

Representative Mike Thompson proposes the following substitute bill:

1 **SHARED PARENTING BY DIVORCING**
2 **PARENTS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Mike Thompson**

6 **This act modifies provisions pertaining to Husband and Wife by providing a rebuttable**
7 **presumption of equal access to minor children during the pendency of an action for**
8 **divorce.**

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

10 AMENDS:

11 **30-3-3**, as last amended by Chapter 255, Laws of Utah 2001

12 ENACTS:

13 **30-3-3.5**, Utah Code Annotated 1953

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

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

16 **30-3-3. Award of costs, attorney and witness fees.**

17 (1) In any action filed under Title 30, Chapter 3, Divorce, Chapter 4, Separate
18 Maintenance, or Chapter 6, Cohabitant Abuse, and in any action to establish an order of
19 custody, parent-time, child support, alimony, or division of property in a domestic case, the
20 court may order a party to pay the costs, attorney fees, and witness fees, including expert
21 witness fees, of the other party to enable the other party to prosecute or defend the action. The
22 order may include provision for costs of the action.

23 (2) In any action to enforce an order of custody, parent-time, child support, alimony, or
24 division of property in a domestic case, the court may award costs and attorney fees upon
25 determining that the party substantially prevailed upon the claim or defense. The court, in its

26 discretion, may award no fees or limited fees against a party if the court finds the party is
27 impecunious or enters in the record the reason for not awarding fees.

28 ~~[(3) In any action listed in Subsection (1), the court may order a party to provide~~
29 ~~money, during the pendency of the action, for the separate support and maintenance of the~~
30 ~~other party and of any children in the custody of the other party.]~~

31 ~~[(4) Orders entered under this section prior to entry of the final order or judgment may~~
32 ~~be amended during the course of the action or in the final order or judgment.]~~

33 Section 2. Section **30-3-3.5** is enacted to read:

34 **30-3-3.5. Temporary orders.**

35 (1) In any action listed in Subsection 30-3-3(1), during the pendency of the action, the
36 court:

37 (a) shall provide to both parties substantially equal access to the minor children if
38 requested by either party, unless during the regular course of an order to show cause hearing on
39 temporary custody the court decides on the record that requiring equal access would be
40 detrimental to the well-being of the minor children; and

41 (b) may order a party to provide money, for the separate support and maintenance of
42 the other party and of any children in the custody of the other party.

43 (2) Orders entered under this section and Section 30-3-3 prior to entry of the final order
44 or judgment may be amended during the course of the action or in the final order or judgment.