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Pro Se

IN THE THIRD JUDICIAL DISTRICT COURT  
OF SALT LAKE COUNTY, STATE OF UTAH  
Third District Court, 450 South State Street, Salt Lake City, UT 84114

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| In the Matter of the Marriage of     | * | <b>DECREE OF DIVORCE</b>      |
|                                      | * | <b>AND JUDGMENT</b>           |
| Maria De Los Angeles Cazares Sanchez | * |                               |
| Petitioner                           | * |                               |
|                                      | * | Case No. <u>264903088.</u>    |
| and                                  | * |                               |
|                                      | * | Commissioner: <u>Blocher.</u> |
| Israel Edver Zevallos                | * |                               |
| Respondent                           | * | Judge: <u>Ferre</u>           |

The above-entitled matter came on before the court on Petitioner's Affidavit for Entry of Divorce Decree in accordance with Rule 104, Utah Rules of Civil Procedure. The parties have completed the classes entitled, "Divorce Orientation Course" and "Shared Parenting for Divorcing Parents" or have a signed order waiving the classes on file with the court. The Court, having found and entered its Findings of Fact and Conclusions of Law and being otherwise fully advised, it is hereby,

**ORDERED, ADJUDGED AND DECREED:**

That the Petitioner is awarded a Decree of Divorce from the Respondent, to become final upon signature and entry.

1. All personal property should be divided as the parties have already divided it.
2. Petitioner is not aware of any debts from the marriage. Should any debts exist, each debt shall be the responsibility of the party incurring the debt.
3. The parties did not acquire any real property during the marriage.
4. Neither party should be awarded alimony from the other.

5. The parties have not acquired any interest in any retirement program (including military retirement), nor have they acquired any interest in any pension or profit sharing plan during the course of the marriage.

6. There has/have been 1 child(ren) born or adopted of this marriage. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration the names and birthdates of the children are being submitted to the court on the NON-PUBLIC INFORMATION – MINORS form. The names, birth month, and birth year of each child are listed below:

| Child's Names         | Month and Year of Birth |
|-----------------------|-------------------------|
| Elias Israel Zevallos | October 2016            |

6.1. Petitioner is awarded the Sole Legal and Sole Physical custody of the child(ren), and parent-time for the Respondent should be according to the Petitioner's proposed PARENT-TIME, filed contemporaneously herewith.

#### PARENTING PLAN

a. If the parties reside in the same state and within 150 miles of each other, reasonable parent-time should be as the parties agree. If the parties do not agree, the minimum parent-time for the noncustodial parent and the minor child(ren) shall be entitled in accordance with Utah Code 81-9-302.

b. Respondent will pick up, deliver and return the minor child(ren) for all parent time unless the parties make other arrangements.

c. If either party moves from the state of Utah or 150 miles or more from their residence specified in the Court's Decree, that parent shall provide if possible 60 days advance written notice of the intended relocation to the other parent. The written notice of relocation shall contain statements affirming that:

- i. the parent-time provisions in Utah Code 81-9-209 or a schedule approved by both parties will be followed; and
- ii. neither parent will interfere with the other's parental rights pursuant to court ordered parent-time arrangements, or the schedule approved by both parties.
- iii. A parent who fails to comply with the notice of relocation shall be in contempt of the Court's order.
- d. If either parent lives more than 150 miles away from the other parent or if both parents live in separate states or countries, parent time shall be as the parties agree. If they are unable to agree, and the child(ren) is 5 to 18 years old, the following shall be the minimum parent-time allowed to the non-custodial parent:
  - i. in years ending in odd number, the minor child(ren) shall spend the following holidays with the noncustodial parent:
    - ii. Thanksgiving holiday beginning Wednesday until Sunday; and
    - iii. spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;
  - iv. in years ending in an even number, the minor child(ren) shall spend the following holidays with the noncustodial parent:
    - v. the entire winter school break period; and
    - vi. the fall school break beginning the last day of school before the holiday until the day before school resumes; and
    - vii. extended parent-time equal to  $\frac{1}{2}$  of the summer or off-track time for consecutive weeks. The child(ren) shall be returned to the custodial home no later than seven days before school begins. 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. The parties shall mutually agree on this extended time each year. If they are unable to agree, the noncustodial parent shall select the dates for the extended time period.

viii. at the option and expense of the noncustodial parent, one weekend per month.

e. If either parent lives more than 150 miles away from the other parent or if both parents live in separate states, costs for their child(ren)'s travel expenses for parent-time shall be shared equally by the parents.

f. If the noncustodial parent has been found in contempt for not being current on all support obligations, that parent shall be responsible for all of the child's travel expenses relating to the parent time schedule in this order.

g. 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.

