

**PARENT-TIME AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to parent-time schedules.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies and clarifies parent-time schedules; and
- ▶ makes technical and conforming 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 2019, Chapter 188

REPEALS AND REENACTS:

**30-3-35**, as last amended by Laws of Utah 2020, Chapter 50

**30-3-35.1**, as last amended by Laws of Utah 2019, Chapter 188

**30-3-35.5**, as last amended by Laws of Utah 2017, Chapter 120

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



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

29 30-3-32. Parent-time -- Definitions -- Considerations for parent-time --

30 Relocation.

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

33 (1) As used in Sections 30-3-32 through 30-3-37:

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

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

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

38 (d) "Uninterrupted time" means parent-time exercised by one parent without  
39 interruption at any time by the presence of the other parent.

40 (e) "Virtual parent-time" means parent-time facilitated by tools such as telephone,  
41 email, instant messaging, video conferencing, and other wired or wireless technologies over the  
42 Internet or other communication media, to supplement in-person visits between a noncustodial  
43 parent and a child or between a child and the custodial parent when the child is staying with the  
44 noncustodial parent.

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

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

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

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

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

57 [~~(c)~~] (3) An order issued by a court pursuant to Title 78B, Chapter 7, Part 6, Cohabitant  
58 Abuse Protective Orders, shall be considered evidence of real harm or substantiated potential

59 harm to the child.

60 ~~[(3) For purposes of this section through Section 30-3-37:]~~

61 ~~[(a) "Child" means the child or children of divorcing, separating, or adjudicated~~  
62 ~~parents:]~~

63 ~~[(b) Subject to Subsection (5), "Christmas school vacation" means:]~~

64 ~~[(i) for a single child, the time period beginning on the evening the child is released~~  
65 ~~from school for the Christmas or winter school break and ending the evening before the child~~  
66 ~~returns to school; and]~~

67 ~~[(ii) for multiple children when the children's school schedules differ, at the option of~~  
68 ~~the parent exercising the holiday or the parent's half of the holiday, the time period may begin~~  
69 ~~on the first evening all children's schools are released for the Christmas or winter school break~~  
70 ~~and end the evening before any of the children returns to school.]~~

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

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

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

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

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

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

88 ~~[(5) A Christmas school vacation shall be divided equally as required by Section~~  
89 ~~30-3-35:]~~

90 Section 2. Section **30-3-35** is repealed and reenacted to read:

91 **30-3-35. Minimum schedule for parent-time for a child five to 18 years old.**

92 (1) As used in this section, "weekends" include any snow days, teacher development  
93 days, or other days when school is not scheduled and that are contiguous to the weekend  
94 period.

95 (2) The parent-time schedule in this section applies to a child who is older than five  
96 years old but younger than 18 years old.

97 (3) If the parties do not agree to a parent-time schedule for a child described in  
98 Subsection (2), the following schedule is considered the minimum parent-time to which the  
99 noncustodial parent is entitled to the child:

100 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or  
101 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or

102 (ii) at the election of the noncustodial parent, one weekday to be specified by the  
103 noncustodial parent or the court:

104 (A) beginning at the time that the child's school is regularly dismissed and ending at  
105 8:30 p.m.; or

106 (B) if school is not in session, the noncustodial parent is available to be with the child,  
107 and in accommodation with the custodial parent's work schedule, beginning at 9 a.m. and  
108 ending at 8:30 p.m.;

109 (b) (i) beginning on the first weekend after entry of the decree, alternating weekends  
110 beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or

111 (ii) at the election of the noncustodial parent and beginning on the first weekend after  
112 the entry of the decree, alternating weekends:

113 (A) beginning at the time that the child's school is regularly dismissed on Friday and  
114 ending on Sunday at 7 p.m.; or

115 (B) if school is not in session, the noncustodial parent is available to be with the child,  
116 and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m.  
117 and ending on Sunday at 7 p.m.; and

118 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
119 schedule described in Subsection (12).

120 (4) (a) An election should be made by the noncustodial parent at the time of entry of

121 the divorce decree or court order, except that the election may be changed by mutual  
122 agreement, court order, or by the noncustodial parent in the event of a change in the child's  
123 schedule.

124 (b) An election by either parent concerning parent-time shall be made a part of the  
125 decree and made a part of the parent-time order.

126 (5) A stepparent, grandparent, or other responsible adult designated by the noncustodial  
127 parent, may pick up the child for parent-time if the custodial parent is aware of the identity of  
128 the individual and the noncustodial parent will be with the child by 7 p.m.

