

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 13-0065.01 Jane Ritter x4342

**HOUSE BILL 13-1200**

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**HOUSE SPONSORSHIP**

**Gardner,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE "UNIFORM DEPLOYED PARENTS CUSTODY AND**  
102 **VISITATION ACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)*

**Colorado Commission on Uniform State Laws.** The bill establishes the "Uniform Deployed Parents Custody and Visitation Act" (act). Provisions of the act address:

! Custodial responsibility, caretaking, and decision-making authority during the deployment of one parent who is a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
March 15, 2013

- ! service member;
- ! Procedures for granting custodial responsibility and caretaking or decision-making authority during deployment, temporary orders, filing orders with the court, hearings, and child support; and
- ! Custodial responsibility, visitation, and temporary orders after return from deployment and termination of temporary agreements and orders.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 14-10-131.3.

3 **SECTION 2.** In Colorado Revised Statutes, **add** article 13.7 to  
4 title 14 as follows:

5 **ARTICLE 13.7**

6 **Uniform Deployed Parents Custody and Visitation Act**

7 **PART 1**

8 **GENERAL PROVISIONS**

9 **14-13.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
10 MAY BE CITED AS THE "UNIFORM DEPLOYED PARENTS CUSTODY AND  
11 VISITATION ACT".

12 **14-13.7-102. Definitions.** IN THIS ARTICLE:

13 (1) "ADULT" MEANS AN INDIVIDUAL WHO HAS ATTAINED EIGHTEEN  
14 YEARS OF AGE OR WHO IS AN EMANCIPATED MINOR.

15 (2) "CARETAKING AUTHORITY" MEANS THE RIGHT TO LIVE WITH  
16 AND CARE FOR A CHILD ON A DAY-TO-DAY BASIS. THE TERM INCLUDES  
17 PHYSICAL CUSTODY, PARENTING TIME, RIGHT TO ACCESS, AND VISITATION.

18 (3) "CHILD" MEANS:

19 (a) AN UNEMANCIPATED INDIVIDUAL WHO HAS NOT ATTAINED  
20 EIGHTEEN YEARS OF AGE; OR

21 (b) AN ADULT SON OR DAUGHTER BY BIRTH OR ADOPTION, OR

1 UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE, WHO IS THE  
2 SUBJECT OF A COURT ORDER CONCERNING CUSTODIAL RESPONSIBILITY.

3 (4) "COURT" MEANS A TRIBUNAL, INCLUDING AN ADMINISTRATIVE  
4 AGENCY, AUTHORIZED UNDER LAW OF THIS STATE OTHER THAN THIS  
5 ARTICLE TO MAKE, ENFORCE, OR MODIFY A DECISION REGARDING  
6 CUSTODIAL RESPONSIBILITY.

7 (5) "CUSTODIAL RESPONSIBILITY" INCLUDES ALL POWERS AND  
8 DUTIES RELATING TO CARETAKING AUTHORITY AND DECISION-MAKING  
9 AUTHORITY FOR A CHILD. THE TERM INCLUDES PHYSICAL CUSTODY, LEGAL  
10 CUSTODY, PARENTING TIME, RIGHT TO ACCESS, VISITATION, AND  
11 AUTHORITY TO GRANT LIMITED CONTACT WITH A CHILD.

12 (6) "DECISION-MAKING AUTHORITY" MEANS THE POWER TO MAKE  
13 IMPORTANT DECISIONS REGARDING A CHILD, INCLUDING DECISIONS  
14 REGARDING THE CHILD'S EDUCATION, RELIGIOUS TRAINING, HEALTH CARE,  
15 EXTRACURRICULAR ACTIVITIES, AND TRAVEL. THE TERM DOES NOT  
16 INCLUDE THE POWER TO MAKE DECISIONS THAT NECESSARILY ACCOMPANY  
17 A GRANT OF CARETAKING AUTHORITY.

18 (7) "DEPLOYING PARENT" MEANS A SERVICE MEMBER WHO IS  
19 DEPLOYED OR HAS BEEN NOTIFIED OF IMPENDING DEPLOYMENT AND IS:

20 (a) A PARENT OF A CHILD UNDER LAW OF THIS STATE OTHER THAN  
21 THIS ARTICLE; OR

22 (b) AN INDIVIDUAL WHO HAS CUSTODIAL RESPONSIBILITY FOR A  
23 CHILD UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE.

