



FILE COPY

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*

THIRTY THIRD GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

June 20, 2016

The Honorable Edward J.B. Calvo

*I Maga'låhen Guåhan*

*Ufisinan I Maga'låhi*

*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 141-33 (COR), 249-33 (COR), 282-33 (COR), 293-33 (COR), 298-33 (COR), 311-33 (COR), 313-33 (COR), 314-33 (COR), 315-33 (COR), 320-33 (COR), 321-33 (COR), and 323-33 (COR); and Substitute Bill Nos. 30-33 (COR), 291-33 (COR), 296-33 (COR), 302-33 (LS), 304-33 (LS), 305-33 (LS), 306-33 (LS), 307-33 (LS), 308-33 (LS), and 309-33 (LS), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on June 17, 2016.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

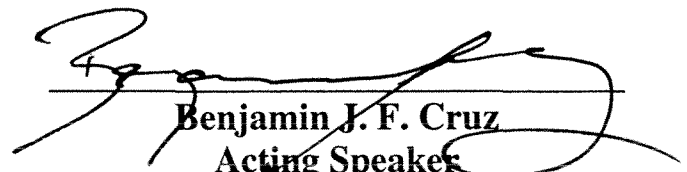
Enclosure (22)

*PO<sup>2</sup> R. S. McCardell*  
*6/20/16*  
*5:35 pm*

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

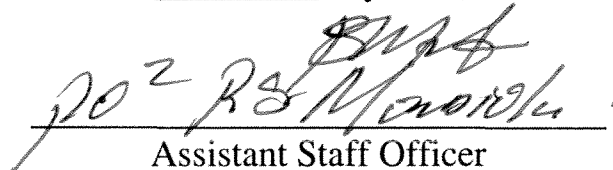
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that Substitute Bill No. 291-33 (COR), "AN ACT TO ADD A NEW CHAPTER 39A TO DIVISION 3 OF TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO CUSTODY AND VISITATION OF DEPLOYED MILITARY PARENTS," was on the 17<sup>th</sup> day of June 2016, duly and regularly passed.

  
Benjamin J. F. Cruz  
Acting Speaker

Attested:  
  
Tina Rose Muña Barnes  
Legislative Secretary

.....  
This Act was received by *I Maga'låhen Guåhan* this 20<sup>th</sup> day of June,  
2016, at 5:35 o'clock P.M.

  
Assistant Staff Officer  
*Maga'låhi's Office* #364

APPROVED:  
  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

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

As substituted by the Committee on  
the Guam U.S. Military Relocation,  
Public Safety, and Judiciary.

Introduced by:

Mary Camacho Torres  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreddie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

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

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Uniform Deployed Parents Custody and Visitation Act (UDPCVA)  
4 addresses the wide variability in the ways that states handle child custody and  
5 visitation issues that arise when service members are deployed. Over sixteen

1 thousand (16,000) U.S. service members, comprised of Active Duty, Reserve,  
2 National Guard, Air Force, Army, Coast Guard, Marine Corps and Navy, serve their  
3 island and nation here on Guam. The operational tempo remains high for our military  
4 members and they are frequently called upon by our nation to deploy, leaving their  
5 homes for lengthy periods of time to fulfill their missions.

6 Many of our service members are parents and, like many families, have child  
7 custody and visitation issues that they deal with on a daily basis. Because of the  
8 mobile nature of military service, and because a child's other parent will often live  
9 in or move to a different state than the deployed service member, bringing the child  
10 with them, there are many times that these custody issues involve two (2) or more  
11 states. Yet different states now apply very different substantive law and court  
12 procedures from one another when custody issues arise on a parent's deployment.  
13 The resulting patchwork of rules makes it difficult for the parents to resolve these  
14 important issues quickly and fairly, hurts the ability of deploying parents to serve  
15 the country effectively, and interferes with the best interest of children. The  
16 UDPCVA provides uniform, expeditious, and fair disposition of cases involving the  
17 custody rights of a member of the military. The UDPCVA ensures a proper balance  
18 of interests — protecting the rights of the service member, the other parent, and above  
19 all, the best interest of the children involved.