7. Pursuant to Utah Code 81-6-203 Petitioner's total countable gross monthly income for child support purposes is \$1,600. Petitioner's base child support amount using the sole custody calculation is \$175 per month. The Petitioner receives the following gross monthly income from all sources:

a. The Petitioner is employed and grosses \$1,600 per month working the equivalent of one full-time 40-hour a week job or less. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration, Petitioner's place of employment has been filed with the court on the NON-PUBLIC INFORMATION – PARENT IDENTIFICATION AND LOCATION form.

7.1. Pursuant to Utah Code 81-6-203 Respondent's total countable gross monthly income for child support purposes is \$4,000. Respondent's base child support amount using the sole custody

calculation is \$513 per month. The Respondent receives the following gross monthly income from all sources:

a. The Respondent's source of income is unknown, but is capable of working at a job which pays \$4,000 per month. Based upon Respondent's work experience during the period of the parties' marriage, gross monthly income should be attributed to the Respondent in the amount of \$4,000 per month.

8. Pursuant to Utah Code 78B-12-202 et seq., the Respondent is ordered to pay to the Petitioner as and for child support:

a. A sum of not less than \$513 per month as base support for the child of the parties, pursuant to the Uniform Child Support Guidelines. Unless the Court orders otherwise, support for each child terminates at the time (1) a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or (2) a child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Utah Code 80-7-102.

b. Child support payments shall begin the month immediately following the entry of the order for child support. The monthly child support shall be paid one half on or before the 5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless the custodial parent uses the Office of Recovery Services to collect support. Child support due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Child support due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month.

c. The sole custody worksheet was used in calculating the child support in this matter. Petitioner's base child support amount is \$297 per month. Respondent's base child support amount is \$454 per month. If the physical living arrangements of a child changes from what is ordered (not including

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temporary changes for parent-time or visitation), then pursuant to Utah Code 81-6-205 a parent whom the child is not residing with is required to pay to whoever the child is residing with the amount of support set out above for that parent and described as "the base child support amount." The parent shall automatically begin paying this base support amount without the need to modify this child support order.

d. The sole physical custody worksheet was used in calculating the base child support award. The base child support award shall be reduced by 50% for each minor child for time periods during which such minor child is with the non-custodial parent by court order or written agreement signed by the parties for at least 25 of any 30 consecutive days.

The base child support award shall be reduced by 25% for each minor child for time periods during which such minor child is with the non-custodial parent by court order or written agreement signed by the parties for at least 12 of any 30 consecutive days. Normal parent-time and holiday parent-time with the custodial parent shall not be considered an interruption of the consecutive day requirement for the non-custodial parent. If the dependent child is a recipient of cash assistance from the state of Utah through the T.A.N.F. or F.E.P. programs, any agreement by the parties for reduction of child support during extended parent-time shall be approved by the Office of Recovery Services.

e. The person entitled to receive child support shall be entitled to mandatory income withholding relief pursuant to U.C.A. § 62A-11 parts 4 and 5 (1953 as amended), and any Federal and State tax refunds or rebates due the non-custodial parent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure shall apply to existing and future payors. All withheld income shall be submitted to the Office of Recovery Services until such time as the non-custodial parent no longer owes child support to the person

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entitled to receive child support. All child support payments shall be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011, unless the Office of Recovery Services gives notice that payments should be sent elsewhere. Should mandatory income withholding be implemented by the Office of Recovery Services, child support shall be due on the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by Respondent.

