

PARENT-TIME AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

This bill adds a separate section for parent-time for infants aged 12 to 18 months to allow for some overnight parent-time, and adds Halloween to the list of holidays with specific conditions.

Highlighted Provisions:

This bill:

- ▶ provides for overnight parent-time for infants aged 12-18 months every other weekend;
- ▶ alternates the overnight parent-time with eight hour parent-time;
- ▶ eliminates the reference to Easter for school holidays and leaves spring break; and
- ▶ adds Halloween as a holiday for parent-time purposes, ~~H→~~ **[but] and** ~~←H~~ provides that

~~H→~~ **[it does not**

~~interfere with normal] it takes precedence over ←H~~ weekend parent-time if it falls on a weekend.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-35, as last amended by Chapter 321, Laws of Utah 2004

30-3-35.5, as last amended by Chapter 321, Laws of Utah 2004



28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **30-3-35** is amended to read:31 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

32 (1) The parent-time schedule in this section applies to children 5 to 18 years of age.

33 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be
34 considered the minimum parent-time to which the noncustodial parent and the child shall be
35 entitled:36 (a) (i) one weekday evening to be specified by the noncustodial parent or the court
37 from 5:30 p.m. until 8:30 p.m.; or38 (ii) at the election of the noncustodial parent, one weekday from the time the child's
39 school is regularly dismissed until 8:30 p.m., unless the court directs the application of
40 Subsection (2)(a)(i);41 (b) (i) alternating weekends beginning on the first weekend after the entry of the decree
42 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year; or43 (ii) at the election of the noncustodial parent, from the time the child's school is
44 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of
45 Subsection (2)(b)(i);46 (c) ~~It~~ **→ [with the exception of Halloween in Subsection (2)(f)(vi); ← It** holidays
46a take precedence47 over the weekend parent-time, and changes ~~It~~ **→ [shall] may ← It** not be made to the regular
47a rotation of the

48 alternating weekend parent-time schedule;

49 (d) if a holiday falls on a regularly scheduled school day, the noncustodial parent shall
50 be responsible for the child's attendance at school for that school day;51 (e) (i) if a holiday falls on a weekend or on a Friday or Monday and the total holiday
52 period extends beyond that time so that the child is free from school and the parent is free from
53 work, the noncustodial parent shall be entitled to this lengthier holiday period; or54 (ii) at the election of the noncustodial parent, parent-time over a scheduled holiday
55 weekend may begin from the time the child's school is regularly dismissed at the beginning of
56 the holiday weekend until 7 p.m. on the last day of the holiday weekend;57 (f) in years ending in an odd number, the noncustodial parent is entitled to the
58 following holidays:

59 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.
60 until 9 p.m.; at the discretion of the noncustodial parent, he may take other siblings along for
61 the birthday;

62 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless
63 the holiday extends for a lengthier period of time to which the noncustodial parent is
64 completely entitled;

65 (iii) spring break [~~or Easter holiday~~] beginning at 6 p.m. on the day school lets out for
66 the holiday until 7 p.m. on the Sunday before school resumes;

67 (iv) Memorial Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the
68 holiday extends for a lengthier period of time to which the noncustodial parent is completely
69 entitled;

70 (v) July 24th beginning 6 p.m. on the day before the holiday until 11 p.m. on the
71 holiday;

72 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the
73 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

74 [~~(vi)~~] (vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7
75 p.m. on the holiday; and

76 [~~(vii)~~] (viii) the first portion of the Christmas school vacation as defined in Subsection
77 30-3-32(3)(b) plus Christmas Eve and Christmas Day until 1 p.m., so long as the entire holiday
78 is equally divided;

79 (g) in years ending in an even number, the noncustodial parent is entitled to the
80 following holidays:

81 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.; at the discretion
82 of the noncustodial parent, he may take other siblings along for the birthday;

83 (ii) Washington and Lincoln Day beginning at 6 p.m. on Friday until 7 p.m. on Monday
84 unless the holiday extends for a lengthier period of time to which the noncustodial parent is
85 completely entitled;