20 **Section 2.** A new Chapter 39A is hereby *added* to Division 3 of Title 7,  
21 Guam Annotated Code, to read as follows:

22 **“CHAPTER 39A**

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

24 **ARTICLE 1**

25 **GENERAL PROVISIONS**

26 § 39A101. Short Title.

27 § 39A102. Definitions.

- 1 § 39A103. Remedies for Noncompliance.  
2 § 39A104. Jurisdiction.  
3 § 39A105. Notification Required of Deploying Parent.  
4 § 39A106. Duty to Notify of Change of Address.  
5 § 39A107. General Consideration in Custody Proceeding of Parent's  
6 Military Service.

7 ARTICLE 2

8 AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY  
9 DURING DEPLOYMENT

- 10 § 39A201. Form of Agreement.  
11 § 39A202. Nature of Authority Created by Agreement.  
12 § 39A203. Modification of Agreement.  
13 § 39A204. Power of Attorney.  
14 § 39A205. Filing Agreement of Power of Attorney with Court.

15 ARTICLE 3

16 JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL  
17 RESPONSIBILITY DURING DEPLOYMENT

- 18 § 39A301. Definition.  
19 § 39A302. Proceeding for Temporary Custody Order.  
20 § 39A303. Expedited Hearing.  
21 § 39A304. Testimony by Electronic Means.  
22 § 39A305. Effect of Prior Judicial Order or Agreement.  
23 § 39A306. Grant of Caretaking or Decision-Making Authority to  
24 Non Parent.  
25 § 39A307. Grant of Limited Contact.  
26 § 39A308. Nature of Authority Created by Temporary Custody  
27 Order.

1 § 39A309. Content of Temporary Custody Order.

2 § 39A310. Order for Child Support.

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

5 **ARTICLE 4**

6 **RETURN FROM DEPLOYMENT**

7 § 39A401. Procedure for Terminating Temporary Grant of Custodial  
8 Responsibility Established by Agreement.

9 § 39A402. Consent Procedure for Terminating Temporary Grant of  
10 Custodial Responsibility Established by Court Order.

11 § 39A403. Visitation Before Termination of Temporary Grant of  
12 Custodial Responsibility.

13 § 39A404. Termination by Operation of Law of Temporary Grant of  
14 Custodial Responsibility Established by Court Order.

15 **ARTICLE 5**

16 **MISCELLANEOUS PROVISIONS**

17 § 39A501. Uniformity of Application and Construction.

18 § 39A502. Relation to Electronic Signatures in Global and National  
19 Commerce Act.

20 § 39A503. Savings Clause.

21 **ARTICLE 1**

22 **GENERAL PROVISIONS**

23 **§ 39A101. Short Title.** §§ 39A102 through 39A503, inclusive, of  
24 this Act *shall* be known and may be cited as the “Uniform Deployed Parents  
25 Custody and Visitation Act (UDPCVA).”

26 **§ 39A102. Definitions.**

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

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

6           (c) *Child* means:

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

9               (2) an adult son or daughter by birth or adoption, or under law  
10 of this state other than this Act, who is the subject of a court order  
11 concerning custodial responsibility.

12           (d) *Court* means a tribunal, including an administrative agency,  
13 authorized under law of Guam other than this Act to make, enforce, or modify  
14 a decision regarding custodial responsibility.

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

19           (f) *Decision-making authority* means the power to make important  
20 decisions regarding a child, including decisions regarding the child's  
21 education, religious training, health care, extracurricular activities, and travel.  
22 The term *does not* include the power to make decisions that necessarily  
23 accompany a grant of caretaking authority.

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

26               (1) a parent of a child under law of this state other than this  
27 Act; or

1                   (2)    an individual who has custodial responsibility for a child  
2                   under law of this state other than this Act.

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

6                               (1)    are designated as unaccompanied;

7                               (2)    do not authorize dependent travel; or

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

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

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

16                  (k)    *Nonparent* means an individual other than a deploying parent or  
17                  other parent.

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

20                               (1)    a parent of a child under law of this state other than this  
21                               Act; or

22                               (2)    an individual who has custodial responsibility for a child  
23                               under law of this state other than this Act.

