

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
**2016 (SECOND) Regular Session**

**Bill No. 291 - 33 (COR)**

Introduced by:

Mary Camacho Torres *Mel*

**AN ACT TO ADD A NEW CHAPTER 39A, TO ARTICLE 3, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO CUSTODY AND VISITATION OF DEPLOYED MILITARY PARENTS.**

2016 APR -5 PM 3:07

1           **BE IT ENACTED BY THE PEOPLE OF GUAM**

2

3           **Section 1. Legislative Findings Intent.** *I Liheslaturan Guåhan* finds that  
4 the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) addresses  
5 the wide variability in the ways that states handle child custody and visitation issues  
6 that arise when service members are deployed. Over 16,000 Servicemembers,  
7 comprised of Active Duty, Reserve, National Guard, Air Force, Army, Coast Guard,  
8 Marine Corps and Navy service their nation here on Guam. The operational tempo  
9 remains high for our military members and they are frequently called upon by our  
10 nation to deploy, leaving their homes for lengthy periods of time to fulfill their  
11 mission.

12           Many of our Servicemembers are parents and, like many families, have child  
13 custody and visitation issues that they deal with on a daily basis. Because of the  
14 mobile nature of military service, and because a child's other parent will often live  
15 in or move to a different state than the deployed service member, bringing the child

1 with them, there are many times that that these custody issues involve two or more  
2 states. Yet different states now apply very different substantive law and court  
3 procedures from one another when custody issues arise on a parent’s deployment.  
4 The resulting patchwork of rules makes it difficult for the parents to resolve these  
5 important issues quickly and fairly, hurts the ability of deploying parents to serve  
6 the country effectively, and interferes with the best interest of children. The  
7 UDPCVA provides uniform, expeditious, and fair disposition of cases involving the  
8 custody rights of a member of the military. The UDPCVA ensures a proper balance  
9 of interests— protecting the rights of the servicemember, the other parent, and,  
10 above all, the best interest of the children involved.

11 **Section 2.** A new Chapter 39A is hereby *added* to Title 7 Guam Annotated  
12 Code, to read as follows:

13 **“CHAPTER 39A**

14 **UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT**

15 **ARTICLE 1**

16 **General Provisions**

- 17 § 39A101. Short Title.  
18 § 39A102. Definitions.  
19 § 39A103. Remedies for Noncompliance.  
20 § 39A104. Jurisdiction.  
21 § 39A105. Notification Required of Deploying Parent.  
22 § 39A106. Duty to Notify of Change of Address.  
23 § 39A107. General Consideration in Custody Proceeding of Parent’s  
24 Military Service.

25 **ARTICLE 2**

26 **AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY DURING**  
27 **DEPLOYMENT**

- 1 § 39A201. Form of Agreement.
- 2 § 39A202. Nature of Authority Created by Agreement.
- 3 § 39A203. Modification of Agreement.
- 4 § 39A204. Power of Attorney.
- 5 § 39A205. Filing Agreement of Power of Attorney with Court.

6 ARTICLE 3

7 JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL RESPONSIBILITY  
8 DURING DEPLOYMENT

- 9 §39A301. Definition.
- 10 § 39A302. Proceeding for Temporary Custody Order.
- 11 § 39A303. Expedited Hearing.
- 12 § 39A304. Testimony by Electronic Means.
- 13 § 39A305. Effect of Prior Judicial Order or Agreement.
- 14 § 39A306. Grant of Caretaking or Decision-Making Authority to Non-  
15 Parent.

16 ARTICLE 4

17 RETURN FROM DEPLOYMENT

- 18 § 39A401. Procedure for Terminating Temporary Grant of Custodial  
19 Responsibility Established by Agreement.
- 20 § 39A402. Consent Procedure for Terminating Temporary Grant of  
21 Custodial Responsibility Established by Court Order.
- 22 § 39A403. Visitation Before Termination of Temporary Grant of Custodial  
23 Responsibility.
- 24 § 39A404. Termination by Operation of Law of temporary Grant of  
25 Custodial Responsibility Established by Court Order.

26 ARTICLE 5

27 MISCELLANEOUS PROVISIONS

- 1 § 39A501. Uniformity of Application and Construction.
- 2 § 39A502. Relation to Electronic Signatures in Global and National
- 3 Commerce Act.
- 4 § 39A503. Savings Clause.