- f. It is fair and proper that the Respondent is ordered to pay to Petitioner the amount of \$12,312 for child support arrears accrued since the parties separated.
  - g. Each of the parties is under mutual obligation to notify the other within ten (10) days of any change in monthly income.
  - h. Under Utah Code 81-6-212, the parties have a right to adjust this child support order by motion after three years from the date of its entry if (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code 26B-9-211, if the child(ren) receive TANF funds at the time an adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.
  - i. Under Utah Code 81-6-212 the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (i) material changes in custody; (ii) material changes in the relative wealth or assets of the parties; (iii) material changes of 30% or more in the income of a parent; (iv) material changes in the employment potential and
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ability of a parent to earn; (v) material changes in the medical needs of the child; or (vi) material changes in the legal responsibilities of either parent for the support of others, and, the change in (i) through (vi) results in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference is not of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

9. Petitioner is entitled to claim the parties' minor child Elias Israel Zevallos born on October 2016 as dependent for tax purposes.

10. Pursuant to Utah Code 81-6-208 it is reasonable and proper that:

- a. Petitioner is required to maintain medical, hospital and dental care insurance for the dependent child(ren) where available at reasonable cost and the insurance coverage is accessible to the child(ren).
  - b. Both parties are responsible to pay out-of-pocket costs of the premium for the child(ren)'s portion of the insurance.
  - c. Both parties shall share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by a party.
  - d. The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.
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e. A parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with the Subparagraph "d" above.

11. Pursuant to Utah Code 81-6-209, both parties shall share equally all reasonable work, career, or occupational training-related child care expenses.

a. The parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.

The parent shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

b. The parent not directly paying for child care shall begin paying his or her share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

c. A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

12. Neither the Petitioner nor the Respondent has received or is receiving public assistance from the State of Utah.

13. Both parties should be ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of this divorce decree. Should a party fail to execute a document within 60 days of the entry of this divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and seek that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

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14. Prior to any Petition being filed to change any provision of the final Decree of Divorce, the parties must attempt to resolve the issue through mediation.

DATED

9 Sept 2016



DISTRICT COURT JUDGE

CERTIFICATE OF MAILING/DELIVERY

On 09-08-2016 (date) I ☒ mailed or ☐ hand delivered a copy of this DECREE  
OF DIVORCE AND JUDGMENT, postage prepaid, to:

Israel Edver Zevallos  
4907 Seneca Rd  
Salt Lake City, UT, 84120

Maria Cazares  
Petitioner Signature

**Effective 5/6/2026**

**Superseded 1/1/2027**

**81-9-302 Minimum schedule for parent-time for a minor child five to 18 years old.**

- (1) The parent-time schedule in this section applies when establishing a parent-time schedule for a minor child who is five to 18 years old.
- (2) If the parties do not agree to a parent-time schedule for a minor child who is five to 18 years old, the following schedule is considered the minimum parent-time to which the noncustodial parent is entitled to the minor child:
  - (a)
    - (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or
    - (ii) at the election of the noncustodial parent, one weekday to be specified by the noncustodial parent or the court:
      - (A) beginning at the time that the minor child's school is regularly dismissed and ending at 8:30 p.m.; or
      - (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending at 8:30 p.m.;
  - (b)
    - (i) beginning on the first weekend after entry of the decree, alternating weekends beginning at 5:30 p.m. on Friday and ending on Sunday at 8:30 p.m.; or
    - (ii) at the election of the noncustodial parent and beginning on the first weekend after the entry of the decree, alternating weekends:
      - (A) beginning at the time that the minor child's school is regularly dismissed on Friday and ending on Sunday at 8:30 p.m.; or
      - (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at 8 a.m. and ending on Sunday at 8:30 p.m.;
  - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (12); and
  - (d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection (3).
- (3)
  - (a) For extended parent-time with the minor child described in Subsection (2)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with the minor child when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
  - (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (3)(a):
    - (i) two weeks shall be uninterrupted parent-time for the noncustodial parent; and
    - (ii) two weeks may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.
  - (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
  - (d) Extended parent-time described in this Subsection (3) shall be consecutive, except that the four weeks of extended parent-time for the noncustodial parent may be divided into two separate 14-day periods that are not consecutive.
- (4)

