

PARENTING PLAN AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to parenting plans.

Highlighted Provisions:

This bill:

- ▶ lists decisions related to an education plan;
- ▶ addresses who can make the education plan; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-10.9, as last amended by Laws of Utah 2003, Chapter 288

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

Section 1. Section **30-3-10.9** is amended to read:

30-3-10.9. Parenting plan -- Objectives -- Required provisions -- Dispute resolution.

(1) The objectives of a parenting plan are to:



- 28 (a) provide for the child's physical care;
- 29 (b) maintain the child's emotional stability;
- 30 (c) provide for the child's changing needs as the child grows and matures in a way that
- 31 minimizes the need for future modifications to the parenting plan;
- 32 (d) set forth the authority and responsibilities of each parent with respect to the child
- 33 consistent with the definitions outlined in this chapter;
- 34 (e) minimize the child's exposure to harmful parental conflict;
- 35 (f) encourage the parents, where appropriate, to meet the responsibilities to their minor
- 36 children through agreements in the parenting plan rather than relying on judicial intervention;
- 37 and
- 38 (g) protect the best interests of the child.

39 (2) The parenting plan shall contain provisions for resolution of future disputes
40 between the parents, allocation of decision-making authority, and residential provisions for the
41 child, and provisions addressing notice and parent-time responsibilities in the event of the
42 relocation of either party. It may contain other provisions comparable to those in Sections
43 [30-3-5](#) and [30-3-10.3](#) regarding the welfare of the child.

44 (3) A process for resolving disputes shall be provided unless precluded or limited by
45 statute. A dispute resolution process may include:

- 46 (a) counseling;
- 47 (b) mediation or arbitration by a specified individual or agency; or
- 48 (c) court action.
- 49 (4) In the dispute resolution process:
 - 50 (a) preference shall be given to the provisions in the parenting plan;
 - 51 (b) parents shall use the designated process to resolve disputes relating to
 - 52 implementation of the plan, except those related to financial support, unless an emergency
 - 53 exists;
 - 54 (c) a written record shall be prepared of any agreement reached in counseling or
 - 55 mediation and provided to each party;
 - 56 (d) if arbitration becomes necessary, a written record shall be prepared and a copy of
 - 57 the arbitration award shall be provided to each party;
 - 58 (e) if the court finds that a parent has used or frustrated the dispute resolution process

59 without good reason, the court may award ~~[attorney's]~~ attorney fees and financial sanctions to
60 the prevailing parent;

61 (f) the district court ~~[shall have]~~ has the right of review from the dispute resolution
62 process; and

63 (g) the provisions of this Subsection (4) shall be set forth in any final decree or order.

64 (5) (a) ~~[The]~~ Subject to the other provisions in this Subsection (5), the parenting plan
65 shall allocate decision-making authority to one or both parties regarding the ~~[children's]~~ child's
66 education, health care, and religious upbringing. The parties may incorporate an agreement
67 related to the care and growth of the ~~[children]~~ child in these specified areas or in other areas
68 into their plan, consistent with the criteria outlined in Subsection 30-3-10.7(2) and Subsection
69 (1). Regardless of the allocation of decision-making in the parenting plan, either parent may
70 make emergency decisions affecting the health or safety of the child.

71 (b) A child's education plan shall designate the following:

72 (i) the home residence for purpose of identifying the appropriate school;

73 (ii) whether one or both parents has access to the child during school and authority to
74 check the child out of school; and

75 (iii) which parent has authority to make education decisions for the child in the event
76 the parties cannot agree.

77 (c) If no education provision is included in the parent plan:

78 (i) the parent with sole physical custody ~~Ĥ~~→ ~~[may]~~ shall ←~~Ĥ~~ make the decisions listed in

78a Subsection

79 (5)(b); or

80 (ii) in the event of joint physical custody, the parent having the child the majority of the

81 time, pursuant to Subsection 30-3-10.3(4) ~~Ĥ~~→ ~~[may]~~ shall ←~~Ĥ~~ make the decisions listed in

81a Subsection (5)(b) ~~Ĥ~~→ , **except that there is a presumption that both parents with joint physical**

81b **custody shall have access to the child during school and authority to check the child out of**

81c **school** ←~~Ĥ~~ .

82 (6) Each parent may make decisions regarding the day-to-day care and control of the
83 child while the child is residing with that parent.

84 (7) When mutual decision-making is designated but cannot be achieved, the parties
85 shall make a good faith effort to resolve the issue through the dispute resolution process.

86 (8) The plan shall include a residential schedule ~~[which]~~ that designates in which
87 parent's home each minor child shall reside on given days of the year, including provisions for
88 holidays, birthdays of family members, vacations, and other special occasions.

89

(9) If a parent fails to comply with a provision of the parenting plan or a child support

90 order, the other parent's obligations under the parenting plan or the child support order are not
91 affected. Failure to comply with a provision of the parenting plan or a child support order may
92 result in a finding of contempt of court.

Legislative Review Note
Office of Legislative Research and General Counsel