

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

(Vetoed by the Governor--Overridden by the General Assembly)

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

(1) Requires a person providing emergency foster care in his or her home or a person seeking licensure as a foster parent to submit three sets of fingerprints, instead of two sets. The additional set must be retained by the Children's Division within the Department of Social Services. A person who submits fingerprints under these provisions cannot be required to submit additional fingerprints unless the original fingerprints retained by the division are lost or destroyed;

(2) 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;

(3) 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;

(4) 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;

(5) 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;

(6) Specifies that a temporary modification of an 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;

(7) Allows a court to delegate a deploying parent's 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 and the

family member does not have a history of perpetrating domestic violence;

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

(9) 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;

(10) 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;

(11) 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

(12) Specifies the factors a court must consider in awarding attorney fees and costs in a custody determination.