- (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of extended parent-time for summer break under Subsection (3).
  - (b) For the notification requirement described in Subsection (4)(a):
    - (i) in odd-numbered years:
      - (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
      - (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
    - (ii) in even-numbered years:
      - (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and
      - (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
  - (c)
    - (i) If a parent fails to provide a notification within the time periods described in Subsection (4)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.
    - (ii) If both parents fail to provide notice within the time periods described in Subsection (4)(b), the first parent to provide notice may determine the schedule for summer break for that parent and the other parent.
  - (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (3)(b)(ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.
- (5)
- (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.
  - (b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.
- (6)
- (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
    - (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);
    - (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (3) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
    - (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's Day, Mother's Day, or the minor child's birthday;
    - (iv) extended parent-time under Subsection (3); and
    - (v) the schedule for weekday or weekend parent-time.
  - (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- (7) A stepparent, grandparent, or other responsible adult designated by a parent, may pick up the minor child for parent-time if the other parent is aware of the identity of the individual and the parent will be with the minor child by 7 p.m.
- (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.
- (9) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday,

the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.

(10)

(a) Telephone contact shall be at reasonable hours and for a reasonable duration.

(b)

(i) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.

(ii) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

(A) the best interests of the minor child;

(B) each parent's ability to handle any additional expenses for virtual parent-time; and

(C) any other factors the court considers material.

(c) Virtual parent-time supplements, but does not replace, in-person parent-time.

(11) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

(12) The following table is the holiday schedule for parent-time under this section.

| Holiday                        | Holiday Time Period                                                                                                                                                                                                                                       | Years Noncustodial Parent is Granted Holiday | Years Custodial Parent is Granted Holiday |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------|
| Dr. Martin Luther King Jr. Day | (1) Holiday begins :<br>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or<br>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.<br>(2) Holiday ends at 8:30 p.m. on Dr. Martin Luther King Jr. Day. | Odd years                                    | Even years                                |
| Presidents' Day                | (1) Holiday begins:<br>(a) at the time that school is dismissed for Presidents' Day; or<br>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.<br>(2) Holiday ends at 8:30 p.m. on the day before school resumes.                  | Even years                                   | Odd years                                 |
| Spring Break                   | (1) Holiday begins at:<br>(a) the time that school is dismissed for spring break; or                                                                                                                                                                      | Odd years                                    | Even years                                |

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                  |                                                                                               |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
|                                 | <p>(b) 5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 8:30 p.m. on the day before school resumes.</p>                                                                                                                                                                                                  |                                                                                                  |                                                                                               |
| Memorial Day                    | <p>(1) Holiday begins:</p> <p>(a) at the time that school is dismissed for Memorial Day; or</p> <p>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 8:30 p.m. on Memorial Day.</p>                                                                                                                                                           | Even years                                                                                       | Odd years                                                                                     |
| Mother's Day                    | <p>(1) Holiday begins at 5:30 p.m. on the day before Mother's Day.</p> <p>(2) Holiday ends on Mother's Day at 8:30 p.m.</p>                                                                                                                                                                                                                                                                       | All years if noncustodial parent is the mother or other parent granted the holiday in the order. | All years if custodial parent is the mother or other parent granted the holiday in the order. |
| Father's Day                    | <p>(1) Holiday begins at 5:30 p.m. on the day before Father's Day.</p> <p>(2) Holiday ends on Father's Day at 8:30 p.m.</p>                                                                                                                                                                                                                                                                       | All years if noncustodial parent is the father or other parent granted the holiday in the order. | All years if custodial parent is the father or other parent granted the holiday in the order. |
| Juneteenth National Freedom Day | <p>(1) Holiday begins at:</p> <p>(a) 5:30 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or</p> <p>(b) 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p> <p>(2) Holiday ends at 8:30 p.m. on the day following Juneteenth National Freedom Day.</p> | Even years                                                                                       | Odd years                                                                                     |
| Independence Day                | <p>(1) Holiday begins on July 3rd at 5:30 p.m.</p> <p>(2) Holiday ends on July 5th at 8:30 p.m.</p>                                                                                                                                                                                                                                                                                               | Odd years                                                                                        | Even years                                                                                    |

