

IN THE SENATE

SENATE BILL NO. 1300

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CHILD CUSTODY AND VISITATION INVOLVING DEPLOYED PARENTS; AMEND-
2 ING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
3 32-720, IDAHO CODE, TO PROVIDE THAT A COURT MAY ONLY ENTER AN ORDER OR
4 DECREE TEMPORARILY MODIFYING AN EXISTING CHILD CUSTODY ORDER UNDER
5 CERTAIN CIRCUMSTANCES, TO PROVIDE FOR EXPEDITED HEARINGS UNDER CERTAIN
6 CONDITIONS, TO PROVIDE FOR THE PRESENTATION OF TESTIMONY AND EVIDENCE
7 BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE REIN-
8 STATEMENT OF CERTAIN CUSTODY ORDERS AND TO DEFINE TERMS.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 7, Title 32, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 32-720, Idaho Code, and to read as follows:

14 32-720. (1) In the event a petition for modification of a child cus-
15 tody order is filed during the time a parent is deployed, as defined in sub-
16 section (5) of this section, if the court determines that modification is in
17 the best interest of the child pursuant to the provisions of section 32-717,
18 Idaho Code, the court may only enter an order or decree temporarily modifying
19 the existing child custody order.

20 (2) If the deployment of a parent affects the parent's ability or antic-
21 ipated ability to appear at a regularly scheduled hearing related to a peti-
22 tion for modification of child custody, the court shall provide for an expe-
23 dited hearing.

24 (3) If the deployment of a parent prevents the parent from appearing in
25 person at a hearing related to a petition for the modification of child cus-
26 tody, the court shall provide, upon reasonable advance notice to the par-
27 ties, for the parent to present testimony and evidence by electronic means.

28 (4) Provided the court determines that it is in the best interest of
29 the child pursuant to the provisions of section 32-717, Idaho Code, or the
30 parties stipulate thereto, upon petition following the parent's completion
31 of the period of deployment, the court shall order the reinstatement of the
32 terms of the custody order that was in effect immediately preceding the pe-
33 riod of deployment.

34 (5) For purposes of this section:

35 (a) "Deployed" or "deployment" means military service performed in
36 compliance with a valid order received by an active duty or reserve
37 member of the armed services of the United States, National Guard or
38 United States Coast Guard to report for combat operations, contingency
39 operations, peacekeeping operations, temporary duty, a remote tour of
40 duty or other active service for which the deploying parent reports.
41 The term shall include those members who are actually deployed as well
42 as those members with valid orders preparing to be deployed;

1 (b) "Electronic means" includes communication by telephone, video
2 teleconference or the internet;

3 (c) "Military service" includes the period from which the deployed par-
4 ent receives and is subject to deployment orders and the period in which
5 the parent is awaiting travel or remains deployed because of sickness,
6 wounds, leave or other lawful cause.

7 (d) "Parent" includes a legal guardian of the child.