24 (8) "DEPLOYMENT" MEANS THE MOVEMENT OR MOBILIZATION OF  
25 A SERVICE MEMBER FOR MORE THAN NINETY DAYS BUT LESS THAN  
26 EIGHTEEN MONTHS PURSUANT TO UNIFORMED SERVICE ORDERS THAT:

27 (a) ARE DESIGNATED AS UNACCOMPANIED;

1 (b) DO NOT AUTHORIZE DEPENDENT TRAVEL; OR

2 (c) OTHERWISE DO NOT PERMIT THE MOVEMENT OF FAMILY  
3 MEMBERS TO THE LOCATION TO WHICH THE SERVICE MEMBER IS  
4 DEPLOYED.

5 (8.5) "DEPLOYMENT ORDER" MEANS A RECORD PROVIDED BY A  
6 UNIFORMED SERVICE TO A SERVICE MEMBER DIRECTING A DEPLOYMENT.

7 (9) "FAMILY MEMBER" MEANS A SIBLING, AUNT, UNCLE, COUSIN,  
8 STEPPARENT, OR GRANDPARENT OF A CHILD OR AN INDIVIDUAL  
9 RECOGNIZED TO BE IN A FAMILIAL RELATIONSHIP WITH A CHILD UNDER  
10 LAW OF THIS STATE OTHER THAN THIS ARTICLE.

11 (10) "LIMITED CONTACT" MEANS THE AUTHORITY OF A NONPARENT  
12 TO VISIT A CHILD FOR A LIMITED TIME. THE TERM INCLUDES AUTHORITY TO  
13 TAKE THE CHILD TO A PLACE OTHER THAN THE RESIDENCE OF THE CHILD.

14 (11) "NONPARENT" MEANS AN INDIVIDUAL OTHER THAN A  
15 DEPLOYING PARENT OR OTHER PARENT.

16 (12) "OTHER PARENT" MEANS AN INDIVIDUAL WHO, IN COMMON  
17 WITH A DEPLOYING PARENT, IS:

18 (a) A PARENT OF A CHILD UNDER LAW OF THIS STATE OTHER THAN  
19 THIS ARTICLE; OR

20 (b) AN INDIVIDUAL WHO HAS CUSTODIAL RESPONSIBILITY FOR A  
21 CHILD UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE.

22 (13) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
23 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
24 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

25 (14) "RETURN FROM DEPLOYMENT" MEANS THE CONCLUSION OF A  
26 SERVICE MEMBER'S DEPLOYMENT AS SPECIFIED IN UNIFORMED SERVICE  
27 ORDERS.

1 (15) "SERVICE MEMBER" MEANS A MEMBER OF A UNIFORMED  
2 SERVICE.

3 (16) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR  
4 ADOPT A RECORD:

5 (a) TO EXECUTE OR ADOPT WITH A TANGIBLE SYMBOL; OR

6 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD  
7 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

8 (17) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
9 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
10 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
11 JURISDICTION OF THE UNITED STATES.

12 (18) "UNIFORMED SERVICE" MEANS:

13 (a) ACTIVE AND RESERVE COMPONENTS OF THE ARMY, NAVY, AIR  
14 FORCE, MARINE CORPS, OR COAST GUARD OF THE UNITED STATES;

15 (b) THE UNITED STATES MERCHANT MARINE;

16 (c) THE COMMISSIONED CORPS OF THE UNITED STATES PUBLIC  
17 HEALTH SERVICE;

18 (d) THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND  
19 ATMOSPHERIC ADMINISTRATION OF THE UNITED STATES; OR

20 (e) THE NATIONAL GUARD OF A STATE.

21 **14-13.7-103. Reserved.**

22 **14-13.7-104. Jurisdiction.** (1) A COURT MAY ISSUE AN ORDER  
23 REGARDING CUSTODIAL RESPONSIBILITY UNDER THIS ARTICLE ONLY IF THE  
24 COURT HAS JURISDICTION UNDER ARTICLE 13 OF THIS TITLE.

25 (2) IF A COURT HAS ISSUED AN INTERIM ORDER REGARDING  
26 CUSTODIAL RESPONSIBILITY PURSUANT TO PART 3 OF THIS ARTICLE, THE  
27 RESIDENCE OF THE DEPLOYING PARENT IS NOT CHANGED BY REASON OF

1 THE DEPLOYMENT FOR THE PURPOSES OF ARTICLE 13 OF THIS TITLE.

2 (3) IF A COURT HAS ISSUED A PERMANENT ORDER REGARDING  
3 CUSTODIAL RESPONSIBILITY BEFORE NOTICE OF DEPLOYMENT AND THE  
4 PARENTS MODIFY THAT ORDER TEMPORARILY BY AGREEMENT PURSUANT  
5 TO PART 2 OF THIS ARTICLE, THE RESIDENCE OF THE DEPLOYING PARENT IS  
6 NOT CHANGED BY REASON OF THE DEPLOYMENT FOR THE PURPOSES OF  
7 ARTICLE 13 OF THIS TITLE.

