

PARENT-TIME AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill modifies provisions related to parent-time.

Highlighted Provisions:

This bill:

- ▶ addresses parent-time when children's school schedules differ; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-32, as last amended by Laws of Utah 2014, Chapter 239

30-3-35, as last amended by Laws of Utah 2010, Chapter 228

30-3-35.1, as enacted by Laws of Utah 2015, Chapter 18

30-3-35.5, as last amended by Laws of Utah 2010, Chapter 228

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.



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

30 (2) (a) A court shall consider as primary the safety and well-being of the child and the
31 parent who experiences domestic or family violence.

32 (b) Absent a showing by a preponderance of evidence of real harm or substantiated
33 potential harm to the child:

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

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

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

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

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

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

47 (b) Subject to Subsection (5), "Christmas school vacation" means:

48 (i) for a single child, the time period beginning on the evening the child ~~[gets out of]~~ is
49 released from school for the Christmas or winter school break ~~[until]~~ and ending the evening
50 before the child returns to school~~[-]; and~~

51 (ii) for multiple children when the children's school schedules differ, the time period
52 beginning on the first evening all children's schools are released for the Christmas or winter
53 school break and ending the evening before any of the children returns to school.

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

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

59 (e) "Surrogate care" means care by any individual other than the parent of the child.

60 (f) "Uninterrupted time" means parent-time exercised by one parent without
61 interruption at any time by the presence of the other parent.

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

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

71 (5) A Christmas school vacation shall be divided equally as required by Section
72 [30-3-35](#).

73 Section 2. Section **30-3-35** is amended to read:

74 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

75 (1) The parent-time schedule in this section applies to children 5 to 18 years of age.

76 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be
77 considered the minimum parent-time to which the noncustodial parent and the child shall be
78 entitled.

79 (a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court,
80 or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;

81 (B) at the election of the noncustodial parent, one weekday from the time the child's
82 school is regularly dismissed until 8:30 p.m., unless the court directs the application of
83 Subsection (2)(a)(i); or

84 (C) at the election of the noncustodial parent, if school is not in session, one weekday
85 from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30
86 p.m. if the noncustodial parent is available to be with the child, unless the court directs the
87 application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

88 (ii) Once the election of the weekday for the weekday evening parent-time is made, it
89 may not be changed except by mutual written agreement or court order.

90 (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the
91 decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

92 (B) at the election of the noncustodial parent, from the time the child's school is
93 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of
94 Subsection (2)(b)(i)(A); or

95 (C) at the election of the noncustodial parent, if school is not in session, on Friday from
96 approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on
97 Sunday, if the noncustodial parent is available to be with the child unless the court directs the
98 application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

99 (ii) A step-parent, grandparent, or other responsible adult designated by the
100 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the
101 individual, and the parent will be with the child by 7 p.m.

102 (iii) [~~Elections~~] An election should be made by the noncustodial parent at the time of
103 entry of the divorce decree or court order, and may be changed by mutual agreement, court
104 order, or by the noncustodial parent in the event of a change in the child's schedule.

105 (iv) Weekends include any "snow" days, teacher development days, or other days when
106 school is not scheduled and which are contiguous to the weekend period.

107 (c) Holidays include any "snow" days, teacher development days after the children
108 begin the school year, or other days when school is not scheduled, contiguous to the holiday
109 period, and take precedence over the weekend parent-time. Changes may not be made to the
110 regular rotation of the alternating weekend parent-time schedule[;], however[;]:

111 (i) birthdays take precedence over holidays and extended parent-time, except Mother's
112 Day and Father's Day; and

113 (ii) birthdays do not take precedence over uninterrupted parent-time if the parent
114 exercising uninterrupted time takes the child away from that parent's residence for the
115 uninterrupted extended parent-time.

116 (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall
117 be responsible for the child's attendance at school for that school day.

118 (e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday
119 period extends beyond that time so that the child is free from school and the parent is free from
120 work, the noncustodial parent shall be entitled to this lengthier holiday period.

