

**Senator Gregory S. Bell** proposes the following substitute bill:

**PARENT-TIME SCHEDULE AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Scott Daniels**

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**LONG TITLE**

**General Description:**

This bill adds Valentine's Day and Halloween to the list of shared holidays between custodial and noncustodial parents.

**Highlighted Provisions:**

This bill:

- ▶ adds Halloween to the list of holidays the noncustodial parent is entitled to in even-numbered years; and
- ▶ adds Valentine's Day to the list of holidays the noncustodial parent is entitled to in odd-numbered years.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**30-3-35**, as last amended by Chapter 269, Laws of Utah 2003

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

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



26 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

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

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

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

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

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

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

41 (c) holidays take precedence over the weekend parent-time, and changes shall not be  
42 made to the regular rotation of the alternating weekend parent-time schedule;

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

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

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

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

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

56 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless

57 the holiday extends for a lengthier period of time to which the noncustodial parent is  
58 completely entitled;

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

61 [~~(iii)~~] (iv) spring break or Easter holiday beginning at 6 p.m. on the day school lets out  
62 for the holiday until 7 p.m. on the Sunday before school resumes;

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

66 [~~(v)~~] (vi) July 24th beginning 6 p.m. on the day before the holiday until 11 p.m. on the  
67 holiday;

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

70 [~~(vii)~~] (viii) the first portion of the Christmas school vacation as defined in Subsection  
71 30-3-32(3)(b) plus Christmas Eve and Christmas Day until 1 p.m., so long as the entire holiday  
72 is equally divided;

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

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

78 (ii) Washington and Lincoln Day beginning at 6 p.m. on Friday until 7 p.m. on Monday  
79 unless the holiday extends for a lengthier period of time to which the noncustodial parent is  
80 completely entitled;

81 (iii) July 4th beginning at 6 p.m. the day before the holiday until 11 p.m. on the  
82 holiday;

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

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

88 (vi) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the  
89 holiday;

90 (vii) Halloween from after school until 8 p.m. or, if on a weekend, from 6 p.m. the day  
91 before the holiday until 8 p.m. on the holiday;

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

94 [~~(viii)~~] (ix) the second portion of the Christmas school vacation, including New Year's  
95 Day, as defined in Subsection 30-3-32(3)(b) plus Christmas day beginning at 1 p.m. until 9  
96 p.m., so long as the entire Christmas holiday is equally divided;

97 (h) the custodial parent is entitled to the odd year holidays in even years and the even  
98 year holidays in odd years;

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

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

103 (k) extended parent-time with the noncustodial parent may be:

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

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

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

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

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

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

115 (o) telephone contact shall be at reasonable hours and for reasonable duration.

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