8 (4) IF A COURT IN ANOTHER STATE HAS ISSUED AN INTERIM ORDER  
9 REGARDING CUSTODIAL RESPONSIBILITY AS A RESULT OF IMPENDING OR  
10 CURRENT DEPLOYMENT, THE RESIDENCE OF THE DEPLOYING PARENT IS NOT  
11 CHANGED BY REASON OF THE DEPLOYMENT FOR THE PURPOSES OF ARTICLE  
12 13 OF THIS TITLE.

13 (5) THIS SECTION DOES NOT PREVENT A COURT FROM EXERCISING  
14 EMERGENCY JURISDICTION UNDER ARTICLE 13 OF THIS TITLE.

15 **14-13.7-105. Notification required of deploying parent.**


16 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION  
17 AND SUBJECT TO SUBSECTION (3) OF THIS SECTION, A DEPLOYING PARENT  
18 SHALL NOTIFY IN A RECORD THE OTHER PARENT OF A PENDING  
19 DEPLOYMENT NOT LATER THAN TWELVE CALENDAR DAYS AFTER  
20 RECEIVING DEPLOYMENT ORDERS UNLESS REASONABLY PREVENTED  
21 FROM DOING SO BY THE CIRCUMSTANCES OF SERVICE. IF THE  
22 CIRCUMSTANCES OF SERVICE PREVENT GIVING NOTIFICATION WITHIN  
23 TWELVE CALENDAR DAYS, THE DEPLOYING PARENT SHALL GIVE THE  
24 NOTIFICATION AS SOON AS REASONABLY POSSIBLE.

25 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS  
26 SECTION AND SUBJECT TO SUBSECTION (3) OF THIS SECTION, EACH PARENT  
27 SHALL PROVIDE IN A RECORD TO THE OTHER PARENT A PLAN FOR

1 FULFILLING THAT PARENT'S SHARE OF CUSTODIAL RESPONSIBILITY DURING  
2 DEPLOYMENT. EACH PARENT SHALL PROVIDE THE PLAN AS SOON AS  
3 REASONABLY POSSIBLE AFTER NOTIFICATION OF DEPLOYMENT IS GIVEN  
4 UNDER SUBSECTION (1) OF THIS SECTION.

5 (3) IF A COURT ORDER CURRENTLY IN EFFECT PROHIBITS  
6 DISCLOSURE OF THE ADDRESS OR CONTACT INFORMATION OF THE OTHER  
7 PARENT, NOTIFICATION OF DEPLOYMENT UNDER SUBSECTION (1) OF THIS  
8 SECTION OR NOTIFICATION OF A PLAN FOR CUSTODIAL RESPONSIBILITY  
9 DURING DEPLOYMENT UNDER SUBSECTION (2) OF THIS SECTION MAY BE  
10 MADE ONLY TO THE ISSUING COURT. IF THE ADDRESS OF THE OTHER  
11 PARENT IS AVAILABLE TO THE ISSUING COURT, THE COURT SHALL  
12 FORWARD THE NOTIFICATION TO THE OTHER PARENT. THE COURT SHALL  
13 KEEP CONFIDENTIAL THE ADDRESS OR CONTACT INFORMATION OF THE  
14 OTHER PARENT.

15 (4) NOTIFICATION IN A RECORD UNDER SUBSECTION (1) OR (2) OF  
16 THIS SECTION IS NOT REQUIRED IF THE PARENTS ARE LIVING IN THE SAME  
17 RESIDENCE AND BOTH PARENTS HAVE ACTUAL NOTICE OF THE  
18 DEPLOYMENT OR PLAN.

19 

20 **14-13.7-106. Duty to notify of change of address.** (1) EXCEPT  
21 AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, AN  
22 INDIVIDUAL TO WHOM CUSTODIAL RESPONSIBILITY HAS BEEN GRANTED  
23 DURING DEPLOYMENT PURSUANT TO PARTS 2 OR 3 OF THIS ARTICLE SHALL  
24 NOTIFY THE DEPLOYING PARENT AND ANY OTHER INDIVIDUAL WITH  
25 CUSTODIAL RESPONSIBILITY OF A CHILD OF ANY CHANGE OF THE  
26 INDIVIDUAL'S MAILING ADDRESS OR RESIDENCE UNTIL THE GRANT IS  
27 TERMINATED. THE INDIVIDUAL SHALL PROVIDE THE NOTICE TO ANY COURT