121 (ii) (A) At the election of the noncustodial parent, parent-time over a scheduled holiday
122 weekend may begin from the time the child's school is regularly dismissed at the beginning of
123 the holiday weekend until 7 p.m. on the last day of the holiday weekend; or

124 (B) at the election of the noncustodial parent, if school is not in session, parent-time
125 over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the
126 custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last
127 day of the holiday weekend, if the noncustodial parent is available to be with the child unless
128 the court directs the application of Subsection (2)(e)(ii)(A).

129 (iii) A step-parent, grandparent, or other responsible individual designated by the
130 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the
131 individual, and the parent will be with the child by 7 p.m.

132 (iv) [~~Elections~~] An election should be made by the noncustodial parent at the time of
133 the divorce decree or court order, and may be changed by mutual agreement, court order, or by
134 the noncustodial parent in the event of a change in the child's schedule.

135 (f) In years ending in an odd number, the noncustodial parent is entitled to the
136 following holidays:

137 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.
138 until 9 p.m.[;], at the discretion of the noncustodial parent, [~~he~~] the noncustodial parent may
139 take other siblings along for the birthday;

140 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless
141 the holiday extends for a lengthier period of time to which the noncustodial parent is
142 completely entitled;

143 (iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets
144 out for the holiday until 7 p.m. on the [~~Sunday~~] evening before school resumes;

145 (iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6
146 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

147 (v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday
148 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

149 (vi) the fall school break, if applicable, commonly known as U.E.A. weekend
150 beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a
151 lengthier period of time to which the noncustodial parent is completely entitled;

152 (vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on
153 the holiday; and

154 (viii) the first portion of the Christmas school vacation as defined in Subsection
155 30-3-32(3)(b) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day
156 halfway through the holiday period, if there are an odd number of days for the holiday period,
157 or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire
158 holiday period is equally divided.

159 (g) In years ending in an even number, the noncustodial parent is entitled to the
160 following holidays:

161 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.[;], at the
162 discretion of the noncustodial parent, ~~he~~ the noncustodial parent may take other siblings
163 along for the birthday;

164 (ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the
165 holiday extends for a lengthier period of time to which the noncustodial parent is completely
166 entitled;

167 (iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the
168 holiday extends for a lengthier period of time to which the noncustodial parent is completely
169 entitled;

170 (iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later
171 than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

172 (v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the
173 holiday;

174 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the
175 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

176 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

177 (viii) the second portion of the Christmas school vacation as defined in Subsection
178 30-3-32(3)(b), beginning 1 p.m. on the day halfway through the holiday period, if there are an
179 odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for
180 the holiday period, so long as the entire Christmas holiday period is equally divided.

181 (h) The custodial parent is entitled to the odd year holidays in even years and the even
182 year holidays in odd years.

183 (i) If there is more than one child and the children's school schedules vary for purpose
184 of a holiday, it is presumed that the children will remain together for the holiday period
185 beginning the first evening all children's schools are let out for the holiday and ending the
186 evening before any child returns to school.

187 ~~[(i)]~~ (j) Father's Day shall be spent with the natural or adoptive father every year
188 beginning at 9 a.m. until 7 p.m. on the holiday.

189 ~~[(j)]~~ (k) Mother's Day shall be spent with the natural or adoptive mother every year
190 beginning at 9 a.m. until 7 p.m. on the holiday.

191 ~~[(k)]~~ (l) Extended parent-time with the noncustodial parent may be:

192 (i) up to four consecutive weeks when school is not in session at the option of the
193 noncustodial parent, including weekends normally exercised by the noncustodial parent, but
194 not holidays;

195 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

196 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent for
197 weekday parent-time but not weekends, except for a holiday to be exercised by the other
198 parent.

199 ~~[(l)]~~ (m) The custodial parent shall have an identical two-week period of uninterrupted
200 time when school is not in session for purposes of vacation.

201 ~~[(m)]~~ (n) Both parents shall provide notification of extended parent-time or vacation
202 weeks with the child at least 30 days ~~[prior to]~~ before the end of the child's school year to the
203 other parent and if notification is not provided timely the complying parent may determine the
204 schedule for extended parent-time for the noncomplying parent.

205 ~~[(n)]~~ (o) Telephone contact shall be at reasonable hours and for a reasonable duration.

