



House of Representatives *State of Utah*

W030 STATE CAPITOL COMPLEX • P.O. BOX 145030
SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 9, 2006

Mr. Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 398**, JOINT CUSTODY AMENDMENTS, by Representative L. Christensen, with the following amendments:

1. *Page 1, Line 8 through Page 3, Line 86:*

8 General Description:

9 This bill allows for the modification or termination of joint custody orders
and creates specific
10 requirements to do so.

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

15 ▶ sets conditions for the court to consider in modifying or terminating a
joint custody order;

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

55 (c) The [~~agreement~~] order shall [~~contain~~] require a parenting plan incorporating a
56 dispute resolution procedure the parties agree to use;

57 (i) in accordance with Section 30-3-10.9, or as ordered by the court in accordance
with

58 Subsection 30-3-10.2(5); and

59 (ii) before seeking enforcement {~~or~~} . modification ,or termination
of the terms and conditions of the
60 order of joint legal custody through litigation, except in emergency situations requiring ex
parte

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

64 (1) On the motion of one or both of the parents, or the joint legal custodians if
they are

65 not the parents, the court may, after a hearing, modify or terminate an order that
established

66 joint legal custody if:

67 (a) the circumstances of the child or one or both parents or joint legal custodians
have

68 materially and substantially changed since the entry of the order to be modified or

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terminated ; [and]
69 (b) a modification or termination of the terms and conditions of the order
would be an improvement
70 for and in the best interest of the child[-]; and
* * * *Some lines not shown* * * *
80 (b) A court order modifying or terminating an existing joint legal custody order
shall
81 contain {~~written~~} findings that:
82 (i) a material and substantial change of circumstances has occurred; and
83 (ii) a modification or termination of the terms and conditions of the order
would be an improvement
84 for and in the best interest of the child.

Respectfully,

DeMar "Bud" Bowman
Committee Chair

Voting: 9-0-2

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