1 THAT HAS ISSUED A CUSTODY OR CHILD SUPPORT ORDER CONCERNING THE  
2 CHILD WHICH IS IN EFFECT.

3 (2) IF A COURT ORDER CURRENTLY IN EFFECT PROHIBITS  
4 DISCLOSURE OF THE ADDRESS OR CONTACT INFORMATION OF AN  
5 INDIVIDUAL TO WHOM CUSTODIAL RESPONSIBILITY HAS BEEN GRANTED, A  
6 NOTIFICATION UNDER SUBSECTION (1) OF THIS SECTION MAY BE MADE  
7 ONLY TO THE COURT THAT ISSUED THE ORDER. THE COURT SHALL KEEP  
8 CONFIDENTIAL THE MAILING ADDRESS OR RESIDENCE OF THE INDIVIDUAL  
9 TO WHOM CUSTODIAL RESPONSIBILITY HAS BEEN GRANTED.

10 **14-13.7-107. General consideration in custody proceeding of**  
11 **parent's military service.** IN A PROCEEDING FOR CUSTODIAL  
12 RESPONSIBILITY OF A CHILD OF A SERVICE MEMBER, A COURT MAY NOT  
13 CONSIDER A PARENT'S PAST DEPLOYMENT OR POSSIBLE FUTURE  
14 DEPLOYMENT IN ITSELF IN DETERMINING THE BEST INTEREST OF THE CHILD.

15

## 16 PART 2

17

### 17 AGREEMENT ADDRESSING CUSTODIAL

18

### 18 RESPONSIBILITY DURING DEPLOYMENT

19

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21

**14-13.7-201. Form of agreement.** (1) THE PARENTS OF A CHILD  
MAY ENTER INTO A TEMPORARY AGREEMENT UNDER THIS ARTICLE  
GRANTING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT.

22

23

(2) AN AGREEMENT UNDER SUBSECTION (1) OF THIS SECTION MUST  
BE:

24

(a) IN WRITING; AND

25

(b) SIGNED BY BOTH PARENTS AND ANY NONPARENT TO WHOM

26

CUSTODIAL RESPONSIBILITY IS GRANTED.

27

(3) SUBJECT TO SUBSECTION (4) OF THIS SECTION, AN AGREEMENT



1 UNDER SUBSECTION (1) OF THIS SECTION, IF FEASIBLE, MUST:

2 (a) IDENTIFY THE DESTINATION, DURATION, AND CONDITIONS OF  
3 THE DEPLOYMENT THAT IS THE BASIS FOR THE AGREEMENT;

4 (b) SPECIFY THE ALLOCATION OF CARETAKING AUTHORITY AMONG  
5 THE DEPLOYING PARENT, THE OTHER PARENT, AND ANY NONPARENT;

6 (c) SPECIFY ANY DECISION-MAKING AUTHORITY THAT  
7 ACCOMPANIES A GRANT OF CARETAKING AUTHORITY;

8 (d) SPECIFY ANY GRANT OF LIMITED CONTACT TO A NONPARENT;

9 (e) IF, UNDER THE AGREEMENT, CUSTODIAL RESPONSIBILITY IS  
10 SHARED BY THE OTHER PARENT AND A NONPARENT, OR BY OTHER  
11 NONPARENTS, PROVIDE A PROCESS TO RESOLVE ANY DISPUTE THAT MAY  
12 ARISE;

13 (f) SPECIFY THE FREQUENCY, DURATION, AND MEANS, INCLUDING  
14 ELECTRONIC MEANS, BY WHICH THE DEPLOYING PARENT WILL HAVE  
15 CONTACT WITH THE CHILD, ANY ROLE TO BE PLAYED BY THE OTHER  
16 PARENT IN FACILITATING THE CONTACT, AND THE ALLOCATION OF ANY  
17 COSTS OF CONTACT;

18 (g) SPECIFY THE CONTACT BETWEEN THE DEPLOYING PARENT AND  
19 CHILD DURING THE TIME THE DEPLOYING PARENT IS ON LEAVE OR IS  
20 OTHERWISE AVAILABLE;

21 (h) ACKNOWLEDGE THAT ANY PARTY'S CHILD-SUPPORT  
22 OBLIGATION CANNOT BE MODIFIED BY THE AGREEMENT, AND THAT  
23 CHANGING THE TERMS OF THE OBLIGATION DURING DEPLOYMENT  
24 REQUIRES MODIFICATION IN THE APPROPRIATE COURT;

25 (i) PROVIDE THAT THE AGREEMENT WILL TERMINATE ACCORDING  
26 TO THE PROCEDURES UNDER PART 4 OF THIS ARTICLE AFTER THE  
27 DEPLOYING PARENT RETURNS FROM DEPLOYMENT; AND

1 (j) IF THE AGREEMENT MUST BE FILED PURSUANT TO SECTION  
2 14-13.7-205, SPECIFY WHICH PARENT IS REQUIRED TO FILE THE  
3 AGREEMENT.

