

IN THE SENATE

SENATE BILL NO. 1300

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CHILD CUSTODY AND VISITATION INVOLVING DEPLOYED PARENTS; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-720, IDAHO CODE, TO PROVIDE THAT A COURT MAY ONLY ENTER AN ORDER OR DECREE TEMPORARILY MODIFYING AN EXISTING CHILD CUSTODY ORDER UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR EXPEDITED HEARINGS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE PRESENTATION OF TESTIMONY AND EVIDENCE BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN CUSTODY ORDERS AND TO DEFINE TERMS.

Be It Enacted by the Legislature of the State of Idaho:

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

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

(2) If the deployment of a parent affects the parent's ability or anticipated ability to appear at a regularly scheduled hearing related to a petition for modification of child custody, the court shall provide for an expedited hearing.

(3) If the deployment of a parent prevents the parent from appearing in person at a hearing related to a petition for the modification of child custody, the court shall provide, upon reasonable advance notice to the parties, for the parent to present testimony and evidence by electronic means.

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

(5) For purposes of this section:

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