5

6 **§ 39A101. Short Title.** Sections 2 through 33, inclusive, of this Act shall be  
7 known and may be cited as the Uniform Deployed Parents Custody and Visitation  
8 Act (UDPCVA).

9 **§ 39A102. Definitions.**

10 (a) *Adult* means an individual who has attained eighteen (18) years of age or  
11 an emancipated minor.

12 (b) *Caretaking authority* means the right to live with and care for a child on  
13 a day-to day basis. The term includes physical custody, parenting time, right to  
14 access, and visitation.

15 (c) *Child* means:

16 (1) an unemancipated individual who has not attained eighteen (18)  
17 years of age; or

18 (2) an adult son or daughter by birth or adoption, or under law of this  
19 state other than this act, who is the subject of a court order concerning  
20 custodial responsibility.

21 (d) *Court* means a tribunal, including an administrative agency, authorized  
22 under law of Guam other than this act to make, enforce, or modify a decision  
23 regarding custodial responsibility.

24 (e) *Custodial responsibility* includes all powers and duties relating to  
25 caretaking authority and decision-making authority for a child. The term includes  
26 physical custody, legal custody, parenting time, right to access, visitation, and  
27 authority to grant limited contact with a child.

1 (f) *Decision-making authority* means the power to make important decisions  
2 regarding a child, including decisions regarding the child’s education, religious  
3 training, health care, extracurricular activities, and travel. The term does not  
4 include the power to make decisions that necessarily accompany a grant of  
5 caretaking authority.

6 (g) *Deploying parent* means a service member, who is deployed or has been  
7 notified of impending deployment and is:

8 (1) a parent of a child under law of this state other than this act; or

9 (2) an individual who has custodial responsibility for a child under  
10 law of this state other than this act;

11 (h) *Deployment* means the movement or mobilization of a service member  
12 for more than ninety (90) days, but less than eighteen (18) months pursuant to  
13 uniformed service orders that:

14 (1) are designated as unaccompanied;

15 (2) do not authorize dependent travel; or

16 (3) otherwise do not permit the movement of family members to the  
17 location to which the service member is deployed.

18 (i) *Family member* means a sibling, aunt, uncle, cousin, stepparent,  
19 grandparent, or legal guardian of a child or an individual recognized to be in a  
20 familial relationship with a child under law of this state other than this act.

21 (j) *Limited contact* means the authority of a nonparent to visit a child for a  
22 limited time. The term includes authority to take the child to a place other than the  
23 residence of the child.

24 (k) *Nonparent* means an individual other than a deploying parent or other  
25 parent.

26 (l) *Other parent* means an individual who, in common with a deploying  
27 parent, is:

1 (1) a parent of a child under law of this state other than this act; or

2 (2) an individual who has custodial responsibility for a child under

3 law of this state other than this [act].

4 (m) *Record* means information that is inscribed on a tangible medium or that  
5 is stored in an electronic or other medium and is retrievable in perceivable form.

6 (n) *Return from deployment* means the conclusion of a service member's  
7 deployment as specified in uniformed service orders.

8 (o) *Service member* means a member of a uniformed service.

9 (p) *Sign* means, with present intent to authenticate or adopt a record:

10 (1) to execute or adopt a tangible symbol; or

11 (2) to attach to or logically associate with the record an electronic  
12 symbol, sound, or process.

13 (q) *State* means a state of the United States, the District of Columbia,  
14 American Samoa, Guam, Northern Marianas Islands, Puerto Rico, the United  
15 States Virgin Islands, or any territory or insular possession subject to the  
16 jurisdiction of the United States.

17 (r) *Uniformed service* means:

18 (1) active and reserve components of the Army, Navy, Air Force,  
19 Marine Corps, or Coast Guard of the United States;

20 (2) the United States Merchant Marine;

21 (3) the commissioned corps of the United States Public Health  
22 Service;

23 (4) the commissioned corps of the National Oceanic and Atmospheric  
24 Administration of the United States; or

25 (5) the National Guard of a state or U.S Territory or Possession.

26 **§ 39A103. Remedies for Noncompliance.** In addition to other remedies under  
27 law of Guam other than this act, if a court finds that a party to a proceeding under

1 this act has acted in bad faith or intentionally failed to comply with this act or a  
2 court order issued under this act, the court may assess reasonable attorney's fees  
3 and costs against the party and order other appropriate relief.