129 (6) (a) Changes may not be made to the parent-time schedule under Subsection (3),  
130 except that the parent-time schedule for the child's birthday:

131 (i) except as provided in Subsection (6)(a)(ii), takes precedence over any other  
132 scheduled parent-time; and

133 (ii) does not take precedence over:

134 (A) Mother's Day;

135 (B) Father's Day; or

136 (C) uninterrupted parent-time for summer break if the parent exercising uninterrupted  
137 parent-time time takes the child away from that parent's residence for the uninterrupted  
138 parent-time.

139 (b) A parent exercising parent-time for the child's birthday may bring other siblings  
140 along for the child's birthday.

141 (7) If a holiday falls on a regularly scheduled school day, the parent exercising  
142 parent-time shall be responsible for the child's attendance at school for that school day.

143 (8) If there is more than one child and the children's school schedules vary for purpose  
144 of a holiday, at the option of the parent exercising the holiday or the parent's half of the  
145 holiday, the children may remain together for the holiday period beginning the first evening  
146 that all children's schools are dismissed for the holiday and ending the evening before any child  
147 returns to school.

148 (9) (a) A parent may designate two consecutive weeks to exercise uninterrupted  
149 parent-time for summer break.

150 (b) Each parent shall provide notification to the other parent of the parent's plans for  
151 the exercise of parent-time for summer break.

152 (c) For the notification requirement under Subsection (9)(b):  
153 (i) in odd-numbered years:  
154 (A) the noncustodial parent shall provide notice to the custodial parent by May 1st; and  
155 (B) the custodial parent shall provide notice to the noncustodial parent by May 15th;  
156 and  
157 (ii) in even-numbered years:  
158 (A) the custodial parent shall provide notice to the noncustodial parent by May 1st; and  
159 (B) the noncustodial parent shall provide notice to the custodial parent by May 15th.  
160 (d) (i) If a parent fails to provide a notification within the time periods described in  
161 Subsection (9)(c), the complying parent may determine the schedule for summer break for the  
162 noncomplying parent.  
163 (ii) If both parents fail to provide notice within the time periods described in  
164 Subsection (9)(c), the first parent to provide notice may determine the schedule for summer  
165 break for the other parent.  
166 (e) (i) A custodial parent may interrupt the additional two weeks of parent-time for  
167 summer break for a noncustodial parent to allow the custodial parent a weekday visit each  
168 week on the same day in which the noncustodial parent is granted weekday parent-time under  
169 Subsection (3)(a).  
170 (ii) If a custodial parent intends to exercise parent-time under Subsection (9)(e)(i), the  
171 custodial parent shall provide notification to the noncustodial parent of the intent to exercise  
172 the option within 10 days before the day on which the noncustodial parent being begins to  
173 exercise interrupted parent-time for summer break.  
174 (10) (a) Telephone contact shall be at reasonable hours and for a reasonable duration.  
175 (b) (i) Virtual parent-time, if the equipment is reasonably available and the parents  
176 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.  
177 (ii) If the parties cannot agree on whether the equipment is reasonably available, the  
178 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
179 into consideration:  
180 (A) the best interests of the child;  
181 (B) each parent's ability to handle any additional expenses for virtual parent-time; and  
182 (C) any other factors the court considers material.

183 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.  
 184 (11) If there is a child older than five years old but younger than 18 years old and a  
 185 child under five years old and both are the natural or adopted children of the parties, the parents  
 186 and the court should consider an upward deviation for parent-time with all the children so that  
 187 parent-time is uniform based on a schedule in accordance with this section.  
 188 (12) The following table is the holiday schedule for parent-time under this section.

<u>Holiday</u>	<u>Holiday Time Period</u>	<u>Years</u> <u>Noncustodial</u> <u>Parent is</u> <u>Granted</u> <u>Holiday</u>	<u>Years</u> <u>Custodial</u> <u>Parent is</u> <u>Granted</u> <u>Holiday</u>
<u>Dr. Martin Luther King Jr. Day</u>	(1) <u>Holiday begins Friday at:</u> (a) <u>9 a.m. if school is not in session and the parent can be with the child;</u> (b) <u>the time that school is regularly dismissed; or</u> (c) <u>6 p.m. at the election of the parent granted the holiday.</u> (2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u>	<u>Odd years</u>	<u>Even years</u>
<u>President's Day</u>	(1) <u>Holiday begins Friday at:</u> (a) <u>9 a.m. if school is not in session and the parent can be with the child;</u> (b) <u>the time that school is regularly dismissed; or</u> (c) <u>6 p.m. at the election of the parent granted the holiday.</u> (2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u>	<u>Even years</u>	<u>Odd years</u>

