

**PARENT-TIME AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lorie D. Fowlke**

Senate Sponsor: Curtis S. Bramble

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**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

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 [~~holiday~~] vacation period, if there are an odd number of days for the  
163 [~~holiday~~] vacation period, or until 7 p.m. if there are an even number of days for the [~~holiday~~]  
164 vacation period, so long as the entire [~~holiday~~] vacation period is equally 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, if there 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 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 ~~[(f)]~~ (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 ~~[(f)]~~ (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 ~~[(f)]~~ (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 from the state or 150 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 work days, snow days, 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.

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

**Office of Legislative Research and General Counsel**

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**H.B. 16 - Parent-time Amendments**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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