86 (iii) July 4th beginning at 6 p.m. the day before the holiday until 11 p.m. on the
87 holiday;

88 (iv) Labor Day beginning at 6 p.m. on Friday until Monday at 7 p.m. unless the holiday
89 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

90 (v) the fall school break, if applicable, commonly known as U.E.A. weekend beginning
91 at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period
92 of time to which the noncustodial parent is completely entitled;

93 (vi) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the
94 holiday;

95 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

96 (viii) the second portion of the Christmas school vacation, including New Year's Day,
97 as defined in Subsection 30-3-32(3)(b) plus Christmas day beginning at 1 p.m. until 9 p.m., so
98 long as the entire Christmas holiday is equally divided;

99 (h) the custodial parent is entitled to the odd year holidays in even years and the even
100 year holidays in odd years;

101 (i) Father's Day shall be spent with the natural or adoptive father every year beginning
102 at 9 a.m. until 7 p.m. on the holiday;

103 (j) Mother's Day shall be spent with the natural or adoptive mother every year
104 beginning at 9 a.m. until 7 p.m. on the holiday;

105 (k) extended parent-time with the noncustodial parent may be:

106 (i) up to four weeks consecutive at the option of the noncustodial parent;

107 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

108 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent
109 consistent with these guidelines;

110 (l) the custodial parent shall have an identical two-week period of uninterrupted time
111 during the children's summer vacation from school for purposes of vacation;

112 (m) if the child is enrolled in year-round school, the noncustodial parent's extended
113 parent-time shall be 1/2 of the vacation time for year-round school breaks, provided the
114 custodial parent has holiday and phone visits;

115 (n) notification of extended parent-time or vacation weeks with the child shall be
116 provided at least 30 days in advance to the other parent; and

117 (o) telephone contact and other virtual parent-time, if the equipment is reasonably
118 available, shall be at reasonable hours and for reasonable duration, provided that if the parties
119 cannot agree on whether the equipment is reasonably available, the court shall decide whether
120 the equipment for virtual parent-time is reasonably available, taking into consideration:

- 121 (i) the best interests of the child;
 122 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
 123 (iii) any other factors the court considers material.

124 (3) Any elections required to be made in accordance with this section by either parent
 125 concerning parent-time shall be made a part of the decree and made a part of the parent-time
 126 order.

126a **H→ (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be**
 126b **extended beyond the hours designated in Subsection (2)(f)(vi). ←H**

127 Section 2. Section 30-3-35.5 is amended to read:

128 **30-3-35.5. Minimum schedule for parent-time for children under five years of**
 129 **age.**

130 (1) The parent-time schedule in this section applies to children under five years old.

131 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be
 132 considered the minimum parent-time to which the noncustodial parent and the child shall be
 133 entitled:

134 (a) for children under five months of age:

135 (i) six hours of parent-time per week to be specified by the court or the noncustodial
 136 parent preferably:

137 (A) divided into three parent-time periods; and

138 (B) in the custodial home, established child care setting, or other environment familiar
 139 to the child; and

140 (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f)
 141 through (i) preferably in the custodial home, the established child care setting, or other
 142 environment familiar to the child;

143 (b) for children five months of age or older, but younger than ten months of age:

144 (i) nine hours of parent-time per week to be specified by the court or the noncustodial
 145 parent preferably:

146 (A) divided into three parent-time periods; and

147 (B) in the custodial home, established child care setting, or other environment familiar
 148 to the child; and

149 (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
 150 through (i) preferably in the custodial home, the established child care setting, or other
 151 environment familiar to the child;

152 (c) for children [~~ten~~] nine months of age or older, but younger than [~~18~~] 12 months of
153 age:

- 154 (i) one eight hour visit per week to be specified by the noncustodial parent or court;
- 155 (ii) one three hour visit per week to be specified by the noncustodial parent or court;
- 156 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
157 through (i); and

