

# Family Law Legislation 2008

Date: 3-6-08

## House Bills

<b>Title: Expedited Parent-Time Enforcement</b>	Sponsor: Julie Fisher (R)	<b>HB 22</b> <b>2<sup>nd</sup> Sub</b> ☺
Purpose: Expand pilot program in Third District to go state-wide when parents file motion to enforce parent-time, case is referred to court-annexed mediation prior to hearing.		
Family Law Section Position: Support 82%		
Utah Bar Position: Support		
Status: House 69-1-5		
Senate: 25-0-4 Enrolled		

<b>Title: Child and Family Protection</b>	Sponsor: Lorie Fowlke (R)	<b>HB 23</b> ☺
Purpose: Includes child abandonment as a type of abuse punishable as 3 <sup>rd</sup> degree felony.		
Family Law Section Position: "No Position" (44% support, 24% oppose, 32% no position)		
Utah Bar Position: "No Position"		
Status: House 67-0-8		
Senate: 26-0-3 Enrolled		

<b>Title: Parent-Time Amendments</b>	Sponsor: Lorie Fowlke (R)	<b>HB 71</b> ☺
Purpose: Makes changes in holidays, eliminates Columbus and Veteran's Day, split Christmas holiday in two parts, allows for entire mid-week day if school is not in session, and includes snow days, teachers development and other days when school is not in session in the definition in holidays.		
Family Law Section Position: "Support" 72%		
Utah Bar Position: Support		
Status: House 60-0-12		
Senate: 22-3-4 Floor Amendments		
House Concurs 69-1-5		

<b>Title: Protective Order Amendments</b>	Sponsor: Lorie Fowlke (R)	<b>HB 149</b> <b>1<sup>st</sup> Sub</b> ☺
Purpose: Gives court authority to appoint Guardian ad Litem, prohibits extension of ex parte protective order without Respondent's consent, gives factors to dismiss protective order after two years.		
Family Law Section Position: "Support" 90%		
Utah Bar Position:		
Status: House 64-0-11		
Senate: 27-0-2 Enrolled		

Title: <b>Custody Evaluation and Parent Coordination</b>	Sponsor: Tim Cosgrove (D)	<b>HB 169</b> <b>1<sup>st</sup> Sub</b> ☹
Purpose: Sets standards for evaluator training, court to maintain list of evaluators, can apportion evaluation costs between parties. Standards for coordinator responsibility, time period, and division of costs.		
Family Law Section Position: "Oppose" 58% Utah Bar Position: No Position		
Status: House 58-14-3		
Senate		

Title: <b>Domestic Violence and Dating Violence Amendments</b>	Sponsor: David Litvack (D)	<b>HB 247</b> ☹
Purpose: Include dating relationships for protective orders, 16 and older, protective order for 180 days		
Family Law Section Position: "Support" 90% Utah Bar Position: No Position		
Status: House 32-37-6 FAILED		

Title: <b>Adoption Amendments</b>	Sponsor: Rebecca Chavez-Houck (D)	<b>HB 318</b> ☹
Purpose: Deletes the prohibition of adoption by cohabitants, but makes a finding that it is in the best interests of children to be adopted by a married couple.		
Family Law Section Position: "Support" 65% Utah Bar Position: No Position		
Status: House Rules		

Title: <b>Custodial Interference Amendments</b>	Sponsor: Carl Wimmer (R)	<b>HB 358</b> ☹
Purpose: Provides criminal penalties for anyone who interferes with the custodial rights of another		
Family Law Section Position: "Oppose" 80% Utah Bar Position: "No position"		
Status: House Rules		

Title: <b>Joint Custody Modification</b>	Sponsor: Lorie Fowlke (R)	<b>HB 415</b> <b>1<sup>st</sup> Sub</b> ☹
Purpose: 1 <sup>st</sup> Substitute deleted the presumption of joint legal custody. Bill sets forth criteria to modify a joint custody order, petition requires admissible evidence of material and substantial change in circumstances to modify. Requires parties to file parenting plan and use ADR. Court to give substantial weight to existing joint custody order, find that modification in best interest of child, consider reasonable alternatives to preserve order.		
Family Law Section Position: Support 63% Utah Bar Position: Support		
Status: House 69-1-5		
Senate		

Title: <b>Stalking Amendments</b>	Sponsor: Lorie Fowlke (R)	<b>HB 493</b> 😊
Purpose: Amends definition of course of conduct to two or more acts to include when actor (i) follows, monitors, observe, photograph, surveils, threatens, communicates to or about a person, or interferes with person's property or (ii) approaches or confronts, appears at workplace and confronts co-workers, appears at residence or enters property, sends material by any means to or to about information about person or family members, places object on property. Uses electronic means to do any act. Defines emotional stress, reasonable person and text messaging. Adds guilt factor that actor knew or should have known acts cause fear for person's safety or third person. Not a defense that actor was not given actual notice that act was unwanted or did not intend victim fear or emotional distress. Jurisdiction where act committed or effect on victim.		
Family Law Section Position: "Support" 65% Utah Bar Position:		
Status: House Judiciary 13-0 Senate: 24-3-2 Enrolled		

## Senate Bills

Title: <b>Retirement Death Benefits and Divorce Revisions</b>	Sponsor: Lyle Hillyard (R)	<b>SB 24</b> 😊
Purpose: Defines benefits subject to a domestic relations order to include group insurance policy		
Family Law Section Position: "Support" 95% Utah Bar Position: Support		
Status: Senate 27-0-2 House: 66-0-9 Enrolled		

Title: <b>Protective Order – Crime of Inducing Breach</b>	Sponsor: Scott McCoy	<b>SB 154</b> 😞
Purpose: Makes inducing violation of protective order Class A misdemeanor		
Family Law Section Position: "Oppose" 65% Utah Bar Position:		
Status: Senate Judiciary: held		

Title: <b>Custody and Parent-time for Non-parents</b>	Sponsor: Lyle Hillyard (R)	<b>SB 186</b> 😊
Purpose: Provides for custody and parent-time for non-parents who are related by blood or marriage or stepparent relationship.		
Family Law Section Position: 64% Support Amended version (court recognized relationship) Utah Bar Position:		
Status: Senate 22-7-0 (does NOT include court-recognized rel) House: 57-13-5 Enrolled		

Title: <b>Child Support Technical Amendments</b>	Sponsor: Greg Bell	<b>SB 198</b> 😊
Purpose: Clarify that new final orders after January 1, 2008 use new child support guidelines		
Family Law Section Position: Support 89%		
Utah Bar Position: Support		
Status: Senate 25-0-4		
House: 71-0-4 with Committee Amendments		
Senate: concurs with amendments 27-0-2 Enrolled		

## Appropriations

Title: <b>Legal Protection of Families &amp; Children</b>	Sponsor:	😊
Purpose: Increase civil legal aid in 78-3-24.1 for family law and domestic violence services statewide from \$100,000 to \$200,000 on-going		
Family Law Section Position:		
Utah Bar Position: Support		
Status: Executive Offices \$400,000 increase ranked #9 on priorities		
Executive Appropriations: \$100,000 increase on-going enacted		