

1 **OUT-OF-STATE PARENT-TIME AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lorie D. Fowlke**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill provides that the entire summer or off-track period be counted for purposes of
10 determining the amount of parent-time to which an out-of-state parent is entitled.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ brings back in the last week before school starts as part of the time counted when
14 determining the amount of parent-time to which an out-of-state parent is entitled.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **30-3-37**, as last amended by Chapter 288, Laws of Utah 2003

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

24 Section 1. Section **30-3-37** is amended to read:

25 **30-3-37. Relocation.**

26 (1) When either parent decides to move from the state of Utah or 150 miles or more
27 from the residence specified in the court's decree, that parent shall provide if possible 60 days



28 advance written notice of the intended relocation to the other parent. The written notice of
29 relocation shall contain statements affirming the following:

30 (a) the parent-time provisions in Subsection (5) or a schedule approved by both parties
31 will be followed; and

32 (b) neither parent will interfere with the other's parental rights pursuant to court
33 ordered parent-time arrangements, or the schedule approved by both parties.

34 (2) The court may, upon motion of any party or upon the court's own motion, schedule
35 a hearing with notice to review the notice of relocation and parent-time schedule as provided in
36 Section 30-3-35 and make appropriate orders regarding the parent-time and costs for
37 parent-time transportation.

38 (3) In determining the parent-time schedule and allocating the transportation costs, the
39 court shall consider:

40 (a) the reason for the parent's relocation;

41 (b) the additional costs or difficulty to both parents in exercising parent-time;

42 (c) the economic resources of both parents; and

43 (d) other factors the court considers necessary and relevant.

44 (4) Upon the motion of any party, the court may order the parent intending to move to
45 pay the costs of transportation for:

46 (a) at least one visit per year with the other parent; and

47 (b) any number of additional visits as determined equitable by the court.

48 (5) Unless otherwise ordered by the court, upon the relocation of one of the parties the
49 following schedule shall be the minimum requirements for parent-time with a school-age child:

50 (a) in years ending in an odd number, the child shall spend the following holidays with
51 the noncustodial parent:

52 (i) Thanksgiving holiday beginning Wednesday until Sunday; and

53 (ii) the fall school break, if applicable, beginning the last day of school before the
54 holiday until the day before school resumes;

55 (b) in years ending in an even number, the child shall spend the following holidays
56 with the noncustodial parent:

57 (i) the entire winter school break period; and

58 (ii) Spring break beginning the last day of school before the holiday until the day

59 before school resumes; and

60 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
61 weeks. The children should be returned to the custodial home ~~H~~→ ~~[the week]~~ no later than

61a sevendays ←~~H~~ before school begins

62 [~~may not be counted as part of the summer period~~], however, this week shall be counted when
63 determining the amount of parent-time to be divided between the parents for the summer or
64 off-track period.

65 (6) Upon the motion of any party, the court may order uninterrupted parent-time with
66 the noncustodial parent for a minimum of 30 days during extended parent-time, unless the
67 court finds it is not in the best interests of the child. If the court orders uninterrupted
68 parent-time during a period not covered by this section, it shall specify in its order which parent
69 is responsible for the child's travel expenses.

70 (7) Unless otherwise ordered by the court the relocating party shall be responsible for
71 all the child's travel expenses relating to Subsections (5)(a) and (b) and 1/2 of the child's travel
72 expenses relating to Subsection (5)(c), provided the noncustodial party is current on all support
73 obligations. If the noncustodial party has been found in contempt for not being current on all
74 support obligations, he shall be responsible for all of the child's travel expenses under
75 Subsection (5), unless the court rules otherwise. Reimbursement by either responsible party to
76 the other for the child's travel expenses shall be made within 30 days of receipt of documents
77 detailing those expenses.

78 (8) The court may apply this provision to any preexisting decree of divorce.

79 (9) Any action under this section may be set for an expedited hearing.

80 (10) A parent who fails to comply with the notice of relocation in Subsection (1) shall
81 be in contempt of the court's order.

Legislative Review Note

as of 1-16-06 6:27 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0278

Out-of-state Parent-time Amendments

23-Jan-06

7:53 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst