

1 **CUSTODY AND PARENT-TIME MODIFICATIONS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill requires a court to review a person's custody and parent-time if the person is
9 convicted of a crime.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ allows a person to petition a court for review of custody and parent-time upon
- 13 learning the other parent has been convicted of certain crimes;
- 14 ▶ sets a three-year time limit on convictions to be used as the basis for a modification;
- 15 ▶ requires the court to make written findings; and
- 16 ▶ ~~H→~~ [~~—awards~~] allows ~~←H~~ costs and attorney fees to ~~H→~~ be awarded to ~~←H~~
- 17 the petitioner.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **30-3-41**, Utah Code Annotated 1953

25

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

26 Section 1. Section **30-3-41** is enacted to read:



28 **30-3-41. Custody and parent-time modifications upon conviction of a crime.**

29 (1) A person's custody and parent-time shall be reviewed for modification if the other
30 parent petitions the court and demonstrates that the person has been convicted of any of the
31 following offenses:

32 (a) Section 41-6a-503, driving under the influence of alcohol or drugs with a passenger
33 under the age of 16;

34 (b) Section 76-5-112.5, endangerment of a child;

35 (c) any offense which would require the person to register under the provisions of
36 Section 77-27-21.5;

37 (d) class A misdemeanor or felony child abuse under Section 76-5-109;

38 (e) class A misdemeanor or felony child abandonment under Section 76-5-109; or

39 (f) Section 76-5-109.1, domestic violence in the presence of a child.

40 (2) The parent who is the petitioner shall file a petition for modification within one
41 year of learning of the conviction.

42 (3) A conviction more than three years old may not be used as the basis for a petition,
43 however, the court may take previous convictions which have not been expunged into
44 consideration.

45 (4) If the court determines that a change in custody or parent-time is not in the best
46 interest of the child or children, it shall make written findings supporting its decision.

47 (5) The court ~~shall~~ **may** award attorney fees and costs to the petitioner.

Legislative Review Note
as of 2-23-11 11:21 AM

Office of Legislative Research and General Counsel