

PARENT-TIME AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to parent-time schedules.

Highlighted Provisions:

This bill:

- ▶ clarifies parent-time for certain holidays;
- ▶ clarifies the purpose of the number of overnights for the optional parent-time schedule for a child who is five to 18 years old; 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30-3-35, as repealed and reenacted by Laws of Utah 2022, Chapter 471

30-3-35.1, as repealed and reenacted by Laws of Utah 2022, Chapter 471

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 a child five to 18 years old.



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

31 (2) The parent-time schedule in this section applies to a child who is five to 18 years
32 old.

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

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

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

40 (A) beginning at the time that the child's school is regularly dismissed and ending at
41 8:30 p.m.; or

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

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

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

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

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

54 (c) each holiday granted to the noncustodial parent in accordance with the holiday
55 schedule described in Subsection (13); and

56 (d) extended parent-time with the child when school is not in session for summer break
57 in accordance with Subsection (4).

58 (4) (a) For extended parent-time with the child under Subsection (3)(d) and at the

59 election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of
60 parent-time with the child, which may be consecutive, when school is not in session for
61 summer break.

62 (b) For the four weeks of extended parent-time for a noncustodial parent under
63 Subsection (4)(a):

64 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
65 noncustodial parent; and

66 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
67 for a weekday visit on the same day on which the noncustodial parent is granted weekday day
68 parent-time.

69 (c) A custodial parent is entitled to uninterrupted parent-time with the child for two
70 weeks, which may be consecutive, when school is not in session for summer break.

71 (5) (a) Each parent shall provide notification to the other parent of the parent's plans for
72 the exercise of extended parent-time for summer break under Subsection (4).

73 (b) For the notification requirement under Subsection (5)(a):

74 (i) in odd-numbered years:

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

76 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

77 (ii) in even-numbered years:

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

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

80 (c) (i) If a parent fails to provide a notification within the time periods described in
81 Subsection (5)(b), the complying parent may determine the schedule for summer break for the
82 noncomplying parent.

83 (ii) If both parents fail to provide notice within the time periods described in
84 Subsection (5)(b), the first parent to provide notice may determine the schedule for summer
85 break for the other parent.

86 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
87 Subsection (4)(b)(ii), the custodial parent shall provide notification to the noncustodial parent
88 of the intent to interrupt parent-time within 10 days after the day on which the custodial parent
89 receives notification of the noncustodial parent's plans for the exercise of interrupted extended

90 parent-time.

91 (6) (a) An election should be made by the noncustodial parent at the time of entry of
92 the divorce decree or court order, except that the election may be changed by mutual
93 agreement, court order, or by the noncustodial parent in the event of a change in the child's
94 schedule.

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

97 (7) (a) Changes may not be made to the parent-time schedule under this section, except
98 that if a conflict arises in the parent-time schedule, the following order of precedence shall be
99 applied when determining which parent is entitled to parent-time:

100 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (13);

101 (ii) the holiday schedule for the child's birthday, unless a parent is exercising
102 uninterrupted extended parent-time under Subsection (4) and takes the child away from that
103 parent's residence during the uninterrupted extended parent-time;

104 (iii) the holiday schedule for any holiday under Subsection (13) that is not Father's Day,
105 Mother's Day, or the child's birthday;

106 (iv) extended parent-time under Subsection (4); and

107 (v) the schedule for weekday or weekend parent-time.

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

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

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

115 (10) If there is more than one child and the children's school schedules vary for purpose
116 of a holiday, at the option of the parent exercising the holiday or the parent's half of the
117 holiday, the children may remain together for the holiday period beginning the first evening
118 that all children's schools are dismissed for the holiday and ending the evening before any child
119 returns to school.

120 (11) (a) Telephone contact shall be at reasonable hours and for a reasonable duration.

