

H.B. 71

PARENT-TIME AMENDMENTS

Representative **Kay L. McIff** proposes the following amendments:

1. Page 15, Line 454 through Page 17, Line 512:

454 Section 6. Section ~~30-3-37~~ is amended to read:

455 30-3-37. Relocation.

456 (1) For purposes of this section, "relocation" means moving ~~{When either parent decides to~~
457 ~~move}~~ from the state ~~[of Utah]~~ or 150 miles or more

457 from the residence specified in the court's decree . ~~{, that}~~

(2) The relocating parent shall provide . if possible . 60 days

458 advance written notice of the intended relocation to the other parent. The written notice of

459 relocation shall contain statements affirming the following:

460 (a) the parent-time provisions in Subsection ~~{+}~~ (5) ~~{+}~~ ~~{(4)}~~ or a schedule approved by
461 both

461 parties will be followed; and

462 (b) neither parent will interfere with the other's parental rights pursuant to court
463 ordered parent-time arrangements, or the schedule approved by both parties.

464 ~~{(2)}~~ (3) The court may, upon motion of any party or upon the court's own motion, schedule
465 a hearing with notice to review the notice of relocation and parent-time schedule as provided in
466 Section 30-3-35 and make appropriate orders regarding the parent-time and costs for
467 parent-time transportation.

468 ~~{(3)}~~ (4) In determining the parent-time schedule and allocating the transportation costs, the
469 court shall consider:

470 (a) the reason for the parent's relocation;

471 (b) the additional costs or difficulty to both parents in exercising parent-time;

472 (c) the economic resources of both parents; and

473 (d) other factors the court considers necessary and relevant.

474 ~~[(4) Upon the motion of any party, the court may order the parent intending to move to~~
475 ~~pay the costs of transportation for:]~~

476 ~~[(a) at least one visit per year with the other parent; and]~~

477 ~~[(b) any number of additional visits as determined equitable by the court.]~~

478 ~~{+}~~ (5) ~~{+}~~ ~~{(4)}~~ Unless otherwise ordered by the court, upon the relocation, as defined in
479 Subsection (1), of one of the parties the following schedule shall be the minimum requirements

480 for parent-time with a school-age child:

481 (a) in years ending in an odd number, the child shall spend the following holidays with

482 the noncustodial parent:

483 (i) Thanksgiving holiday beginning Wednesday until Sunday; and

484 (ii) [~~the fall school~~] Spring break, if applicable, beginning the last day of school before

485 the holiday until the day before school resumes;

486 (b) in years ending in an even number, the child shall spend the following holidays

487 with the noncustodial parent:

488 (i) the entire winter school break period; and

489 (ii) [~~Spring~~] the Fall school break beginning the last day of school before the holiday

490 until the day before school resumes; [~~and~~]

491 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive

492 weeks. The children should be returned to the custodial home no later than seven days before

493 school begins; however, this week shall be counted when determining the amount of

494 parent-time to be divided between the parents for the summer or off-track period[-]; and

495 (d) at the option and expense of the noncustodial parent, one weekend per month.

496 (6) Upon the motion of any party, the court may order uninterrupted parent-time with

497 the noncustodial parent for a minimum of 30 days during extended parent-time, unless the

498 court finds it is not in the best interests of the child. If the court orders uninterrupted

499 parent-time during a period not covered by this section, it shall specify in its order which parent

500 is responsible for the child's travel expenses.

501 (7) Unless otherwise ordered by the court the relocating party shall be responsible for

502 all the child's travel expenses relating to Subsections {+} (5) {+} {~~(4)~~} (a) and (b) and 1/2 of the

503 child's

504 travel expenses relating to Subsection {+} (5) {+} {~~(4)~~} (c), provided the noncustodial [~~party~~]

505 parent is

506 current on all support obligations. If the noncustodial [~~party~~] parent has been found in

507 contempt for not being current on all support obligations, [~~he~~] the noncustodial parent shall be

508 responsible for all of the child's travel expenses under Subsection {+} (5) {+} {~~(4)~~} , unless the

509 court

510 rules otherwise. Reimbursement by either responsible party to the other for the child's travel

511 expenses shall be made within 30 days of receipt of documents detailing those expenses.

512 (8) The court may apply this provision to any preexisting decree of divorce.

513 (9) Any action under this section may be set for an expedited hearing.

514 (10) A parent who fails to comply with the notice of relocation in Subsection {~~(1)~~} (2) shall

515 be in contempt of the court's order.