

**MINUTES OF THE  
SUBCOMMITTEE ON DIVORCE, CHILD CUSTODY, AND VISITATION**  
Monday, October 27, 2003 – 3:00 p.m. – Room 405 State Capitol

**Members Present:**

Sen. Gregory S. Bell, Senate Chair  
Rep. Katherine Bryson, House Chair  
Sen. Patrice M. Arent  
Rep. Scott Daniels  
Rep. Michael Thompson

**Staff Present:**

Mr. Jerry D. Howe, Policy Analyst  
Ms. Esther D. Chelsea-McCarty, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at [www.le.utah.gov](http://www.le.utah.gov) or by contacting the committee secretary at 538-1032. A recording of the meeting is also available from the Office of Legislative Research and General Counsel.

**1. Committee Business**

Chair Bell called the meeting to order at 3:06 p.m.

**MOTION:** moved to approve the minutes of the October 20, 2003 meeting. The motion passed unanimously.

**2. Divorce Statistical Report**

Mr. Richard Schwermer, Administrative Office of the Courts, distributed "Divorce Filings in the District Court" and "Mediators in Utah."

**3. Review of Previously Filed Divorce Bills**

**Parent-Time Schedule Amendments (Rep. S. Daniels)**

Chair Bell indicated that Rep. Daniels legislation adds parent-time for Valentine's Day and Halloween.

**MOTION:** Sen. Arent moved to recommend the legislation to the Judiciary Interim Committee for consideration in its November meeting. The motion passed unanimously with Rep. Daniels absent for the vote.

**Transportation of Children for Parent-Time (Sen. P. Arent)**

Sen. Arent explained the legislation "Transportation of Children for Parent-Time" and indicated that the intent of the legislation is to divide responsibilities for transportation evenly for both custodial and noncustodial parents.

Mr. John D. Kriesel related circumstances in which transportation can become burdensome and time consuming when placed on the noncustodial parent.

Rep. Bryson indicated that the language stating children should not be interrupted during school hours for parent-time visitation has been inadvertently stricken. Sen. Arent indicated that the language would be reinstated.

Mr. Conrad Lloyd, Focus; and Ms. Kim Grant, For Children's Sake, commented on the difficulties in providing transportation for parent-time.

**MOTION:** Sen. Arent moved to recommend the legislation, with amendments, to the Judiciary Interim Committee for consideration in its November meeting. The motion passed unanimously.

**Child Support Obligations - Use of Utah Data** (Rep. E. Hutchings)

Mr. Howe explained that the legislation requires the Utah Child Support Guidelines Advisory Committee to use Utah data when the committee begins meeting again in 2007.

Ms. Emma Chacon, Office of Recovery Services, commented on the fiscal note in the 2003 General Session for the legislation.

Mr. Stewart Ralphs, Co-Chair, Utah Child Support Guidelines Advisory Committee, indicated that the latest study indicated that no states use state-specific data.

Rep. Roz McGee indicated that the Utah Child Support Guidelines Advisory Committee studied using Utah specific data and that the committee requested fiscal support to obtain Utah data in the past and that the moneys were not appropriated at that time. She expressed reluctance in mandating the use of Utah specific data without further information about the costs of obtaining such information.

Ms. Louis Lundar, Focus, suggested that college students may provide a more economical prospect for obtaining the Utah specific data.

**MOTION:** Rep. Daniels moved to proceed to the next item on the agenda. The motion passed unanimously.

**Shared Parenting by Divorcing Parents** (Rep. M. Thompson)

Rep. Thompson explained the amendments proposed to the legislation in the Senate. He explained that the legislation addresses the issues involved with the time between when a divorce is filed and the divorce is granted.

Ms. Lori Nelson, Family Law Section, Utah State Bar, indicated that the Family Law Section is opposed to the legislation.

Mr. Lloyd and Ms. Grant commented concerning the definition of shared parenting.

Ms. Rachel Smith, Utah Parenting Coalition, spoke in favor of the legislation.

Ms. Connie Barnes, For Children's Sake, spoke against the legislation, as written.

Ms. Gayle Ruzicka, Utah Eagle Forum, indicated that there may be some legislation which all parties can agree on if more work is put into the legislation.

Rep. Thompson indicated that the legislation was substituted in the 2003 General Session and he would like to proceed with that substitute. He stated that parents have rights and that the system needs to be fair when taking the best interest of the child into consideration.

**Parent-Time Assistance Office** (Rep. C. Bennion)

Rep. Chad Bennion indicated that the legislation creates an Office of Parent-Time Assistance which would offer services to the noncustodial parents similar to the Office of Recovery Services which offers assistance to custodial parents.

Rep. Thompson indicated that the same duties could be performed by adding responsibilities to the Office of Recovery Services.

Ms. Chacon explained the funding of the Office of Recovery Services.

**MOTION:** Sen. Arent moved to recommend the legislation to the Judiciary Interim Committee for consideration in its November meeting. The motion passed unanimously.

**Parent-Time Amendments** (Rep. J. Ferrin)

Rep. James Ferrin explained the legislation "Parent-Time Amendments" as introduced in the 2003 General Session. He indicated that the legislation passed the House, but failed to pass the Senate.

Ms. Nelson expressed concerns with lines 20 - 64. She requested that any additional changes not affect that section as it was amended in the 2003 General Session.

Mr. Stewart Ralphs, Family Law Section, Utah State Bar, indicated that the legislation gives direction to the parents as well as the court.

Ms. Ruzicka indicated that the list of ramifications should include traditional roles of the parents for the sake of the child, including the primary care giver.

Mr. Lloyd expressed concern for the enforcement of the law. He spoke in favor of the legislation.

Ms. Grant indicated that she would agree with Ms. Ruzicka for the stability of the children.

Ms. Barnes expressed belief that parents should maintain their primary roles as care giver and provider. She stated that the legislation seems to make a highly controversial issues more controversial.

Ms. Smith spoke in favor of the legislation and indicated that the courts need to abide by the law.

Chair Bell suggested that the Subcommittee recommend the legislation to the Judiciary Interim Committee for consideration its November meeting. Sen. Arent concurred and requested that the legislation be drafted to reflect the changes to sections which passed in the 2003 General Session.

**MOTION:** Rep. Thompson moved to recommend the legislation, with amendments, to the Judiciary Interim Committee for consideration in its November meeting. The motion passed unanimously with Rep. Daniels absent for the vote.

**Limitation on Alimony** (Rep. W. Harper)

This item was not discussed.

**Revisions to Parent Time** (Sen. L. Hillyard)

This item was not discussed.

**Child Support and Paternity Amendments** (Sen. L. Hillyard)

This item was not discussed.

**4. Other Items / Adjourn**

**MOTION:** Sen. Arent moved to adjourn the meeting. The motion passed unanimously.

Chair Bryson adjourned the meeting at 5:01 p.m.