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<p><u>Spring Break</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on the day that school dismisses for spring break.</u></p> <p>(2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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<p><u>Memorial Day</u></p>	<p>(1) <u>Holiday begins Friday at:</u></p> <p>(a) <u>9 a.m. if school is not in session and the parent can be with the child;</u></p> <p>(b) <u>the time that school is regularly dismissed; or</u></p> <p>(c) <u>6 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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<p><u>Mother's Day</u></p>	<p>(1) <u>Holiday begins on Mother's Day at 9 a.m.</u></p> <p>(2) <u>Holiday ends on Mother's Day at 7 p.m.</u></p>	<p><u>All years if noncustodial parent is the mother or other parent granted the holiday in the order.</u></p>	<p><u>All years if custodial parent is the mother or other parent granted the holiday in the order.</u></p>
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<p><u>Father's Day</u></p>	<p>(1) <u>Holiday begins on Father's Day at 9 a.m.</u></p> <p>(2) <u>Holiday ends on Father's Day at 7 p.m.</u></p>	<p><u>All years if noncustodial parent is the father or other parent granted the holiday in the order.</u></p>	<p><u>All years if custodial parent is the father or other parent granted the holiday in the order.</u></p>
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196	<u>Independence Day</u>	(1) <u>Holiday begins on July 3rd at 6 p.m.</u> (2) <u>Holiday ends on July 5th at 6 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
197	<u>Pioneer Day</u>	(1) <u>Holiday begins on July 23rd at 6 p.m.</u> (2) <u>Holiday ends on July 25th at 6 p.m.</u>	<u>Even years</u>	<u>Odd years</u>
198	<u>Labor Day</u>	(1) <u>Holiday begins on Friday at:</u> <u>(a) 9 a.m. if school is not in session and the parent can be with the child;</u> <u>(b) the time that school is regularly dismissed; or</u> <u>(c) 6 p.m. at the election of the parent granted the holiday.</u> (2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u>	<u>Odd years</u>	<u>Even years</u>
199	<u>Columbus Day</u>	(1) <u>Holiday begins at 6 p.m. on the day before Columbus Day.</u> (2) <u>Holiday ends at 7 p.m. on Columbus Day.</u>	<u>Even years</u>	<u>Odd years</u>
200	<u>Fall Break</u>	(1) <u>Holiday begins at 6 p.m. on the day school is dismissed for fall break.</u> (2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u>	<u>Odd years</u>	<u>Even years</u>

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<p><u>Halloween</u></p>	<p>(1) <u>Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</u>  <u>(a) at the time that school is dismissed; or</u>  <u>(b) at 4 p.m. if there is no school.</u>                  (2) <u>Holiday ends at 9 p.m. on the same day the holiday begins.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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<p><u>Veterans Day</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on Veterans Day.</u>                  (2) <u>Holiday ends at 7 p.m. on Veterans Day.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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<p><u>Thanksgiving</u></p>	<p>(1) <u>Holiday begins on Wednesday at:</u>  <u>(a) 6 p.m.; or</u>  <u>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</u>                  (2) <u>Holiday ends at 7 p.m. on the night before school resumes.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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204	<u>Winter Break (First Half)</u>	<u>(1) Holiday begins at:</u> <u>(a) 6 p.m. on the day on that school dismisses for winter break; or</u> <u>(b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday.</u> <u>(2) Holiday ends on December 27th at 7 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
205	<u>Winter Break (Second Half)</u>	<u>(1) Holiday begins on December 27th at 7 p.m.</u> <u>(2) Holiday ends at 7 p.m. on the night before school resumes.</u>	<u>Even years</u>	<u>Odd years</u>
206	<u>Day of Child's Birthday</u>	<u>(1) Holiday begins at 3 p.m.</u> <u>(2) Holiday ends at 9 p.m.</u>	<u>Even years</u>	<u>Odd years</u>
207	<u>Day Before or After Child's Birthday</u>	<u>(1) Holiday begins at 3 p.m.</u> <u>(2) Holiday ends at 9 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
208	<u>Summer Break</u>	<u>Holiday is two one-week visits of uninterrupted time when school is not in session for the summer break.</u>	<u>All years</u>	<u>All years</u>
209	<u>Summer Break</u>	<u>Holiday is two additional one-week visits of interrupted time when school is not in session for the summer break.</u>	<u>All years</u>	<u>Never</u>

210 Section 3. Section [30-3-35.1](#) is repealed and reenacted to read:

211 **30-3-35.1. Optional schedule for parent-time for a child five to 18 years old.**

212 (1) As used in this section, "weekends" include any snow days, teacher development  
213 days, or other days when school is not scheduled and that are contiguous to the weekend  
214 period.

215 (2) (a) The optional parent-time schedule in this section applies to a child who is older  
216 than five years old but younger than 18 years old.

217 (b) The optional parent-time schedule in this section is 145 overnights.

218 (c) Any impact on child support shall be consistent with joint physical custody, as  
219 defined in Section [78B-12-102](#).

