

HB 1296 -- CHILD CUSTODY AND VISITATION RIGHTS FOR MILITARY PERSONNEL

SPONSOR: Davis

COMMITTEE ACTION: Voted "do pass" by the Committee on Veterans by a vote of 13 to 0.

This bill establishes the child custody and visitation rights of a deploying military parent. In its main provisions, the bill:

(1) Defines "deploying parent" as a parent of a child younger than 18 years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child younger than 18 years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component;

(2) Prohibits a court from entering a final order modifying the terms of an existing custody or visitation order until 90 days after the military parent's deployment ends;

(3) Specifies that deployment or the potential for deployment must not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms of an existing order;

(4) Allows an existing order establishing the terms of custody or visitation to be temporarily modified to make reasonable accommodation for the parties due to a deployment and specifies the terms that must be included in the temporary order;

(5) Specifies that a temporary modification order ends no later than 30 days after the return of the deploying parent and the terms of the original custody order are automatically reinstated;

(6) Permits a deploying parent to delegate his or her visitation rights, or a portion of the rights, to a family member with a close and substantial relationship to the minor child for the duration of the deployment if it is in the best interest of the child;

(7) Specifies certain obligations the non-deploying parent must have to the deploying parent under any order entered;

(8) Requires a deploying parent to provide a copy of his or her deploying orders to the non-deploying parent promptly and without delay prior to the deployment;

(9) Prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise visitation rights;

(10) Specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the federal Uniform Child Custody Jurisdiction and Enforcement Act; and

(11) Specifies when a court making a custody determination involving a deploying parent may award attorney fees and costs.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill protects military members who are on deployment from having their custody orders changed while they are unavailable to respond to any court actions brought by the other parent.

Testifying for the bill were Representative Davis; Dewey Riehn, Missouri Association of Veterans Organizations; and Pat Roe Kerr.

OPPOSERS: There was no opposition voiced to the committee.