4 **§39A104. Jurisdiction.**

5 (a) A court may issue an order regarding custodial responsibility under this  
6 act only if the court has jurisdiction under the Uniform Child Custody Jurisdiction  
7 and Enforcement Act.

8 (b) If a court has issued a temporary order regarding custodial responsibility  
9 pursuant to Article 3, the residence of the deploying parent is not changed by  
10 reason of the deployment for the purposes of the Uniform Child Custody  
11 Jurisdiction and Enforcement Act during the deployment.

12 (c) If a court has issued a permanent order regarding custodial responsibility  
13 before notice of deployment and the parents modify that order temporarily by  
14 agreement pursuant to Article 2, the residence of the deploying parent is not  
15 changed by reason of the deployment for the purposes of the Uniform Child  
16 Custody Jurisdiction and Enforcement Act.

17 (d) If a court in another state has issued a temporary order regarding  
18 custodial responsibility as a result of impending or current deployment, the  
19 residence of the deploying parent is not changed by reason of the deployment for  
20 the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

21 (e) This section does not prevent a court from exercising temporary  
22 emergency jurisdiction under the Uniform Child Custody Jurisdiction and  
23 Enforcement Act.

24 **§ 39A105. Notification Required of Deploying Parent.**

25 (a) Except as otherwise provided in subsection (d) and subject to subsection  
26 (c), a deploying parent shall notify in a record the other parent of a pending  
27 deployment not later than seven (7) days after receiving notice of deployment

1 unless reasonably prevented from doing so by the circumstances of service. If the  
2 circumstances of service prevent giving notification within  
3 the seven (7) days, the deploying parent shall give the notification as soon as  
4 reasonably possible.

5 (b) Except as otherwise provided in subsection (d) and subject to subsection  
6 (c), each parent shall provide in a record the other parent with a plan for fulfilling  
7 that parent's share of custodial responsibility during deployment. Each parent  
8 shall provide the plan as soon as reasonably possible after notification of  
9 deployment is given under subsection (a).

10 (c) Disclosure of addresses and contact information *shall* comply with 19  
11 GCA §§ 5122-5123. If a court order currently in effect prohibits disclosure of the  
12 address or contact information of the other parent, notification of deployment  
13 under subsection (a), or notification of a plan for custodial responsibility during  
14 deployment under subsection (b), may be made only to the issuing court. If the  
15 address of the other parent is available to the issuing court, the court shall forward  
16 the notification to the other parent. The court shall keep confidential the address or  
17 contact information of the other parent.

18 (d) Notification in a record under subsection (a) or (b) is not required if the  
19 parents are living in the same residence and both parents have actual notice of the  
20 deployment or plan.

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

23 **§ 39A106. Duty to Notify of Change of Address.**

24 (a) Except as otherwise provided in subsection (b), an individual to whom  
25 custodial responsibility has been granted during deployment pursuant to Articles 2  
26 or 3 shall notify the deploying parent and any other individual with custodial  
27 responsibility of a child of any change of the individual's mailing address or



1 residence until the grant is terminated. The individual shall provide the notice to  
2 any court that has issued a custody or child support order concerning the child  
3 which is in effect.

4 (b) If a court order currently in effect prohibits disclosure of the address or  
5 contact information of an individual to whom custodial responsibility has been  
6 granted, a notification under subsection (a) may be made only to the court that  
7 issued the order. The court shall keep confidential the mailing address or residence  
8 of the individual to whom custodial responsibility has been granted.

9 **§ 39A107. General Consideration in Custody Proceeding of Parent's Military**  
10 **Service.** In a proceeding for custodial responsibility of a child of a service  
11 member, a court may not consider a parent's past deployment or possible future  
12 deployment in itself in determining the best interest of the child but may consider  
13 any significant impact on the best interest of the child of the parent's past or  
14 possible future deployment.

15 **ARTICLE 2.**

16 **AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY DURING**  
17 **DEPLOYMENT.**

18 **§ 39A201. Form of Agreement.**

19 (a) The parents of a child may enter into a temporary agreement under this  
20 article granting custodial responsibility during deployment.

21 (b) An agreement under subsection (a) must be:

22 (1) in writing; and

23 (2) signed by both parents and any nonparent to whom custodial  
24 responsibility is granted.