206 ~~[(o)]~~ (p) Virtual parent-time, if the equipment is reasonably available and the parents
207 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration,
208 provided that if the parties cannot agree on whether the equipment is reasonably available, the
209 court shall decide whether the equipment for virtual parent-time is reasonably available, taking
210 into consideration:

211 (i) the best interests of the child;

212 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

213 (iii) any other factors the court considers material.

214 (3) [~~Any elections~~] An election required to be made in accordance with this section by
215 either parent concerning parent-time shall be made a part of the decree and made a part of the
216 parent-time order.

217 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended
218 beyond the hours designated in Subsection (2)(g)(vi).

219 Section 3. Section **30-3-35.1** is amended to read:

220 **30-3-35.1. Optional schedule for parent-time for children 5 to 18 years of age.**

221 (1) The optional parent-time schedule in this section applies to children 5 to 18 years of
222 age. This schedule is 145 overnights. Any impact on child support shall be consistent with
223 Subsection **78B-12-102**(14).

224 (2) The parents and the court may consider the following increased parent-time
225 schedule as a minimum when the parties agree or the noncustodial parent can demonstrate the
226 following:

- 227 (a) the noncustodial parent has been actively involved in the child's life;
- 228 (b) the parties are able to communicate effectively regarding the child, or the
229 noncustodial parent has a plan to accomplish effective communications regarding the child;
- 230 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 231 (d) the increased parent-time would be in the best interest of the child; and
- 232 (e) any other factor the court considers relevant.

233 (3) In determining whether a noncustodial parent has been actively involved in the
234 child's life, the court shall consider:

- 235 (a) demonstrated responsibility in caring for the child;
- 236 (b) involvement in day care;
- 237 (c) presence or volunteer efforts in the child's school and at extracurricular activities;
- 238 (d) assistance with the child's homework;
- 239 (e) involvement in preparation of meals, bath time, and bedtime for the child;
- 240 (f) bonding with the child; and
- 241 (g) any other factor the court considers relevant.

242 (4) In determining whether a noncustodial parent has the ability to facilitate the
243 increased parent-time, the court shall consider:

- 244 (a) the geographic distance between the residences of the parents and the distance

245 between the parents' residences and the child's school;

246 (b) the noncustodial parent's ability to assist with after school care;

247 (c) the health of the child and the noncustodial parent, consistent with Subsection

248 [30-3-10](#)(4);

249 (d) flexibility of employment or other schedule of the parent;

250 (e) ability to provide appropriate playtime with the child;

251 (f) history and ability of the parent to implement a flexible schedule for the child;

252 (g) physical facilities of the noncustodial parent's residence; and

253 (h) any other factor the court considers relevant.

254 (5) [~~Any elections~~] An election required to be made in accordance with this section by

255 either parent concerning parent-time shall be made a part of the decree and made a part of the

256 parent-time order. [~~Elections~~] An election may only be changed by mutual agreement, court

257 order, or by the noncustodial parent in the event of a change in the child's schedule.

258 (6) If the parties agree or the court enters an order for the optional parent-time schedule

259 as set forth in this section, a parenting plan in compliance with Sections [30-3-10.7](#) through

260 [30-3-10.10](#) shall be filed with any order incorporating the following optional parent-time

261 schedule:

262 (a) The noncustodial parent or the court may specify one weekday for parent-time. If

263 no day is specified, weekday parent-time shall be on Wednesday from 5:30 p.m. until the

264 following day when delivering the child to school, or until 8 a.m., if there is no school the

265 following day. Once the election of the weekday is made, it may only be changed in

266 accordance with Subsection (5). At the election of the noncustodial parent, weekday

267 parent-time may commence:

268 (i) from the time the child's school is regularly dismissed; or

269 (ii) if school is not in session, and the parent is available to be with the child, at

270 approximately 8 a.m., accommodating the custodial parent's work schedule.

271 (b) Beginning on the first weekend after the entry of the decree, the noncustodial parent

272 shall be entitled to alternating weekends beginning on the first weekend after the entry of the

273 decree from 6 p.m. on Friday until Monday when delivering the child to school, or until 8 a.m.

274 if there is no school on Monday. At the election of the noncustodial parent, weekend

275 parent-time may commence:

276 (i) from the time the child's school is regularly dismissed on Friday; or
277 (ii) if school is not in session, and the parent is available to be with the child, at
278 approximately 8 a.m. on Friday, accommodating the custodial parent's work schedule.