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



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

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

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

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

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

8           (q) *State* means a state of the United States, the District of Columbia,  
9 American Samoa, Guam, the Commonwealth of the Northern Mariana  
10 Islands, Puerto Rico, the United States Virgin Islands, or any territory or  
11 insular possession subject to the jurisdiction of the United States.

12          (r) *Uniformed service* means:

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

15               (2) the United States Merchant Marine;

16               (3) the commissioned corps of the United States Public Health  
17 Service;

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

20               (5) the National Guard of a state or U.S. territory or  
21 possession.

22          **§ 39A103. Remedies for Noncompliance.** In addition to other  
23 remedies under law of Guam other than this Act, if a court finds that a party  
24 to a proceeding under this Act has acted in bad faith or intentionally failed to  
25 comply with this Act or a court order issued under this Act, the court may  
26 assess reasonable attorney's fees and costs against the party and order other  
27 appropriate relief.

1           **§ 39A104. Jurisdiction.**

2           (a) A court may issue an order regarding custodial responsibility  
3 under this Act only if the court has jurisdiction under the Uniform Child  
4 Custody Jurisdiction and Enforcement Act.

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

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

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

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

22           **§ 39A105. Notification Required of Deploying Parent.**

23           (a) Except as otherwise provided in Subsection (d) and subject to  
24 Subsection (c), a deploying parent *shall* notify in a record the other parent of  
25 a pending deployment no later than seven (7) days after receiving notice of  
26 deployment unless reasonably prevented from doing so by the circumstances  
27 of service. If the circumstances of service prevent giving notification within

1 the seven (7) days, the deploying parent *shall* give the notification as soon as  
2 reasonably possible.

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

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

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

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

22 **§ 39A106. Duty to Notify of Change of Address.**

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

1 provide the notice to any court that has issued a custody or child support order  
2 concerning the child which is in effect.

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

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

## 15 **ARTICLE 2**

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

#### 18 **§ 39A201. Form of Agreement.**

19 (a) The parents of a child may enter into a temporary agreement  
20 under this 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  
24 custodial responsibility is granted.

25 (c) Subject to Subsection (d), an agreement under Subsection (a), if  
26 feasible, 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  
4 deploying parent, the other parent, and any nonparent;

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

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

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

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

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

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

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

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

1           (d) The omission of any of the items specified in Subsection (c)  
2 *does not* invalidate an agreement under this Section.

3 **§ 39A202. Nature of Authority Created by Agreement.**

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

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

14 **§ 39A203. Modification of Agreement.**

15           (a) By mutual consent, the parents of a child may modify an  
16 agreement regarding custodial responsibility made pursuant to this Article.

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

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

25           **§ 39A204. Power of Attorney.** A deploying parent, by power of  
26 attorney, may delegate all or part of custodial responsibility to an adult  
27 nonparent for the period of deployment if no other parent possesses custodial

1 responsibility under law of this state other than this Act, or if a court order  
2 currently in effect prohibits contact between the child and the other parent.  
3 The deploying parent may revoke the power of attorney by signing a  
4 revocation of the power.

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

### 12 **ARTICLE 3**

#### 13 **JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL** 14 **RESPONSIBILITY DURING DEPLOYMENT**

15 **§ 39A301. Definition.** In this Article, *close and substantial*  
16 *relationship* means a relationship in which a significant bond exists between  
17 a child and a nonparent.

#### 18 **§ 39A302. Proceeding for Temporary Custody Order.**

19 (a) After a deploying parent receives notice of deployment and until  
20 the deployment terminates, a court may issue a temporary order granting  
21 custodial responsibility unless prohibited by the Servicemembers Civil Relief  
22 Act, 50 U.S.C. Appendix Sections 521 and 522. A court may *not* issue a  
23 permanent order granting custodial responsibility without the consent of the  
24 deploying parent.

25 (b) At any time after a deploying parent receives notice of  
26 deployment, either parent may file a motion regarding custodial responsibility  
27 of a child during deployment. The motion must be filed in a pending

1 proceeding for custodial responsibility in a court with jurisdiction under §  
2 39A104 or, if there is no pending proceeding in a court with jurisdiction under  
3 § 39A104, in a new action for granting custodial responsibility during  
4 deployment.

