

CUSTODY MODIFICATIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill amends provisions governing the relocation of a custodial parent with a minor child or children.

Highlighted Provisions:

This bill:

requires the court to hold a hearing if a motion is filed by noncustodial parent when the custodial parent intends to relocate out of this state, or 75 150 miles more than 150 miles

or more from the residence specified in the court decree of the other parent ;

requires the court to determine that a move out of this state or of more

than 150 75 miles from the residence of the other parent is in the best

interest of the child; and

allows the court to modify custody arrangements if a custodial parent decides to move out of this state or 75 150 miles or more than 150 miles

from the residence of the other parent when the court has determined that the move is not in the best interest of the child.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



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

30 Section 1. Section 30-3-37 is amended to read:

31 **30-3-37. Relocation.**32 (1) For purposes of this section, "relocation" means moving ~~H→~~ [150] ~~S→~~ [out of this state;
32a1 ~~or~~] ~~S←~~32a ~~S→~~ [75] 150 ~~S←~~ ~~H←~~ miles or more from33 the residence ~~H→~~ [specified in the court's decree] of the other parent ~~H←~~ .34 (2) The relocating parent shall provide ~~H→~~ [; if possible;] ~~H←~~ 60 days advance written
34a notice of35 the intended relocation to the other parent. The written notice of relocation shall contain
36 statements affirming the following:37 (a) the parent-time provisions in Subsection (5) or a schedule approved by both parties
38 will be followed; and39 (b) neither parent will interfere with the other's parental rights pursuant to court
40 ordered parent-time arrangements, or the schedule approved by both parties.41 (3) The court [~~may~~] shall, upon motion of any party or upon the court's own motion,
42 schedule a hearing with notice to review the notice of relocation and parent-time schedule as
43 provided in Section 30-3-35 and make appropriate orders regarding the parent-time and costs
44 for parent-time transportation.45 (4) [~~In determining~~] In a hearing to review the notice of relocation, the court shall
46 ~~S→~~ [~~determine~~] , in determining ~~S←~~ if the relocation of a custodial parent is in the best interest of
46a the child ~~S→~~ , consider any other factors that the court considers relevant to the determination
46b ~~S←~~ . If the court
47 determines that relocation is not in the best interest of the child, and the custodial parent
48 relocates, the court may order a change of custody.49 (5) If the court finds that the relocation is in the best interest of the child, the court shall
50 determine the parent-time schedule and [~~allocating~~] allocate the transportation costs[; ~~the~~] that
51 will be incurred for the child to visit the noncustodial parent. In making its determination,
52 court shall consider:

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

57 [(5)] (6) Unless otherwise ordered by the court, upon the relocation, as defined in
58 Subsection (1), of one of the parties the following schedule shall be the minimum requirements