

**PARENT-TIME AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: V. Lowry Snow

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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:*

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

**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 five to 18 years  
96 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.;

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

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

122 (4) (a) For extended parent-time with the child under Subsection (3)(d) and at the  
123 election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of  
124 parent-time with the child, which may be consecutive, when school is not in session for  
125 summer break.

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

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

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

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

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

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

138 (i) in odd-numbered years:

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

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

141 (ii) in even-numbered years:

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

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

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

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

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

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

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

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

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

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

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

170 (iv) extended parent-time under Subsection (4); and  
171 (v) the schedule for weekday or weekend parent-time.  
172 (b) A parent exercising parent-time for the child's birthday may bring other siblings  
173 along for the child's birthday.  
174 (8) A stepparent, grandparent, or other responsible adult designated by the noncustodial  
175 parent, may pick up the child for parent-time if the custodial parent is aware of the identity of  
176 the individual and the noncustodial parent will be with the child by 7 p.m.  
177 (9) If a holiday falls on a regularly scheduled school day, the parent exercising  
178 parent-time shall be responsible for the child's attendance at school for that school day.  
179 (10) If there is more than one child and the children's school schedules vary for purpose  
180 of a holiday, at the option of the parent exercising the holiday or the parent's half of the  
181 holiday, the children may remain together for the holiday period beginning the first evening  
182 that all children's schools are dismissed for the holiday and ending the evening before any child  
183 returns to school.  
184 (11) (a) Telephone contact shall be at reasonable hours and for a reasonable duration.  
185 (b) (i) Virtual parent-time, if the equipment is reasonably available and the parents  
186 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.  
187 (ii) If the parties cannot agree on whether the equipment is reasonably available, the  
188 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
189 into consideration:  
190 (A) the best interests of the child;  
191 (B) each parent's ability to handle any additional expenses for virtual parent-time; and  
192 (C) any other factors the court considers material.  
193 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.  
194 (12) If there is a child five to 18 years old and a child under five years old and both  
195 children are the natural or adopted children of the parties, the parents and the court should  
196 consider an upward deviation for parent-time with all the children so that parent-time is  
197 uniform based on a schedule under this section.

198 (13) 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>	<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>	<u>Odd years</u>	<u>Even years</u>
<u>President's Day</u>	<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>	<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>
<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>
<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>                  (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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<p><u>Independence Day</u></p>	<p>(1) <u>Holiday begins on July 3rd at 6 p.m.</u>                  (2) <u>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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<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>
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<p><u>Labor Day</u></p>	<p>(1) <u>Holiday begins on 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></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
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209	<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>
210	<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>
211	<u>Halloween</u>	(1) <u>Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</u> (a) <u>at the time that school is dismissed; or</u> (b) <u>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>
212	<u>Veterans Day</u>	(1) <u>Holiday begins at 6 p.m. on the day before Veterans Day.</u> (2) <u>Holiday ends at 7 p.m. on Veterans Day.</u>	<u>Odd years</u>	<u>Even years</u>

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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>  <u>(2) 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>	
<p>214</p>	<p><u>Winter Break (First Half)</u></p>	<p>(1) <u>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></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
<p>215</p>	<p><u>Winter Break (Second Half)</u></p>	<p>(1) <u>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></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
<p>216</p>	<p><u>Day of Child's Birthday</u></p>	<p>(1) <u>Holiday begins at 3 p.m.</u>  <u>(2) Holiday ends at 9 p.m.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>

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<u>Day Before or</u>	<u>(1) Holiday begins at 3 p.m.</u>	<u>Odd years</u>	<u>Even years</u>
<u>After Child's</u>	<u>(2) Holiday ends at 9 p.m.</u>		
<u>Birthday</u>			

Section 3. Section [30-3-35.1](#) is repealed and reenacted 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 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;

