

**PARENT-TIME SCHEDULE AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Scott Daniels**

**This act modifies provisions concerning parent-time by adding Valentine's Day and Halloween to the list of shared holidays.**

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

AMENDS:

**30-3-35**, as last amended by Chapters 9 and 255, Laws of Utah 2001

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

Section 1. Section **30-3-35** is amended to read:

**30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

(1) The parent-time schedule in this section applies to children 5 to 18 years of age.

(2) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled:

(a) (i) one weekday evening to be specified by the noncustodial parent or the court from 5:30 p.m. until 8:30 p.m.; or

(ii) at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m., unless the court directs the application of Subsection (2)(a)(i);

(b) (i) alternating weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year; or

(ii) at the election of the noncustodial parent, from the time the child's school is regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of Subsection (2)(b)(i);

(c) holidays take precedence over the weekend parent-time, and changes shall not be



28 made to the regular rotation of the alternating weekend parent-time schedule;

29 (d) if a holiday falls on a regularly scheduled school day, the noncustodial parent shall  
30 be responsible for the child's attendance at school for that school day;

31 (e) (i) if a holiday falls on a weekend or on a Friday or Monday and the total holiday  
32 period extends beyond that time so that the child is free from school and the parent is free from  
33 work, the noncustodial parent shall be entitled to this lengthier holiday period; or

34 (ii) at the election of the noncustodial parent, parent-time over a scheduled holiday  
35 weekend may begin from the time the child's school is regularly dismissed at the beginning of  
36 the holiday weekend until 7 p.m. on the last day of the holiday weekend;

37 (f) in years ending in an odd number, the noncustodial parent is entitled to the  
38 following holidays:

39 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.  
40 until 9 p.m.; at the discretion of the noncustodial parent, he may take other siblings along for  
41 the birthday;

42 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless  
43 the holiday extends for a lengthier period of time to which the noncustodial parent is  
44 completely entitled;

45 (iii) spring break or Easter holiday beginning at 6 p.m. on the day school lets out for the  
46 holiday until 7 p.m. on the Sunday before school resumes;

47 (iv) Memorial Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the  
48 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
49 entitled;

50 (v) July 24th beginning 6 p.m. on the day before the holiday until 11 p.m. on the  
51 holiday;

52 (vi) Halloween from after school until 8 p.m. or, if on a weekend, from 6 p.m. the day  
53 before the holiday until 8 p.m. on the holiday;

54 [~~(vi)~~] (vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7  
55 p.m. on the holiday; and

56 [~~(vii)~~] (viii) the first portion of the Christmas school vacation as defined in Subsection  
57 30-3-32(3)(b) plus Christmas Eve and Christmas Day until 1 p.m., so long as the entire holiday  
58 is equally divided;

59 (g) in years ending in an even number, the noncustodial parent is entitled to the  
60 following holidays:

61 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.; at the discretion  
62 of the noncustodial parent, he may take other siblings along for the birthday;

63 (ii) Valentine's Day from after school until 8 p.m. or, if on a weekend, from 6 p.m. the  
64 day before the holiday until 7 p.m. on the holiday;

65 [~~(ii)~~] (iii) Washington and Lincoln Day beginning at 6 p.m. on Friday until 7 p.m. on  
66 Monday unless the holiday extends for a lengthier period of time to which the noncustodial  
67 parent is completely entitled;

68 [~~(iii)~~] (iv) July 4th beginning at 6 p.m. the day before the holiday until 11 p.m. on the  
69 holiday;

70 [~~(iv)~~] (v) Labor Day beginning at 6 p.m. on Friday until Monday at 7 p.m. unless the  
71 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
72 entitled;

73 [~~(v)~~] (vi) the fall school break, if applicable, commonly known as U.E.A. weekend  
74 beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a  
75 lengthier period of time to which the noncustodial parent is completely entitled;

76 [~~(vi)~~] (vii) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m.  
77 on the holiday;

78 [~~(vii)~~] (viii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7  
79 p.m; and

80 [~~(viii)~~] (ix) the second portion of the Christmas school vacation as defined in  
81 Subsection 30-3-32(3)(b) plus Christmas day beginning at 1 p.m. until 9 p.m., so long as the  
82 entire Christmas holiday is equally divided;

83 (h) Father's Day shall be spent with the natural or adoptive father every year beginning  
84 at 9 a.m. until 7 p.m. on the holiday;

85 (i) Mother's Day shall be spent with the natural or adoptive mother every year  
86 beginning at 9 a.m. until 7 p.m. on the holiday;

87 (j) extended parent-time with the noncustodial parent may be:

88 (i) up to four weeks consecutive at the option of the noncustodial parent;

89 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

90 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent  
91 consistent with these guidelines;

92 (k) the custodial parent shall have an identical two-week period of uninterrupted time  
93 during the children's summer vacation from school for purposes of vacation;

94 (l) if the child is enrolled in year-round school, the noncustodial parent's extended  
95 parent-time shall be 1/2 of the vacation time for year-round school breaks, provided the  
96 custodial parent has holiday and phone visits;

97 (m) notification of extended parent-time or vacation weeks with the child shall be  
98 provided at least 30 days in advance to the other parent; and

99 (n) telephone contact shall be at reasonable hours and for reasonable duration.

100 (3) Any elections required to be made in accordance with this section by either parent  
101 concerning parent-time shall be made a part of the decree and made a part of the parent-time  
102 order.

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**Legislative Review Note**  
**as of 2-13-03 5:36 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0326**

**Parent-Time Schedule Amendments**

*21-Feb-03*

*3:51 PM*

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**State Impact**

No significant fiscal impact.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**