

Effective 7/1/2016

Part 2
Agreement Addressing Custodial Responsibility During Deployment

Effective 7/1/2017

78B-20-201 Form of agreement.

- (1) The parents of a child may enter into a temporary agreement under this part granting custodial responsibility during deployment.
- (2) An agreement under Subsection (1) shall be:
 - (a) in writing; and
 - (b) signed by both parents and any nonparent to whom custodial responsibility is granted.
- (3) Subject to Subsection (4), an agreement under Subsection (1), if feasible, shall:
 - (a) identify the destination, duration, and conditions of the deployment that is the basis for the agreement;
 - (b) specify the allocation of caretaking authority among the deploying parent, the other parent, and any nonparent;
 - (c) specify any decision-making authority that accompanies a grant of caretaking authority;
 - (d) specify any grant of limited contact to a nonparent;
 - (e) if under the agreement custodial responsibility is shared by the other parent and a nonparent, or by other nonparents, provide a process to resolve any dispute that may arise;
 - (f) specify the frequency, duration, and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact, and the allocation of any costs of contact;
 - (g) specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;
 - (h) acknowledge that any party's child-support obligation cannot be modified by the agreement, and that changing the terms of the obligation during deployment requires modification in the appropriate court;
 - (i) provide that the agreement will terminate according to the procedures under Part 4, Return from Deployment, after the deploying parent returns from deployment; and
 - (j) if the agreement is required to be filed pursuant to Section 78B-20-205, specify which parent is required to file the agreement.
- (4) The omission of any of the items specified in Subsection (3) does not invalidate an agreement under this section.

Enacted by Chapter 292, 2016 General Session

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78B-20-202 Nature of authority created by agreement.

- (1) An agreement under this part is temporary and terminates pursuant to Part 4, Return from Deployment, after the deploying parent returns from deployment, unless the agreement has been terminated before that time by court order or modification under Section 78B-2-203. The agreement may not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom custodial responsibility is given.
- (2) A nonparent who has caretaking authority, decision-making authority, or limited contact by an agreement under this part has standing to enforce the agreement until it has been terminated

by court order, by modification under Section 78B-20-203, or under Part 4, Return from Deployment.

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78B-20-203 Modification of agreement.

- (1) By mutual consent, the parents of a child may modify an agreement regarding custodial responsibility made pursuant to this part.
- (2) If an agreement is modified under Subsection (1) before deployment of a deploying parent, the modification shall be in writing and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.
- (3) If an agreement is modified under Subsection (1) during deployment of a deployed parent, the modification shall be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

Enacted by Chapter 292, 2016 General Session

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78B-20-204 Power of attorney.

A deploying parent, by power of attorney, may delegate all or part of custodial responsibility to an adult nonparent for the period of deployment if no other parent possesses custodial responsibility under the law of this state other than this chapter or if a court order currently in effect prohibits contact between the child and the other parent. The deploying parent may revoke the power of attorney by signing a revocation of the power.

Enacted by Chapter 292, 2016 General Session

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78B-20-205 Filing agreement or power of attorney with court.

An agreement or power of attorney under this part shall be filed within a reasonable time with any court that has entered an order on custodial responsibility or child support that is in effect concerning the child who is the subject of the agreement or power. The case number and heading of the pending case concerning custodial responsibility or child support shall be provided to the court with the agreement or power.

Enacted by Chapter 292, 2016 General Session