242 (d) assistance with the child's homework;  
243 (e) involvement in preparation of meals, bath time, and bedtime for the child;  
244 (f) bonding with the child; and  
245 (g) any other factor the court considers relevant.  
246 (5) In determining whether a noncustodial parent has the ability to facilitate the  
247 increased parent-time, the court shall consider:  
248 (a) the geographic distance between the residences of the parents and the distance  
249 between the parents' residences and the child's school;  
250 (b) the noncustodial parent's ability to assist with after school care;  
251 (c) the health of the child and the noncustodial parent in accordance with Subsection  
252 30-3-10(6);  
253 (d) flexibility of employment or another schedule of the noncustodial parent;  
254 (e) ability to provide appropriate playtime with the child;  
255 (f) history and ability of the noncustodial parent to implement a flexible schedule for  
256 the child;  
257 (g) physical facilities of the noncustodial parent's residence; and  
258 (h) any other factor the court considers relevant.  
259 (6) If the parties agree or the court enters an order for the optional parent-time schedule  
260 under this section, a parenting plan in compliance with Sections [30-3-10.7](#) through [30-3-10.10](#)  
261 shall be filed with any order incorporating the optional parent-time schedule described in  
262 Subsection (7).  
263 (7) The following schedule is considered the optional parent-time to which the  
264 noncustodial parent is entitled to the child:  
265 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or  
266 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon  
267 delivering the child to school or at 8 a.m. if there is no school; or  
268 (ii) at the election of the noncustodial parent, one weekday specified by the  
269 noncustodial parent or the court:

270 (A) beginning at the time the child's school is regularly dismissed until the following  
271 day upon delivering the child to school or at 8 a.m. if there is no school; or

272 (B) if there is no school, the noncustodial parent is available to be with the child, and  
273 in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on  
274 the following day upon delivering the child to school or at 8 a.m. if there is no school;

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

278 (ii) at the election of the noncustodial parent, beginning the first weekend after the  
279 entry of the decree, alternating weekends;

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

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

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

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

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

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

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

297 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent

298 for a weekday visit on the same day on which the noncustodial parent is granted weekday day  
299 parent-time.

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

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

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

305 (i) in odd-numbered years:

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

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

308 (ii) in even-numbered years:

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

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

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

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

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

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

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

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

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

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

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

337 (iv) extended parent-time under Subsection (8); and

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

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

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

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

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

351 (15) If there is a child five to 18 years old and a child under five years old and both  
352 children are the natural or adopted children of the parties, the parents and the court should  
353 consider an upward deviation for parent-time with all the children so that parent-time is

354 uniform based on a schedule under this section.

355 (16) 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>
<p>356</p> <p><u>Dr. Martin Luther King Jr. Day</u></p>	<p>357</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 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></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>

358

<p><u>President's Day</u></p>	<p>(1) <u>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>                  (2) <u>Holiday ends:</u>  <u>(a) upon delivering the child to school on the day following President's Day; or</u>  <u>(b) 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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359

<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>  <u>(a) upon delivering the child to school on the day following the end of spring break; or</u>  <u>(b) 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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360

<p><u>Memorial Day</u></p>	<p>(1) <u>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>                  (2) <u>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>
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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>                  (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 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>
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362

<p><u>Father's Day</u></p>	<p>(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></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>
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363	<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>
364	<p><u>Pioneer Day</u></p>	<p><u>(1) Holiday begins on July 23rd at 6 p.m.</u>  <u>(2) Holiday ends on July 25th at 6 p.m.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
365	<p><u>Labor 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 Labor Day; or</u>  <u>(b) 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>
366	<p><u>Columbus Day</u></p>	<p><u>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</u>  <u>(2) Holiday ends at 7 p.m. on Columbus Day.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>

367

<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>
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368

<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>
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369

<p><u>Veterans Day</u></p>	<p>(1) <u>Holiday begins at 6 p.m. on the day before 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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371

<p><u>Winter Break</u>  <u>(First Half)</u></p>	<p><u>(1) Holiday begins 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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372	<u>Winter Break (Second Half)</u>	<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>	<u>Even years</u>	<u>Odd years</u>
373	<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>
374	<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>

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

376 **30-3-35.5. Minimum schedule for parent-time for child under five years old.**

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

379 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections  
380 (3) through (8) are considered the minimum parent-time to which the noncustodial parent is  
381 entitled to the child.

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

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

385 (b) two hours for each holiday granted to the noncustodial parent in the holiday  
386 schedule under Subsection (15).

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

389 (a) three three-hour visits every week; and

390 (b) two hours for each holiday granted to the noncustodial parent in the holiday  
391 schedule under Subsection (15).

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

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

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

396 (c) eight hours for each holiday granted to the noncustodial parent in accordance with  
397 the holiday schedule under Subsection (15).

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

400 (a) one three-hour visit every week;

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

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

405 (d) eight hours for each holiday granted to the noncustodial parent in the holiday  
406 schedule under Subsection (15).

