

HB 129 -- UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT

SPONSOR: Griffith

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Standing Committee on Veterans by a vote of 12 to 0. Voted "Do Pass-Consent" by the Standing Committee on Consent and House Procedure by a vote of 7 to 0.

This bill establishes the "Uniform Deployed Parents Custody and Visitation Act".

The bill states the situations in which the residence of a deploying parent is not changed by reason of deployment and when disclosure of their residence is allowed and prohibited when a court with jurisdiction issues a temporary or permanent order regarding custodial responsibility.

Furthermore, a deploying parent shall notify the other parent, in a record, of a pending deployment not later than seven days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service, and then the deploying parent shall notify as soon as reasonably possible. Each parent shall provide the other parent, in a record, with a plan for fulfilling that parent's share of custodial responsibility during deployment. Each parent shall provide the plan as soon as reasonably possible after notification of deployment.

The bill also states that in a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.

The bill also explains the procedure in which the parents can enter into a temporary agreement that grants custodial responsibilities over the child during deployment. Such agreement will terminate after the deploying parent returns from deployment unless the agreement has been terminated before that time by court order or modification. If granted caretaking authority over the child by the temporary agreement, subjected to the provisions in this bill, that nonparent has standing to enforce the agreement until it has been terminated by court order or by modification.

The bill also states the court procedures needed to file a motion to grant custodial responsibility as well as the procedure in which the temporary custodial responsibility agreement can be modified or terminated.

Unless a grant of caretaking authority to a nonparent is agreed to by the other parent, the granted authority is limited to an amount of time not greater than:

(1) The amount of time granted to the deploying parent under a permanent custody order, but the court may add unusual travel time necessary to transport the child; or

(2) In the absence of a permanent custody order that is currently in effect, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, but the court may add unusual travel time necessary to transport the child.

After a deploying parent returns from deployment, until a temporary agreement or order for custodial responsibility is terminated, the court shall issue a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time of contact exceeds the time the deploying parent spent with the child before deployment.

If an agreement between the parties to terminate a temporary order for custodial responsibility has not been filed, the order terminates 60 days after the deploying parent gives notice to the other parent and any nonparent granted custodial responsibility that the deploying parent has returned from deployment.

The provisions in this bill modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

This bill does not affect the validity of a temporary court order concerning custodial responsibility during deployment which was entered before August 28, 2023.

This bill is similar to HB 2640 (2022).

PROPONENTS: Supporters say that this seeks to help military families by alleviating unnecessary complexities and enhancing predictability. There are 16 other jurisdictions that have adopted this. Uniformity of state law helps military families navigate a multi-jurisdictional issue more easily. The last thing you should have to think about while you are deployed is if your kids are ok.

Testifying in person for the bill was Representative Griffith.

OPPONENTS: There was no in person opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.