

**PARENTAL NOTIFICATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor: Todd D. Weiler

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**LONG TITLE**

**General Description:**

This bill addresses parental notification in regard to a custody and parent-time arrangement.

**Highlighted Provisions:**

This bill:

- ▶ amends the advisory guidelines for a custody and parent-time arrangement to allow for parental notification when a parent is residing with an individual, or providing the individual access to the parent's child, and the individual has been convicted of certain crimes;

- ▶ amends the advisory guidelines for a custody and parent-time arrangement in regard to notification of a parent in the event of a medical emergency; and

- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**30-3-33**, as last amended by Laws of Utah 2017, Chapter 224

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

29 Section 1. Section **30-3-33** is amended to read:

30 **30-3-33. Advisory guidelines for a custody and parent-time arrangement.**

31 (1) In addition to the parent-time schedules provided in Sections 30-3-35 and  
32 30-3-35.5, the following advisory guidelines are suggested to govern ~~[all parent-time~~  
33 ~~arrangements]~~ a custody and parent-time arrangement between parents.

34 ~~[(1)]~~ (2) ~~[Parent-time schedules]~~ A parent-time schedule mutually agreed upon by both  
35 parents ~~[are]~~ is preferable to a court-imposed solution.

36 ~~[(2)]~~ (3) ~~[The]~~ A parent-time schedule shall be used to maximize the continuity and  
37 stability of the child's life.

38 ~~[(3)]~~ (4) ~~[Special consideration shall be given by each parent]~~ Each parent shall give  
39 special consideration to make the child available to attend family functions including funerals,  
40 weddings, family reunions, religious holidays, important ceremonies, and other significant  
41 events in the life of the child or in the life of either parent which may inadvertently conflict  
42 with the parent-time schedule.

43 ~~[(4)]~~ (5) (a) The court shall determine the responsibility for the pick up, delivery, and  
44 return of the child ~~[shall be determined by the court]~~ when the parent-time order is entered~~;~~  
45 ~~and may be changed~~].

46 (b) The court may change the responsibility described in Subsection (5)(a) at any time  
47 a subsequent modification is made to the parent-time order.

48 ~~[(5)]~~ (c) If the noncustodial parent will be providing transportation, the custodial parent  
49 shall:

50 (i) have the child ready for parent-time at the time the child is to be picked up ~~[and~~  
51 ~~shall]~~; and

52 (ii) be present at the custodial home or ~~[shall]~~ make reasonable alternate arrangements  
53 to receive the child at the time the child is returned.

54 ~~[(6)]~~ (d) If the custodial parent will be transporting the child, the noncustodial parent  
55 shall:

56 (i) be at the appointed place at the time the noncustodial parent is to receive the child~~;~~  
57 ~~and]~~; and

58 (ii) have the child ready to be picked up at the appointed time and place~~;~~ or have

59 made reasonable alternate arrangements for the custodial parent to pick up the child.

60 ~~[(7)]~~ (6) ~~[Regular]~~ A parent may not interrupt regular school hours ~~[may not be~~  
61 ~~interrupted]~~ for a school-age child for the exercise of parent-time ~~[by either parent].~~

62 ~~[(8)]~~ (7) The court may:

63 (a) make alterations in the parent-time schedule to reasonably accommodate the work  
64 schedule of both parents ~~[and may]; and~~

65 (b) increase the parent-time allowed to the noncustodial parent but may not diminish  
66 the standardized parent-time provided in Sections 30-3-35 and 30-3-35.5.

67 ~~[(9)]~~ (8) The court may make alterations in the parent-time schedule to reasonably  
68 accommodate the distance between the parties and the expense of exercising parent-time.

69 ~~[(10)]~~ (9) ~~[Neither parent-time nor child support is to be withheld due to either]~~ A  
70 parent may not withhold parent-time or child support due to the other parent's failure to comply  
71 with a court-ordered parent-time schedule.

72 ~~[(11)]~~ (10) (a) The custodial parent shall notify the noncustodial parent within 24 hours  
73 of receiving notice of all significant school, social, sports, and community functions in which  
74 the child is participating or being honored~~[, and the].~~

75 (b) The noncustodial parent ~~[shall be]~~ is entitled to attend and participate fully in the  
76 functions described in Subsection (10)(a).

