

PARENT-TIME AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies requirements for the minimum parent-time schedule.

Highlighted Provisions:

This bill:

- ▶ modifies the minimum parent-time schedule for the fall school break; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-35, as last amended by Laws of Utah 2019, Chapter 188

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

Section 1. Section **30-3-35** is amended to read:

30-3-35. Minimum schedule for parent-time for children 5 to 18 years old.

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

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

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

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

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

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

41 (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the
42 decree from 6 p.m. on Friday until ~~[7 p.m. on]~~ Sunday at 7 p.m. continuing each year;

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

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

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

53 (iii) An election should be made by the noncustodial parent at the time of entry of the
54 divorce decree or court order, and may be changed by mutual agreement, court order, or by the
55 noncustodial parent in the event of a change in the child's schedule.

56 (iv) Weekends include any "snow" days, teacher development days, or other days when
57 school is not scheduled and ~~[which]~~ that are contiguous to the weekend period.

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

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

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

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

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

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

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

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

83 (iv) An election should be made by the noncustodial parent at the time of the divorce
84 decree or court order, and may be changed by mutual agreement, court order, or by the
85 noncustodial parent in the event of a change in the child's schedule.

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

88 (i) the child's birthday on the day before or after the child's actual birthdate beginning
89 at 3 p.m. until 9 p.m., and at the discretion of the noncustodial parent, the noncustodial parent
90 may take other siblings along for the birthday;

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

94 (iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets
95 out for the holiday until 7 p.m. on the evening before school resumes;

96 (iv) July 4 beginning 6 p.m. on the day before the holiday until 11 p.m. or no later than
97 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

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

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

103 (vi) subject to Subsection (2)(i), the fall school break beginning at 6 p.m. on the day
104 that school lets out for the holiday until 7 p.m. on the evening before school resumes;

105 (vii) Veterans Day holiday beginning 6 p.m. on the day before the holiday until 7 p.m.
106 on the holiday; and

107 (viii) the first portion of the Christmas school vacation as defined in Subsection
108 30-3-32(3)(b)₂ including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day
109 halfway through the holiday period, if there are an odd number of days for the holiday period[;]
110 or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire
111 holiday period is equally divided.

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

114 (i) the child's birthday on the child's actual birthdate beginning at 3 p.m. until 9 p.m.,
115 and at the discretion of the noncustodial parent, the noncustodial parent may take other siblings
116 along for the birthday;

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

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

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

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

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

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

130 (viii) the second portion of the Christmas school vacation as defined in Subsection
131 [30-3-32\(3\)\(b\)](#), beginning 1 p.m. on the day halfway through the holiday period[;] if there are an
132 odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for
133 the holiday period, so long as the entire Christmas holiday period is equally divided.

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

136 (i) If there is more than one child and the children's school schedules vary for purpose
137 of a holiday, at the option of the parent exercising the holiday or the parent's half of the
138 holiday, the children may remain together for the holiday period beginning the first evening
139 that all children's schools are let out for the holiday and ending the evening before any child
140 returns to school.

141 (j) Father's Day shall be spent with the natural or adoptive father every year beginning

142 at 9 a.m. until 7 p.m. on the holiday.

143 (k) Mother's Day shall be spent with the natural or adoptive mother every year
144 beginning at 9 a.m. until 7 p.m. on the holiday.

145 (l) Extended parent-time with the noncustodial parent may be:

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

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

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

153 (m) The custodial parent shall have an identical two-week period of uninterrupted time
154 when school is not in session for purposes of vacation.

155 (n) Both parents shall provide notification of extended parent-time or vacation weeks
156 with the child at least 30 days before the end of the child's school year to the other parent and if
157 notification is not provided timely the complying parent may determine the schedule for
158 extended parent-time for the noncomplying parent.

159 (o) Telephone contact shall be at reasonable hours and for a reasonable duration.

160 (p) (i) Virtual parent-time, if the equipment is reasonably available and the parents
161 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration[;
162 ~~provided that if~~].

163 (ii) If the parties cannot agree on whether the equipment is reasonably available, the
164 court shall decide whether the equipment for virtual parent-time is reasonably available, taking
165 into consideration:

166 [(i)] (A) the best interests of the child;

167 [(ii)] (B) each parent's ability to handle any additional expenses for virtual parent-time;

168 and

169 [(iii)] (C) any other factors the court considers material.

170 (3) An election required to be made in accordance with this section by either parent
171 concerning parent-time shall be made a part of the decree and made a part of the parent-time
172 order.

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