220 (3) The parents and the court may consider the increased parent-time schedule in this  
221 section as a minimum parent-time schedule when the parties agree or the noncustodial parent  
222 can demonstrate:

223 (a) the noncustodial parent has been actively involved in the child's life;

224 (b) the parties can communicate effectively regarding the child or the noncustodial  
225 parent has a plan to accomplish effective communications regarding the child;

226 (c) the noncustodial parent has the ability to facilitate the increased parent-time;

227 (d) the increased parent-time would be in the best interest of the child; and

228 (e) any other factor the court considers relevant.

229 (4) In determining whether a noncustodial parent has been actively involved in the  
230 child's life, the court shall consider:

231 (a) demonstrated responsibility in caring for the child;

232 (b) involvement in childcare;

233 (c) presence or volunteer efforts in the child's school and at extracurricular activities;

234 (d) assistance with the child's homework;

235 (e) involvement in preparation of meals, bath time, and bedtime for the child;

236 (f) bonding with the child; and

237 (g) any other factor the court considers relevant.

238 (5) In determining whether a noncustodial parent has the ability to facilitate the  
239 increased parent-time, the court shall consider:

240 (a) the geographic distance between the residences of the parents and the distance

241 between the parents' residences and the child's school;  
242 (b) the noncustodial parent's ability to assist with after school care;  
243 (c) the health of the child and the noncustodial parent in accordance with Subsection  
244 30-3-10(6);  
245 (d) flexibility of employment or another schedule of the noncustodial parent;  
246 (e) ability to provide appropriate playtime with the child;  
247 (f) history and ability of the noncustodial parent to implement a flexible schedule for  
248 the child;  
249 (g) physical facilities of the noncustodial parent's residence; and  
250 (h) any other factor the court considers relevant.  
251 (6) If the parties agree or the court enters an order for the optional parent-time schedule  
252 under this section, a parenting plan in compliance with Sections 30-3-10.7 through 30-3-10.10  
253 shall be filed with any order incorporating the optional parent-time schedule described in  
254 Subsection (7).  
255 (7) The following schedule is considered the optional parent-time to which the  
256 noncustodial parent is entitled to the child:  
257 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or  
258 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon  
259 delivering the child to school or at 8 a.m. if there is no school; or  
260 (ii) at the election of the noncustodial parent, one weekday specified by the  
261 noncustodial parent or the court:  
262 (A) beginning at the time the child's school is regularly dismissed until the following  
263 day upon delivering the child to school or at 8 a.m. if there is no school; or  
264 (B) if there is no school, the noncustodial parent is available to be with the child, and  
265 in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on  
266 the following day upon delivering the child to school or at 8 a.m. if there is no school;  
267 (b) (i) beginning the first weekend after the entry of the decree, alternating weekends  
268 beginning at 6 p.m. on Friday and ending on Monday upon delivering the child to school or at 8  
269 a.m. if there is no school;  
270 (ii) beginning the first weekend after the entry of the decree and at the election of the  
271 noncustodial parent, alternating weekends:

272 (A) beginning at the time the child's school is regularly dismissed on Friday and ending  
273 on Sunday at 7 p.m.; or

274 (B) if there is no school, the noncustodial parent is available to be with the child, and  
275 in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m. and  
276 ending on Sunday at 7 p.m.; and

277 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
278 schedule described in Subsection (15).

279 (8) (a) An election should be made by the noncustodial parent at the time of entry of  
280 the divorce decree or court order, except that the election may be changed by mutual  
281 agreement, court order, or by the noncustodial parent in the event of a change in the child's  
282 schedule.

283 (b) An election by either parent concerning parent-time shall be made a part of the  
284 decree and made a part of the parent-time order.

285 (9) A stepparent, grandparent, or other responsible adult designated by the noncustodial  
286 parent, may pick up the child for parent-time if the custodial parent is aware of the identity of  
287 the individual and the noncustodial parent will be with the child by 7:00 p.m.

288 (10) (a) Changes may not be made to the parent-time schedule under Subsection (7),  
289 except that the parent-time schedule for the child's birthday:

290 (i) except as provided in Subsection (10)(a)(ii), takes precedence over any other  
291 scheduled parent-time; and

292 (ii) does not take precedence over:

293 (A) Mother's Day;

294 (B) Father's Day; or

295 (C) uninterrupted parent-time for summer break if the parent exercising uninterrupted  
296 parent-time time takes the child away from that parent's residence for the uninterrupted  
297 parent-time.

298 (b) A parent exercising parent-time for the child's birthday may bring other siblings  
299 along for the child's birthday.

300 (11) If a holiday falls on a regularly scheduled school day, the parent exercising  
301 parent-time shall be responsible for the child's attendance at school for that school day.

