UNIFORM DEPLOYED PARENTS CUSTODY AND PARENT-TIME ACT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: V. Lowry Snow

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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:

Ĥ→ [None] This bill has a special effective date. ←Ĥ

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

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 Ŝ→ [or an adult] ←Ŝ with whom the

311a   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 Ŝ→ [or an adult] ←Ŝ with whom the child has a close and substantial

322a   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

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. Sec. 7001 et seq., but does not modify, limit, or supersede

448 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the

449 notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

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

451   **78B-20-503. Savings clause.**

452   This chapter does not affect the validity of a temporary court order concerning custodial

453 responsibility during deployment that was entered before May 10, 2016.

454   Section 31. **Repealer.**

455   This bill repeals:

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

456a   Ĥ➡ **Section 32. Effective date.**

456b   **This bill takes effect July 1, 2017.** ⬅Ĥ

Legislative Review Note
Office of Legislative Research and General Counsel