

## § 30-3-37. Relocation

### Currentness

- (1) For purposes of this section, “relocation” means moving 150 miles or more from the residence of the other parent.
- (2) The relocating parent shall provide 60 days advance written notice of the intended relocation to the other parent. The written notice of relocation shall contain statements affirming the following:
  - (a) the **parent-time** provisions in Subsection (5) or a schedule approved by both parties will be followed; and
  - (b) neither parent will interfere with the other's parental rights pursuant to court ordered **parent-time** arrangements, or the schedule approved by both parties.
- (3) The court shall, upon motion of any party or upon the court's own motion, schedule a hearing with notice to review the notice of relocation and **parent-time** schedule as provided in [Section 30-3-35](#) and make appropriate orders regarding the **parent-time** and costs for **parent-time** transportation.
- (4) In a hearing to review the notice of relocation, the court shall, in determining if the relocation of a custodial parent is in the best interest of the child, consider any other factors that the court considers relevant to the determination. If the court determines that relocation is not in the best interest of the child, and the custodial parent relocates, the court may order a change of custody.
- (5) If the court finds that the relocation is in the best interest of the child, the court shall determine the **parent-time** schedule and allocate the transportation costs that will be incurred for the child to visit the noncustodial parent. In making its determination, court shall consider:
  - (a) the reason for the parent's relocation;
  - (b) the additional costs or difficulty to both parents in exercising **parent-time**;
  - (c) the economic resources of both parents; and
  - (d) other factors the court considers necessary and relevant.
- (6) Unless otherwise ordered by the court, upon the relocation, as defined in Subsection (1), of one of the parties the following schedule shall be the minimum requirements for **parent-time** for children 5 to 18 years of age:
  - (a) in years ending in an odd number, the child shall spend the following holidays with the noncustodial parent:
    - (i) Thanksgiving holiday beginning Wednesday until Sunday; and
    - (ii) Spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;
  - (b) in years ending in an even number, the child shall spend the following holidays with the noncustodial parent:
    - (i) the entire winter school break period; and
    - (ii) the Fall school break beginning the last day of school before the holiday until the day before school resumes;
  - (c) extended **parent-time** equal to 1/2 of the summer or off-track time for consecutive weeks. The children should be returned to the custodial home no later than seven days before school begins; however, this week shall be counted when determining the amount of **parent-time** to be divided between the parents for the summer or off-track period; and
  - (d) one weekend per month, at the option and expense of the noncustodial parent.
- (7) The court may also set a **parent-time** schedule for children under the age of five. The schedule shall take into consideration the following:
  - (a) the age of the child;
  - (b) the developmental needs of the child;
  - (c) the distance between the parents' homes;
  - (d) the travel arrangements and cost;
  - (e) the level of attachment between the child and the noncustodial parent; and
  - (f) any other factors relevant to the best interest of the child.
- (8) The noncustodial parent's monthly weekend entitlement is subject to the following restrictions.

(a) If the noncustodial parent has not designated a specific weekend for **parent-time**, the noncustodial parent shall receive the last weekend of each month unless a holiday assigned to the custodial parent falls on that particular weekend. If a holiday assigned to the custodial parent falls on the last weekend of the month, the noncustodial parent shall be entitled to the next to the last weekend of the month.

(b) If a noncustodial parent's extended **parent-time** or **parent-time** over a holiday extends into or through the first weekend of the next month, that weekend shall be considered the noncustodial parent's monthly weekend entitlement for that month.

(c) If a child is out of school for teacher development days or snow days after the children begin the school year, or other days not included in the list of holidays in Subsection (6) and those days are contiguous with the noncustodial parent's monthly weekend **parent-time**, those days shall be included in the weekend **parent-time**.

(9) The custodial parent is entitled to all **parent-time** not specifically allocated to the noncustodial parent.

(10) In the event finances and distance preclude the exercise of minimum **parent-time** for the noncustodial parent during the school year, the court should consider awarding more time for the noncustodial parent during the summer time if it is in the best interests of the children.

(11) Upon the motion of any party, the court may order uninterrupted **parent-time** with the noncustodial parent for a minimum of 30 days during extended **parent-time**, unless the court finds it is not in the best interests of the child. If the court orders uninterrupted **parent-time** during a period not covered by this section, it shall specify in its order which parent is responsible for the child's travel expenses.

(12) Unless otherwise ordered by the court the relocating party shall be responsible for all the child's travel expenses relating to Subsections (6)(a) and (b) and 1/2 of the child's travel expenses relating to Subsection (6)(c), provided the noncustodial parent is current on all support obligations. If the noncustodial parent has been found in contempt for not being current on all support obligations, the noncustodial parent shall be responsible for all of the child's travel expenses under Subsection (6), unless the court rules otherwise. Reimbursement by either responsible party to the other for the child's travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

(13) The court may apply this provision to any preexisting decree of divorce.

(14) Any action under this section may be set for an expedited hearing.

(15) A parent who fails to comply with the notice of relocation in Subsection (2) shall be in contempt of the court's order.