158 (iv) brief telephone contact and other virtual parent-time, if the equipment is
159 reasonably available, with the noncustodial parent at least two times per week, provided that if
160 the parties cannot agree on whether the equipment is reasonably available, the court shall
161 decide whether the equipment for virtual parent-time is reasonably available, taking into
162 consideration:

- 163 (A) the best interests of the child;
- 164 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 165 (C) any other factors the court considers material;

166 (d) for children [~~18~~] 12 months of age or older, but younger than [~~three years~~] 18
167 months of age:

168 (i) one eight-hour visit per alternating weekend to be specified by the noncustodial
169 parent or court;

170 (ii) on opposite weekends from Subsection (2)(d)(i), from 6 p.m. on Friday until noon
171 on Saturday;

172 (iii) one three-hour visit per week to be specified by the noncustodial parent or court;

173 (iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
174 through (i); and

175 (v) brief telephone contact and other virtual parent-time, if the equipment is reasonably
176 available, with the noncustodial parent at least two times per week, provided that if the parties
177 cannot agree on whether the equipment is reasonably available, the court shall decide whether
178 the equipment for virtual parent-time is reasonably available, taking into consideration:

- 179 (A) the best interests of the child;
- 180 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 181 (C) any other factors the court considers material;

182 (e) for children 18 months of age or older, but younger than three years of age;

183 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
184 noncustodial parent or court; however, if the child is being cared for during the day outside his
185 regular place of residence, the noncustodial parent may, with advance notice to the custodial
186 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
187 parent by 8:30 p.m.;

188 (ii) alternative weekends beginning on the first weekend after the entry of the decree
189 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

190 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (i);

191 (iv) extended parent-time may be:

192 (A) two one-week periods, separated by at least four weeks, at the option of the
193 noncustodial parent;

194 (B) one week shall be uninterrupted time for the noncustodial parent;

195 (C) the remaining week shall be subject to parent-time for the custodial parent
196 consistent with these guidelines; and

197 (D) the custodial parent shall have an identical one-week period of uninterrupted time
198 for vacation; and

199 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably
200 available, with the noncustodial parent at least two times per week, provided that if the parties
201 cannot agree on whether the equipment is reasonably available, the court shall decide whether
202 the equipment for virtual parent-time is reasonably available, taking into consideration:

203 (A) the best interests of the child;

204 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

205 (C) any other factors the court considers material; and

206 [~~e~~] (f) for children three years of age or older, but younger than five years of age:

207 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
208 noncustodial parent or court; however, if the child is being cared for during the day outside his
209 regular place of residence, the noncustodial parent may, with advance notice to the custodial
210 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
211 parent by 8:30 p.m.;

212 (ii) alternative weekends beginning on the first weekend after the entry of the decree
213 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

- 214 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (i);
- 215 (iv) extended parent-time with the noncustodial parent may be:
 - 216 (A) two two-week periods, separated by at least four weeks, at the option of the
 - 217 noncustodial parent;
 - 218 (B) one two-week period shall be uninterrupted time for the noncustodial parent;
 - 219 (C) the remaining two-week period shall be subject to parent-time for the custodial
 - 220 parent consistent with these guidelines; and
 - 221 (D) the custodial parent shall have an identical two-week period of uninterrupted time
 - 222 for vacation; and
 - 223 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably
 - 224 available, with the noncustodial parent at least two times per week, provided that if the parties
 - 225 cannot agree on whether the equipment is reasonably available, the court shall decide whether
 - 226 the equipment for virtual parent-time is reasonably available, taking into consideration:
 - 227 (A) the best interests of the child;
 - 228 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
 - 229 (C) any other factors the court considers material.
 - 230 (3) A parent shall notify the other parent at least 30 days in advance of extended
 - 231 parent-time or vacation weeks.
 - 232 (4) Virtual parent-time shall be at reasonable hours and for reasonable duration.

Legislative Review Note
as of 1-10-07 5:11 PM

Office of Legislative Research and General Counsel

H.B. 133 - Parent-time Amendments

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/24/2007, 12:20:20 PM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst