

UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a uniform law governing a deploying parent, child custody, and parent-time requirements.

Highlighted Provisions:

This bill:

- ▶ creates a notification requirement for a deploying parent;
- ▶ specifies a custodial responsibility plan;
- ▶ determines form and modification of agreements for temporary custody;
- ▶ establishes jurisdiction by certain courts; and
- ▶ designates certain content for custody and child support orders.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-20-101, Utah Code Annotated 1953

78B-20-102, Utah Code Annotated 1953

78B-20-103, Utah Code Annotated 1953



- 28 **78B-20-104**, Utah Code Annotated 1953
- 29 **78B-20-105**, Utah Code Annotated 1953
- 30 **78B-20-106**, Utah Code Annotated 1953
- 31 **78B-20-107**, Utah Code Annotated 1953
- 32 **78B-20-201**, Utah Code Annotated 1953
- 33 **78B-20-202**, Utah Code Annotated 1953
- 34 **78B-20-203**, Utah Code Annotated 1953
- 35 **78B-20-204**, Utah Code Annotated 1953
- 36 **78B-20-205**, Utah Code Annotated 1953
- 37 **78B-20-301**, Utah Code Annotated 1953
- 38 **78B-20-302**, Utah Code Annotated 1953
- 39 **78B-20-303**, Utah Code Annotated 1953
- 40 **78B-20-304**, Utah Code Annotated 1953
- 41 **78B-20-305**, Utah Code Annotated 1953
- 42 **78B-20-306**, Utah Code Annotated 1953
- 43 **78B-20-307**, Utah Code Annotated 1953
- 44 **78B-20-308**, Utah Code Annotated 1953
- 45 **78B-20-309**, Utah Code Annotated 1953
- 46 **78B-20-310**, Utah Code Annotated 1953
- 47 **78B-20-311**, Utah Code Annotated 1953
- 48 **78B-20-401**, Utah Code Annotated 1953
- 49 **78B-20-402**, Utah Code Annotated 1953
- 50 **78B-20-403**, Utah Code Annotated 1953
- 51 **78B-20-404**, Utah Code Annotated 1953
- 52 **78B-20-501**, Utah Code Annotated 1953
- 53 **78B-20-502**, Utah Code Annotated 1953
- 54 **78B-20-503**, Utah Code Annotated 1953

55 REPEALS:

56 **30-3-40**, as last amended by Laws of Utah 2010, Chapter 218



58 *Be it enacted by the Legislature of the state of Utah:*

59 Section 1. Section 78B-20-101 is enacted to read:

60 CHAPTER 20. UNIFORM DEPLOYED PARENTS CUSTODY

61 AND VISITATION ACT

62 Part 1. General Provisions

63 78B-20-101. Title.

64 This chapter is known as the "Uniform Deployed Parents Custody and Visitation Act."

65 Section 2. Section 78B-20-102 is enacted to read:

66 78B-20-102. Definitions.

67 As used in this chapter:

68 (1) "Adult" means an individual who has attained 18 years of age or an emancipated
69 minor.

70 (2) "Caretaking authority" means the right to live with and care for a child on a
71 day-to-day basis. The term includes physical custody, parent-time, right to access, and
72 visitation.

73 (3) "Child" means:

74 (a) an unemancipated individual who has not attained 18 years of age; or

75 (b) an adult son or daughter by birth or adoption, or under law of this state other than
76 this chapter, who is the subject of a court order concerning custodial responsibility.

77 (4) "Court" means a tribunal, including an administrative agency, authorized under the
78 law of this state other than this chapter to make, enforce, or modify a decision regarding
79 custodial responsibility.

80 (5) "Custodial responsibility" includes all powers and duties relating to caretaking
81 authority and decision-making authority for a child. The term includes physical custody, legal
82 custody, parent-time, right to access, visitation, and authority to grant limited contact with a
83 child.

84 (6) "Decision-making authority" means the power to make important decisions
85 regarding a child, including decisions regarding the child's education, religious training, health
86 care, extracurricular activities, and travel. The term does not include the power to make
87 decisions that necessarily accompany a grant of caretaking authority.

88 (7) "Deploying parent" means a servicemember who is deployed or has been notified of
89 impending deployment and is:

90 (a) a parent of a child under the law of this state other than this chapter; or
91 (b) an individual who has custodial responsibility for a child under the law of this state
92 other than this chapter.