25 (c) Subject to subsection (d), an agreement under subsection (a), if feasible,  
26 must:

1 (1) identify the destination, duration, and conditions of the  
2 deployment that is the basis for the agreement;

3 (2) specify the allocation of caretaking authority among the deploying  
4 parent, the other parent, and any nonparent;

5 (3) specify any decision-making authority that accompanies a grant of  
6 caretaking authority;

7 (4) specify any grant of limited contact to a nonparent;

8 (5) if under the agreement custodial responsibility is shared by the  
9 other parent and a nonparent, or by other nonparents, provide a process to  
10 resolve any dispute that may arise;

11 (6) specify the frequency, duration, and means, including electronic  
12 means, by which the deploying parent will have contact with the child, any  
13 role to be played by the other parent in facilitating the contact, and the  
14 allocation of any costs of contact;

15 (7) specify the contact between the deploying parent and child during  
16 the time the deploying parent is on leave or is otherwise available;

17 (8) acknowledge that any party's child-support obligation cannot be  
18 modified by the agreement, and that changing the terms of the obligation  
19 during deployment requires modification in the appropriate court;

20 (9) provide that the agreement will terminate according to the  
21 procedures under Article 4 after the deploying parent returns from  
22 deployment; and

23 (10) if the agreement must be filed pursuant to § 39A205, specify  
24 which parent is required to file the agreement.

25 (d) The omission of any of the items specified in subsection (c) does not  
26 invalidate an agreement under this section.

27 **§ 39A202. Nature of Authority Created by Agreement.**

1 (a) An agreement under this article is temporary and terminates pursuant to  
2 Article 4 after the deploying parent returns from deployment, unless the agreement  
3 has been terminated before that time by court order or modification under  
4 §39A203. The agreement does not create an independent, continuing right to  
5 caretaking authority, decision-making authority, or limited contact in an individual  
6 to whom custodial responsibility is given.

7 (b) A nonparent who has caretaking authority, decision-making authority, or  
8 limited contact by an agreement under this article has standing to enforce the  
9 agreement until it has been terminated by court order, by modification under  
10 §39A203, or under Article 4.

11 **§ 39A203. Modification of Agreement.**

12 (a) By mutual consent, the parents of a child may modify an agreement  
13 regarding custodial responsibility made pursuant to this article.

14 (b) If an agreement is modified under subsection (a) before deployment of a  
15 deploying parent, the modification must be in writing and signed by both parents  
16 and any nonparent who will exercise custodial responsibility under the modified  
17 agreement.

18 (c) If an agreement is modified under subsection (a) during deployment of a  
19 deploying parent, the modification must be agreed to in a record by both parents  
20 and any nonparent who will exercise custodial responsibility under the modified  
21 agreement.

22 **§ 39A204. Power of Attorney.** A deploying parent, by power of attorney, may  
23 delegate all or part of custodial responsibility to an adult nonparent for the period  
24 of deployment if no other parent possesses custodial responsibility under law of  
25 this state other than this act, or if a court order currently in effect prohibits contact  
26 between the child and the other parent. The deploying parent may revoke the  
27 power of attorney by signing a revocation of the power.”

1 **§ 39A205. Filing Agreement of Power of Attorney with Court.** An agreement  
2 or power of attorney under this article must be filed within a reasonable time with  
3 any court that has entered an order on custodial responsibility or child support that  
4 is in effect concerning the child who is the subject of the agreement or power. The  
5 case number and heading of the pending case concerning custodial responsibility  
6 or child support must be provided to the court with the agreement or power.

7 **ARTICLE 3**

8 **JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL**  
9 **RESPONSIBILITY DURING DEPLOYMENT.**

10 **§ 39A301. Definition.** In this article, *close and substantial relationship* means a  
11 relationship in which a significant bond exists between a child and a nonparent.

12 **§ 39A302. Proceeding for Temporary Custody Order.**

13 (a) After a deploying parent receives notice of deployment and until the  
14 deployment terminates, a court may issue a temporary order granting custodial  
15 responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C.  
16 Appendix Sections 521 and 522. A court may not issue a permanent order granting  
17 custodial responsibility without the consent of the deploying parent.

18 (b) At any time after a deploying parent receives notice of deployment,  
19 either parent may file a motion regarding custodial responsibility of a child during  
20 deployment. The motion must be filed in a pending proceeding for custodial  
21 responsibility in a court with jurisdiction under § 39A104 or, if there is no pending  
22 proceeding in a court with jurisdiction under § 39A104 in a new action for granting  
23 custodial responsibility during deployment.

