

**Senator D. Edgar Allen** proposes the following substitute bill:

**PARENT VISITATION OFFICE**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: D. Edgar Allen**

**This act modifies the Human Services Code to create a new Office of Parent Visitation as a one-year pilot program in Salt Lake County. The act sets out the duties of the office and allows for coordination with law enforcement, the attorney general, and the Office of Recovery Services. It also provides for agency action under the Administrative Procedures Act and allows the office to help a person fill out court-related documents once the office can no longer effectively help the person. This act provides an effective date.**

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

ENACTS:

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

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

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

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

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

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

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

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

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

**62A-15-110**, Utah Code Annotated 1953

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

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

**CHAPTER 15. PARENT VISITATION**



26 **62A-15-101. Office of Parent Visitation -- Creation.**

27 (1) There is created within the department as a one-year pilot program in Salt Lake County  
28 the Office of Parent Visitation which has the powers and duties provided by law.

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

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

32 **62A-15-102. Definitions.**

33 As used in this part:

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

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

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

37 **62A-15-103. Duties of office.**

38 The office has the following duties:

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

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

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

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

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

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

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

47 (6) to cooperate and coordinate with the Office of Recovery Services when necessary to

48 ensure the fair and reasonable enforcement of parent-time laws.

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

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

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

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

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

57 programs.

58 (4) The office may adopt, amend, and enforce rules in accordance with Title 63, Chapter  
59 46a, Utah Administrative Rulemaking Act, as may be necessary to carry out the provisions of this  
60 chapter.

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

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

63 The office shall have access to any system used by this state to locate an individual,  
64 including motor vehicle, drivers license, or law enforcement records.

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

66 **62A-15-106. Request for assistance -- Procedure.**

67 Any person who has been awarded parent-time rights by a court may request assistance  
68 from the office in the enforcement of those rights. A person requesting assistance shall:

69 (1) provide copies of all documents relevant to an award of parent-time rights, including  
70 divorce decree, custody agreement, any written communication with the other parent concerning  
71 parent-time schedules, mediation documents, and any other documents necessary to adequately  
72 represent their situation;

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

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

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

76 **62A-15-107. Office procedures.**

77 (1) Upon the receipt of a request for assistance, the office shall immediately attempt to  
78 contact the other party by phone and attempt to resolve any difficulties to insure that parent-time  
79 is properly carried out.

80 (2) If the party cannot be reached by phone, a letter shall be sent requesting an interview  
81 or a written and notarized statement explaining the circumstances surrounding the denial of  
82 parent-time referred to in the letter, and requiring a response by a date not later than ten days from  
83 the date of the letter.

84 (3) If no response is received, or if the response is uncooperative, the office may initiate  
85 an action in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

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

87 **62A-15-108. Hearings.**

88 (1) The office shall by rule:

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

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

91 (2) The office may impose a fine of up to \$250 against any party who refuses to respond,

92 does not appear, or is found to have been noncompliant with court-ordered parent-time.

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

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

95 **62A-15-109. Office assistance in preparation of court documents.**

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

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

103 Section 10. Section **62A-15-110** is enacted to read:

104 **62A-15-110. Pilot Program -- Department to assess need -- Report to Judiciary**  
105 **Committee.**

106 (1) As a pilot program, this chapter shall be limited to Salt Lake County.

107 (2) The department may provide a limited amount of services during the pilot program  
108 while assessing the demand for broader, more comprehensive services.

109 (3) The department shall assess the need for services, including the demand for specific  
110 services.

111 (4) The department shall report its assessments, findings, and conclusions to the Judiciary  
112 Interim Committee by September 30, 2003.

113 Section 11. **Effective date.**

114 This act takes effect on July 1, 2002.