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

409 (a) one weekday evening to be specified by the noncustodial parent or the 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) extended parent-time for two one-week periods, separated by at least four weeks, at  
419 the option of the noncustodial parent, as follows:

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

421 (ii) one week of interrupted parent-time where the custodial parent may have an equal  
422 amount of weekday parent-time as the noncustodial parent on the same day on which the  
423 noncustodial parent is granted weekday parent-time under Subsection (7)(a).

424 (8) For a child who is at least three years old but younger than five years old, the  
425 noncustodial parent is entitled to:

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

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

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

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

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

435 (d) extended parent-time for two two-week periods, separated by at least four weeks, at  
436 the option of the noncustodial parent, as follows:

437 (i) two weeks of uninterrupted parent-time, which may be consecutive, for the  
438 noncustodial parent; and

439 (ii) two weeks of interrupted parent-time, which may be consecutive, where the  
440 custodial parent may have an equal amount of weekday parent-time as the noncustodial parent  
441 on the same day on which the noncustodial parent is granted weekday parent-time under  
442 Subsection (8)(a).

443 (9) For a child who is at least 18 months old but younger than five years old, the  
444 custodial parent is entitled to one week of uninterrupted extended parent-time.

445 (10) (a) For a child who is nine months old or older, the noncustodial parent shall have

446 at least two times a week:

447 (i) brief telephone contact at reasonable hours and for a reasonable duration; and

448 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside  
449 at least 100 miles apart, at reasonable hours and for reasonable duration.

450 (b) If the parties cannot agree on whether the equipment is reasonably available, the  
451 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
452 into consideration:

453 (i) the best interests of the child;

454 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

455 (iii) any other factors the court considers material.

456 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

457 (11) For a child who is younger than nine months old, unless the parents agree  
458 otherwise, parent-time should take place in the home of the custodial parent, an established  
459 child-care setting, or other environment familiar to the child.

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

463 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);

464 (ii) the holiday schedule for the child's birthday, unless a parent is exercising  
465 uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and takes the child  
466 away from that parent's residence during the uninterrupted extended parent-time;

467 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day,  
468 Mother's Day, or the child's birthday;

469 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and

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

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

473 (13) If a holiday falls on a regularly scheduled school day, the parent exercising



481

<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>
<p><u>Memorial Day</u></p>	<p>(1) <u>Holiday begins on Friday at:</u></p> <p><u>(a) 9 a.m. if the parent is available to be with the child; or</u></p> <p><u>(b) 6 p.m. at the election of the parent granted the holiday.</u></p> <p>(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>
<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 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>(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 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>

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485	<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>
486	<p><u>Pioneer Day</u></p>	<p><u>(1) Holiday begins on July 23rd at 6 p.m.</u> <u>(2) Holiday ends on July 25th at 6 p.m.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
487	<p><u>Labor Day</u></p>	<p><u>(1) 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> <u>(2) Holiday ends at 7 p.m. on Labor Day.</u></p>	<p><u>Odd years</u></p>	<p><u>Even years</u></p>
488	<p><u>Columbus Day</u></p>	<p><u>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</u> <u>(2) Holiday ends at 7 p.m. on Columbus Day.</u></p>	<p><u>Even years</u></p>	<p><u>Odd years</u></p>
489	<p><u>Fall Break</u></p>	<p><u>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.</u> <u>(2) 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>

490	<u>Halloween</u>	<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>	<u>Even years</u>	<u>Odd years</u>
491	<u>Veterans Day</u>	<p>(1) <u>Holiday begins at 6 p.m. on the day before Veterans Day.</u></p> <p>(2) <u>Holiday ends at 7 p.m. on Veterans Day.</u></p>	<u>Odd years</u>	<u>Even years</u>
492	<u>Thanksgiving</u>	<p>(1) <u>Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving.</u></p> <p>(2) <u>Holiday ends at 7 p.m. on day before school resumes.</u></p>	<u>Even years</u>	<u>Odd years</u>
493	<u>Winter Break (First Half)</u>	<p>(1) <u>Holiday begins at 6 p.m. on the day on that school dismisses for winter break.</u></p> <p>(2) <u>Holiday ends on December 27th at 7 p.m.</u></p>	<u>Odd years</u>	<u>Even years</u>
494	<u>Winter Break (Second Half)</u>	<p>(1) <u>Holiday begins on December 27th at 7 p.m.</u></p> <p>(2) <u>Holiday ends at 7 p.m. on the night before school resumes.</u></p>	<u>Even years</u>	<u>Odd years</u>

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495	<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>
496	<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>