93 (8) "Deployment" means the movement or mobilization of a servicemember for more
94 than 90 days but less than 18 months pursuant to uniformed service orders that:

95 (a) are designated as unaccompanied;
96 (b) do not authorize dependent travel; or
97 (c) otherwise do not permit the movement of family members to the location to which
98 the servicemember is deployed.

99 (9) "Family member" means a sibling, aunt, uncle, cousin, stepparent, or grandparent
100 of a child, or an individual recognized to be in a familial relationship with a child under the law
101 of this state other than this chapter.

102 (10) "Limited contact" means the authority of a nonparent to visit a child for a limited
103 time. The term includes authority to take the child to a place other than the residence of the
104 child.

105 (11) "Nonparent" means an individual other than a deploying parent or other parent.

106 (12) "Other parent" means an individual who, in common with a deploying parent, is:

107 (a) a parent of a child under the law of this state other than this chapter; or
108 (b) an individual who has custodial responsibility for a child under the law of this state
109 other than this chapter.

110 (13) "Record" means information that is inscribed on a tangible medium or that is
111 stored in an electronic or other medium and is retrievable in perceivable form.

112 (14) "Return from deployment" means the conclusion of a servicemember's
113 deployment as specified in uniformed service orders.

114 (15) "Servicemember" means a member of a uniformed service.

115 (16) "Sign" means, with present intent to authenticate or adopt a record:

116 (a) to execute or adopt a tangible symbol; or
117 (b) to attach to or logically associate with the record an electronic symbol, sound, or
118 process.

119 (17) "State" means a state of the United States, the District of Columbia, Puerto Rico,
120 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction

121 of the United States.

122 (18) "Uniformed service" means:

123 (a) active and reserve components of the United States Army, Navy, Air Force, Marine
124 Corps, or Coast Guard;

125 (b) the United States Merchant Marine;

126 (c) the commissioned corps of the United States Public Health Service;

127 (d) the commissioned corps of the National Oceanic and Atmospheric Administration
128 of the United States; or

129 (e) the national guard of a state.

130 Section 3. Section **78B-20-103** is enacted to read:

131 **78B-20-103. Remedies for noncompliance.**

132 In addition to other remedies under the law of this state other than this chapter, if a
133 court finds that a party to a proceeding under this chapter has acted in bad faith or intentionally
134 failed to comply with this chapter or a court order issued under this chapter, the court may
135 assess reasonable attorney fees and costs against the party and order other appropriate relief.

136 Section 4. Section **78B-20-104** is enacted to read:

137 **78B-20-104. Jurisdiction.**

138 (1) A court may issue an order regarding custodial responsibility under this chapter
139 only if the court has jurisdiction under Chapter 13, Utah Uniform Child Custody Jurisdiction
140 and Enforcement Act.

141 (2) If a court has issued a temporary order regarding custodial responsibility pursuant
142 to Part 3, Judicial Procedure for Granting Custodial Responsibility During Deployment, the
143 residence of the deploying parent is not changed by reason of the deployment for the purposes
144 of Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act, during the
145 deployment.

146 (3) If a court has issued a permanent order regarding custodial responsibility before
147 notice of deployment and the parents modify that order temporarily by agreement pursuant to
148 Part 2, Agreement Addressing Custodial Responsibility During Deployment, the residence of
149 the deploying parent is not changed by reason of the deployment for the purposes of Chapter
150 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act.

151 (4) If a court in another state has issued a temporary order regarding custodial

152 responsibility as a result of impending or current deployment, the residence of the deploying
153 parent is not changed by reason of the deployment for the purposes of the Utah Uniform Child
154 Custody Jurisdiction and Enforcement Act.

155 (5) This section does not prevent a court from exercising temporary emergency
156 jurisdiction under Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act.

157 Section 5. Section **78B-20-105** is enacted to read:

158 **78B-20-105. Notification required of deploying parent.**

159 (1) Except as otherwise provided in Subsection (4) and subject to Subsection (3), a
160 deploying parent shall in a record notify the other parent of a pending deployment not later than
161 seven days after receiving notice of deployment unless reasonably prevented from doing so by
162 the circumstances of service. If the circumstances of service prevent giving notification within
163 the seven days, the deploying parent shall give the notification as soon as reasonably possible.