4 (4) THE OMISSION OF ANY OF THE ITEMS SPECIFIED IN SUBSECTION  
5 (3) OF THIS SECTION DOES NOT INVALIDATE AN AGREEMENT UNDER THIS  
6 SECTION.

7 **14-13.7-202. Nature of authority created by agreement.** (1) AN  
8 AGREEMENT UNDER THIS PART 2 IS TEMPORARY AND TERMINATES  
9 PURSUANT TO PART 4 OF THIS ARTICLE AFTER THE DEPLOYING PARENT  
10 RETURNS FROM DEPLOYMENT, UNLESS THE AGREEMENT HAS BEEN  
11 TERMINATED BEFORE THAT TIME BY COURT ORDER OR MODIFICATION  
12 UNDER SECTION 14-13.7-203. THE AGREEMENT DOES NOT CREATE AN  
13 INDEPENDENT, CONTINUING RIGHT TO CARETAKING AUTHORITY,  
14 DECISION-MAKING AUTHORITY, OR LIMITED CONTACT IN AN INDIVIDUAL TO  
15 WHOM CUSTODIAL RESPONSIBILITY IS GIVEN.

16 (2) A NONPARENT WHO HAS CARETAKING AUTHORITY,  
17 DECISION-MAKING AUTHORITY, OR LIMITED CONTACT BY AN AGREEMENT  
18 UNDER THIS PART 2 HAS STANDING TO ENFORCE THE AGREEMENT UNTIL IT  
19 HAS BEEN TERMINATED BY COURT ORDER, BY MODIFICATION UNDER  
20 SECTION 14-13.7-203, OR UNDER PART 4 OF THIS ARTICLE.

21 **14-13.7-203. Modification of agreement.** (1) BY MUTUAL  
22 CONSENT, THE PARENTS OF A CHILD MAY MODIFY AN AGREEMENT  
23 REGARDING CUSTODIAL RESPONSIBILITY MADE PURSUANT TO THIS PART 2.

24 (2) IF AN AGREEMENT IS MODIFIED UNDER SUBSECTION (1) OF THIS  
25 SECTION BEFORE DEPLOYMENT OF A DEPLOYING PARENT, THE  
26 MODIFICATION MUST BE IN WRITING AND SIGNED BY BOTH PARENTS AND  
27 ANY NONPARENT WHO WILL EXERCISE CUSTODIAL RESPONSIBILITY UNDER

1 THE MODIFIED AGREEMENT.

2 (3) IF AN AGREEMENT IS MODIFIED UNDER SUBSECTION (1) OF THIS  
3 SECTION DURING DEPLOYMENT OF A DEPLOYING PARENT, THE  
4 MODIFICATION MUST BE AGREED TO IN A RECORD THAT IS SIGNED BY BOTH  
5 PARENTS AND ANY NONPARENT WHO WILL EXERCISE CUSTODIAL  
6 RESPONSIBILITY UNDER THE MODIFIED AGREEMENT.

7 **14-13.7-204. Power of attorney.** A DEPLOYING PARENT, BY  
8 POWER OF ATTORNEY, MAY DELEGATE ALL OR PART OF CUSTODIAL  
9 RESPONSIBILITY TO AN ADULT NONPARENT FOR THE PERIOD OF  
10 DEPLOYMENT IF NO OTHER PARENT POSSESSES CUSTODIAL RESPONSIBILITY  
11 UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE, OR IF A COURT  
12 ORDER CURRENTLY IN EFFECT PROHIBITS CONTACT BETWEEN THE CHILD  
13 AND THE OTHER PARENT. THE DEPLOYING PARENT MAY REVOKE THE  
14 POWER OF ATTORNEY BY SIGNING A REVOCATION OF THE POWER.