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<p>President's Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on [the day before school resumes.] <u>President's Day.</u></p>	<p>Even years</p>	<p>Odd years</p>
<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Odd years</p>	<p>Even years</p>
<p>Memorial Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on [the day before school resumes.] <u>Memorial Day.</u></p>	<p>Even years</p>	<p>Odd years</p>

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140	Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
141	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.
142	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
143	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years

144	Labor Day	<p>(1) Holiday begins on Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 7 p.m. on [the day before school resumes.] <u>Labor Day.</u></p>	Odd years	Even years
145	Columbus Day	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</p> <p>(2) Holiday ends at 7 p.m. on Columbus Day.</p>	Even years	Odd years
146	Fall Break	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.</p> <p>(2) Holiday ends at 7 p.m. on the day before school resumes.</p>	Odd years	Even years
147	Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at 4 p.m. if there is no school.</p> <p>(2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	Even years	Odd years

148	Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years
149	Thanksgiving	(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on the night before school resumes.	Even years	Odd years
150	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day on that school dismisses for winter break; or (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. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
151	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the night before school resumes.	Even years	Odd years
152	Day of Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years

Day Before or After Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years
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Section 2. Section 30-3-35.1 is amended to read:

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

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

(2) (a) The optional parent-time schedule in this section applies to a child who is five to 18 years old.

(b) ~~[The]~~ For purposes of calculating child support, the optional parent-time schedule in this section is 145 overnights.

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

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

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

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

- (a) demonstrated responsibility in caring for the child;
- (b) involvement in childcare;
- (c) presence or volunteer efforts in the child's school and at extracurricular activities;
- (d) assistance with the child's homework;
- (e) involvement in preparation of meals, bath time, and bedtime for the child;

181 (f) bonding with the child; and
182 (g) any other factor the court considers relevant.
183 (5) In determining whether a noncustodial parent has the ability to facilitate the
184 increased parent-time, the court shall consider:
185 (a) the geographic distance between the residences of the parents and the distance
186 between the parents' residences and the child's school;
187 (b) the noncustodial parent's ability to assist with after school care;
188 (c) the health of the child and the noncustodial parent in accordance with Subsection
189 30-3-10(6);
190 (d) flexibility of employment or another schedule of the noncustodial parent;
191 (e) ability to provide appropriate playtime with the child;
192 (f) history and ability of the noncustodial parent to implement a flexible schedule for
193 the child;
194 (g) physical facilities of the noncustodial parent's residence; and
195 (h) any other factor the court considers relevant.
196 (6) If the parties agree or the court enters an order for the optional parent-time schedule
197 under this section, a parenting plan in compliance with Sections 30-3-10.7 through 30-3-10.10
198 shall be filed with any order incorporating the optional parent-time schedule described in
199 Subsection (7).
200 (7) The following schedule is considered the optional parent-time to which the
201 noncustodial parent is entitled to the child:
202 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or
203 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon
204 delivering the child to school or at 8 a.m. if there is no school; or
205 (ii) at the election of the noncustodial parent, one weekday specified by the
206 noncustodial parent or the court:
207 (A) beginning at the time the child's school is regularly dismissed until the following
208 day upon delivering the child to school or at 8 a.m. if there is no school; or
209 (B) if there is no school, the noncustodial parent is available to be with the child, and
210 in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on
211 the following day upon delivering the child to school or at 8 a.m. if there is no school;

212 (b) (i) beginning the first weekend after the entry of the decree, alternating weekends
213 beginning at 6 p.m. on Friday and ending on Monday upon delivering the child to school or at 8
214 a.m. if there is no school; or

215 (ii) at the election of the noncustodial parent, beginning the first weekend after the
216 entry of the decree, alternating weekends:

217 (A) beginning at the time the child's school is regularly dismissed on Friday and ending
218 on Monday upon delivering the child to school or at 8 a.m. if there is no school; or

219 (B) if there is no school, the noncustodial parent is available to be with the child, and
220 in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m. and
221 ending on Monday upon delivering the child to school or at 8 a.m. if there is no school;

222 (c) each holiday granted to the noncustodial parent in accordance with the holiday
223 schedule described in Subsection (16); and

224 (d) extended parent-time with the child when school is not in session for summer break
225 in accordance with Subsection (8).

226 (8) (a) For extended parent-time with the child under Subsection (7)(d) and at the
227 election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of
228 parent-time with the child, which may be consecutive, when school is not in session for
229 summer break.

230 (b) For the four weeks of extended parent-time for a noncustodial parent under
231 Subsection (8)(a):

232 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
233 noncustodial parent; and

234 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
235 for a weekday visit on the same day on which the noncustodial parent is granted weekday day
236 parent-time.