164 (2) Except as otherwise provided in Subsection (4) and subject to Subsection (3), each
165 parent shall in a record provide the other parent with a plan for fulfilling that parent's share of
166 custodial responsibility during deployment. Each parent shall provide the plan as soon as
167 reasonably possible after notification of deployment is given under Subsection (1).

168 (3) If a court order currently in effect prohibits disclosure of the address or contact
169 information of the other parent, notification of deployment under Subsection (1), or notification
170 of a plan for custodial responsibility during deployment under Subsection (2), may be made
171 only to the issuing court. If the address of the other parent is available to the issuing court, the
172 court shall forward the notification to the other parent. The court shall keep confidential the
173 address or contact information of the other parent.

174 (4) Notification in a record under Subsection (1) or (2) is not required if the parents are
175 living in the same residence and both parents have actual notice of the deployment or plan.

176 (5) In a proceeding regarding custodial responsibility, a court may consider the
177 reasonableness of a parent's efforts to comply with this section.

178 Section 6. Section **78B-20-106** is enacted to read:

179 **78B-20-106. Duty to notify of change of address.**

180 (1) Except as otherwise provided in Subsection (2), an individual to whom custodial
181 responsibility has been granted during deployment pursuant to Part 2, Agreement Addressing
182 Custodial Responsibility During Deployment, or Part 3, Judicial Procedure for Granting

183 Custodial Responsibility During Deployment, shall notify the deploying parent and any other
184 individual with custodial responsibility of a child of any change of the individual's mailing
185 address or residence until the grant is terminated. The individual shall provide notice to any
186 court that has issued a custody or child support order concerning the child, which is in effect.

187 (2) If a court order currently in effect prohibits disclosure of the address or contact
188 information of an individual to whom custodial responsibility has been granted, a notification
189 under Subsection (1) may be made only to the court that issued the order. The court shall keep
190 confidential the mailing address or residence of the individual to whom custodial responsibility
191 has been granted.

192 Section 7. Section **78B-20-107** is enacted to read:

193 **78B-20-107. General consideration in custody proceeding of parent's military**
194 **service.**

195 In a proceeding for custodial responsibility of a child of a servicemember, a court may
196 not consider a parent's past deployment or possible future deployment in itself in determining
197 the best interest of the child but may consider any significant impact on the best interest of the
198 child of the parent's past or possible future deployment.

199 Section 8. Section **78B-20-201** is enacted to read:

200 **Part 2. Agreement Addressing Custodial Responsibility During Deployment**

201 **78B-20-201. Form of agreement.**

202 (1) The parents of a child may enter into a temporary agreement under this part
203 granting custodial responsibility during deployment.

204 (2) An agreement under Subsection (1) shall be:

205 (a) in writing; and

206 (b) signed by both parents and any nonparent to whom custodial responsibility is
207 granted.

208 (3) Subject to Subsection (4), an agreement under Subsection (1), if feasible, shall:

209 (a) identify the destination, duration, and conditions of the deployment that is the basis
210 for the agreement;

211 (b) specify the allocation of caretaking authority among the deploying parent, the other
212 parent, and any nonparent;

213 (c) specify any decision-making authority that accompanies a grant of caretaking

- 214 authority;
215 (d) specify any grant of limited contact to a nonparent;
216 (e) if under the agreement custodial responsibility is shared by the other parent and a
217 nonparent, or by other nonparents, provide a process to resolve any dispute that may arise;
218 (f) specify the frequency, duration, and means, including electronic means, by which
219 the deploying parent will have contact with the child, any role to be played by the other parent
220 in facilitating the contact, and the allocation of any costs of contact;
221 (g) specify the contact between the deploying parent and child during the time the
222 deploying parent is on leave or is otherwise available;
223 (h) acknowledge that any party's child-support obligation cannot be modified by the
224 agreement, and that changing the terms of the obligation during deployment requires
225 modification in the appropriate court;
226 (i) provide that the agreement will terminate according to the procedures under Part 4,
227 Return from Deployment, after the deploying parent returns from deployment; and
228 (j) if the agreement is required be filed pursuant to Section [78B-20-205](#), specify which
229 parent is required to file the agreement.

230 (4) The omission of any of the items specified in Subsection (3) does not invalidate an
231 agreement under this section.

