in this chapter and in Title 78, Chapters 45, Uniform Civil Liability for Support Act, Chapter 45a, Uniform Act on Paternity, and Chapter 45f, Uniform Interstate Family Support Act, for the purpose of collecting child support;
- (3) to recover public assistance provided to persons for which they were ineligible;
- (4) to collect money due the department which could act to offset expenditures by the state;
- (5) to cooperate with the federal government in programs designed to recover health and social service funds;
- (6) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution, and reimbursable expenses owed to the state or any of its political subdivisions, if the office has contracted to provide collection services;
- (7) to implement income withholding for collection of child support in accordance with Part 4 of this chapter;
- (8) to enter into agreements with financial institutions doing business in the state to develop and operate, in coordination with such financial institutions, a data match system in the manner provided for in Section 62A-11-304.5;
- (9) to establish and maintain the state case registry in the manner required by the Social Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:

(a) the amount of monthly or other periodic support owed under the order, and other amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under the order;

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

(c) the distribution of collected amounts;

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

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

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

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

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

(13) to provide notice to a noncustodial parent in accordance with Section 62A-11-304.4 of the opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of past-due child support, prior to taking action against a noncustodial parent to collect the alleged past-due support.