



General Assembly

February Session, 2012

Raised Bill No. 5395

LCO No. 1752

01752_____VA_

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:
(VA)

AN ACT CONCERNING CUSTODY ORDERS FOR DEPLOYED MEMBERS OF THE ARMED FORCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this
2 section:

3 (1) "Deploy" means military service in compliance with military
4 orders received by a member of the armed forces to report for combat
5 operations, contingency operations, peacekeeping operations, a remote
6 tour of duty or other active duty service for which the deploying
7 parent is required to report unaccompanied by a family member.
8 Deployment includes a period during which a military parent remains
9 subject to deployment orders and remains deployed on account of
10 sickness, wounds or other lawful cause;

11 (2) "Deploying parent" means a military parent who has been
12 notified by military leadership that he or she will deploy or mobilize
13 with the armed forces, or who is currently deployed or mobilized with
14 the armed forces;

15 (3) "Mobilize" means the call-up of National Guard or Reserve
16 service members to extended active service. For purposes of this
17 definition, "mobilization" does not include National Guard or Reserve
18 annual training, inactive duty days, drill weekends, temporary duty or
19 state active duty; and

20 (4) "Armed Forces" means the United States Army, Navy, Marine
21 Corps, Coast Guard and Air Force and any reserve component thereof,
22 including the Connecticut National Guard performing duty as
23 provided in 32 USC.

24 (b) If a deploying parent is required to be separated from a child
25 due to deployment or mobilization, a court shall not enter a final order
26 of custody or visitation modifying a final order of custody or visitation
27 issued pursuant to section 46b-56, 46b-56a or 46b-61 of the general
28 statutes until ninety days after the deployment ends, unless such
29 modification is agreed to by the deploying parent.

30 (c) Upon motion of a deploying or nondeploying parent, a court
31 may enter temporary orders of custody or visitation modifying final
32 orders of custody or visitation during the period of deployment when
33 (1) a military parent who has joint or sole custody has received notice
34 from military leadership that he or she will deploy in the near future;
35 (2) the deployment would have a material effect upon his or her ability
36 to exercise parental rights, responsibilities or parent-child contact as
37 set forth in the existing final orders of custody or visitation; and (3)
38 modification is in the best interests of the child. In issuing such
39 temporary modification orders, the court shall be guided by the
40 provisions of the general statutes pertaining to custody and visitation.
41 Motions for temporary modification because of deployment shall be
42 heard by the court as expeditiously as possible and shall be given
43 priority for this purpose. All temporary modification orders shall
44 include a specific transition schedule to facilitate a return to the
45 predeployment order over the shortest reasonable time period after the
46 deployment ends, taking into consideration the child's best interests.

47 Temporary modification orders issued pursuant to this section shall
48 designate the deploying parent's parental rights, responsibilities and
49 parent-child contact during a period of leave granted to the deploying
50 parent, in the best interests of the child. Upon motion of the deploying
51 parent, the court may delegate his or her right of contact, or a portion
52 thereof, to a family member, a person with whom the deploying parent
53 cohabits, or another person with a close and substantial relationship to
54 the minor child or children for the duration of the deployment, if it is
55 in the child's best interests. Such delegated contact does not create
56 separate rights to parent-child contact for a person other than a parent.
57 The temporary modification orders shall expire upon the completion
58 of the transition schedule, and the prior final order issued pursuant to
59 section 46b-56, 46b-56a or 46b-61 of the general statutes shall be in
60 effect.

61 (d) A temporary court order modifying final orders of custody or
62 visitation issued under this section shall require that: (1) The
63 nondeploying parent make the child reasonably available to the
64 deploying parent when the deploying parent has leave; (2) the
65 nondeploying parent facilitate opportunities for telephonic, electronic
66 mail, and other such contact between the deploying parent and the
67 child during deployment; and (3) the deploying parent provide timely
68 information regarding his or her leave schedule to the nondeploying
69 parent. Changes in actual leave dates shall not be used by the
70 nondeploying parent to prevent parent-child contact.

71 (e) A temporary court order modifying final orders of custody or
72 visitation because of deployment shall specify that the deployment is
73 the basis for the order and shall be entered by the court as a temporary
74 order. The order shall further require the nondeploying parent to
75 provide the court and the deploying parent with thirty days' advance
76 written notice of any change of address and any change of telephone
77 number.

78 (f) If pendente lite orders of custody or visitation are in place or if

79 there are no existing orders of custody or visitation establishing the
80 terms of parental rights and responsibilities or parent-child contact
81 and it appears that deployment or mobilization is imminent, upon
82 motion by either parent, the court shall expedite a hearing to establish
83 temporary parental rights and responsibilities and parent-child contact
84 to (1) ensure the deploying parent has access to the child; (2) ensure
85 disclosure of information; (3) grant other rights and duties set forth
86 herein; and (4) provide other appropriate relief. Any initial pleading
87 filed to establish parental rights and responsibilities or parent-child
88 contact with a child of a deploying parent shall be so identified at the
89 time of filing by stating in the text of the pleading the specific facts
90 related to deployment.

91 Sec. 2. (NEW) (*Effective from passage*) (a) Nothing in section 1 of this
92 act shall preclude the court from hearing a motion ninety days after
93 the return of the deploying parent for permanent modification of final
94 orders of custody and visitation issued pursuant to section 46b-56, 46b-
95 56a or 46b-61 of the general statutes. The nondeploying parent shall
96 bear the burden of showing that reentry of final orders of custody or
97 visitation, issued pursuant to section 46b-56, 46b-56a or 46b-61 of the
98 general statutes, in effect before the deployment is no longer in the
99 child's best interests. The deployment and any resulting temporary
100 disruption to the child shall not be considered in determining whether
101 there has been a real, substantial and unanticipated change of
102 circumstances in regard to the motion to modify.

103 (b) Nothing in this section and section 1 of this act shall impair the
104 court's ability to hear an emergency motion to modify final orders of
105 custody or visitation issued pursuant to section 46b-56, 46b-56a or 46b-
106 61 of the general statutes and to grant an ex parte order on such
107 motion prior to ninety days after the deployment ends and upon the
108 filing and service of a verified application for the same which alleges
109 an immediate danger of irreparable harm to the child. Any such
110 motion shall be heard as expeditiously as possible, but in no event
111 more than fifteen days from the date of filing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To protect the best interests of minor children of members of the armed forces by minimizing the disruption caused by deployment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]