232 Section 9. Section **78B-20-202** is enacted to read:

233 **78B-20-202. Nature of authority created by agreement.**

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

240 (2) A nonparent who has caretaking authority, decision-making authority, or limited
241 contact by an agreement under this part has standing to enforce the agreement until it has been
242 terminated by court order, by modification under Section [78B-20-203](#) or under Part 4, Return
243 from Deployment.

244 Section 10. Section **78B-20-203** is enacted to read:

245 **78B-20-203. Modification of agreement.**

246 (1) By mutual consent, the parents of a child may modify an agreement regarding
247 custodial responsibility made pursuant to this part.

248 (2) If an agreement is modified under Subsection (1) before deployment of a deploying
249 parent, the modification shall be in writing and signed by both parents and any nonparent who
250 will exercise custodial responsibility under the modified agreement.

251 (3) If an agreement is modified under Subsection (1) during deployment of a deployed
252 parent, the modification shall be agreed to in a record by both parents and any nonparent who
253 will exercise custodial responsibility under the modified agreement.

254 Section 11. Section **78B-20-204** is enacted to read:

255 **78B-20-204. Power of attorney.**

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

261 Section 12. Section **78B-20-205** is enacted to read:

262 **78B-20-205. Filing agreement or power of attorney with court.**

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

268 Section 13. Section **78B-20-301** is enacted to read:

269 **Part 3. Judicial Procedure for Granting Custodial Responsibility During Deployment**

270 **78B-20-301. Definition.**

271 In this part, "close and substantial relationship" means a relationship in which a
272 significant bond exists between a child and a nonparent.

273 Section 14. Section **78B-20-302** is enacted to read:

274 **78B-20-302. Proceeding for temporary custody -- Order.**

275 (1) After a deploying parent receives notice of deployment and until the deployment

276 terminates, a court may issue a temporary order granting custodial responsibility unless
277 prohibited by Section 39-7-105 and the Servicemembers Civil Relief Act, 50 U.S.C. Appendix
278 Sections 521 and 522. A court may not issue a permanent order granting custodial
279 responsibility without the consent of the deploying parent.

280 (2) At any time after a deploying parent receives notice of deployment, either parent
281 may file a motion regarding custodial responsibility of a child during deployment. The motion
282 shall be filed in a pending proceeding for custodial responsibility in a court with jurisdiction
283 under Section 78B-20-104 or, if there is no pending proceeding in a court with jurisdiction
284 under Section 78B-20-104, in a new action for granting custodial responsibility during
285 deployment.

286 Section 15. Section 78B-20-303 is enacted to read:

287 **78B-20-303. Expedited hearing.**

288 If a motion to grant custodial responsibility is filed under Subsection 78B-20-302(2)
289 before a deploying parent deploys, the court shall conduct an expedited hearing.

290 Section 16. Section 78B-20-304 is enacted to read:

291 **78B-20-304. Testimony by electronic means.**

292 In a proceeding under this part, a party or witness who is not reasonably available to
293 appear personally may appear, provide testimony, and present evidence by electronic means
294 unless the court finds good cause to require a personal appearance.

295 Section 17. Section 78B-20-305 is enacted to read:

296 **78B-20-305. Effect of prior judicial order or agreement.**

297 In a proceeding for a grant of custodial responsibility pursuant to this part, the
298 following rules apply:

299 (1) A prior judicial order designating custodial responsibility in the event of
300 deployment is binding on the court unless the circumstances meet the requirements of the law
301 of this state other than this chapter for modifying a judicial order regarding custodial
302 responsibility.

303 (2) The court shall enforce a prior written agreement between the parents for
304 designating custodial responsibility in the event of deployment, including an agreement
305 executed under Part 2, Agreement Addressing Custodial Responsibility During Deployment,
306 unless the court finds that the agreement is contrary to the best interest of the child.

307 Section 18. Section **78B-20-306** is enacted to read:

308 **78B-20-306. Grant of caretaking or decision-making authority to nonparent.**

309 (1) On motion of a deploying parent and in accordance with the law of this state other
310 than this chapter, if it is in the best interest of the child a court may grant caretaking authority
311 to a nonparent who is an adult family member of the child or an adult with whom the child has
312 a close and substantial relationship.