5 **§ 39A303. Expedited Hearing.** If a motion to grant custodial  
6 responsibility is filed under § 39A302 (b) before a deploying parent deploys,  
7 the court *shall* conduct an expedited hearing.

8 **§ 39A304. Testimony by Electronic Means.** In a proceeding under  
9 this Article, a party or witness who is not reasonably available to appear  
10 personally may appear, provide testimony, and present evidence by electronic  
11 means unless the court finds good cause to require a personal appearance.

12 **§ 39A305. Effect of Prior Judicial Order or Agreement.** In a  
13 proceeding for a grant of custodial responsibility pursuant to this Article, the  
14 following rules apply:

15 (a) A prior judicial order designating custodial responsibility  
16 in the event of deployment is binding on the court unless the  
17 circumstances meet the requirements of law of this state other than this  
18 Act for modifying a judicial order regarding custodial responsibility.

19 (b) The court *shall* enforce a prior written agreement between  
20 the parents for designating custodial responsibility in the event of  
21 deployment, including an agreement executed under Article 2, unless  
22 the court finds that the agreement is contrary to the best interest of the  
23 child.

24 **§ 39A306. Grant of Caretaking or Decision-Making Authority to**  
25 **Non Parent.**

26 (a) On motion of a deploying parent and in accordance with law of  
27 this state other than this Act, if it is in the best interest of the child, a court



1 may grant caretaking authority to a nonparent who is an adult family member  
2 of the child or an adult with whom the child has a close and substantial  
3 relationship.

4 (b) Unless a grant of caretaking authority to a nonparent under  
5 Subsection (a) is agreed to by the other parent, the grant is limited to an  
6 amount of time not greater than:

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

10 (2) in the absence of a permanent custody order that is  
11 currently in effect, the amount of time that the deploying parent  
12 habitually cared for the child before being notified of deployment, but  
13 the court may add unusual travel time necessary to transport the child.

14 (c) A court may grant part of a deploying parent's decision-making  
15 authority, if the deploying parent is unable to exercise that authority, to a  
16 nonparent who is an adult family member of the child or an adult with whom  
17 the child has a close and substantial relationship. If a court grants the authority  
18 to a nonparent, the court *shall* specify the decision-making powers granted,  
19 including decisions regarding the child's education, religious training, health  
20 care, extracurricular activities, and travel.

21 **§ 39A307. Grant of Limited Contact.** On motion of a deploying  
22 parent, and in accordance with law of this state other than this Act unless the  
23 court finds that the contact would be contrary to the best interest of the child,  
24 a court *shall* grant limited contact to a nonparent who is a family member of  
25 the child or an individual with whom the child has a close and substantial  
26 relationship.

1           **§ 39A308. Nature of Authority Created by Temporary Custody**  
2 **Order.**

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

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

12           **§ 39A309. Content of Temporary Custody Order.**

13           (a) An order granting custodial responsibility under this Article  
14 must:

15                   (1) designate the order as temporary; and

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

18           (b) If applicable, an order for custodial responsibility under this  
19 Article must:

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

23                   (2) if the order divides caretaking or decision-making  
24 authority between individuals, or grants caretaking authority to one (1)  
25 individual and limited contact to another, provide a process to resolve  
26 any dispute that may arise;

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

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

8           (5) provide for reasonable contact between the deploying  
9 parent and the child after return from deployment until the temporary  
10 order is terminated, even if the time of contact exceeds the time the  
11 deploying parent spent with the child before entry of the temporary  
12 order; and

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

15       **§ 39A310. Order for Child Support.** If a court has issued an order  
16 granting caretaking authority under this Article, or an agreement granting  
17 caretaking authority has been executed under Article 2, the court may enter a  
18 temporary order for child support consistent with law of this state other than  
19 this Act if the court has jurisdiction under the Uniform Interstate Family  
20 Support Act.

