

1 **PARENT VISITATION OFFICE**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: D. Edgar Allen**

5 **This act modifies the Human Services Code to create a new Office of Parent Visitation. The**
6 **act sets out the duties of the office and allows for coordination with law enforcement, the**
7 **attorney general, and the Office of Recovery Services. It also provides for agency action**
8 **under the Administrative Procedures Act and allows the office to help a person fill out court-**
9 **related documents once the office can no longer effectively help the person. This act provides**
10 **an effective date.**

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

12 ENACTS:

13 **62A-15-101**, Utah Code Annotated 1953

14 **62A-15-102**, Utah Code Annotated 1953

15 **62A-15-103**, Utah Code Annotated 1953

16 **62A-15-104**, Utah Code Annotated 1953

17 **62A-15-105**, Utah Code Annotated 1953

18 **62A-15-106**, Utah Code Annotated 1953

19 **62A-15-107**, Utah Code Annotated 1953

20 **62A-15-108**, Utah Code Annotated 1953

21 **62A-15-109**, Utah Code Annotated 1953

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

23 Section 1. Section **62A-15-101** is enacted to read:

24 **CHAPTER 15. PARENT VISITATION**

25 **62A-15-101. Office of Parent Visitation -- Creation.**

26 (1) There is created within the department the Office of Parent Visitation which has the
27 powers and duties provided by law.



28 (2) The office is under the administrative and general supervision of the executive director
29 of the department.

30 Section 2. Section **62A-15-102** is enacted to read:

31 **62A-15-102. Definitions.**

32 As used in this part:

33 (1) "Director" means the director of the Office of Parent Visitation.

34 (2) "Office" means the Office of Parent Visitation.

35 Section 3. Section **62A-15-103** is enacted to read:

36 **62A-15-103. Duties of office.**

37 The office has the following duties:

38 (1) to provide parent-time services if:

39 (a) the office has received a complaint regarding custodial interference or the denial of
40 parent-time; or

41 (b) the office has received a request for assistance in enforcing a parent-time schedule;

42 (2) to carry out the obligations of the department with regard to supporting families;

43 (3) to promote mediation as an alternative to court action;

44 (4) to promote shared parenting by inclusion of both parents in the lives of their children;

45 (5) to provide information concerning laws pertaining to parent-time; and

46 (6) to cooperate and coordinate with the Office of Recovery Services when necessary to
47 ensure the fair and reasonable enforcement of parent-time laws.

48 Section 4. Section **62A-15-104** is enacted to read:

49 **62A-15-104. Director -- Assistance of law enforcement -- Receipt of grants --**
50 **Rulemaking and enforcement.**

51 (1) The director of the office shall be appointed by the executive director.

52 (2) The office may request the assistance of the attorney general or any local law
53 enforcement agency to enforce a parent-time order.

54 (3) The office, with department approval, is authorized to receive any grants or stipends
55 from the federal government or other public or private source to aid the effective operation of its
56 programs.

57 (4) The office may adopt, amend, and enforce rules in accordance with Title 63, Chapter
58 46a, Utah Administrative Rulemaking Act, as may be necessary to carry out the provisions of this

59 chapter.

60 Section 5. Section **62A-15-105** is enacted to read:

61 **62A-15-105. Access to motor vehicle and law enforcement data.**

62 The office shall have access to any system used by this state to locate an individual,

63 including motor vehicle, drivers license, or law enforcement records.

64 Section 6. Section **62A-15-106** is enacted to read:

65 **62A-15-106. Request for assistance -- Procedure.**

66 Any person who has been awarded parent-time rights by a court may request assistance

67 from the office in the enforcement of those rights. A person requesting assistance shall:

68 (1) provide copies of all documents relevant to an award of parent-time rights, including

69 divorce decree, custody agreement, any written communication with the other parent concerning

70 parent-time schedules, mediation documents, and any other documents necessary to adequately

71 represent their situation;

72 (2) provide the name, current address, and phone number of the other party, if known; and

73 (3) any other information considered necessary by the office.

74 Section 7. Section **62A-15-107** is enacted to read:

75 **62A-15-107. Office procedures.**

76 (1) Upon the receipt of a request for assistance, the office shall immediately attempt to

77 contact the other party by phone and attempt to resolve any difficulties to insure that parent-time

78 is properly carried out.

79 (2) If the party cannot be reached by phone, a letter shall be sent requesting an interview

80 or a written and notarized statement explaining the circumstances surrounding the denial of

81 parent-time referred to in the letter, and requiring a response by a date not later than ten days from

82 the date of the letter.

83 (3) If no response is received, or if the response is uncooperative, the office may initiate

84 an action in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

85 Section 8. Section **62A-15-108** is enacted to read:

86 **62A-15-108. Hearings.**

87 (1) The office shall by rule:

88 (a) designate hearings as formal or informal; and

89 (b) provide for notice requirements and hearing procedures.

90 (2) The office may impose a fine of up to \$250 against any party who refuses to respond,
91 does not appear, or is found to have been noncompliant with court-ordered parent-time.

92 (3) The office may also order make-up parent-time at up to twice the amount denied.

93 Section 9. Section **62A-15-109** is enacted to read:

94 **62A-15-109. Office assistance in preparation of court documents.**

95 (1) The office may assist a party in the preparation of documents to be presented to the
96 court involving custody and parent-time matters, if the office determines that a pattern or practice
97 of denial of parent-time is continuing such that the office can no longer effectively assist the party
98 being denied parent-time. The office, however, may not provide legal advice.

99 (2) The office shall supply any party or the court, upon request, a detailed, written
100 accounting of efforts by the office to assist in the enforcement of parent-time, the results of those
101 efforts, and any recommended changes to the current parent-time order.

102 Section 10. **Effective date.**

103 This act takes effect on July 1, 2002.

Legislative Review Note

as of 2-5-02 8:18 AM

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

Office of Legislative Research and General Counsel