

Utah State Code 30-3-37: Divorce and Relocation

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Utah Code Title 30 Chapter 3, Section 37 spells out the State's view of how parents should treat the matter of one parent's relocation after a divorce, for purposes of maintaining continuity of parent-time. Under [Utah Code 30-3-37](#), a "relocation" is defined as a move that is 150 miles or farther from the other parent's current residence.

Topics covered on this page:

An experienced Utah child custody lawyer can help you determine how Code 30-3-37 applies to your parent-time situation and make sure all your rights and your child's best interests are fully protected.

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What are the Requirements for a Relocating Parent?

There are several things that a parent who is relocating needs to do, in order to maintain compliance with court-ordered parent-time requirements, per the Utah visitation code 30 3 37:

1. The custodial parent is required to provide written notice to the other parent of his or her [plan to relocate](#) no less than 60 days prior to the date of the move.

2. The relocation notice must include statements that confirm the parent's intent to comply by one of the following two options for meeting the court's parent-time scheduling requirements:
 1. Adhere to the parent-time specifications in Code 30-3-37(6), including those regarding:
 - weekends
 - holidays
 - school break periods
 - extended parent-time
 2. Or, follow a visitation schedule that both parents agree to maintain.

What Happens to Parent-Time If A Parent Relocates?

The family court will receive a motion from either of the parties to the parent-time matter, or will execute its own motion, and schedule a hearing. The judge will examine the relocation notice and review the parent-time arrangements (Section 30-3-35). The judge will assess whether the custodial parent's relocation is in the child's best interest and will take any other factors the court finds relevant into consideration.

If the judge's determination is that the relocation does not align with the child's best interest, but the parent does relocate, the court may decide to order a change of custody. The court will then issue orders for appropriate modifications to the parent-time schedule and the associated requirements, including considerations of the change in transportation costs for parent-time.

Minimum Limit of Parent-Time After Relocation

Unless the court has ordered differently based on particulars of a case, when a parent relocates, per 30-3-27(1), Utah law stipulates the minimum parent-time requirements for a child age 5 to 18. It further specifies which parent the child shall spend each holiday and school break periods and summer vacations, among other details of the parent-time arrangement.

For a child under age 5, the court can also establish a parent-time schedule, taking into consideration the:

- child's age
- child's developmental needs
- strength of the bond between the child and the noncustodial parent
- distance between parents' residences
- necessary travel arrangements and costs for parent-time
- other relevant considerations to ensure the child's best interest is served

Default Assignment of Parent-Time Under Utah Law

If the noncustodial parent has not designated a specific weekend for parent-time, Code 30-3-37 specifies days of each month that will be assigned for parent time and makes provisions for conflicts for holidays already assigned to the custodial parent. It further spells out the stipulations for the time during which the child is out of school for snow days, teachers' meeting days, etc.



Extended Uninterrupted Parent Time

The court can consider a motion from anyone to order a minimum of a 30-days *uninterrupted* parent-time with the child's noncustodial parent during extended periods of parent-time. If the court does order such a period of uninterrupted parent-time during timeframes not addressed in 30 3 37, the judge's order will specify which parent must pay travel costs for the child.

NOTE: The court *can* decide that it is not in the child's best interest to order the uninterrupted parent-time period.

Distance Considerations for Relocated Parents

When financial constraints and travel distance make it too difficult to exercise the noncustodial parent's minimum parent-time during the school year, the court is advised under Section 30 3 37, to consider allocating additional parent-time for the noncustodial parent in the summer, if doing so is in the child's best interest.

Financial Impact of a Parent's Relocation

After the judge finds that the relocation is in the child's best interest, the court will establish a parent-time schedule and will determine responsibilities for transportation costs of having the child travel to spend time with the noncustodial parent. In deciding how these expenses will be allocated, the court will consider:

- the reason why the parent is relocating
- increased costs for both parents in maintaining parent-time
- greater difficulty for both parents in exercising parent-time
- Both parents' individual financial resources
- Other considerations the court finds relevant

Child's Travel Expenses for Parent Time: The parent who relocates is normally responsible for all the child's parent-time travel expenses, per 30-3-37 (6)(a) and (6)(b) as well as half the child's travel expenses per (6)(c). This is *if* the noncustodial parent has paid all required child support payments due to date. If the noncustodial parent is not current on child support payments, then he/she will be responsible for all travel expenses for the child, per Subsection (6), unless the court decides otherwise.

Failure to Comply with Notice of Parent Relocation

The court can modify an existing divorce decree or revise a current custody order or other order of the court involving parent-time requirements. If a parent fails to comply with the notice of relocation, per 30-3-37(2), he or she will be acting in contempt of court, (which is a legally punishable offense).

Attorney David Pedrazas, Salt Lake City Utah

Over the past 20 years, Attorney David Pedrazas has been helping Utah families through the difficulties of divorce and child custody cases, so they can make the best decisions and move on to enjoy greater happiness beyond divorce. David Pedrazas has been recognized as a top divorce attorney in Salt Lake City by the American Academy of Trial Attorneys, the National Academy of Family Law Association, and the American Institute of Family Law.

LAW OFFICE OF DAVID PEDRAZAS, PLLC

3920 S 1100 E Suite 320
Salt Lake City, Utah 84124
801-263-7078

[Click Here to Get Directions](#)

For help with child custody or parent-time conflicts, call the Law Office of David Pedrazas, PLLC, Salt Lake City UT to schedule a consultation, or fill out our online request anytime to make an appointment.