

§ 30-3-35.5. Minimum schedule for parent-time for children under five years of age.

Utah Statutes

Title 30. Husband and Wife

Chapter 3. Divorce

Current through 2009 Legislative Session

§ 30-3-35.5. Minimum schedule for parent-time for children under five years of age.

(1) The parent-time schedule in this section applies to children under five years old.

(2) All holidays in this section refer to the same holidays referenced in Section **30-3-35**.

(3) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled.

(a) For children under five months of age:

(i) six hours of parent-time per week to be specified by the court or the noncustodial parent preferably:

(A) divided into three parent-time periods; and

(B) in the custodial home, established child care setting, or other environment familiar to the child; and

(ii) two hours on holidays and in the years specified in Subsections **30-3-35(2)(f) through (i)** preferably in the custodial home, the established child care setting, or other environment familiar to the child.

(b) For children five months of age or older, but younger than nine months of age:

(i) nine hours of parent-time per week to be specified by the court or the noncustodial parent preferably:

(A) divided into three parent-time periods; and

(B) in the custodial home, established child care setting, or other environment familiar to the child; and

(ii) two hours on the holidays and in the years specified in Subsections **30-3-35(2)(f) through (i)** preferably in the custodial home, the established child care setting, or other environment familiar to the child.

(c) For children nine months of age or older, but younger than 12 months of age:

(i) one eight hour visit per week to be specified by the noncustodial parent or court;

(ii) one three hour visit per week to be specified by the noncustodial parent or court;

(iii) eight hours on the holidays and in the years specified in Subsections **30-3-35(2)(f) through (i)**; and

(iv) brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking

into consideration:

- (A) the best interests of the child;
- (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- (C) any other factors the court considers material.
- (d) For children 12 months of age or older, but younger than 18 months of age:
 - (i) one eight-hour visit per alternating weekend to be specified by the noncustodial parent or court;
 - (ii) on opposite weekends from Subsection (2)(d)(i), from 6 p.m. on Friday until noon on Saturday;
 - (iii) one three-hour visit per week to be specified by the noncustodial parent or court;
 - (iv) eight hours on the holidays and in the years specified in Subsections **30-3-35(2)(f) through (i)**; and
 - (v) brief telephone contact and other virtual parent-time, if the equipment is reasonably

available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

- (A) the best interests of the child;
- (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- (C) any other factors the court considers material.
- (e) For children 18 months of age or older, but younger than three years of age:
 - (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the noncustodial parent or court; however, if the child is being cared for during the day outside his regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return him to the custodial parent by 8:30 p.m.;
 - (ii) alternative weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
 - (iii) parent-time on holidays as specified in Subsections **30-3-35(2)(c) through (i)**;
 - (iv) extended parent-time may be:
 - (A) two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;
 - (B) one week shall be uninterrupted time for the noncustodial parent;
 - (C) the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
 - (D) the custodial parent shall have an identical one-week period of uninterrupted time for vacation; and
 - (v) brief telephone contact and virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into

consideration:

(A) the best interests of the child;

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

(C) any other factors the court considers material.

(f) For children three years of age or older, but younger than five years of age:

(i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the noncustodial parent or court; however, if the child is being cared for during the day outside his regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return him to the custodial parent by 8:30 p.m.;

(ii) alternative weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

(iii) parent-time on holidays as specified in Subsections **30-3-35(2)(c) through (i)**;

(iv) extended parent-time with the noncustodial parent may be:

(A) two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

(B) one two-week period shall be uninterrupted time for the noncustodial parent;

(C) the remaining two-week period shall be subject to parent-time for the custodial parent consistent with these guidelines; and

(D) the custodial parent shall have an identical two-week period of uninterrupted time for vacation; and

(v) brief telephone contact and virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

(A) the best interests of the child;

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

(C) any other factors the court considers material.

(4) A parent shall notify the other parent at least 30 days in advance of extended parent-time or vacation weeks.

(5) Virtual parent-time shall be at reasonable hours and for reasonable duration.

History. Amended by **Chapter 146, 2008 General Session**