

PARENT-TIME AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Curtis S. Bramble

LONG TITLE

Committee Note:

The Judiciary, Law Enforcement, and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill clarifies provisions relating to parent-time when the parents live in different states or more than 150 miles from each other, and specific holiday issues.

Highlighted Provisions:

This bill:

▶ clarifies provisions relating to parent-time when Section 30-3-37 applies including:

- that the noncustodial parent is entitled to only one weekend per month;
- that the last weekend of the month is designated as the noncustodial parent's

weekend if no other designation is made and a holiday assigned to the custodial parent does not fall on that weekend;

• that nonschool days, if contiguous to the noncustodial parent's weekend and not a holiday, are to be included in the weekend; and

• that the custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent;

▶ specifies that extended parent-time is to be exercised when school is not in session;

▶ adds in references to Mother's Day for parent-time for children under five years of age; and



28 ▶ makes technical corrections.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **30-3-10.4**, as last amended by Laws of Utah 2009, Chapter 179

36 **30-3-35**, as last amended by Laws of Utah 2008, Chapter 146

37 **30-3-35.5**, as last amended by Laws of Utah 2008, Chapter 146

38 **30-3-37**, as last amended by Laws of Utah 2008, Chapter 146



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **30-3-10.4** is amended to read:

42 **30-3-10.4. Modification or termination of order.**

43 (1) On the petition of one or both of the parents, or the joint legal or physical
44 custodians if they are not the parents, the court may, after a hearing, modify or terminate an
45 order that established joint legal or physical custody if:

46 (a) the verified petition or accompanying affidavit initially alleges that admissible
47 evidence will show that the circumstances of the child or one or both parents or joint legal or
48 physical custodians have materially and substantially changed since the entry of the order to be
49 modified;

50 (b) a modification of the terms and conditions of the order would be an improvement
51 for and in the best interest of the child; and

52 (c) (i) both parents have complied in good faith with the dispute resolution procedure
53 in accordance with Subsection 30-3-10.3(7); or

54 (ii) if no dispute resolution procedure is contained in the order that established joint
55 legal or physical custody, the court orders the parents to participate in a dispute resolution
56 procedure in accordance with Subsection 30-3-10.2(5) unless the parents certify that, in good
57 faith, they have utilized a dispute resolution procedure to resolve their dispute.

58 (2) (a) In determining whether the best interest of a child will be served by either

59 modifying or terminating the joint legal or physical custody order, the court shall, in addition to
60 other factors the court considers relevant, consider the factors outlined in Section 30-3-10 and
61 Subsection 30-3-10.2(2).

62 (b) The court shall make specific written findings on each of the factors relied upon
63 stating:

64 (i) a material and substantial change of circumstance has occurred; and

65 (ii) a modification of the terms and conditions of the order would be an improvement
66 for and in the best interest of the child.

67 (c) The court shall give substantial weight to the existing joint legal or physical custody
68 order when the child is thriving, happy, and well-adjusted.

69 (3) The court shall, in every case regarding a [~~motion~~] petition for termination of a
70 joint legal or physical custody order, consider reasonable alternatives to preserve the existing
71 order in accordance with Subsection 30-3-10(1)(b). The court may modify the terms and
72 conditions of the existing order in accordance with Subsection 30-3-10(5) and may order the
73 parents to file a parenting plan in accordance with this chapter.

74 (4) A parent requesting a modification from sole custody to joint legal custody or joint
75 physical custody or both, or any other type of shared parenting arrangement, shall file and serve
76 a proposed parenting plan with the petition to modify in accordance with Section 30-3-10.8.

77 (5) If the court finds that an action under this section is filed or answered frivolously
78 and in a manner designed to harass the other party, the court shall assess attorney fees as costs
79 against the offending party.

80 Section 2. Section **30-3-35** is amended to read:

81 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

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

83 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be
84 considered the minimum parent-time to which the noncustodial parent and the child shall be
85 entitled.

86 (a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court,
87 or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;

88 (B) at the election of the noncustodial parent, one weekday from the time the child's
89 school is regularly dismissed until 8:30 p.m., unless the court directs the application of

90 Subsection (2)(a)(i); or

91 (C) at the election of the noncustodial parent, if school is not in session, one weekday
92 from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30
93 p.m. if the noncustodial parent is available to be with the child, unless the court directs the
94 application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

95 (ii) Once the election of the weekday for the weekday evening parent-time is made, it
96 may not be changed except by mutual written agreement or court order.

