

1 **PARENT-TIME AFTER RELOCATION OF A PARENT**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gage Froerer**

5 Senate Sponsor: David P. Hinkins

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions governing the relocation of a custodial parent with a minor
10 child or children.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ clarifies that parent-time associated with a minor child and the relocation of the
14 custodial parent of the minor child is limited to children age 5 to 18.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **30-3-37**, as last amended by Laws of Utah 2012, Chapter 227

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

24 Section 1. Section **30-3-37** is amended to read:

25 **30-3-37. Relocation.**

26 (1) For purposes of this section, "relocation" means moving 150 miles or more from
27 the residence of the other parent.

28 (2) The relocating parent shall provide 60 days advance written notice of the intended
29 relocation to the other parent. The written notice of relocation shall contain statements

30 affirming the following:

31 (a) the parent-time provisions in Subsection (5) or a schedule approved by both parties
32 will be followed; and

33 (b) neither parent will interfere with the other's parental rights pursuant to court
34 ordered parent-time arrangements, or the schedule approved by both parties.

35 (3) The court shall, upon motion of any party or upon the court's own motion, schedule
36 a hearing with notice to review the notice of relocation and parent-time schedule as provided in
37 Section [30-3-35](#) and make appropriate orders regarding the parent-time and costs for
38 parent-time transportation.

39 (4) In a hearing to review the notice of relocation, the court shall, in determining if the
40 relocation of a custodial parent is in the best interest of the child, consider any other factors that
41 the court considers relevant to the determination. If the court determines that relocation is not
42 in the best interest of the child, and the custodial parent relocates, the court may order a change
43 of custody.

44 (5) If the court finds that the relocation is in the best interest of the child, the court shall
45 determine the parent-time schedule and allocate the transportation costs that will be incurred
46 for the child to visit the noncustodial parent. In making its determination, court shall consider:

- 47 (a) the reason for the parent's relocation;
- 48 (b) the additional costs or difficulty to both parents in exercising parent-time;
- 49 (c) the economic resources of both parents; and
- 50 (d) other factors the court considers necessary and relevant.

51 (6) Unless otherwise ordered by the court, upon the relocation, as defined in
52 Subsection (1), of one of the parties the following schedule shall be the minimum requirements
53 for parent-time ~~[with a school-age child]~~ for children 5 to 18 years of age:

54 (a) in years ending in an odd number, the child shall spend the following holidays with
55 the noncustodial parent:

- 56 (i) Thanksgiving holiday beginning Wednesday until Sunday; and
- 57 (ii) Spring break, if applicable, beginning the last day of school before the holiday until

58 the day before school resumes;

59 (b) in years ending in an even number, the child shall spend the following holidays
60 with the noncustodial parent:

61 (i) the entire winter school break period; and

62 (ii) the Fall school break beginning the last day of school before the holiday until the
63 day before school resumes;

64 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
65 weeks. The children should be returned to the custodial home no later than seven days before
66 school begins; however, this week shall be counted when determining the amount of
67 parent-time to be divided between the parents for the summer or off-track period; and

68 (d) one weekend per month, at the option and expense of the noncustodial parent.

69 (7) The court may also set a parent-time schedule for children under the age of five.

70 The schedule shall take into consideration the following:

71 (a) the age of the child;

72 (b) the developmental needs of the child;

73 (c) the distance between the parents' homes;

74 (d) the travel arrangements and cost;

75 (e) the level of attachment between the child and the noncustodial parent; and

76 (f) any other factors relevant to the best interest of the child.

77 [~~7~~] (8) The noncustodial parent's monthly weekend entitlement is subject to the
78 following restrictions.

79 (a) If the noncustodial parent has not designated a specific weekend for parent-time,
80 the noncustodial parent shall receive the last weekend of each month unless a holiday assigned
81 to the custodial parent falls on that particular weekend. If a holiday assigned to the custodial
82 parent falls on the last weekend of the month, the noncustodial parent shall be entitled to the
83 next to the last weekend of the month.

84 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday
85 extends into or through the first weekend of the next month, that weekend shall be considered

86 the noncustodial parent's monthly weekend entitlement for that month.

87 (c) If a child is out of school for teacher development days or snow days after the
88 children begin the school year, or other days not included in the list of holidays in Subsection
89 (6) and those days are contiguous with the noncustodial parent's monthly weekend parent-time,
90 those days shall be included in the weekend parent-time.

91 [~~(8)~~] (9) The custodial parent is entitled to all parent-time not specifically allocated to
92 the noncustodial parent.

93 [~~(9)~~] (10) In the event finances and distance preclude the exercise of minimum
94 parent-time for the noncustodial parent during the school year, the court should consider
95 awarding more time for the noncustodial parent during the summer time if it is in the best
96 interests of the children.

97 [~~(10)~~] (11) Upon the motion of any party, the court may order uninterrupted
98 parent-time with the noncustodial parent for a minimum of 30 days during extended
99 parent-time, unless the court finds it is not in the best interests of the child. If the court orders
100 uninterrupted parent-time during a period not covered by this section, it shall specify in its
101 order which parent is responsible for the child's travel expenses.

102 [~~(11)~~] (12) Unless otherwise ordered by the court the relocating party shall be
103 responsible for all the child's travel expenses relating to Subsections (6)(a) and (b) and 1/2 of
104 the child's travel expenses relating to Subsection (6)(c), provided the noncustodial parent is
105 current on all support obligations. If the noncustodial parent has been found in contempt for
106 not being current on all support obligations, the noncustodial parent shall be responsible for all
107 of the child's travel expenses under Subsection (6), unless the court rules otherwise.
108 Reimbursement by either responsible party to the other for the child's travel expenses shall be
109 made within 30 days of receipt of documents detailing those expenses.

110 [~~(12)~~] (13) The court may apply this provision to any preexisting decree of divorce.

111 [~~(13)~~] (14) Any action under this section may be set for an expedited hearing.

112 [~~(14)~~] (15) A parent who fails to comply with the notice of relocation in Subsection (2)
113 shall be in contempt of the court's order.

