

**H.B. 280**  
**JOINT CUSTODY AMENDMENTS**

Senator **David L. Thomas** proposes the following amendments:

1. Page 3, Lines 63 through 85

House Floor Amendments

2-23-2005:

63 30-3-10.4. Modification or termination of order.

\* \* \* Some lines not shown \* \* \*

(2) The change in circumstances required by Subsection (1)(a) may not have been caused or created by the party requesting the modification.

72 ~~{(2)}~~ (3) A parent requesting a modification from sole custody to joint legal custody or joint  
73 physical custody or both, or any other type of shared parenting arrangement, shall file and serve  
74 a proposed parenting plan with the petition to modify in accordance with Section 30-3-10.8.

75 ~~[(2)]~~ ~~{(3)}~~ (4) The order of joint legal custody ~~[shall]~~ may be terminated by order of the  
76 court if both parents file a motion for termination and the court determines that the joint legal  
77 custody order is unworkable or inappropriate under existing circumstances. At the time of  
78 entry of an order terminating joint legal custody, the court shall enter an order of sole legal  
79 custody under Section 30-3-10. All related issues, including parent-time and child support,  
80 shall also be determined and ordered by the court.

81 ~~H→ [(4) If the court finds that one parent unreasonably refuses or fails to cooperate in~~  
82 ~~support of a joint custody order, the court may award sole custody to the other parent.] ←H~~

83 ~~[(3)]~~ ~~H→~~ ~~{+}~~ (5) ~~{+}~~ ~~{(4)}~~ ~~←H~~ If the court finds that an action under this section is filed  
83a or answered  
84 frivolously and in a manner designed to harass the other party, the court shall assess attorney's  
85 fees as costs against the offending party.