

**VISITATION AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaVar Christensen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to supervised parent-time.

**Highlighted Provisions:**

This bill:

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

**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 2008, Chapters 3 and 146

ENACTS:

**30-3-34.5**, Utah Code Annotated 1953

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*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 fundamental liberty interests of parents  
31 and children as recognized in Sections 62A-4a-201 and 78A-6-503, which include the safety  
32 and well-being of the child and the parent who ~~[is the victim of]~~ experience domestic or family  
33 violence.

34 (b) Absent a showing by ~~[a preponderance of]~~ clear and convincing evidence of real  
35 harm or substantiated potential harm to the child:

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

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

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

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

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

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

49 (b) "Christmas school vacation" means the time period beginning on the evening the  
50 child gets out of school for the Christmas or winter school break until the evening before the  
51 child returns to school.

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

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

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

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

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

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

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

71           **30-3-34.5. Supervised parent-time.**

72           (1) When strictly necessary to protect a child and no less restrictive means is  
73 reasonably available, a court may order supervised parent-time if the court determines from  
74 sufficient available evidence that the child would be subject to physical, psychological, or  
75 emotional danger from the noncustodial parent if left unsupervised with the noncustodial  
76 parent.

77           (2) A court that indicates its intention to order supervised parent-time shall require  
78 both parties to provide the names of at least two persons who are capable and willing to  
79 supervise the proposed noncustodial parent if needed during parent-time.

80           (3) The court shall select one name from each list and designate one to be the primary  
81 supervisor and one to be the secondary supervisor. The secondary supervisor may only be used  
82 when the primary supervisor is unavailable. The court shall provide additional guidance and  
83 direction for parent-time when neither supervisor is available.

84           (4) The court shall diligently strive to give preference to a relative of the noncustodial  
85 parent who is known to the child, or an individual recommended by the noncustodial parent,  
86 when making the selection in Subsection (3).

87           (5) (a) Supervised parent-time may only be assigned to a paid service if the court finds  
88 that there is no suitable relative or recommended individual willing and able to fulfill the role  
89 as provided in Subsection (2).

90 (b) A paid service provider may not cause undue financial hardship that effectively  
91 prevents a parent from full and fair exercise of the parent's rights pursuant to Sections  
92 62A-4a-201 and 78A-6-503.

93 (c) A noncustodial parent may petition the court and is entitled to restoration of  
94 unsupervised parent-time due to improved circumstances and correction of former conditions  
95 that the previous order was based upon. Supervised parent-time is an extreme protective  
96 measure. Relief shall be made available on an expedited basis to the fullest extent possible.  
97 Supervised parent-time is temporary and may not cause or contribute to potential irretrievable  
98 destruction of family relationships. A reasonable plan for eliminating the need for supervision  
99 may be ordered by the court. At all times, the court shall balance parental rights, children's  
100 interests, and family unity.

101 (d) A noncustodial parent's inability to pay for expenses associated with this  
102 Subsection (5) is not cause to withhold parent-time and is solely subject to debt collection  
103 procedures and remedies.

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**Legislative Review Note**  
**as of 2-6-14 7:24 AM**

**Office of Legislative Research and General Counsel**