97 (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the
98 decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

99 (B) at the election of the noncustodial parent, from the time the child's school is
100 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of
101 Subsection (2)(b)(i)(A); or

102 (C) at the election of the noncustodial parent, if school is not in session, on Friday from
103 approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on
104 Sunday, if the noncustodial parent is available to be with the child unless the court directs the
105 application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

106 (ii) A step-parent, grandparent, or other responsible adult designated by the
107 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the
108 individual, and the parent will be with the child by 7 p.m.

109 (iii) Elections should be made by the noncustodial parent at the time of entry of the
110 divorce decree or court order, and may be changed by mutual agreement, court order, or by the
111 noncustodial parent in the event of a change in the child's schedule.

112 (iv) Weekends include any "snow" days, teacher development days, or other days when
113 school is not scheduled and which are contiguous to the weekend period.

114 (c) Holidays include any "snow" days, teacher development days after the children
115 begin the school year, or other days when school is not scheduled, contiguous to the holiday
116 period, and take precedence over the weekend parent-time. Changes may not be made to the
117 regular rotation of the alternating weekend parent-time schedule; however, birthdays take
118 precedence over holidays and extended parent-time, except Mother's Day and Father's Day;
119 birthdays do not take precedence over uninterrupted parent-time if the parent exercising
120 uninterrupted time takes the child away from that parent's residence for the uninterrupted

121 extended parent-time.

122 (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall
123 be responsible for the child's attendance at school for that school day.

124 (e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday
125 period extends beyond that time so that the child is free from school and the parent is free from
126 work, the noncustodial parent shall be entitled to this lengthier holiday period.

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

130 (B) at the election of the noncustodial parent, if school is not in session, parent-time
131 over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the
132 custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last
133 day of the holiday weekend, if the noncustodial parent is available to be with the child unless
134 the court directs the application of Subsection (2)(e)(ii)(A).

135 (iii) A step-parent, grandparent, or other responsible individual designated by the
136 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the
137 individual, and the parent will be with the child by 7 p.m.

138 (iv) Elections should be made by the noncustodial parent at the time of the divorce
139 decree or court order, and may be changed by mutual agreement, court order, or by the
140 noncustodial parent in the event of a change in the child's schedule.

141 (f) In years ending in an odd number, the noncustodial parent is entitled to the
142 following holidays:

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

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

149 (iii) spring break beginning at 6 p.m. on the day school lets out for the holiday until 7
150 p.m. on the Sunday before school resumes;

151 (iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6

152 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

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

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

158 (vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on
159 the holiday; and

160 (viii) the first portion of the Christmas school vacation as defined in Subsection
161 30-3-32(3)(b) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day
162 halfway through the ~~H~~→ [f] holiday [f] [vacation] ←~~H~~ period, if there are an odd number of days
162a for the
163 ~~H~~→ [f] holiday [f] [vacation] ←~~H~~ period, or until 7 p.m. if there are an even number of days for
163a the ~~H~~→ [f] holiday [f] ←~~H~~
164 vacation period, so long as the entire ~~H~~→ [f] holiday [f] [vacation] ←~~H~~ period is equally
164a divided.

165 (g) In years ending in an even number, the noncustodial parent is entitled to the
166 following holidays:

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

169 (ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the
170 holiday extends for a lengthier period of time to which the noncustodial parent is completely
171 entitled;

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

175 (iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later
176 than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

177 (v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the
178 holiday;

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

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

182 (viii) the second portion of the Christmas school vacation as defined in Subsection

183 30-3-32(3)(b), beginning 1 p.m. on the day halfway through the holiday ~~Ĥ~~→ period ←~~Ĥ~~ , if there
183a are an odd

184 number of days for the holiday period, or at 7 p.m. if there are an even number of days for the
185 holiday period, so long as the entire Christmas holiday ~~Ĥ~~→ period ←~~Ĥ~~ is equally divided.

186 (h) The custodial parent is entitled to the odd year holidays in even years and the even
187 year holidays in odd years.

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

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

192 (k) Extended parent-time with the noncustodial parent may be:

193 (i) up to four [~~weeks~~] consecutive weeks when school is not in session at the option of
194 the noncustodial parent, including weekends normally exercised by the noncustodial parent, but
195 not holidays;

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

197 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent for
198 weekday parent-time but not weekends, except for a holiday to be exercised by the other
199 parent.

200 (l) The custodial parent shall have an identical two-week period of uninterrupted time
201 [~~during the children's summer vacation from~~] when school is not in session for purposes of
202 vacation.

203 (m) Both parents shall provide notification of extended parent-time or vacation weeks
204 with the child at least 30 days [~~in advance~~] prior to the end of the child's school year to the
205 other parent and if notification is not provided timely the complying parent may determine the
206 schedule for extended parent-time for the noncomplying parent.