302 (12) If there is more than one child and the children's school schedules vary for the

303 purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the  
304 holiday, the children may remain together for the holiday period beginning the first evening  
305 that all children's schools are dismissed for the holiday and ending the evening before any child  
306 returns to school.

307 (13) (a) A parent may designate two consecutive weeks to exercise uninterrupted  
308 parent-time for summer break.

309 (b) Each parent shall provide notification to the other parent of the parent's plans for  
310 the exercise of parent-time for summer break.

311 (c) For the notification requirement under Subsection (13)(b):

312 (i) in odd-numbered years:

313 (A) the noncustodial parent shall provide notice to the custodial parent by May 1st; and

314 (B) the custodial parent shall provide notice to the noncustodial parent by May 15th;

315 and

316 (ii) in even-numbered years:

317 (A) the custodial parent shall provide notice to the noncustodial parent by May 1st; and

318 (B) the noncustodial parent shall provide notice to the custodial parent by May 15th.

319 (d) (i) If a parent fails to provide a notification within the time periods described in  
320 Subsection (13)(c), the complying parent may determine the schedule for summer break for the  
321 noncomplying parent.

322 (ii) If both parents fail to provide notice within the time periods described in  
323 Subsection (13)(c), the first parent to provide notice may determine the schedule for summer  
324 break for the other parent.

325 (e) (i) A custodial parent may interrupt the additional two weeks of parent-time for  
326 summer break for a noncustodial parent to allow the custodial parent a weekday visit each  
327 week on the same day in which the noncustodial parent is granted weekday parent-time under  
328 Subsection (7)(a).

329 (ii) If a custodial parent intends to exercise parent-time under Subsection (13)(e)(i), the  
330 custodial parent shall provide notification to the noncustodial parent of the intent to exercise  
331 the option within 10 days before the day on which the noncustodial parent being begins to  
332 exercise interrupted parent-time for summer break.

333 (14) If there is a child older than five years old but younger than 18 years old and a

334 child under five years old and both are the natural or adopted children of the parties, the parents  
 335 and the court should consider an upward deviation for parent-time with all the children so that  
 336 parent-time is uniform based on a schedule in accordance with this section.

337 (15) The following table is the holiday schedule for parent-time under this section.

	<u>Holiday</u>	<u>Holiday Time Period</u>	<u>Years Noncustodial Parent is Granted Holiday</u>	<u>Years Custodial Parent is Granted Holiday</u>
338	<u>Dr. Martin Luther King Jr. Day</u>	(1) <u>Holiday begins Friday at:</u> (a) <u>9 a.m. if school is not in session and the parent can be with the child;</u> (b) <u>the time that school is regularly dismissed; or</u> (c) <u>6 p.m. at the election of the parent granted the holiday.</u> (2) <u>Holiday ends:</u> (a) <u>upon delivering of the child to school on the day following Dr. Martin Luther King Jr. Day; or</u> (b) <u>at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.</u>	<u>Odd years</u>	<u>Even years</u>
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<p><u>President's Day</u></p>	<p>(1) <u>Holiday begins Friday at:</u>                  (a) <u>9 a.m. if school is not in session and the parent can be with the child;</u>                  (b) <u>the time that school is regularly dismissed; or</u>                  (c) <u>6 p.m. at the election of the parent granted the holiday.</u>                  (2) <u>Holiday ends:</u>                  (a) <u>upon delivering the child to school on the day following President's Day; or</u>                  (b) <u>at 8 a.m. on the day following President's Day if there is no school.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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<p><u>Spring Break</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on the day that school dismisses for spring break.</u>                  (2) <u>Holiday ends:</u>                  (a) <u>upon delivering the child to school on the day following the end of spring break; or</u>                  (b) <u>at 8 a.m. on the day following the end of spring break if there is no school.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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<p><u>Memorial Day</u></p>	<p><u>(1) Holiday begins Friday at:</u>  <u>(a) 9 a.m. if school is not in session and the parent can be with the child;</u>  <u>(b) the time that school is regularly dismissed; or</u>  <u>(c) 6 p.m. at the election of the parent granted the holiday.</u>  <u>(2) Holiday ends:</u>  <u>(a) upon delivering the child to school on the day following Memorial Day; or</u>  <u>(b) at 8 a.m. on the day following Memorial Day if there is no school.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
<p><u>Mother's Day</u></p>	<p><u>(1) Holiday begins on Mother's Day at 9 a.m.</u>  <u>(2) Holiday ends on Mother's Day at 7 p.m.</u></p>	<p><u>All years if noncustodial parent is the mother or other parent designated in the order.</u></p>	<p><u>All years if custodial parent is the mother or other parent designated in the order.</u></p>
<p><u>Father's Day</u></p>	<p><u>(1) Holiday begins on Father's Day at 9 a.m.</u>  <u>(2) Holiday ends on Father's Day at 7 p.m.</u></p>	<p><u>All years if noncustodial parent is the father or other parent designated in the order.</u></p>	<p><u>All years if custodial parent is the father or other parent designated in the order.</u></p>
<p><u>Independence Day</u></p>	<p><u>(1) Holiday begins on July 3rd at 6 p.m.</u>  <u>(2) Holiday ends on July 5th at 6 p.m.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>

