

Representative Stephen E. Sandstrom proposes the following substitute bill:

PARENT-TIME SCHEDULE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds participation in religious activity to items a judge may take into consideration when creating orders in divorces.

Highlighted Provisions:

This bill:

► adds provisions to allow a court to take into consideration a parent's willingness to allow a child's continued participation in religious services and activities when ordering parent-time for non-custodial parents.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-34, as last amended by Laws of Utah 2008, Chapter 146

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

Section 1. Section **30-3-34** is amended to read:



26 **30-3-34. Best interests -- Rebuttable presumption.**

27 (1) If the parties are unable to agree on a parent-time schedule, the court may establish
28 a parent-time schedule consistent with the best interests of the child.

29 (2) The advisory guidelines as provided in Section 30-3-33 and the parent-time
30 schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be presumed to be in the best
31 interests of the child. The parent-time schedule shall be considered the minimum parent-time
32 to which the noncustodial parent and the child shall be entitled unless a parent can establish
33 otherwise by a preponderance of the evidence that more or less parent-time should be awarded
34 based upon any of the following criteria:

35 (a) parent-time would endanger the child's physical health or significantly impair the
36 child's emotional development;

37 (b) the distance between the residency of the child and the noncustodial parent;

38 (c) a substantiated or unfounded allegation of child abuse has been made;

39 (d) the lack of demonstrated parenting skills without safeguards to ensure the child's
40 well-being during parent-time;

41 (e) the financial inability of the noncustodial parent to provide adequate food and
42 shelter for the child during periods of parent-time;

43 (f) the preference of the child if the court determines the child to be of sufficient
44 maturity;

45 (g) the incarceration of the noncustodial parent in a county jail, secure youth
46 corrections facility, or an adult corrections facility;

47 (h) shared interests between the child and the noncustodial parent;

48 (i) the involvement or lack of involvement of the noncustodial parent in the school,
49 community, religious, or other related activities of the child;

50 (j) the availability of the noncustodial parent to care for the child when the custodial
51 parent is unavailable to do so because of work or other circumstances;

52 (k) a substantial and chronic pattern of missing, canceling, or denying regularly
53 scheduled parent-time;

54 (l) the minimal duration of and lack of significant bonding in the parents' relationship
55 prior to the conception of the child;

56 (m) the parent-time schedule of siblings;

- 57 (n) the lack of reasonable alternatives to the needs of a nursing child; [~~and~~]
58 (o) the religious preference of either parent, if the child has been raised within and
59 participated in the services and activities of a particular denomination and a parent
60 demonstrates a willingness to continue to allow attendance at religious functions of that
61 denomination; and
62 [~~(p)~~] (p) any other criteria the court determines relevant to the best interests of the
63 child.
- 64 (3) The court shall enter the reasons underlying its order for parent-time that:
65 (a) incorporates a parent-time schedule provided in Section 30-3-35 or 30-3-35.5; or
66 (b) provides more or less parent-time than a parent-time schedule provided in Section
67 30-3-35 or 30-3-35.5.
- 68 (4) Once the parent-time schedule has been established, the parties may not alter the
69 schedule except by mutual consent of the parties or a court order.