



General Assembly

**Amendment**

February Session, 2012

LCO No. 3794

**\*HB0539503794HDO\***

Offered by:

REP. HENNESSY, 127<sup>th</sup> Dist.

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To: Subst. House Bill No. 5395

File No. 505

Cal. No. 381

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

5 (1) "Armed forces" means the United States Army, Navy, Marine  
6 Corps, Coast Guard and Air Force and any reserve component thereof,  
7 including the Connecticut National Guard performing duty as  
8 provided in Title 32 of the United States Code;

9 (2) "Deploy" means military service in compliance with military  
10 orders received by a member of the armed forces to report for combat  
11 operations, contingency operations, peacekeeping operations, a remote  
12 tour of duty or other active duty, except state active duty.

13 "Deployment" includes a period of time during which a member of the  
14 armed forces remains subject to deployment orders and remains  
15 deployed on account of sickness, wounds or other lawful cause;

16 (3) "Deploying parent" means a parent who is a member of the  
17 armed forces and has been notified by military leadership that he or  
18 she will deploy or mobilize with the armed forces;

19 (4) "Mobilize" means the call-up of National Guard or Reserve  
20 service members to extended active duty. "Mobilization" does not  
21 include National Guard or Reserve annual training, inactive duty days,  
22 drill weekends, temporary duty or state active duty; and

23 (5) "Nondeploying parent" means a parent who has not been  
24 notified by military leadership that he or she will deploy or mobilize  
25 with the armed forces.

26 (b) If a deploying parent is required to be separated from a child of  
27 such parent during a deployment or mobilization, a court shall not  
28 enter a final order of custody or visitation modifying a final order of  
29 custody or visitation issued pursuant to section 46b-56, 46b-56a or 46b-  
30 61 of the general statutes until ninety days after such parent's  
31 deployment or mobilization ends, unless such modification is agreed  
32 to by the deploying parent.

33 (c) If a parent is a member of the armed forces, has sole or joint  
34 custody of a child or court ordered visitation, parental access or  
35 parenting time and receives notice from military leadership that he or  
36 she will deploy or mobilize in the near future and will be required to  
37 be separated from such child due to such deployment or mobilization,  
38 then upon motion of such deploying parent or the nondeploying  
39 parent, a court may enter temporary orders of custody or visitation  
40 modifying final orders of custody or visitation during the period of  
41 such deployment or mobilization if: (1) The deployment or  
42 mobilization would have a material effect upon the deploying parent's  
43 ability to exercise parental rights and responsibilities or parent-child  
44 contact as set forth in the existing final orders of custody or visitation,

45 and (2) the court finds that such modification is in the best interests of  
46 the child. In issuing such temporary modification orders, the court  
47 shall be guided by the provisions of the general statutes pertaining to  
48 custody and visitation. Motions for temporary modification of final  
49 orders of custody or visitation because of deployment or mobilization  
50 shall be given priority for this purpose.

51 (d) A temporary court order modifying final orders of custody or  
52 visitation issued under subsection (c) of this section shall require that:  
53 (1) Whenever the deploying parent is granted leave from such  
54 deployment or mobilization, the nondeploying parent shall make the  
55 child available to the deploying parent to the extent requested by the  
56 deploying parent, provided (A) such request for visitation time is not  
57 inconsistent with that provided for in the final orders of custody or  
58 visitation being modified by such temporary court order, and (B) the  
59 child shall not be absent from school unless ordered by the court or  
60 agreed to, in writing, by both parents; (2) the nondeploying parent  
61 facilitate opportunities for telephonic, electronic mail, and other such  
62 contact between the deploying parent and the child during  
63 deployment or mobilization; and (3) the deploying parent provide  
64 timely information regarding his or her leave schedule to the  
65 nondeploying parent. Changes in actual leave dates shall not be used  
66 by the nondeploying parent as a justification to limit contact between  
67 the deploying parent and the child.

68 (e) A temporary court order modifying final orders of custody or  
69 visitation issued under subsection (c) of this section shall specify that  
70 deployment or mobilization is the basis for the order and shall be  
71 entered by the court as a temporary order. The order shall further  
72 require the nondeploying parent to provide the court and the  
73 deploying parent with thirty days' advance written notice of any  
74 change of address and any change of telephone number, unless a court  
75 has ordered that the deploying party is not entitled to this information.

76 (f) If pendente lite orders of custody or visitation are in place or if  
77 there are no existing orders of custody or visitation establishing the

78 terms of parental rights and responsibilities or parent-child contact  
 79 and it appears that deployment or mobilization of a parent who is a  
 80 member of the armed forces is imminent, upon motion by either  
 81 parent, the court shall expedite a hearing to establish temporary  
 82 parental rights and responsibilities and parent-child contact to (1)  
 83 ensure the deploying parent has access to the child, provided such  
 84 access is in the best interests of the child; (2) ensure disclosure of  
 85 information; (3) grant other rights and duties set forth in this section;  
 86 and (4) provide other appropriate relief. Any initial pleading filed to  
 87 establish parental rights and responsibilities or parent-child contact  
 88 with a child of a deploying parent shall be so identified at the time of  
 89 filing by stating in the text of the pleading the specific facts related to  
 90 deployment or mobilization.

91 (g) Nothing in this section shall preclude the court from hearing a  
 92 motion at least ninety days after the return of the deploying parent for  
 93 permanent modification of final orders of custody and visitation  
 94 issued pursuant to section 46b-56, 46b-56a or 46b-61 of the general  
 95 statutes. The nondeploying parent shall bear the burden of showing  
 96 that reentry of final orders of custody or visitation, issued pursuant to  
 97 section 46b-56, 46b-56a or 46b-61 of the general statutes, in effect before  
 98 the deployment or mobilization is no longer in the best interests of the  
 99 child. The absence of a deploying parent due to deployment or  
 100 mobilization shall not be the sole basis for modifying such orders."

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