

HCS SB 110 -- CHILD CUSTODY AND VISITATION RIGHTS FOR MILITARY PERSONNEL

SPONSOR: Brown (Davis)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 9 to 0.

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

- (1) Defines "deploying parent" as a parent of a child less than 18 years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less 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, unless there is a written agreement by both parties;
- (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 that 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.

PROPOSERS: Supporters say that the bill will allow a deploying parent to have access to the child and protects the best interests of the child.

Testifying for the bill were Senator Brown; Larry Swall; and Missouri National Guard Association.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the bar supports the concept but would like to see some technical changes to the bill's language.

Testifying on the bill was The Missouri Bar.