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346	<p><u>Pioneer Day</u></p>	<p>(1) <u>Holiday begins on July 23rd at 6 p.m.</u>                  (2) <u>Holiday ends on July 25th at 6 p.m.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
347	<p><u>Labor Day</u></p>	<p>(1) <u>Holiday begins Friday at:</u>                  (a) <u>9 a.m. if school is not in session and the parent can be with the child;</u>                  (b) <u>the time that school is regularly dismissed; or</u>                  (c) <u>6 p.m. at the election of the parent granted the holiday.</u>                  (2) <u>Holiday ends:</u>                  (a) <u>upon delivering the child to school on the day following Labor Day; or</u>                  (b) <u>at 8 a.m. on the day following Labor Day if there is no school.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
348	<p><u>Columbus Day</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on the day before Columbus Day.</u>                  (2) <u>Holiday ends at 7 p.m. on Columbus Day.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>

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<p><u>Fall Break</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on the day school is dismissed for fall break.</u></p> <p>(2) <u>Holiday ends:</u></p> <p>(a) <u>upon delivering the child to school on the day following the end of fall break; or</u></p> <p>(b) <u>at 8 a.m. on the day following the end of fall break if there is no school.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
<p><u>Halloween</u></p>	<p>(1) <u>Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</u></p> <p>(a) <u>at the time that school is dismissed; or</u></p> <p>(b) <u>at 4 p.m. if there is no school.</u></p> <p>(2) <u>Holiday ends at 9 p.m. on the same day the holiday begins.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
<p><u>Veterans Day</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on Veterans Day.</u></p> <p>(2) <u>Holiday ends at 7 p.m. on Veterans Day.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>

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<p><u>Thanksgiving</u></p>	<p><u>(1) Holiday begins on Wednesday at:</u>  <u>(a) 6 p.m.; or</u>  <u>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</u>  <u>(2) Holiday ends:</u>  <u>(a) upon delivering the child to school on the Monday following Thanksgiving; or</u>  <u>(b) at 8 a.m. on the Monday following Thanksgiving if there is no school.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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<p><u>Winter Break (First Half)</u></p>	<p><u>(1) Holiday beings at:</u>  <u>(a) 6 p.m.; or</u>  <u>(b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday.</u>  <u>(2) Holiday ends on December 27th at 7 p.m.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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<p><u>Winter Break (Second Half)</u></p>	<p><u>(1) Holiday begins on December 27th at 7 p.m.</u>  <u>(2) Holiday ends upon delivering the child to school on the day that school resumes after the winter break.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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355	<u>Day of Child's Birthday</u>	(1) <u>Holiday begins at 3 p.m.</u> (2) <u>Holiday ends at 9 p.m.</u>	<u>Even years</u>	<u>Odd years</u>
356	<u>Day Before or After Child's Birthday</u>	(1) <u>Holiday begins at 3 p.m.</u> (2) <u>Holiday ends at 9 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
357	<u>Summer Break</u>	<u>Holiday is two one-week visits of uninterrupted time when school is not in session for the summer break.</u>	<u>All years</u>	<u>All years</u>
358	<u>Summer Break</u>	<u>Holiday is two one-week visits of interrupted time when school is not in session for the summer break.</u>	<u>All years</u>	<u>Never</u>

359 Section 4. Section **30-3-35.5** is repealed and reenacted to read:

360 **30-3-35.5. Minimum schedule for parent-time for child under five years old.**

361 (1) The parent-time schedule in this section applies to a child who is younger than five  
362 years old.

363 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections

364 (3) through (8) are considered the minimum parent-time to which the noncustodial parent is  
365 entitled to the child.

366 (3) For a child who is younger than five months old, the noncustodial parent is entitled  
367 to:

368 (a) three two-hour visits every week; and

369 (b) two hours for each holiday granted to the noncustodial parent in accordance with  
370 the holiday schedule described in Subsection (15).

371 (4) For a child who is at least five months old but younger than nine months old, the  
372 noncustodial parent is entitled to:

373 (a) three visits every week for three hours per visit; and

374 (b) two hours for each holiday granted to the noncustodial parent in accordance with  
375 the holiday schedule described in Subsection (15).