313 (2) Unless a grant of caretaking authority to a nonparent under Subsection (1) is agreed
314 to by the other parent, the grant is limited to an amount of time not greater than:

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

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

320 (3) A court may grant part of a deploying parent's decision-making authority, if the
321 deploying parent is unable to exercise that authority, to a nonparent who is an adult family
322 member of the child or an adult with whom the child has a close and substantial relationship.
323 If a court grants the authority to a nonparent, the court shall specify the decision-making
324 powers granted, including decisions regarding the child's education, religious training, health
325 care, extracurricular activities, and travel.

326 Section 19. Section **78B-20-307** is enacted to read:

327 **78B-20-307. Grant of limited contact.**

328 On motion of a deploying parent, and in accordance with the law of this state other than
329 this chapter, unless the court finds that the contact would be contrary to the best interest of the
330 child, a court shall grant limited contact to a nonparent who is a family member of the child or
331 an individual with whom the child has a close and substantial relationship.

332 Section 20. Section **78B-20-308** is enacted to read:

333 **78B-20-308. Nature of authority created by temporary custody order.**

334 (1) A grant of authority under this part is temporary and terminates under Part 4,
335 Return from Deployment, after the return from deployment of the deploying parent, unless the
336 grant has been terminated before that time by court order. The grant may not create an
337 independent, continuing right to caretaking authority, decision-making authority, or limited

338 contact in an individual to whom it is granted.

339 (2) A nonparent granted caretaking authority, decision-making authority, or limited
340 contact under this part has standing to enforce the grant until it is terminated by court order or
341 under Part 4, Return from Deployment.

342 Section 21. Section **78B-20-309** is enacted to read:

343 **78B-20-309. Content of temporary custody order.**

344 (1) An order granting custodial responsibility under this part shall:

345 (a) designate the order as temporary; and

346 (b) identify to the extent feasible the destination, duration, and conditions of the
347 deployment.

348 (2) If applicable, an order for custodial responsibility under this part shall:

349 (a) specify the allocation of caretaking authority, decision-making authority, or limited
350 contact among the deploying parent, the other parent, and any nonparent;

351 (b) if the order divides caretaking or decision-making authority between individuals, or
352 grants caretaking authority to one individual and limited contact to another, provide a process
353 to resolve any dispute that may arise;

354 (c) provide for liberal communication between the deploying parent and the child
355 during deployment, including through electronic means, unless contrary to the best interest of
356 the child, and allocate any costs of communications;

357 (d) provide for liberal contact between the deploying parent and the child during the
358 time the deploying parent is on leave or otherwise available, unless contrary to the best interest
359 of the child;

360 (e) provide for reasonable contact between the deploying parent and the child after
361 return from deployment until the temporary order is terminated, even if the time of contact
362 exceeds the time the deploying parent spent with the child before entry of the temporary order;
363 and

364 (f) provide that the order will terminate pursuant to Part 4, Return from Deployment,
365 after the deploying parent returns from deployment.

366 Section 22. Section **78B-20-310** is enacted to read:

367 **78B-20-310. Order for child support.**

368 If a court has issued an order granting caretaking authority under this part, or an

369 agreement granting caretaking authority has been executed under Part 2, Agreement
370 Addressing Custodial Responsibility During Deployment, the court may enter a temporary
371 order for child support consistent with the law of this state other than this chapter if the court
372 has jurisdiction under Chapter 14, Uniform Interstate Family Support Act.

373 Section 23. Section **78B-20-311** is enacted to read:

374 **78B-20-311. Modifying or terminating grant of custodial responsibility to**
375 **nonparent.**

376 (1) Except for an order under Section 78B-20-305, except as otherwise provided in
377 Subsection (2), and consistent with Section 39-7-105 and the Servicemembers Civil Relief Act,
378 50 U.S.C. Appendix Sections 521 and 522, on motion of a deploying parent, other parent, or
379 any nonparent to whom caretaking authority, decision-making authority, or limited contact has
380 been granted, the court may modify or terminate the grant if the modification or termination is
381 consistent with this part and it is in the best interest of the child. A modification is temporary
382 and terminates pursuant to Part 4, Return from Deployment, after the deploying parent returns
383 from deployment, unless the grant has been terminated before that time by court order.

384 (2) On motion of a deploying parent, the court shall terminate a grant of limited
385 contact.

