

Utah Code Title 30 Chapter 3 Section 38 Expedited Parent-time Enforcement Program

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Under parent time Utah Code 30-3-38, an Expedited Parent-time Enforcement Program is managed through the Administrative Office of the Courts. In this program, a mediator can be used in attempts to resolve parent-time disputes within the court's set criteria. Billing guidelines have been set by the court office and this section of Utah parent time guidelines for the court. Services are provided under the program to facilitate parent-time or help resolve parent-time issues. Those services include:

- Supervised parent-time
- Counseling
- Supervised drop-off and pick-up
- Educational classes
- Related services

For serious parent-time issues, call the Law Office of David Pedrazas, PLLC, or contact us right here online to talk about your situation and your options.

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What Can I Do If My Parent Time Rights are Being Violated?

If you find that your spouse is violating the court-ordered parent-time arrangements, you can file a motion with the court. A judge will refer your case to the Expedited Parent-time Enforcement Program administrator, who will assign a mediator to the case. (Unless one or both parents are incarcerated or unavailable due to other causes. Living outside the state of Utah does not qualify a parent as being unavailable.)

Under Utah parent time law, the program director, the judge, or the mediator can legally excuse either parent from participating in mediation if there is a good cause to do so.

What Will the Mediator Do?

Within 15 days of the date the motion is filed with the court, the mediator will meet with the two parents to examine parent-time problems. The mediator will:

- assess the situation involving the child and parents,
- attempt to forge a viable agreement on parent-time with the parents, and
- determine whether a service provider is necessary. (Utah 30-3c)

If the mediator decides that a service provider is needed, one will be assigned by the Utah Department of Human Services to facilitate parent-time. This can happen if:

- the services to be provided could significantly benefit the parents,
- mediation is unlikely to result in an agreement between the parties,
- the service providers assigned are empowered to facilitate an agreement.

What Is the Expected Outcome of Mediation?

During the period of mediation, the mediator will terminate the mediation and send the case back to the program administrator to be passed back to the judge (or a court commissioner) if:

- the parents reach a written agreement.
- the parents cannot reach an agreement by mediation.
- the parents have received services for facilitating parent-time.
- it does not appear that the parents will benefit from those services.
- both parents are opposed to receiving parent-time facilitation services.

What Will the Court Do if Mediation Fails?

When the judge receives the case returned from the program administrator, the judge may:

- review the parent's agreement and, if it is acceptable, sign it as a new court order,
- require the parents to accept parent-time facilitation services,
- proceed with the legal case, or
- take other action.

What if a Parent Alleges Child Sexual Abuse?

If a parent alleges physical or sexual abuse of the child by the other parent or someone in the parent's household, the mediator or service provider will report the allegation to the judge immediately.

- The judge can issue court orders for immediate action to protect the child and resolve the allegation. The Division of Child and Family Services, a division of the DHS will also be notified.
- Parent time with the accused parent or the parent whose household includes someone accused of the abuse will be supervised until the court allows unsupervised visits.
- A mediator and a service provider can continue to do their assigned work in the case until a court order is issued for them to discontinue those efforts.
- The DHS may contract for parent-time facilitation, case management, administrative services, and other services, per the Utah Procurement Code 63G-6a. The cost of such contracted services will be split equally between the parents, contingent on each individual's ability to pay.
- The judge may order payment over the amount provided for in Code 63G-6a when a parent does not participate in good faith with the mediator or service provider facilitating parent-time, or the parent makes an unfounded claim against the other parent of sexual or physical abuse of the child.

How Are Mediation and DHS Services Stopped?

The costs of court-mandated mediation and DHS contracted services for parent-time facilitation can be charged to the parents for periodic payments. The mediation and services can be ended due to nonpayment, and only if both parents are delinquent in making the payments.

When You Need a Child Custody Lawyer for Parent Time Issues

Attorney David Pedrazas helps people throughout Utah get the best outcomes in their child support cases. That includes helping bring difficult parent-time problems under control.

For serious parent-time issues, call the Law Office of David Pedrazas, PLLC or contact us right here online to talk about your situation and your options.

CALL US (801) 263-7078 for an Attorney Consultation in Salt Lake City, UT

No one should have to face a difficult family law situation such as divorce without experienced guidance and an effective advocate to stand up for his or her rights and best interests. Our law firm provides family law and criminal DUI legal services to anyone through the Salt Lake valley.