279 (c) ~~[The provisions of]~~ Subsections 30-3-35(2)(f) through ~~[(o) shall be]~~ (p) are
280 incorporated ~~[here]~~ into this section and constitute the parent-time schedule with the exception
281 that all instances that require the noncustodial parent to return the child at any time after 6 p.m.
282 be changed so that the noncustodial parent is required to return the child to school the next
283 morning or at 8 a.m., if there is no school.

284 (7) A stepparent, grandparent, or other responsible adult designated by the noncustodial
285 parent may pick up the child if the custodial parent is aware of the identity of the individual,
286 and if the noncustodial parent will be with the child by 7 p.m.

287 (8) Weekends include any "snow" days, teacher development days, or other days when
288 school is not scheduled and that are contiguous to the weekend period.

289 (9) Holidays include any "snow" days, teacher development days after the child begins
290 the school year, or other days when school is not scheduled, contiguous to the holiday period,
291 and take precedence over weekend parent-time. Changes may not be made to the regular
292 rotation of the alternating weekend parent-time schedule.

293 (a) If a holiday falls on a school day, the noncustodial parent shall be responsible for
294 the child's attendance at school for that school day.

295 (b) If a holiday falls on a weekend or on a Friday or Monday and the total holiday
296 period extends beyond that time so that the child is free from school and the parent is free from
297 work, the noncustodial parent shall be entitled to this lengthier holiday period.

298 (c) At the election of the noncustodial parent, parent-time over a scheduled holiday
299 weekend may begin from the time the child's school is dismissed at the beginning of the
300 holiday weekend or, if school is not in session, and if the noncustodial parent is available to be
301 with the child, parent-time over a scheduled holiday weekend may begin at approximately 8
302 a.m., accommodating the custodial parent's work schedule, unless the court directs the
303 application of Subsection (6)(a).

304 (10) Birthdays take precedence over holidays and extended parent-time, except
305 Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted
306 parent-time if the parent exercising uninterrupted time is out of town for the uninterrupted

307 extended parent-time. At the discretion of the noncustodial parent, other siblings may be taken
308 along for birthdays.

309 (11) Notwithstanding Subsection (9)(b), the Halloween holiday may not be extended
310 beyond the hours designated in Subsection 30-3-35(2)(g)(vi).

311 (12) If there are children aged 5 to 18 and children under the age of five who are the
312 natural or adopted children of the parties, the parents and the court should consider an upward
313 deviation for parent-time with all the minor children so that parent-time is uniform based on a
314 schedule pursuant to this section.

315 Section 4. Section 30-3-35.5 is amended to read:

316 **30-3-35.5. Minimum schedule for parent-time for children under five years of**
317 **age.**

318 (1) The parent-time schedule in this section applies to children under five years old.

319 (2) All holidays in this section refer to the same holidays referenced in Section
320 30-3-35.

321 (3) If the parties do not agree to a parent-time schedule, the following schedule shall be
322 considered the minimum parent-time to which the noncustodial parent and the child shall be
323 entitled.

324 (a) For children under five months of age:

325 (i) six hours of parent-time per week to be specified by the court or the noncustodial
326 parent preferably:

327 (A) divided into three parent-time periods; and

328 (B) in the custodial home, established child care setting, or other environment familiar
329 to the child; and

330 (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f)
331 through [(f)] (k) preferably in the custodial home, the established child care setting, or other
332 environment familiar to the child.

333 (b) For children five months of age or older, but younger than nine months of age:

334 (i) nine hours of parent-time per week to be specified by the court or the noncustodial
335 parent preferably:

336 (A) divided into three parent-time periods; and

337 (B) in the custodial home, established child care setting, or other environment familiar

338 to the child; and

339 (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
340 through [(j)] (k) preferably in the custodial home, the established child care setting, or other
341 environment familiar to the child.