207 (n) Telephone contact shall be at reasonable hours and for a reasonable duration.

208 (o) Virtual parent-time, if the equipment is reasonably available and the parents reside
209 at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that
210 if the parties cannot agree on whether the equipment is reasonably available, the court shall
211 decide whether the equipment for virtual parent-time is reasonably available, taking into
212 consideration:

213 (i) the best interests of the child;

214 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
215 (iii) any other factors the court considers material.

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

219 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended
220 beyond the hours designated in Subsection (2)(g)(vi).

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

222 **30-3-35.5. Minimum schedule for parent-time for children under five years of**
223 **age.**

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

225 (2) All holidays in this section refer to the same holidays referenced in Section
226 30-3-35.

227 (3) If the parties do not agree to a parent-time schedule, the following schedule shall be
228 considered the minimum parent-time to which the noncustodial parent and the child shall be
229 entitled.

230 (a) For children under five months of age:

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

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

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

236 (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f)
237 through ~~(i)~~ (j) preferably in the custodial home, the established child care setting, or other
238 environment familiar to the child.

239 (b) For children five months of age or older, but younger than nine months of age:

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

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

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

245 (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
246 through ~~[(i)]~~ (j) preferably in the custodial home, the established child care setting, or other
247 environment familiar to the child.

248 (c) For children nine months of age or older, but younger than 12 months of age:

249 (i) one eight hour visit per week to be specified by the noncustodial parent or court;

250 (ii) one three hour visit per week to be specified by the noncustodial parent or court;

251 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
252 through ~~[(i)]~~ (j); and

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

258 (A) the best interests of the child;

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

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

261 (d) For children 12 months of age or older, but younger than 18 months of age:

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

264 (ii) on opposite weekends from Subsection ~~[(2)]~~ (3)(d)(i), from 6 p.m. on Friday until
265 noon on Saturday;

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

267 (iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)

268 through ~~[(i)]~~ (j); and

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

273 (A) the best interests of the child;

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

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

- 276 (e) For children 18 months of age or older, but younger than three years of age:
277 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
278 noncustodial parent or court; however, if the child is being cared for during the day outside his
279 regular place of residence, the noncustodial parent may, with advance notice to the custodial
280 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
281 parent by 8:30 p.m.;
- 282 (ii) alternative weekends beginning on the first weekend after the entry of the decree
283 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
- 284 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through ~~(f)~~ (j);
285 (iv) extended parent-time may be:
- 286 (A) two one-week periods, separated by at least four weeks, at the option of the
287 noncustodial parent;
- 288 (B) one week shall be uninterrupted time for the noncustodial parent;
- 289 (C) the remaining week shall be subject to parent-time for the custodial parent
290 consistent with these guidelines; and
- 291 (D) the custodial parent shall have an identical one-week period of uninterrupted time
292 for vacation; and
- 293 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably
294 available, with the noncustodial parent at least two times per week, provided that if the parties
295 cannot agree on whether the equipment is reasonably available, the court shall decide whether
296 the equipment for virtual parent-time is reasonably available, taking into consideration:
- 297 (A) the best interests of the child;
- 298 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
299 (C) any other factors the court considers material.
- 300 (f) For children three years of age or older, but younger than five years of age:
301 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
302 noncustodial parent or court; however, if the child is being cared for during the day outside his
303 regular place of residence, the noncustodial parent may, with advance notice to the custodial
304 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
305 parent by 8:30 p.m.;
- 306 (ii) alternative weekends beginning on the first weekend after the entry of the decree

307 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

308 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through [(†)] (j);

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

310 (A) two two-week periods, separated by at least four weeks, at the option of the

311 noncustodial parent;

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

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

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

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

321 (A) the best interests of the child;

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

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

324 (4) A parent shall notify the other parent at least 30 days in advance of extended
325 parent-time or vacation weeks.

326 (5) Virtual parent-time shall be at reasonable hours and for reasonable duration.

327 Section 4. Section **30-3-37** is amended to read:

328 **30-3-37. Relocation.**

329 (1) For purposes of this section, "relocation" means moving ~~Ĥ~~→ [from the state or] ←~~Ĥ~~ 150
329a miles

330 or more from the residence specified in the court's decree.

331 (2) The relocating parent shall provide, if possible, 60 days advance written notice of
332 the intended relocation to the other parent. The written notice of relocation shall contain
333 statements affirming the following:

334 (a) the parent-time provisions in Subsection (5) or a schedule approved by both parties
335 will be followed; and

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

338 (3) The court may, upon motion of any party or upon the court's own motion, schedule
339 a hearing with notice to review the notice of relocation and parent-time schedule as provided in
340 Section 30-3-35 and make appropriate orders regarding the parent-time and costs for
341 parent-time transportation.