24 **§ 39A303. Expedited Hearing.** If a motion to grant custodial responsibility is  
25 filed under §39A302 (b) before a deploying parent deploys, the court shall conduct  
26 an expedited hearing.

1 **§ 39A304. Testimony by Electronic Means.** In a proceeding under this article, a  
2 party or witness who is not reasonably available to appear personally may appear,  
3 provide testimony, and present evidence by electronic means unless the court finds  
4 good cause to require a personal appearance.

5 **§ 39A305. Effect of Prior Judicial Order or Agreement.** In a proceeding for a  
6 grant of custodial responsibility pursuant to this article, the following rules apply:

7 (a) A prior judicial order designating custodial responsibility in the event of  
8 deployment is binding on the court unless the circumstances meet the requirements  
9 of law of this state other than this act for modifying a judicial order regarding  
10 custodial responsibility.

11 (b) The court shall enforce a prior written agreement between the parents for  
12 designating custodial responsibility in the event of deployment, including an  
13 agreement executed under Article 2, unless the court finds that the agreement is  
14 contrary to the best interest of the child.

15 **§ 39A306. Grant of Caretaking or Decision-Making Authority to Non-Parent.**

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

20 (b) Unless a grant of caretaking authority to a nonparent under subsection (a)  
21 is agreed to by the other parent, the grant is limited to an amount of time not  
22 greater than:

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

26 (2) in the absence of a permanent custody order that is currently in  
27 effect, the amount of time that the deploying parent habitually cared for the

1 child before being notified of deployment, but the court may add unusual  
2 travel time necessary to transport the child.

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

10 **§ 39A307. Grant of Limited Contact.** On motion of a deploying parent, and in  
11 accordance with law of this state other than this act unless the court finds that the  
12 contact would be contrary to the best interest of the child, a court shall grant  
13 limited contact to a nonparent who is a family member of the child or an  
14 individual with whom the child has a close and substantial relationship.

15 **§ 39A308. Nature of Authority Created by Temporary Custody Order.**

16 (a) A grant of authority under this article is temporary and terminates under  
17 Article 4 after the return from deployment of the deploying parent, unless the grant  
18 has been terminated before that time by court order. The grant does not create an  
19 independent, continuing right to caretaking authority, decision-making authority,  
20 or limited contact in an individual to whom it is granted.

21 (b) A nonparent granted caretaking authority, decision-making authority, or  
22 limited contact under this article has standing to enforce the grant until it is  
23 terminated by court order or under Article 4.

24 **§ 39A309. Content of Temporary Custody Order.**

25 (a) An order granting custodial responsibility under this article must:

26 (1) designate the order as temporary; and

1 (2) identify to the extent feasible the destination, duration, and  
2 conditions of the deployment.

3 (b) If applicable, an order for custodial responsibility under this article must:

4 (1) specify the allocation of caretaking authority, decision-making  
5 authority, or limited contact among the deploying parent, the other parent,  
6 and any nonparent;

7 (2) if the order divides caretaking or decision-making authority  
8 between individuals, or grants caretaking authority to one individual and  
9 limited contact to another, provide a process to resolve any dispute that may  
10 arise;

11 (3) provide for liberal communication between the deploying parent  
12 and the child during deployment, including through electronic means, unless  
13 contrary to the best interest of the child, and allocate any costs of  
14 communications;

15 (4) provide for liberal contact between the deploying parent and the  
16 child during the time the deploying parent is on leave or otherwise available,  
17 unless contrary to the best interest of the child;

18 (5) provide for reasonable contact between the deploying parent and  
19 the child after return from deployment until the temporary order is  
20 terminated, even if the time of contact exceeds the time the deploying parent  
21 spent with the child before entry of the temporary order; and

22 (6) provide that the order will terminate pursuant to Article 4 after the  
23 deploying parent returns from deployment.

24 **§ 39A310. Order for Child Support.** If a court has issued an order granting  
25 caretaking authority under this article, or an agreement granting caretaking  
26 authority has been executed under Article 2, the court may enter a temporary order

1 for child support consistent with law of this state other than this act if the court has  
2 jurisdiction under the Uniform Interstate Family Support Act.