77 ~~[(12)]~~ (c) The noncustodial parent shall have access directly to all school reports  
78 including preschool and daycare reports and medical records ~~[and shall be notified immediately~~  
79 ~~by the custodial parent].~~

80 (d) A parent shall immediately notify the other parent in the event of a medical  
81 emergency.

82 ~~[(13)]~~ (11) Each parent shall provide the other with the parent's current address and  
83 telephone number, email address, and other virtual parent-time access information within 24  
84 hours of any change.

85 ~~[(14)]~~ (12) (a) Each parent shall permit and encourage, during reasonable hours,  
86 reasonable and uncensored communications with the child, in the form of mail privileges and  
87 virtual parent-time if the equipment is reasonably available~~[, provided that if the parties].~~

88 (b) If the parents cannot agree on whether the equipment is reasonably available, the  
89 court shall decide whether the equipment for virtual parent-time is reasonably available~~[,]~~ by

90 taking into consideration:

91 ~~[(a)]~~ (i) the best interests of the child;

92 ~~[(b)]~~ (ii) each parent's ability to handle any additional expenses for virtual parent-time;

93 and

94 ~~[(c)]~~ (iii) any other factors the court considers material.

95 ~~[(15)]~~ (13) (a) Parental care ~~[shall be]~~ is presumed to be better care for the child than  
96 surrogate care ~~[and the]~~.

97 (b) The court shall encourage the parties to cooperate in allowing the noncustodial  
98 parent, if willing and able to transport the children, to provide the child care.

99 (c) Child care arrangements existing during the marriage are preferred as are child care  
100 arrangements with nominal or no charge.

101 ~~[(16)]~~ (14) Each parent shall:

102 (a) provide all surrogate care providers with the name, current address, and telephone  
103 number of the other parent ~~[and shall]~~; and

104 (b) provide the noncustodial parent with the name, current address, and telephone  
105 number of all surrogate care providers unless the court for good cause orders otherwise.

106 ~~[(17)]~~ (15) (a) Each parent ~~[shall be]~~ is entitled to an equal division of major religious  
107 holidays celebrated by the parents~~[, and the]~~.

108 (b) The parent who celebrates a religious holiday that the other parent does not  
109 celebrate shall have the right to be together with the child on the religious holiday.

110 ~~[(18)]~~ (16) If the child is on a different parent-time schedule than a sibling, based on  
111 Sections 30-3-35 and 30-3-35.5, the parents should consider if an upward deviation for  
112 parent-time with all the minor children so that parent-time is uniform between school aged and  
113 nonschool aged children, is appropriate.

114 ~~[(19)]~~ (17) (a) When one or both parents are servicemembers or contemplating joining  
115 a uniformed service, the parents should resolve issues of custodial responsibility in the event of  
116 deployment as soon as practicable through reaching a voluntary agreement pursuant to Section  
117 78B-20-201 or through court order obtained pursuant to Section 30-3-10.

118 (b) ~~[Servicemembers]~~ Service members shall ensure their family care plan reflects  
119 orders and agreements entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed  
120 Parents Custody, Parent-time, and Visitation Act.

121           (18) A parent shall immediately notify the other parent if:  
122           (a) the parent resides with an individual or provides an individual with access to the  
123 child; and  
124           (b) the parent knows that the individual:  
125           (i) is required to register as a sex offender or a kidnap offender for an offense against a  
126 child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;  
127           (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child  
128 Abuse Offender Registry; or  
129           (iii) has been convicted of:  
130           (A) a child abuse offense under Section [76-5-109](#), [76-5-109.2](#), [76-5-109.3](#), [76-5-114](#),  
131 or [76-5-208](#);  
132           (B) a sexual offense against a child under Title 76, Chapter 5, Part 4, Sexual Offenses;  
133           (C) an offense for kidnapping or human trafficking of a child under Title 76, Chapter 5,  
134 Part 3, Kidnapping, Trafficking, and Smuggling;  
135           (D) a sexual exploitation offense against a child under Title 76, Chapter 5b, Sexual  
136 Exploitation Act; or  
137           (E) an offense that is substantially similar to an offense under Subsections  
138 (18)(b)(iii)(A) through (D).  
139           Section 2. **Effective date.**  
140           This bill takes effect on May 1, 2024.