

HB0201S02 compared with HB0201S01

~~text~~ shows text that was in HB0201S01 but was deleted in HB0201S02.

text shows text that was not in HB0201S01 but was inserted into HB0201S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd Weiler proposes the following substitute bill:

VISITATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill amends provisions related to supervised ~~parent-time~~parent-time.

Highlighted Provisions:

This bill:

- ▶ defines supervised ~~parent-time~~parent-time;
- ▶ describes the conditions under which a court can order supervised ~~parent-time~~parent-time; ~~and~~
- ▶ creates a process for selecting persons to supervise ~~parent-time~~parent-time; and
▶ allows the supervised parent to petition the court for unsupervised parent-time.

Money Appropriated in this Bill:

None

Other Special Clauses:

HB0201S02 compared with HB0201S01

None

Utah Code Sections Affected:

AMENDS:

30-3-32, as last amended by Laws of Utah 2008, Chapters 3 and 146

ENACTS:

30-3-34.5, Utah Code Annotated 1953

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

Section 1. Section **30-3-32** is amended to read:

30-3-32. Parent-time -- Intent -- Policy -- Definitions.

(1) It is the intent of the Legislature to promote parent-time at a level consistent with all parties' interests.

(2) (a) A court shall consider as primary the ~~fundamental liberty interests of parents and children, which include the~~ safety and well-being of the child and the parent who ~~[is the victim of]~~ experiences domestic or family violence.

(b) Absent a showing by ~~{}~~ a preponderance of ~~{}~~ clear and convincing evidence of real harm or substantiated potential harm to the child:

(i) it is in the best interests of the child of divorcing, divorced, or adjudicated parents to have frequent, meaningful, and continuing access to each parent following separation or divorce;

(ii) each divorcing, separating, or adjudicated parent is entitled to and responsible for frequent, meaningful, and continuing access with his child consistent with the child's best interests; and

(iii) it is in the best interests of the child to have both parents actively involved in parenting the child.

(c) An order issued by a court pursuant to Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act, shall be considered evidence of real harm or substantiated potential harm to the child.

(3) For purposes of Sections 30-3-32 through 30-3-37:

(a) "Child" means the child or children of divorcing, separating, or adjudicated parents.

(b) "Christmas school vacation" means the time period beginning on the evening the

HB0201S02 compared with HB0201S01

child gets out of school for the Christmas or winter school break until the evening before the child returns to school.

(c) "Extended parent-time" means a period of parent-time other than a weekend, holiday as provided in Subsections 30-3-35(2)(f) and (2)(g), religious holidays as provided in Subsections 30-3-33(3) and (17), and "Christmas school vacation."

(d) "Supervised parent-time" means parent-time that requires the noncustodial parent to be accompanied during parent-time by an individual approved by the court.

~~[(d)]~~ (e) "Surrogate care" means care by any individual other than the parent of the child.

~~[(e)]~~ (f) "Uninterrupted time" means parent-time exercised by one parent without interruption at any time by the presence of the other parent.

~~[(f)]~~ (g) "Virtual parent-time" means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. Virtual parent-time is designed to supplement, not replace, in-person parent-time.

(4) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regards to the application of Section 30-3-37.

Section 2. Section **30-3-34.5** is enacted to read:

30-3-34.5. Supervised parent-time.

(1) ~~{When}~~ It is the policy of this state that divorcing parents have unrestricted and unsupervised access to their children, however when necessary to protect a child and no less restrictive means is reasonably available, a court may order supervised parent-time if the court finds evidence that the child would be subject to physical, psychological, or emotional harm or child abuse, as described in Section 76-5-109, from the noncustodial parent if left unsupervised with the noncustodial parent.

(2) A court that orders supervised parent-time shall give preference to persons suggested by the parties to supervise, including relatives. If the court finds that the persons suggested by the parties are willing to supervise, and are capable of protecting the children

HB0201S02 compared with HB0201S01

from physical, psychological or emotional harm, or child abuse, the court shall authorize the persons to supervise parent-time.

(3) If the court is unable to authorize any persons to supervise parent-time pursuant to Subsection (2), the court may require that the noncustodial parent seek the services of a professional individual or agency to exercise their supervised parent-time.

(4) At the time supervised parent-time is awarded, the court shall consider:

(a) whether the cost of professional or agency services is likely to prevent the noncustodial parent from exercising parent-time; and

(b) whether the requirement for supervised parent-time should expire after a set period of time.

(5) The court shall, in its order for supervised parent-time, provide specific goals and expectations for the noncustodial parent to accomplish before unsupervised parent-time may be granted. The court shall schedule one or more follow-up hearings to revisit the issue of supervised parent-time.

(6) A noncustodial parent may, at any time, petition the court to modify the order for supervised parent-time if the noncustodial parent can demonstrate that ~~the or she has remedied the circumstances that justified the order for supervised parent-time.~~ the specific goals and expectations set by the court in Subsection (5) have been accomplished.