



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 1056 Printer's No. 1438

Prime Sponsor: Senator Baker
Committee: Judiciary

SYNOPSIS:

This bill amends Title 23 (Domestic Relations) and Title 51 (Military Affairs) to enact the Uniform Deployed Parents Custody and Visitation Act.

SUMMARY:

This bill repeals Sections 4109 and 4110 of Title 51, which relate to child custody proceedings during military deployment. In their place, the bill adds a new Chapter 46 relating to general provisions, agreements addressing custodial responsibility during deployment, the judicial procedure for granting custodial responsibility during deployment, the return from employment, and miscellaneous provisions.

General Provisions. Jurisdiction of a court to enter an order regarding custodial responsibility is subject to Title 23, Chapter 54 (relating to uniform child custody jurisdiction and enforcement). For purposes of temporary or permanent orders issued by a Pennsylvania court or a court of another state, the deployment does not change the residence of the deploying parent. Section 4605 imposes a duty on the deploying parent to provide notice of the deployment within seven days after receiving notice, or as soon as reasonably possible. Each parent shall provide the other parent with a plan for fulfilling that parent's share of the custodial responsibility during the deployment.

Agreement Addressing Custodial Responsibility. The parents may enter an agreement that must be signed by each parent. The agreement may contain information such as the destination and duration of the deployment, the allocation of custodial responsibility among the parents and nonparents, decision-making authority, and the contact between the deploying parent and child. The agreement terminates upon the return of the deploying parent. The bill specifies the circumstances in which the agreement may be modified before the deployment and during the deployment. The deploying parent may by power of attorney delegate all or part of custodial responsibility to a nonparent under specified circumstances.

Judicial Procedure for Granting Custodial Responsibility. After the deploying parent receives a notice of deployment, either parent may file a motion regarding custodial responsibility. The court may hold an emergency hearing and take testimony electronically. Failure to appear as a result of the deployment shall not, in and of itself, justify the modification of custodial responsibility. The bill addresses the grant of caretaking and decision-making authority to a nonparent. The order granting custodial

responsibility must contain certain information and terms. The court may enter a temporary order regarding child support.

Return from Deployment. The bill specifies when and how the agreement terminates and the judicial filings that may be made. The parents may either sign a new agreement terminating the temporary agreement, or else the temporary agreement terminates automatically 60 days after the deploying parent gives notice to the other parent of the return from deployment. Upon petition by the deploying parent upon return from deployment, the court shall issue an order granting the deploying parent reasonable contact with the child.

EFFECTIVE DATE:

This bill is effective in thirty days.

BILL HISTORY:

There is no history for this bill during this legislative session.

Prepared by: Cawley 1/14/2016