3 **§ 39A311. Modifying or Terminating Grant of Custodial Responsibility to**  
4 **Nonparent.**

5 (a) Except for an order under §39A305, except as otherwise provided in  
6 subsection (b), and consistent with the Servicemembers Civil Relief Act, 50 U.S.C.  
7 Appendix Sections 521 and 522, on motion of a deploying or other parent or any  
8 nonparent to whom caretaking authority, decision-making authority, or limited  
9 contact has been granted, the court may modify or terminate the grant if the  
10 modification or termination is consistent with this article and it is in the best  
11 interest of the child. A modification is temporary and terminates pursuant to  
12 Article 4 after the deploying parent returns from deployment, unless the grant has  
13 been terminated before that time by court order.

14 (b) On motion of a deploying parent, the court shall terminate a grant of  
15 limited contact.

16 **ARTICLE 4**

17 **RETURN FROM DEPLOYMENT**

18 **§ 39A401. Procedure for Terminating Temporary Grant of Custodial**  
19 **Responsibility Established by Agreement.**

20 (a) At any time after return from deployment, a temporary agreement  
21 granting custodial responsibility under Article 2 may be terminated by an  
22 agreement to terminate signed by the deploying parent and the other parent.

23 (b) A temporary agreement under Article 2 granting custodial responsibility  
24 terminates:

- 25 (1) if an agreement to terminate under subsection (a) specifies a date  
26 for termination, on that date; or



1 (2) if the agreement to terminate does not specify a date, on the date  
2 the agreement to terminate is signed by the deploying parent and the other  
3 parent.

4 (c) In the absence of an agreement under subsection (a) to terminate, a  
5 temporary agreement granting custodial responsibility terminates under Article 2  
6 sixty (60) days after the deploying parent gives notice to the other parent that the  
7 deploying parent returned from deployment.

8 (d) If a temporary agreement granting custodial responsibility was filed with  
9 a court pursuant to Section 205, an agreement to terminate the temporary  
10 agreement also must be filed with that court within a reasonable time after the  
11 signing of the agreement. The case number and heading of the case concerning  
12 custodial responsibility or child support must be provided to the court with the  
13 agreement to terminate.

14 **§ 39A402. Consent Procedure for Terminating Temporary Grant of Custodial**  
15 **Responsibility Established by Court Order.** At any time after a deploying  
16 parent returns from deployment, the deploying parent and the other parent may file  
17 with the court an agreement to terminate a temporary order for custodial  
18 responsibility issued under Article 3. After an agreement has been filed, the court  
19 shall issue an order terminating the temporary order effective on the date specified  
20 in the agreement. If a date is not specified, the order is effective immediately.

21 **§ 39A403. Visitation Before Termination of Temporary Grant of Custodial**  
22 **Responsibility.** After a deploying parent returns from deployment until a  
23 temporary agreement or order for custodial responsibility established under Article  
24 2 or 3 is terminated, the court shall issue a temporary order granting the deploying  
25 parent reasonable contact with the child unless it is contrary to the best interest of  
26 the child, even if the time of contact exceeds the time the deploying parent spent  
27 with the child before deployment.

1 **§ 39A404. Termination by Operation of Law of temporary Grant of**  
2 **Custodial Responsibility Established by Court Order.**

3 (a) If an agreement between the parties to terminate a temporary order for  
4 custodial responsibility under Article 3 has not been filed, the order terminates 60  
5 days after the deploying parent gives notice to the other parent and any nonparent  
6 granted custodial responsibility that the deploying parent has returned from  
7 deployment.

8 (b) A proceeding seeking to prevent termination of a temporary order for  
9 custodial responsibility is governed by law of this state other than this act.

10 **ARTICLE 5**

11 **MISCELLANEOUS PROVISIONS.**

12 **§ 39A501. Uniformity of Application and Construction.** In applying and  
13 construing this uniform act, consideration must be given to the need to promote  
14 uniformity of the law with respect to its subject matter among states that enact it. §

15 **39A502. Relation to Electronic Signatures in Global and National Commerce**  
16 **Act.** This act modifies, limits, or supersedes the Electronic Signatures in Global  
17 and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify,  
18 limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or  
19 authorize electronic delivery of any of the notices described in Section 103(b) of  
20 that act, 15 U.S.C. Section 7003(b).

21 **§ 39A503. Savings Clause.** This act does not affect the validity of a temporary  
22 court order concerning custodial responsibility during deployment which was  
23 entered before.”