386 Section 24. Section **78B-20-401** is enacted to read:

387 **Part 4. Return from Deployment**

388 **78B-20-401. Procedure for terminating temporary grant of custodial**
389 **responsibility established by agreement.**

390 (1) At any time after return from deployment, a temporary agreement granting
391 custodial responsibility under Part 2, Agreement Addressing Custodial Responsibility During
392 Deployment, may be terminated by an agreement to terminate signed by the deploying parent
393 and the other parent.

394 (2) A temporary agreement under Part 2, Agreement Addressing Custodial
395 Responsibility During Deployment, granting custodial responsibility terminates:

396 (a) if an agreement to terminate under Subsection (1) specifies a date for termination,
397 on that date; or

398 (b) if the agreement to terminate does not specify a date, on the date the agreement to
399 terminate is signed by the deploying parent and the other parent.

400 (3) In the absence of an agreement under Subsection (1) to terminate, a temporary
401 agreement granting custodial responsibility terminates under Part 2, Agreement Addressing
402 Custodial Responsibility During Deployment, 60 days after the deploying parent gives notice to
403 the other parent that the deploying parent returned from deployment.

404 (4) If a temporary agreement granting custodial responsibility was filed with a court
405 pursuant to Section 78B-20-205, an agreement to terminate the temporary agreement shall also
406 be filed with that court within a reasonable time after the signing of the agreement. The case
407 number and heading of the case concerning custodial responsibility or child support shall be
408 provided to the court with the agreement to terminate.

409 Section 25. Section **78B-20-402** is enacted to read:

410 **78B-20-402. Consent procedure for terminating temporary grant of custodial**
411 **responsibility established by court order.**

412 At any time after a deploying parent returns from deployment, the deploying parent and
413 the other parent may file with the court an agreement to terminate a temporary order for
414 custodial responsibility issued under Part 3, Judicial Procedure for Granting Custodial
415 Responsibility During Deployment. After an agreement has been filed, the court shall issue an
416 order terminating the temporary order effective on the date specified in the agreement. If a date
417 is not specified, the order is effective immediately.

418 Section 26. Section **78B-20-403** is enacted to read:

419 **78B-20-403. Visitation before termination of temporary grant of custodial**
420 **responsibility.**

421 After a deploying parent returns from deployment until a temporary agreement or order
422 for custodial responsibility established under Part 2, Agreement Addressing Custodial
423 Responsibility During Deployment, or Part 3, Judicial Procedure for Granting Custodial
424 Responsibility During Deployment, is terminated, the court shall issue a temporary order
425 granting the deploying parent reasonable contact with the child unless it is contrary to the best
426 interest of the child, even if the time of contact exceeds the time the deploying parent spent
427 with the child before deployment.

428 Section 27. Section **78B-20-404** is enacted to read:

429 **78B-20-404. Termination by operation of law of temporary grant of custodial**
430 **responsibility established by court order.**

431 (1) If an agreement between the parties to terminate a temporary order for custodial
432 responsibility under Part 3, Judicial Procedure for Granting Custodial Responsibility During
433 Deployment, has not been filed, the order terminates 60 days after the deploying parent gives
434 notice to the other parent and any nonparent granted custodial responsibility that the deploying
435 parent has returned from deployment.

436 (2) A proceeding seeking to prevent termination of a temporary order for custodial
437 responsibility is governed by the law of this state other than this chapter.

438 Section 28. Section **78B-20-501** is enacted to read:

439 **Part 5. Miscellaneous Provisions**

440 **78B-20-501. Uniformity of application and construction.**

441 In applying and construing this uniform act, consideration shall be given to the need to
442 promote uniformity of the law with respect to its subject matter among states that enact it.

443 Section 29. Section **78B-20-502** is enacted to read:

444 **78B-20-502. Relation to Electronic Signatures in Global and National Commerce**

445 **Act.**

446 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
447 National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or
448 supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic
449 delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section
450 7003(b).

451 Section 30. Section **78B-20-503** is enacted to read:

452 **78B-20-503. Savings clause.**

453 This chapter does not affect the validity of a temporary court order concerning custodial
454 responsibility during deployment that was entered before May 13, 2014.

455 Section 31. **Repealer.**

456 This bill repeals:

457 Section **30-3-40, Custody and parent-time when one parent is a servicemember.**

Legislative Review Note
as of 2-17-14 10:13 AM

Office of Legislative Research and General Counsel