376 (5) For a child who is at least nine months old but younger than 12 months old, the  
377 noncustodial parent is entitled to the child:

378 (a) one eight-hour visit every week;

379 (b) one three-hour visit every week; and

380 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
381 schedule described in Subsection (15).

382 (6) For a child who is at least 12 months old but younger than 18 months old, the  
383 noncustodial parent is entitled to:

384 (a) one visit every week for three hours;

385 (b) one eight-hour visit on alternating weekends to be specified by the noncustodial  
386 parent or court;

387 (c) an overnight visit on opposite weekends from Subsection (6)(b) beginning at 6 p.m.  
388 on Friday and ending at noon on Saturday; and

389 (d) each holiday granted to the noncustodial parent in accordance with the holiday  
390 schedule described in Subsection (15).

391 (7) For a child who is at least 18 months old but younger than three years old, the  
392 noncustodial parent is entitled to:

393 (a) one weekday evening to be specified by the noncustodial parent or court:

394 (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

395 (ii) if the child is being cared for during the day outside the child's regular place of  
396 residence and with advance notice to the custodial parent, beginning at the time that the child is  
397 picked up from the caregiver and ending at 8:30 p.m.;

398 (b) beginning on the first weekend after the entry of the decree, alternating weekends  
399 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

400 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
401 schedule described in Subsection (15); and

402 (d) two one-week periods, separated by at least four weeks, at the option of the  
403 noncustodial parent, as follows:

404 (i) one week of uninterrupted time for the noncustodial parent; and

405 (ii) one week of time where the custodial parent may have an equal amount of weekday  
406 parent-time as the noncustodial parent.

- 407 (8) For a child who is at least three years old but younger than five years old, the  
408 noncustodial parent is entitled to:
- 409 (a) one weekday evening to be specified by the noncustodial parent or court:
- 410 (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or  
411 (ii) if the child is being cared for during the day outside the child's regular place of  
412 residence and with advance notice to the custodial parent, beginning at the time that the child is  
413 picked up from the caregiver and ending at 8:30 p.m.;
- 414 (b) beginning on the first weekend after the entry of the decree, alternating weekends  
415 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
- 416 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
417 schedule described in Subsection (15); and
- 418 (d) two one-week periods, separated by at least four weeks, at the option of the  
419 noncustodial parent, as follows:
- 420 (i) one week of uninterrupted time for the noncustodial parent; and  
421 (ii) one week of time where the custodial parent may have an equal amount of weekday  
422 parent-time as the noncustodial parent.
- 423 (9) For a child who is at least 18 months old but younger than five years old, the  
424 custodial parent is entitled to one week of interrupted parent-time for vacation.
- 425 (10) (a) For a child who is nine months old or older, the noncustodial parent shall have  
426 at least two times a week:
- 427 (i) brief telephone contact at reasonable hours and for a reasonable duration; and  
428 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside  
429 at least 100 miles apart, at reasonable hours and for reasonable duration.
- 430 (b) If the parties cannot agree on whether the equipment is reasonably available, the  
431 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
432 into consideration:
- 433 (i) the best interests of the child;  
434 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and  
435 (iii) any other factors the court considers material.
- 436 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 437 (11) For a child who is younger than nine months old, unless the parents agree



438 otherwise, parent-time should take place in the home of the custodial parent, an established  
439 child-care setting, or other environment familiar to the child.

440 (12) (a) Changes may not be made to a parent-time schedule under Subsections (3)  
441 through (8), except that the parent-time schedule for the child's birthday:

442 (i) except as provided in Subsection (12)(a)(ii), takes precedence over any other  
443 scheduled parent-time; and

444 (ii) does not take precedence over:

445 (A) Mother's Day;

446 (B) Father's Day; or

447 (C) uninterrupted parent-time for summer break if the parent exercising uninterrupted  
448 parent-time time takes the child away from that parent's residence for the uninterrupted  
449 parent-time.

450 (b) A parent exercising parent-time for the child's birthday may bring other siblings  
451 along for the child's birthday.

452 (13) If a holiday falls on a regularly scheduled school day, the parent exercising  
453 parent-time shall be responsible for the child's attendance at school for that school day.

454 (14) A parent shall notify the other parent at least 30 days in advance of extended  
455 parent-time.

456 (15) The following table is the holiday schedule for parent-time under this section.