15 **14-13.7-205. Filing agreement or power of attorney with court.**  
16 AN AGREEMENT OR POWER OF ATTORNEY UNDER THIS PART 2 MUST BE  
17 FILED WITHIN A REASONABLE TIME WITH ANY COURT THAT HAS ENTERED  
18 AN ORDER ON CUSTODIAL RESPONSIBILITY OR CHILD SUPPORT THAT IS IN  
19 EFFECT CONCERNING THE CHILD WHO IS THE SUBJECT OF THE AGREEMENT  
20 OR POWER. THE CASE NUMBER AND HEADING OF THE PENDING CASE  
21 CONCERNING CUSTODIAL RESPONSIBILITY OR CHILD SUPPORT MUST BE  
22 PROVIDED TO THE COURT WITH THE AGREEMENT OR POWER.

23 PART 3

24 JUDICIAL PROCEDURE FOR GRANTING  
25 CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT

26 **14-13.7-301. Definition.** IN THIS PART 3, "CLOSE AND  
27 SUBSTANTIAL RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN A CHILD

1 AND A NONPARENT WHO HAS HAD PHYSICAL CARE OF THE CHILD FOR MORE  
2 THAN ONE HUNDRED EIGHTY-TWO DAYS.

3 **14-13.7-302. Proceeding for interim custody order.** (1) AFTER  
4 A DEPLOYING PARENT RECEIVES NOTICE OF DEPLOYMENT AND UNTIL THE  
5 DEPLOYMENT TERMINATES, A COURT MAY ISSUE AN INTERIM ORDER  
6 GRANTING CUSTODIAL RESPONSIBILITY, UNLESS PROHIBITED BY THE  
7 "SERVICEMEMBERS CIVIL RELIEF ACT", 50 U.S.C. APPENDIX SECTIONS  
8 521 AND 522. A COURT MAY NOT ISSUE A PERMANENT ORDER GRANTING  
9 CUSTODIAL RESPONSIBILITY WITHOUT THE CONSENT OF THE DEPLOYING  
10 PARENT.

11 (2) AT ANY TIME AFTER A DEPLOYING PARENT RECEIVES NOTICE OF  
12 DEPLOYMENT, EITHER PARENT MAY FILE A MOTION REGARDING CUSTODIAL  
13 RESPONSIBILITY OF A CHILD DURING DEPLOYMENT. THE MOTION MUST BE  
14 FILED IN A PENDING PROCEEDING FOR CUSTODIAL RESPONSIBILITY IN A  
15 COURT WITH JURISDICTION UNDER SECTION 14-13.7-104 OR, IF THERE IS NO  
16 PENDING PROCEEDING IN A COURT WITH JURISDICTION UNDER SECTION  
17 14-13.7-104, IN A NEW ACTION FOR GRANTING CUSTODIAL RESPONSIBILITY  
18 DURING DEPLOYMENT.

19 **14-13.7-303. Expedited hearing.** IF A MOTION TO GRANT  
20 CUSTODIAL RESPONSIBILITY IS FILED UNDER SECTION 14-13.7-302 (2)  
21 BEFORE A DEPLOYING PARENT DEPLOYS, THE COURT SHALL CONDUCT AN  
22 EXPEDITED HEARING.

23 **14-13.7-304. Testimony by electronic means.** IN A PROCEEDING  
24 UNDER THIS PART 3, A PARTY OR WITNESS WHO IS NOT REASONABLY  
25 AVAILABLE TO APPEAR PERSONALLY MAY APPEAR, PROVIDE TESTIMONY,  
26 AND PRESENT EVIDENCE BY ELECTRONIC MEANS UNLESS THE COURT FINDS  
27 GOOD CAUSE TO REQUIRE A PERSONAL APPEARANCE.

1           **14-13.7-305. Effect of prior judicial order or agreement.** (1) IN  
2 A PROCEEDING FOR A GRANT OF CUSTODIAL RESPONSIBILITY PURSUANT TO  
3 THIS PART 3, THE FOLLOWING RULES APPLY:

4           (a) A PRIOR JUDICIAL ORDER DESIGNATING CUSTODIAL  
5 RESPONSIBILITY IN THE EVENT OF DEPLOYMENT IS BINDING ON THE COURT  
6 UNLESS THE CIRCUMSTANCES MEET THE REQUIREMENTS OF LAW OF THIS  
7 STATE OTHER THAN THIS ARTICLE FOR MODIFYING A JUDICIAL ORDER  
8 REGARDING CUSTODIAL RESPONSIBILITY;

9           (b) THE COURT SHALL ENFORCE A PRIOR WRITTEN AGREEMENT  
10 BETWEEN THE PARENTS FOR DESIGNATING CUSTODIAL RESPONSIBILITY IN  
11 THE EVENT OF DEPLOYMENT, INCLUDING AN AGREEMENT EXECUTED  
12 UNDER PART 2 OF THIS ARTICLE, UNLESS THE COURT FINDS THAT THE  
13 AGREEMENT IS **NOT IN** THE BEST INTEREST OF THE CHILD.

