

**TRANSPORTATION OF CHILDREN FOR
PARENT-TIME**

2004 GENERAL SESSION
STATE OF UTAH

Sponsor: Patrice M. Arent

LONG TITLE

General Description:

This bill changes the requirement that the noncustodial parent be required to transport children for parent-time visits and leaves it to the discretion of the court.

Highlighted Provisions:

This bill:

- ▶ removes the requirement that the noncustodial parent pick up and return a child for parent-time visits; and
- ▶ gives the court discretion to require both parents to participate in the transportation of a child for parent-time visits.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-33, as last amended by Chapter 255, Laws of Utah 2001

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

Section 1. Section **30-3-33** is amended to read:

30-3-33. Advisory guidelines.



28 In addition to the parent-time schedules provided in Sections 30-3-35 and 30-3-35.5,
 29 advisory guidelines are suggested to govern all parent-time arrangements between parents.
 30 These advisory guidelines include:

31 (1) parent-time schedules mutually agreed upon by both parents are preferable to a
 32 court-imposed solution;

33 (2) the parent-time schedule shall be utilized to maximize the continuity and stability
 34 of the child's life;

35 (3) special consideration shall be given by each parent to make the child available to
 36 attend family functions including funerals, weddings, family reunions, religious holidays,
 37 important ceremonies, and other significant events in the life of the child or in the life of either
 38 parent which may inadvertently conflict with the parent-time schedule;

39 (4) ~~the noncustodial parent shall pick up the child at the times specified and return the~~
 40 ~~child at the times specified, and the child's regular school hours shall not be interrupted] the~~
 41 ~~responsibility for the pick up, delivery, and return of the child shall be determined by the court~~
 42 ~~§ [at the time] WHEN § the parent-time order is entered, § [and the child's regular school hours shall~~
 42a ~~not be~~
 43 ~~interrupted;] AND MAY BE CHANGED AT ANY TIME A SUBSEQUENT MODIFICATION IS MADE TO~~
 43a ~~THE PARENT-TIME ORDER; §~~

44 (5) ~~if the noncustodial parent will be providing transportation,~~ the custodial parent
 45 shall have the child ready for parent-time at the time ~~he~~ the child is to be picked up and shall
 46 be present at the custodial home or shall make reasonable alternate arrangements to receive the
 47 child at the time ~~he~~ the child is returned;

48 (6) ~~if the custodial parent will be transporting the child, the noncustodial parent shall~~
 49 ~~be at the appointed place at the time the noncustodial parent is to receive the child, and have~~
 50 ~~the child ready to be picked up at the appointed time and place, or have made reasonable~~
 51 ~~alternate arrangements for the custodial parent to pick up the child;~~

51a ~~§ (7) REGULAR SCHOOL HOURS MAY NOT BE INTERRUPTED FOR A SCHOOL-AGE CHILD FOR THE~~
 51b ~~EXERCISE OF PARENT-TIME BY EITHER PARENT; §~~

52 ~~(6)] § [(7)] (8) §~~ the court may make alterations in the parent-time schedule to reasonably
 53 accommodate the work schedule of both parents and may increase the parent-time allowed to
 54 the noncustodial parent but shall not diminish the standardized parent-time provided in
 55 Sections 30-3-35 and 30-3-35.5;

56 ~~(7)] § [(8)] (9) §~~ the court may make alterations in the parent-time schedule to reasonably
 57 accommodate the distance between the parties and the expense of exercising parent-time;

58 ~~(8)] § [(9)] (10) §~~ neither parent-time nor child support is to be withheld due to either
 parent's

59 failure to comply with a court-ordered parent-time schedule;

60 ~~[(9)]~~ (10) the custodial parent shall notify the noncustodial parent within 24 hours of
61 receiving notice of all significant school, social, sports, and community functions in which the
62 child is participating or being honored, and the noncustodial parent shall be entitled to attend
63 and participate fully;

64 ~~[(10)]~~ (11) the noncustodial parent shall have access directly to all school reports
65 including preschool and daycare reports and medical records and shall be notified immediately
66 by the custodial parent in the event of a medical emergency;

67 ~~[(11)]~~ (12) each parent shall provide the other with his current address and telephone
68 number within 24 hours of any change;

69 ~~[(12)]~~ (13) each parent shall permit and encourage liberal telephone contact during
70 reasonable hours and uncensored mail privileges with the child;

71 ~~[(13)]~~ (14) parental care shall be presumed to be better care for the child than surrogate
72 care and the court shall encourage the parties to cooperate in allowing the noncustodial parent,
73 if willing and able, to provide child care;

74 ~~[(14)]~~ (15) each parent shall provide all surrogate care providers with the name, current
75 address, and telephone number of the other parent and shall provide the noncustodial parent
76 with the name, current address, and telephone number of all surrogate care providers unless the
77 court for good cause orders otherwise; and

78 ~~[(15)]~~ (16) each parent shall be entitled to an equal division of major religious holidays
79 celebrated by the parents, and the parent who celebrates a religious holiday that the other parent
80 does not celebrate shall have the right to be together with the child on the religious holiday.

Legislative Review Note
as of 11-20-03 10:05 AM

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

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-10-03 11:10 AM

The Judiciary Interim Committee recommended this bill.