|                              |                                                                                                                                                                                                                                                                               |            |            |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| Pioneer Day                  | (1) Holiday begins on July 23rd at 5:30 p.m.<br>(2) Holiday ends on July 25th at 8:30 p.m.                                                                                                                                                                                    | Even years | Odd years  |
| Labor Day                    | (1) Holiday begins:<br>(a) at the time that school is dismissed for Labor Day; or<br>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.<br>(2) Holiday ends at 8:30 p.m. on Labor Day.                                                                | Odd years  | Even years |
| Fall Break                   | (1) Holiday begins at:<br>(a) the time that school is dismissed for fall break; or<br>(b) 5:30 p.m. on the day school is dismissed for fall break at the election of the parent granted the holiday.<br>(2) Holiday ends at 8:30 p.m. on the day before school resumes.       | Odd years  | Even years |
| Halloween                    | (1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:<br>(a) at the time that school is dismissed; or<br>(b) at 3 p.m. if there is no school.<br>(2) Holiday ends at 8:30 p.m. on the same day the holiday begins. | Even years | Odd years  |
| Thanksgiving                 | (1) Holiday begins at:<br>(a) the time that school is dismissed for Thanksgiving; or<br>(b) 5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted the holiday.<br>(2) Holiday ends at 8:30 p.m. on the day before school resumes. | Even years | Odd years  |
| Winter Break<br>(First Half) | (1) Holiday begins at:<br>(a) the time that school dismisses for winter break; or<br>(b) 5:30 p.m. on the day that school dismisses for winter break at the                                                                                                                   | Odd years  | Even years |

|                                                  |                                                                                                                                            |            |            |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
|                                                  | election of the parent granted the holiday.<br>(2) Holiday ends on December 27th at 8:30 p.m.                                              |            |            |
| Winter Break<br>(Second Half)                    | (1) Holiday begins on December 27th at 8:30 p.m.<br>(2) Holiday ends at 8:30 p.m. on the day before school resumes after the winter break. | Even years | Odd years  |
| Day of Minor<br>Child's Birthday                 | (1) Holiday begins at 3 p.m.<br>(2) Holiday ends at 8:30 p.m.                                                                              | Even years | Odd years  |
| Day Before<br>or After Minor<br>Child's Birthday | (1) Holiday begins at 3 p.m.<br>(2) Holiday ends at 8:30 p.m.                                                                              | Odd years  | Even years |

Amended by Chapter 155, 2026 General Session

**Effective 5/6/2026**

**81-9-209 Notice of relocation -- Effect of relocation on parent-time schedule.**

- (1) As used in this section, "relocation" means moving 150 miles or more from the residence of the other parent.
- (2) The relocating parent shall provide written notice to the other parent at least 60 days before the day on which the relocating parent intends to relocate.
- (3) The written notice of relocation described in Subsection (2) shall contain statements affirming:
  - (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by both parties will be followed; and
  - (b) that a parent will not interfere with the other's parental rights pursuant to court ordered parent-time arrangements or the parent-time schedule approved by both parties.
- (4) Upon a motion of any party or upon the court's own motion, the court shall schedule a hearing with notice to:
  - (a) review the notice of relocation and the relevant parent-time schedule under Section 81-9-302 or 81-9-304; and
  - (b) make appropriate orders regarding the parent-time schedule and costs for parent-time transportation.
- (5) 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 minor child, consider any other factors that the court considers relevant to the determination.
- (6) If the court determines that relocation is not in the best interest of the minor child, and the custodial parent relocates, the court may order a change of custody.
- (7)
  - (a) If the court finds that the relocation is in the best interest of the minor child, the court shall determine the parent-time schedule and allocate the transportation costs that will be incurred for the minor child to visit the noncustodial parent.
  - (b) In making a determination under Subsection (7)(a), the court shall consider:
    - (i) the reason for the parent's relocation;
    - (ii) the additional costs or difficulty to both parents in exercising parent-time;
    - (iii) the economic resources of both parents; and
    - (iv) other factors the court considers necessary and relevant.
- (8) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regard to the application of this section.
- (9) Unless otherwise ordered by the court, and upon the relocation of one of the parties, the following schedule is the minimum parent-time that the noncustodial parent is entitled to a minor child who is five to 18 years old:
  - (a) in years ending in an odd number, the minor child shall spend the following holidays with the noncustodial parent:
    - (i)
      - (A) fall break if the minor child's school dismisses for a fall break, beginning on the day that school dismisses for fall break and ending on the day before school resumes; or
      - (B) Labor Day if the minor child's school does not dismiss for a fall break, beginning on the day that school dismisses for Labor Day and ending on the day before school resumes; and
    - (ii) the entire winter break period, beginning on the day that school dismisses for the winter break and ending on the day before school resumes;