237 (c) A custodial parent is entitled to uninterrupted parent-time with the child for two
238 weeks, which may be consecutive, when school is not in session for summer break.

239 (9) (a) Each parent shall provide notification to the other parent of the parent's plans for
240 the exercise of parent-time for summer break under Subsection (8).

241 (b) For the notification requirement under Subsection (9)(a):

242 (i) in odd-numbered years:

243 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
244 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
245 (ii) in even-numbered years:

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

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

248 (c) (i) If a parent fails to provide a notification within the time periods described in
249 Subsection (9)(b), the complying parent may determine the schedule for summer break for the
250 noncomplying parent.

251 (ii) If both parents fail to provide notice within the time periods described in
252 Subsection (9)(b), the first parent to provide notice may determine the schedule for summer
253 break for the other parent.

254 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
255 Subsection (8)(b)(ii), the custodial parent shall provide notification to the noncustodial parent
256 of the intent to interrupt parent-time within 10 days after the day on which the custodial parent
257 receives notification of the noncustodial parent's plans for the exercise of interrupted extended
258 parent-time.

259 (10) (a) An election should be made by the noncustodial parent at the time of entry of
260 the divorce decree or court order, except that the election may be changed by mutual
261 agreement, court order, or by the noncustodial parent in the event of a change in the child's
262 schedule.

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

265 (11) (a) Changes may not be made to the parent-time schedule under this section,
266 except that if a conflict arises in the parent-time schedule, the following order of precedence
267 shall be applied when determining which parent is entitled to parent-time:

268 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (16);

269 (ii) the holiday schedule for the child's birthday, unless a parent is exercising
270 uninterrupted extended parent-time under Subsection (8) and takes the child away from that
271 parent's residence during the uninterrupted extended parent-time;

272 (iii) the holiday schedule for any holiday under Subsection (16) that is not Father's Day,
273 Mother's Day, or the child's birthday;

274 (iv) extended parent-time under Subsection (8); and
275 (v) the schedule for weekday or weekend parent-time.

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

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

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

283 (14) If there is more than one child and the children's school schedules vary for purpose
284 of a holiday, at the option of the parent exercising the holiday or the parent's half of the
285 holiday, the children may remain together for the holiday period beginning the first evening
286 that all children's schools are dismissed for the holiday and ending the evening before any child
287 returns to school.

288 (15) If there is a child five to 18 years old and a child under five years old and both
289 children are the natural or adopted children of the parties, the parents and the court should
290 consider an upward deviation for parent-time with all the children so that parent-time is
291 uniform based on a schedule under this section.

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

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Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
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<p>Dr. Martin Luther King Jr. Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering of the child to school on the day following Dr. Martin Luther King Jr. Day; or (b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
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<p>President's Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the child to school on the day following President's Day; or (b) at 8 a.m. on the day following President's Day if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>
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<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends: (a) upon delivering the child to school on the day following the end of spring break; or (b) at 8 a.m. on the day following the end of spring break if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
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<p>Memorial Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>
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<p>Mother's Day</p>	<p>(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.</p>	<p>All years if noncustodial parent is the mother or other parent designated in the order.</p>	<p>All years if custodial parent is the mother or other parent designated in the order.</p>
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299	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.
300	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
301	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
302	Labor Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the child to school on the day following Labor Day; or (b) at 8 a.m. on the day following Labor Day if there is no school.	Odd years	Even years

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

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<p>Thanksgiving</p>	<p>(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the child to school on the Monday following Thanksgiving; or (b) at 8 a.m. on the Monday following Thanksgiving if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>
<p>Winter Break (First Half)</p>	<p>(1) Holiday begins at: (a) 6 p.m. <u>on the day that school dismisses for winter break</u>; or (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. (2) Holiday ends on December 27th at 7 p.m.</p>	<p>Odd years</p>	<p>Even years</p>
<p>Winter Break (Second Half)</p>	<p>(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the child to school on the day that school resumes after the winter break.</p>	<p>Even years</p>	<p>Odd years</p>

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310	Day of Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
311	Day Before or After Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years