

# H.B. 398

## JOINT CUSTODY AMENDMENTS

Representative **LaVar Christensen** proposes the following amendments:

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~~} , 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 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.