14           **14-13.7-306. Grant of caretaking or decision-making authority**  
15 **to nonparent.** (1) ON MOTION OF A DEPLOYING PARENT AND IN  
16 ACCORDANCE WITH LAW OF THIS STATE OTHER THAN THIS ARTICLE, IF IT  
17 IS IN THE BEST INTEREST OF THE CHILD, A COURT MAY GRANT CARETAKING  
18 AUTHORITY TO A NONPARENT WHO IS AN ADULT FAMILY MEMBER OF THE  
19 CHILD OR AN ADULT WITH WHOM THE CHILD HAS A CLOSE AND  
20 SUBSTANTIAL RELATIONSHIP.

21           (2) UNLESS A GRANT OF CARETAKING AUTHORITY TO A  
22 NONPARENT UNDER SUBSECTION (1) OF THIS SECTION IS AGREED TO BY THE  
23 OTHER PARENT, THE GRANT IS LIMITED TO AN AMOUNT OF TIME NOT  
24 GREATER THAN:

25           (a) THE AMOUNT OF TIME GRANTED TO THE DEPLOYING PARENT  
26 UNDER A PERMANENT CUSTODY ORDER, BUT THE COURT MAY ADD  
27 UNUSUAL TRAVEL TIME NECESSARY TO TRANSPORT THE CHILD; OR

1 (b) IN THE ABSENCE OF A PERMANENT CUSTODY ORDER THAT IS  
2 CURRENTLY IN EFFECT, THE AMOUNT OF TIME THAT THE DEPLOYING  
3 PARENT HABITUALLY CARED FOR THE CHILD BEFORE BEING NOTIFIED OF  
4 DEPLOYMENT, BUT THE COURT MAY ADD UNUSUAL TRAVEL TIME  
5 NECESSARY TO TRANSPORT THE CHILD.

6 (c) IF A COURT FINDS THAT IT IS IN THE BEST INTERESTS OF THE  
7 CHILD, THE COURT MAY GRANT PART OF A DEPLOYING PARENT'S  
8 DECISION-MAKING AUTHORITY, IF THE DEPLOYING PARENT IS UNABLE TO  
9 EXERCISE THAT AUTHORITY, TO A NONPARENT WHO IS AN ADULT FAMILY  
10 MEMBER OF THE CHILD OR AN ADULT WITH WHOM THE CHILD HAS A CLOSE  
11 AND SUBSTANTIAL RELATIONSHIP. IF A COURT GRANTS THE AUTHORITY TO  
12 A NONPARENT, THE COURT SHALL SPECIFY THE DECISION-MAKING POWERS  
13 GRANTED, INCLUDING DECISIONS REGARDING THE CHILD'S EDUCATION,  
14 RELIGIOUS TRAINING, HEALTH CARE, EXTRACURRICULAR ACTIVITIES, AND  
15 TRAVEL.

16 **14-13.7-307. Grant of limited contact.** ON A MOTION OF A  
17 DEPLOYING PARENT, AND IN ACCORDANCE WITH LAW OF THIS STATE  
18 OTHER THAN THIS ARTICLE, UNLESS THE COURT FINDS THAT THE CONTACT  
19 WOULD NOT BE IN THE BEST INTEREST OF THE CHILD, A COURT SHALL  
20 GRANT LIMITED CONTACT TO A NONPARENT WHO IS A FAMILY MEMBER OF  
21 THE CHILD OR AN INDIVIDUAL WITH WHOM THE CHILD HAS A CLOSE AND  
22 SUBSTANTIAL RELATIONSHIP.

23 **14-13.7-308. Nature of authority created by interim custody**  
24 **order.** (1) A GRANT OF AUTHORITY UNDER THIS PART 3 IS TEMPORARY  
25 AND TERMINATES UNDER PART 4 OF THIS ARTICLE AFTER THE RETURN  
26 FROM DEPLOYMENT OF THE DEPLOYING PARENT, UNLESS THE GRANT HAS  
27 BEEN TERMINATED BEFORE THAT TIME BY COURT ORDER. THE GRANT DOES

1 NOT CREATE AN INDEPENDENT, CONTINUING RIGHT TO CARETAKING  
2 AUTHORITY, DECISION-MAKING AUTHORITY, OR LIMITED CONTACT IN AN  
3 INDIVIDUAL TO WHOM IT IS GRANTED.

