

FALL FORUM 2007

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CUSTODY AND VISITATION FOR PERSON OTHER THAN A PARENT

Custody

Traditional Rule (Three part test to overcome parental presumption).
Hutchison v. Hutchison, 158 P.3d 1097 (Utah 1982)

New Rule? (No standing if biological parent is not unfit?)

Jones v. Barlow, 154 P.3d 808 (Utah 2007)
In Re Adoption of P.N., 148 P.3d 927 (Utah 2006)

Visitation

Grandparents: Utah Code Ann §30-5-1 et. seq.
Other than Grandparents: Jones v. Barlow

Pending Legislation Input from members of Family Law Section will be sought.

DIVORCE ORIENTATION/MOTION FOR TEMPORARY SEPARATION

New Statute: Utah Code Ann. § 30-3-4.5

Creates a New Cause of Action. Motion for Temporary Separation
Orders last no longer than 1 year.
Parties must attend divorce *orientation* class.
If divorce is filed, cases are consolidated and temp orders continue
\$25.00 filing fee. Fee is credited if divorce is filed.
Designed to prevent some divorces?.

New Statute: Utah Code Ann. § 30-3-11.4

Creates New Class Requirement: Divorce *Orientation* Class

Purpose:

- a. options available as alternatives to divorce;
- b. resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
- c. resources available to improve or strengthen the marriage;
- d. a discussion of the positive and negative consequences of divorce;
- e. a discussion of the process of divorce;
- f. options available for proceeding with a divorce.