342 (c) For children nine months of age or older, but younger than 12 months of age:

343 (i) one eight hour visit per week to be specified by the noncustodial parent or court;

344 (ii) one three hour visit per week to be specified by the noncustodial parent or court;

345 (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)

346 through [(j)] (k); and

347 (iv) brief telephone contact and other virtual parent-time, if the equipment is
348 reasonably available, with the noncustodial parent at least two times per week, provided that if
349 the parties cannot agree on whether the equipment is reasonably available, the court shall
350 decide whether the equipment for virtual parent-time is reasonably available, taking into
351 consideration:

352 (A) the best interests of the child;

353 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

354 (C) any other factors the court considers material.

355 (d) For children 12 months of age or older, but younger than 18 months of age:

356 (i) one eight-hour visit per alternating weekend to be specified by the noncustodial
357 parent or court;

358 (ii) on opposite weekends from Subsection (3)(d)(i), from 6 p.m. on Friday until noon
359 on Saturday;

360 (iii) one three-hour visit per week to be specified by the noncustodial parent or court;

361 (iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)
362 through [(j)] (k); and

363 (v) brief telephone contact and other virtual parent-time, if the equipment is reasonably
364 available, with the noncustodial parent at least two times per week, provided that if the parties
365 cannot agree on whether the equipment is reasonably available, the court shall decide whether
366 the equipment for virtual parent-time is reasonably available, taking into consideration:

367 (A) the best interests of the child;

368 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

- 369 (C) any other factors the court considers material.
- 370 (e) For children 18 months of age or older, but younger than three years of age:
- 371 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
- 372 noncustodial parent or court; however, if the child is being cared for during the day outside his
- 373 regular place of residence, the noncustodial parent may, with advance notice to the custodial
- 374 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
- 375 parent by 8:30 p.m.;
- 376 (ii) alternative weekends beginning on the first weekend after the entry of the decree
- 377 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
- 378 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through ~~(f)~~ (k);
- 379 (iv) extended parent-time may be:
- 380 (A) two one-week periods, separated by at least four weeks, at the option of the
- 381 noncustodial parent;
- 382 (B) one week shall be uninterrupted time for the noncustodial parent;
- 383 (C) the remaining week shall be subject to parent-time for the custodial parent
- 384 consistent with these guidelines; and
- 385 (D) the custodial parent shall have an identical one-week period of uninterrupted time
- 386 for vacation; and
- 387 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably
- 388 available, with the noncustodial parent at least two times per week, provided that if the parties
- 389 cannot agree on whether the equipment is reasonably available, the court shall decide whether
- 390 the equipment for virtual parent-time is reasonably available, taking into consideration:
- 391 (A) the best interests of the child;
- 392 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 393 (C) any other factors the court considers material.
- 394 (f) For children three years of age or older, but younger than five years of age:
- 395 (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the
- 396 noncustodial parent or court; however, if the child is being cared for during the day outside his
- 397 regular place of residence, the noncustodial parent may, with advance notice to the custodial
- 398 parent, pick up the child from the caregiver at an earlier time and return him to the custodial
- 399 parent by 8:30 p.m.;

- 400 (ii) alternative weekends beginning on the first weekend after the entry of the decree
- 401 from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
- 402 (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through ~~(f)~~ (k);
- 403 (iv) extended parent-time with the noncustodial parent may be:
- 404 (A) two two-week periods, separated by at least four weeks, at the option of the
- 405 noncustodial parent;
- 406 (B) one two-week period shall be uninterrupted time for the noncustodial parent;
- 407 (C) the remaining two-week period shall be subject to parent-time for the custodial
- 408 parent consistent with these guidelines; and
- 409 (D) the custodial parent shall have an identical two-week period of uninterrupted time
- 410 for vacation; and
- 411 (v) brief telephone contact and virtual parent-time, if the equipment is reasonably
- 412 available, with the noncustodial parent at least two times per week, provided that if the parties
- 413 cannot agree on whether the equipment is reasonably available, the court shall decide whether
- 414 the equipment for virtual parent-time is reasonably available, taking into consideration:
- 415 (A) the best interests of the child;
- 416 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 417 (C) any other factors the court considers material.
- 418 (4) A parent shall notify the other parent at least 30 days in advance of extended
- 419 parent-time or vacation weeks.
- 420 (5) Virtual parent-time shall be at reasonable hours and for reasonable duration.

Legislative Review Note
Office of Legislative Research and General Counsel