- (b) in years ending in an even number, the minor child shall spend the following holidays with the noncustodial parent:
  - (i)
    - (A) spring break, beginning on the day that school dismisses for the spring break and ending on the day before school resumes; or
    - (B) Presidents' Day if the minor child's school does not dismiss for a spring break, beginning on the day that school dismisses for Presidents' Day and ending on the day before school resumes; and
  - (ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and ending on the day before school resumes;
- (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks with:
  - (i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in years ending in an odd number; and
  - (ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time in years ending in an even number; and
- (d) one weekend per month, at the option and expense of the noncustodial parent.
- (10) For extended parent-time described in Subsection (9)(c), the noncustodial parent shall return the minor child to the custodial home no later than seven days before school begins, except that this week is counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period.
- (11)
  - (a) Upon relocation of one of the parties, the court may also set a parent-time schedule for a minor child who is younger than five years old.
  - (b) The schedule described in Subsection (11)(a) shall take into consideration the following:
    - (i) the age of the minor child;
    - (ii) the developmental needs of the minor child;
    - (iii) the distance between the parents' homes;
    - (iv) the travel arrangements and cost;
    - (v) the level of attachment between the minor child and the noncustodial parent; and
    - (vi) any other factors relevant to the best interest of the minor child.
- (12)
  - (a)
    - (i) If the noncustodial parent has not designated a specific weekend on which the noncustodial parent will exercise parent-time under Subsection (9)(d), the noncustodial parent shall receive the last weekend of each month.
    - (ii) If a holiday assigned to the custodial parent falls on a weekend on which the noncustodial parent normally exercises parent-time under Subsection (9)(d), the noncustodial parent is entitled to the weekend before the holiday.
  - (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 is considered the noncustodial parent's monthly weekend entitlement under Subsection (9)(d) for that month.
  - (c) If a minor child is out of school for teacher development days or snow days after the minor child begins the school year, or other days not included in the list of holidays in Subsection (9), and those days are contiguous with the noncustodial parent's monthly weekend or holiday parent-time, those days shall be included in the weekend or holiday parent-time.
- (13)
  - (a) In addition to the parent-time for which a noncustodial parent is entitled under Subsection (9), the noncustodial parent is entitled to, at least two times a week:

- (i) brief telephone contact with the minor child at reasonable hours and for a reasonable duration; and
  - (ii) virtual parent-time if the equipment is reasonably available at reasonable hours and for reasonable duration.
- (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
  - (i) the best interest of the minor child;
  - (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
  - (iii) any other factors the court considers material.
- (c) Virtual parent-time supplements, but does not replace, the in-person parent-time described in Subsection (9).
- (14) The custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent.
- (15) 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 minor child.
- (16)
  - (a) 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 interest of the minor child.
  - (b) If the court orders uninterrupted parent-time during a period not covered by this section, the court shall specify in the court's order which parent is responsible for the minor child's travel expenses.
- (17)
  - (a) Unless otherwise ordered by the court the relocating party shall be responsible for all the minor child's travel expenses relating to Subsections (9)(a) and (b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided the noncustodial parent is current on all support obligations.
  - (b) If the noncustodial parent has been found in contempt for not being current on all support obligations, the noncustodial parent is responsible for all of the minor child's travel expenses under Subsection (9), unless the court rules otherwise.
  - (c) A responsible party shall make a reimbursement to the other for the minor child's travel expenses within 30 days of receipt of documents detailing those expenses.
- (18) The court may apply this provision to any preexisting decree of divorce.
- (19) Any action under this section may be set for an expedited hearing.
- (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in contempt of the court's order.

Amended by Chapter 155, 2026 General Session