<u>Holiday</u>	<u>Holiday Time Period</u>	<u>Years</u> <u>Noncustodial</u> <u>Parent is</u> <u>Granted</u> <u>Holiday</u>	<u>Years</u> <u>Custodial</u> <u>Parent is</u> <u>Granted</u> <u>Holiday</u>

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<p><u>Dr. Martin Luther King Jr. Day</u></p>	<p>(1) <u>Holiday begins on Friday at:</u>  <u>(a) 9 a.m. if the parent is available to be with the child; or</u>  <u>(b) 6 p.m. at the election of the parent granted the holiday.</u>                  (2) <u>Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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<p><u>President's Day</u></p>	<p>(1) <u>Holiday begins on Friday at:</u>  <u>(a) 9 a.m. if the parent is available to be with the child; or</u>  <u>(b) 6 p.m. at the election of the parent granted the holiday.</u>                  (2) <u>Holiday ends at 7 p.m. on President's Day.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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<p><u>Spring Break</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on the day that school dismissed for spring break.</u>                  (2) <u>Holiday ends at 7 p.m. on the day before school resumes.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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<p><u>Memorial Day</u></p>	<p>(1) <u>Holiday begins on Friday at:</u>  <u>(a) 9 a.m. if the parent is available to be with the child; or</u>  <u>(b) 6 p.m. at the election of the parent granted the holiday.</u>                  (2) <u>Holiday ends at 7 p.m. on Memorial Day.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
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462	<u>Mother's Day</u>	(1) <u>Holiday begins on Mother's Day at 9 a.m.</u> (2) <u>Holiday ends on Mother's Day at 7 p.m.</u>	<u>All years if noncustodial parent is the mother or other parent designated in the order.</u>	<u>All years if custodial parent is the mother or other parent designated in the order.</u>
463	<u>Father's Day</u>	(1) <u>Holiday begins on Father's Day at 9 a.m.</u> (2) <u>Holiday ends on Father's Day at 7 p.m.</u>	<u>All years if noncustodial parent is the father or other parent designated in the order.</u>	<u>All years if custodial parent is the father or other parent designated in the order.</u>
464	<u>Independence Day</u>	(1) <u>Holiday begins on July 3rd at 6 p.m.</u> (2) <u>Holiday ends on July 5th at 6 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
465	<u>Pioneer Day</u>	(1) <u>Holiday begins on July 23rd at 6 p.m.</u> (2) <u>Holiday ends on July 25th at 6 p.m.</u>	<u>Even years</u>	<u>Odd years</u>
466	<u>Labor Day</u>	(1) <u>Holiday begins on Friday at:</u> <u>(a) 9 a.m. if the parent is available to be with the child; or</u> <u>(b) 6 p.m. at the election of the parent granted the holiday.</u> (2) <u>Holiday ends at 7 p.m. on Labor Day.</u>	<u>Odd years</u>	<u>Even years</u>

467	<u>Columbus Day</u>	(1) <u>Holiday begins at 6 p.m. on the day before Columbus Day.</u> (2) <u>Holiday ends at 7 p.m. on Columbus Day.</u>	<u>Even years</u>	<u>Odd years</u>
468	<u>Fall Break</u>	(1) <u>Holiday begins at 6 p.m. on the day school is dismissed for fall break.</u> (2) <u>Holiday ends at 7:00 p.m. on the day before school resumes.</u>	<u>Odd years</u>	<u>Even years</u>
469	<u>Halloween</u>	(1) <u>Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</u> <u>(a) at the time that school is dismissed; or</u> <u>(b) at 4 p.m. if there is no school.</u> (2) <u>Holiday ends at 9 p.m. on the same day the holiday begins.</u>	<u>Even years</u>	<u>Odd years</u>
470	<u>Veterans Day</u>	(1) <u>Holiday begins at 6 p.m. on Veterans Day.</u> (2) <u>Holiday ends at 7 p.m. on Veterans Day.</u>	<u>Odd years</u>	<u>Even years</u>
471	<u>Thanksgiving</u>	(1) <u>Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving.</u> (2) <u>Holiday ends at 7 p.m. on day before school resumes.</u>	<u>Even years</u>	<u>Odd years</u>

472	<u>Winter Break</u> <u>(First Half)</u>	<u>(1) Holiday begins at 6 p.m. on the day on that school dismisses for winter break.</u> <u>(2) Holiday ends on December 27th at 7:00 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
473	<u>Winter Break</u> <u>(Second Half)</u>	<u>(1) Holiday begins on December 27th at 7 p.m.</u> <u>(2) Holiday ends at 7 p.m. on the night before school resumes.</u>	<u>Even years</u>	<u>Odd years</u>
474	<u>Day of Child's</u> <u>Birthday</u>	<u>(1) Holiday begins at 3 p.m.</u> <u>(2) Holiday ends at 9 p.m.</u>	<u>Even years</u>	<u>Odd years</u>
475	<u>Day Before or</u> <u>After Child's</u> <u>Birthday</u>	<u>(1) Holiday begins at 3 p.m.</u> <u>(2) Holiday ends at 9 p.m.</u>	<u>Odd years</u>	<u>Even years</u>