

PARENT-TIME AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides requirements for parenting plans when domestic violence is involved.

Highlighted Provisions:

This bill:

▸ requires that a court not allow parent-time unless the parent who is the perpetrator of domestic violence completes an appropriate treatment plan;

▸ requires that if a protective order or civil stalking injunction is in place, a third party must be utilized to conduct parent-time; and

▸ allows for changes to the parenting plan as needed.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-10.7, as last amended by Chapter 142, Laws of Utah 2005

ENACTS:

30-3-10.10, Utah Code Annotated 1953

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



28 Section 1. Section **30-3-10.7** is amended to read:

29 **30-3-10.7. Parenting plan -- Definitions.**

30 (1) "Domestic violence" means the same as in Section 77-36-1.

31 ~~[(1)]~~ (2) "Parenting plan" means a plan for parenting a child, including allocation of
32 parenting functions, which is incorporated in any final decree or decree of modification
33 including an action for dissolution of marriage, annulment, legal separation, or paternity.

34 ~~[(2)]~~ (3) "Parenting functions" means those aspects of the parent-child relationship in
35 which the parent makes decisions and performs functions necessary for the care and growth of
36 the child. Parenting functions include:

37 (a) maintaining a loving, stable, consistent, and nurturing relationship with the child;

38 (b) attending to the daily needs of the child, such as feeding, clothing, physical care,
39 grooming, supervision, health care, day care, and engaging in other activities which are
40 appropriate to the developmental level of the child and that are within the social and economic
41 circumstances of the particular family;

42 (c) attending to adequate education for the child, including remedial or other education
43 essential to the best interest of the child;

44 (d) assisting the child in developing and maintaining appropriate interpersonal
45 relationships;

46 (e) exercising appropriate judgment regarding the child's welfare, consistent with the
47 child's developmental level and family social and economic circumstances; and

48 (f) providing for the financial support of the child.

49 Section 2. Section **30-3-10.10** is enacted to read:

50 **30-3-10.10. Parenting plan -- Domestic violence.**

51 (1) In any proceeding regarding a parenting plan, the court shall consider evidence of
52 domestic violence, if presented.

53 (2) If a protective order issued in accordance with Title 30, Chapter 6, Cohabitant
54 Abuse Act, or civil stalking injunction issued in accordance with Title 77, Chapter 3a, Stalking
55 Injunctions, is currently in force against a parent, the court shall consider whether it is in the
56 best interests of any children to allow parent-time with the parent who is the subject of the
57 order or injunction.

58 (3) If there is no protective order or civil stalking injunction currently in place, the

59 court may consider evidence that a parent has committed domestic violence. If the court finds
60 that domestic violence has been committed, it shall consider whether it is in the best interests
61 of any children to allow parent-time with the parent the court has found to have committed
62 domestic violence.

63 (4) If there is a protective order, civil stalking injunction, or the court finds that a
64 parent has committed domestic violence, the court may not order parent-time unless the parent
65 found to have committed domestic violence submits proof of completion of an appropriate
66 treatment program.

67 (5) If the court orders parent-time and a protective order or civil stalking injunction is
68 still in place, it shall order that a third party be responsible for pick-up, transfer, and delivery of
69 any children between the parents. The parent who is the stated victim in the order or injunction
70 may submit to the court, and the court shall consider, the name of a person considered suitable
71 to act as the third party.

72 (6) The parenting plan, in the case of domestic violence, shall specify the time, day,
73 place, manner, and the third party to be used to implement the exchange.

74 (7) If the terms and conditions of the order need to be changed, either party may seek a
75 preliminary determination by the court for a temporary change subject to the issuance of an
76 amended order.

Legislative Review Note
as of 1-6-06 8:17 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

State Impact

Passage of this bill will require \$28,100 in ongoing General Fund.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund	\$28,100	\$28,100	\$0	\$0
TOTAL	\$28,100	\$28,100	\$0	\$0

Individual and Business Impact

Fiscal impact will vary according to individual cases.

Office of the Legislative Fiscal Analyst