

**CUSTODY AND PARENT-TIME MODIFICATIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca P. Edwards**

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

---

---

**LONG TITLE**

**General Description:**

This bill requires a court to review a person's custody and parent-time if the person is convicted of a crime.

**Highlighted Provisions:**

This bill:

- ▶ allows a person to petition a court for review of custody and parent-time upon learning the other parent has been convicted of certain crimes;
- ▶ sets a three-year time limit on convictions to be used as the basis for a modification;
- ▶ requires the court to make written findings; and
- ▶ ~~H→~~ [~~awards~~] allows ~~←H~~ costs and attorney fees to ~~H→~~ be awarded to ~~←H~~ the petitioner.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**30-3-41**, Utah Code Annotated 1953

---

---

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

Section 1. Section **30-3-41** is enacted to read:



28        **30-3-41. Custody and parent-time modifications upon conviction of a crime.**

29        (1) A person's custody and parent-time shall be reviewed for modification if the other  
30 parent petitions the court and demonstrates that the person has been convicted of any of the  
31 following offenses:

32        (a) Section 41-6a-503, driving under the influence of alcohol or drugs with a passenger  
33 under the age of 16;

34        (b) Section 76-5-112.5, endangerment of a child;

35        (c) any offense which would require the person to register under the provisions of  
36 Section 77-27-21.5;

37        (d) class A misdemeanor or felony child abuse under Section 76-5-109;

38        (e) class A misdemeanor or felony child abandonment under Section 76-5-109; or

39        (f) Section 76-5-109.1, domestic violence in the presence of a child.

40        (2) The parent who is the petitioner shall file a petition for modification within one  
41 year of learning of the conviction.

42        (3) A conviction more than three years old may not be used as the basis for a petition,  
43 however, the court may take previous convictions which have not been expunged into  
44 consideration.

45        (4) If the court determines that a change in custody or parent-time is not in the best  
46 interest of the child or children, it shall make written findings supporting its decision.

47        (5) The court ~~shall~~ **may** award attorney fees and costs to the petitioner.

---

---

**Legislative Review Note**

as of 2-23-11 11:21 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 131

SHORT TITLE: **Custody and Parent-time Modifications**

SPONSOR: **Edwards, R.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$20,700 ongoing from the General Fund for additional caseload. The bill is projected to generate additional \$18,000 in new General Fund revenues per year.

### STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$18,000	\$18,000
Total Revenue	\$0	\$18,000	\$18,000
Expenditure:			
General Fund	\$0	\$20,700	\$20,700
Total Expenditure	\$0	\$20,700	\$20,700
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$2,700)	(\$2,700)
Net Impact, General/Education Funds	\$0	(\$2,700)	(\$2,700)

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.