

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, and provides that it takes precedence over 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

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.; or

38 (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; or

43 (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) holidays take precedence over the weekend parent-time, and changes [~~shall~~] may
47 not be made to the regular rotation of the alternating weekend parent-time schedule;

48 (d) if a holiday falls on a regularly scheduled school day, the noncustodial parent shall
49 be responsible for the child's attendance at school for that school day;

50 (e) (i) if a holiday falls on a weekend or on a Friday or Monday and the total holiday
51 period extends beyond that time so that the child is free from school and the parent is free from
52 work, the noncustodial parent shall be entitled to this lengthier holiday period; or

53 (ii) at the election of the noncustodial parent, parent-time over a scheduled holiday
54 weekend may begin from the time the child's school is regularly dismissed at the beginning of
55 the holiday weekend until 7 p.m. on the last day of the holiday weekend;

56 (f) in years ending in an odd number, the noncustodial parent is entitled to the
57 following holidays:

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

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

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

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

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

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

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

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

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

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

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

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

86 holiday;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended
127 beyond the hours designated in Subsection (2)(f)(vi).

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

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

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

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

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

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

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

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

141 (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f)

142 through (i) preferably in the custodial home, the established child care setting, or other
143 environment familiar to the child;

144 (b) for children five months of age or older, but younger than ten months of age:
145 (i) nine hours of parent-time per week to be specified by the court or the noncustodial
146 parent preferably:
147 (A) divided into three parent-time periods; and
148 (B) in the custodial home, established child care setting, or other environment familiar
149 to the child; and

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

153 (c) for children [~~ten~~] nine months of age or older, but younger than [~~18~~] 12 months of
154 age:
155 (i) one eight hour visit per week to be specified by the noncustodial parent or court;
156 (ii) one three hour visit per week to be specified by the noncustodial parent or court;
157 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
158 through (i); and
159 (iv) brief telephone contact and other virtual parent-time, if the equipment is
160 reasonably available, with the noncustodial parent at least two times per week, provided that if
161 the parties cannot agree on whether the equipment is reasonably available, the court shall
162 decide whether the equipment for virtual parent-time is reasonably available, taking into
163 consideration:
164 (A) the best interests of the child;
165 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
166 (C) any other factors the court considers material;
167 (d) for children [~~18~~] 12 months of age or older, but younger than [~~three years~~] 18
168 months of age:
169 (i) one eight-hour visit per alternating weekend to be specified by the noncustodial

170 parent or court;
171 (ii) on opposite weekends from Subsection (2)(d)(i), from 6 p.m. on Friday until noon
172 on Saturday;
173 (iii) one three-hour visit per week to be specified by the noncustodial parent or court;
174 (iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
175 through (i); and
176 (v) brief telephone contact and other virtual parent-time, if the equipment is reasonably
177 available, with the noncustodial parent at least two times per week, provided that if the parties
178 cannot agree on whether the equipment is reasonably available, the court shall decide whether
179 the equipment for virtual parent-time is reasonably available, taking into consideration:
180 (A) the best interests of the child;
181 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
182 (C) any other factors the court considers material;
183 (e) for children 18 months of age or older, but younger than three years of age:
184 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
185 noncustodial parent or court; however, if the child is being cared for during the day outside his
186 regular place of residence, the noncustodial parent may, with advance notice to the custodial
187 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
188 parent by 8:30 p.m.;
189 (ii) alternative weekends beginning on the first weekend after the entry of the decree
190 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
191 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through (i);
192 (iv) extended parent-time may be:
193 (A) two one-week periods, separated by at least four weeks, at the option of the
194 noncustodial parent;
195 (B) one week shall be uninterrupted time for the noncustodial parent;
196 (C) the remaining week shall be subject to parent-time for the custodial parent
197 consistent with these guidelines; and

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

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

204 (A) the best interests of the child;

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

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

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

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

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

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

216 (iv) extended parent-time with the noncustodial parent may be:

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

219 (B) one two-week period shall be uninterrupted time for the noncustodial parent;

220 (C) the remaining two-week period shall be subject to parent-time for the custodial
221 parent consistent with these guidelines; and

222 (D) the custodial parent shall have an identical two-week period of uninterrupted time
223 for vacation; and

224 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably
225 available, with the noncustodial parent at least two times per week, provided that if the parties

226 cannot agree on whether the equipment is reasonably available, the court shall decide whether
227 the equipment for virtual parent-time is reasonably available, taking into consideration:

228 (A) the best interests of the child;

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

230 (C) any other factors the court considers material.

231 (3) A parent shall notify the other parent at least 30 days in advance of extended
232 parent-time or vacation weeks.

233 (4) Virtual parent-time shall be at reasonable hours and for reasonable duration.