342 (4) In determining the parent-time schedule and allocating the transportation costs, the
343 court shall consider:

- 344 (a) the reason for the parent's relocation;
- 345 (b) the additional costs or difficulty to both parents in exercising parent-time;
- 346 (c) the economic resources of both parents; and
- 347 (d) other factors the court considers necessary and relevant.

348 (5) Unless otherwise ordered by the court, upon the relocation, as defined in
349 Subsection (1), of one of the parties the following schedule shall be the minimum requirements
350 for parent-time with a school-age child:

351 (a) in years ending in an odd number, the child shall spend the following holidays with
352 the noncustodial parent:

- 353 (i) Thanksgiving holiday beginning Wednesday until Sunday; and
- 354 (ii) Spring break, if applicable, beginning the last day of school before the holiday until
355 the day before school resumes;

356 (b) in years ending in an even number, the child shall spend the following holidays
357 with the noncustodial parent:

- 358 (i) the entire winter school break period; and
- 359 (ii) the Fall school break beginning the last day of school before the holiday until the
360 day before school resumes;

361 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
362 weeks. The children should be returned to the custodial home no later than seven days before
363 school begins; however, this week shall be counted when determining the amount of
364 parent-time to be divided between the parents for the summer or off-track period; and

365 (d) ~~[at the option and expense of the noncustodial parent,]~~ one weekend per month[-].
366 at the option and expense of the noncustodial parent.

367 (6) The noncustodial parent's monthly weekend entitlement is subject to the following
368 restrictions.

369 (a) If the noncustodial parent has not designated a specific weekend for parent-time,
 370 the noncustodial parent shall receive the last weekend of each month unless a holiday assigned
 371 to the custodial parent falls on that particular weekend. If a holiday assigned to the custodial
 372 parent falls on the last weekend of the month, the noncustodial parent shall be entitled to the
 373 next to the last weekend of the month.

374 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday
 375 extends into or through the first weekend of the next month, that weekend shall be considered
 376 the noncustodial parent's monthly weekend entitlement for that month.

377 (c) If a child is out of school for teacher ~~Ĥ~~→ [work] development ←Ĥ days Ĥ→ [;] or ←Ĥ
 377a snow days ~~Ĥ~~→ after the children begin the school year ←Ĥ , or other days not
 378 included in the list of holidays in Subsection (5) and those days are contiguous with the
 379 noncustodial parent's monthly weekend parent-time, those days shall be included in the
 380 weekend parent-time.

381 (7) The custodial parent is entitled to all parent-time not specifically allocated to the
 382 noncustodial parent.

383 [~~(6)~~] (8) In the event finances and distance preclude the exercise of minimum
 384 parent-time for the noncustodial parent during the school year, the court should consider
 385 awarding more time for the noncustodial parent during the summer time if it is in the best
 386 interests of the children.

387 [~~(7)~~] (9) Upon the motion of any party, the court may order uninterrupted parent-time
 388 with the noncustodial parent for a minimum of 30 days during extended parent-time, unless the
 389 court finds it is not in the best interests of the child. If the court orders uninterrupted
 390 parent-time during a period not covered by this section, it shall specify in its order which parent
 391 is responsible for the child's travel expenses.

392 [~~(8)~~] (10) Unless otherwise ordered by the court the relocating party shall be
 393 responsible for all the child's travel expenses relating to Subsections (5)(a) and (b) and 1/2 of
 394 the child's travel expenses relating to Subsection (5)(c), provided the noncustodial parent is
 395 current on all support obligations. If the noncustodial parent has been found in contempt for
 396 not being current on all support obligations, the noncustodial parent shall be responsible for all
 397 of the child's travel expenses under Subsection (5), unless the court rules otherwise.
 398 Reimbursement by either responsible party to the other for the child's travel expenses shall be
 399 made within 30 days of receipt of documents detailing those expenses.

400 [~~9~~] (11) The court may apply this provision to any preexisting decree of divorce.
401 [~~10~~] (12) Any action under this section may be set for an expedited hearing.
402 [~~11~~] (13) A parent who fails to comply with the notice of relocation in Subsection (2)
403 shall be in contempt of the court's order.

Legislative Review Note
as of 9-16-09 5:04 PM

Office of Legislative Research and General Counsel

H.B. 16 - Parent-time Amendments

Fiscal Note

2010 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.