21       **§ 39A311. Modifying or Terminating Grant of Custodial**  
22 **Responsibility to Nonparent.**

23           (a) Except for an order under § 39A305, except as otherwise  
24 provided in Subsection (b), and consistent with the Servicemembers Civil  
25 Relief Act, 50 U.S.C. Appendix Sections 521 and 522, on motion of a  
26 deploying or other parent or any nonparent to whom caretaking authority,  
27 decision-making authority, or limited contact has been granted, the court may

1 modify or terminate the grant if the modification or termination is consistent  
2 with this Article and it is in the best interest of the child. A modification is  
3 temporary and terminates pursuant to Article 4 after the deploying parent  
4 returns from deployment, unless the grant has been terminated before that  
5 time by court order.

6 (b) On motion of a deploying parent, the court *shall* terminate a grant  
7 of limited contact.

#### 8 ARTICLE 4

#### 9 RETURN FROM DEPLOYMENT

#### 10 § 39A401. Procedure for Terminating Temporary Grant of 11 Custodial Responsibility Established by Agreement.

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

16 (b) A temporary agreement under Article 2 granting custodial  
17 responsibility terminates:

18 (1) if an agreement to terminate under Subsection (a) specifies  
19 a date for termination, on that date; or

20 (2) if the agreement to terminate does *not* specify a date, on  
21 the date the agreement to terminate is signed by the deploying parent  
22 and the other parent.

23 (c) In the absence of an agreement under Subsection (a) to terminate,  
24 a temporary agreement granting custodial responsibility terminates under  
25 Article 2 sixty (60) days after the deploying parent gives notice to the other  
26 parent that the deploying parent returned from deployment.

1 (d) If a temporary agreement granting custodial responsibility was  
2 filed with a court pursuant to § 39A205, an agreement to terminate the  
3 temporary agreement also must be filed with that court within a reasonable  
4 time after the signing of the agreement. The case number and heading of the  
5 case concerning custodial responsibility or child support must be provided to  
6 the court with the agreement to terminate.

7 **§ 39A402. Consent Procedure for Terminating Temporary Grant**  
8 **of Custodial Responsibility Established by Court Order.** At any time after  
9 a deploying parent returns from deployment, the deploying parent and the  
10 other parent may file with the court an agreement to terminate a temporary  
11 order for custodial responsibility issued under Article 3. After an agreement  
12 has been filed, the court *shall* issue an order terminating the temporary order  
13 effective on the date specified in the agreement. If a date is *not* specified, the  
14 order is effective immediately.

15 **§ 39A403. Visitation Before Termination of Temporary Grant of**  
16 **Custodial Responsibility.** After a deploying parent returns from deployment  
17 until a temporary agreement or order for custodial responsibility established  
18 under Article 2 or 3 is terminated, the court *shall* issue a temporary order  
19 granting the deploying parent reasonable contact with the child unless it is  
20 contrary to the best interest of the child, even if the time of contact exceeds  
21 the time the deploying parent spent with the child before deployment.

22 **§ 39A404. Termination by Operation of Law of Temporary**  
23 **Grant of Custodial Responsibility Established by Court Order.**

24 (a) If an agreement between the parties to terminate a temporary  
25 order for custodial responsibility under Article 3 has *not* been filed, the order  
26 terminates sixty (60) days after the deploying parent gives notice to the other

1 parent and any nonparent granted custodial responsibility that the deploying  
2 parent has returned from deployment.

3 (b) A proceeding seeking to prevent termination of a temporary  
4 order for custodial responsibility is governed by law of this state other than  
5 this Act.

## 6 ARTICLE 5

### 7 MISCELLANEOUS PROVISIONS

8 § 39A501. **Uniformity of Application and Construction.** In  
9 applying and construing this Uniform Act, consideration must be given to the  
10 need to promote uniformity of the law with respect to its subject matter among  
11 states that enact it.

12 § 39A502. **Relation to Electronic Signatures in Global and**  
13 **National Commerce Act.** This Act modifies, limits, or supersedes the  
14 Electronic Signatures in Global and National Commerce Act, 15 U.S.C.  
15 Section 7001 et seq., but *does not* modify, limit, or supersede Section 101(c)  
16 of that Act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any  
17 of the notices described in Section 103(b) of that Act, 15 U.S.C. Section  
18 7003(b).

19 § 39A503. **Savings Clause.** This Act *does not* affect the validity of a  
20 temporary court order concerning custodial responsibility during deployment  
21 which was entered before.”