

CUSTODY AND PARENT-TIME MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

30-3-41, Utah Code Annotated 1953

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

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

FISCAL NOTE

H.B. 131

SHORT TITLE: Custody and Parent-time Modifications

SPONSOR: Edwards, R.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$20,700 ongoing from the General Fund for additional caseload. The bill is projected to generate additional \$18,000 in new General Fund revenues per year.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$18,000	\$18,000
Total Revenue	\$0	\$18,000	\$18,000
Expenditure:			
General Fund	\$0	\$20,700	\$20,700
Total Expenditure	\$0	\$20,700	\$20,700
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$2,700)	(\$2,700)
Net Impact, General/Education Funds	\$0	(\$2,700)	(\$2,700)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.