4 (2) A NONPARENT GRANTED CARETAKING AUTHORITY,  
5 DECISION-MAKING AUTHORITY, OR LIMITED CONTACT UNDER THIS PART 3  
6 HAS STANDING TO ENFORCE THE GRANT UNTIL IT IS TERMINATED BY COURT  
7 ORDER OR UNDER PART 4 OF THIS ARTICLE.

8 **14-13.7-309. Content of interim custody order.** (1) AN ORDER  
9 GRANTING CUSTODIAL RESPONSIBILITY UNDER THIS PART 3 MUST:

10 (a) DESIGNATE THE ORDER AS TEMPORARY; AND

11 (b) IDENTIFY TO THE EXTENT FEASIBLE THE DESTINATION,  
12 DURATION, AND CONDITION OF THE DEPLOYMENT.

13 (2) IF APPLICABLE, AN ORDER FOR CUSTODIAL RESPONSIBILITY  
14 UNDER THIS PART 3 MUST:

15 (a) SPECIFY THE ALLOCATION OF CARETAKING AUTHORITY,  
16 DECISION-MAKING AUTHORITY, OR LIMITED CONTACT AMONG THE  
17 DEPLOYING PARENT, THE OTHER PARENT, AND ANY NONPARENT;

18 (b) IF THE ORDER DIVIDES CARETAKING OR DECISION-MAKING  
19 AUTHORITY BETWEEN INDIVIDUALS, OR GRANTS CARETAKING AUTHORITY  
20 TO ONE INDIVIDUAL AND LIMITED CONTACT TO ANOTHER, PROVIDE A  
21 PROCESS TO RESOLVE ANY DISPUTE THAT MAY ARISE;

22 (c) PROVIDE FOR LIBERAL COMMUNICATION BETWEEN THE  
23 DEPLOYING PARENT AND THE CHILD DURING DEPLOYMENT, INCLUDING  
24 THROUGH ELECTRONIC MEANS, UNLESS THE COURT FINDS IT IS NOT IN THE  
25 BEST INTEREST OF THE CHILD, AND ALLOCATE ANY COSTS OF  
26 COMMUNICATIONS;

27 (d) PROVIDE FOR LIBERAL CONTACT BETWEEN THE DEPLOYING

1 PARENT AND THE CHILD DURING THE TIME THE DEPLOYING PARENT IS ON  
2 LEAVE OR OTHERWISE AVAILABLE, UNLESS THE COURT FINDS IT IS NOT IN  
3 THE BEST INTEREST OF THE CHILD;

4 (e) PROVIDE FOR REASONABLE CONTACT BETWEEN THE DEPLOYING  
5 PARENT AND THE CHILD AFTER RETURN FROM DEPLOYMENT UNTIL THE  
6 INTERIM ORDER IS TERMINATED, EVEN IF THE TIME OF CONTACT EXCEEDS  
7 THE TIME THE DEPLOYING PARENT SPENT WITH THE CHILD BEFORE ENTRY  
8 OF THE INTERIM ORDER; AND

9 (f) PROVIDE THAT THE ORDER WILL TERMINATE PURSUANT TO PART  
10 4 OF THIS ARTICLE AFTER THE DEPLOYING PARENT RETURNS FROM  
11 DEPLOYMENT.

12 **14-13.7-310. Order for child support.** IF A COURT HAS ISSUED AN  
13 ORDER GRANTING CARETAKING AUTHORITY UNDER THIS PART 3, OR AN  
14 AGREEMENT GRANTING CARETAKING AUTHORITY HAS BEEN EXECUTED  
15 UNDER PART 2 OF THIS ARTICLE, THE COURT MAY ENTER AN INTERIM  
16 ORDER FOR CHILD SUPPORT CONSISTENT WITH LAW OF THIS STATE OTHER  
17 THAN THIS ARTICLE IF THE COURT HAS JURISDICTION UNDER THE  
18 "UNIFORM INTERSTATE FAMILY SUPPORT ACT", ARTICLE 5 OF THIS TITLE.

19 **14-13.7-311. Modifying or terminating grant of custodial**  
20 **responsibility to nonparent.** (1) EXCEPT FOR AN ORDER UNDER SECTION  
21 14-13.7-305, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
22 SECTION, AND CONSISTENT WITH THE "SERVICEMEMBERS CIVIL RELIEF  
23 ACT", 50 U.S.C. APPENDIX SECTIONS 521 AND 522, ON MOTION OF A  
24 DEPLOYING OR OTHER PARENT OR ANY NONPARENT TO WHOM CARETAKING  
25 AUTHORITY, DECISION-MAKING AUTHORITY, OR LIMITED CONTACT HAS  
26 BEEN GRANTED, THE COURT MAY MODIFY OR TERMINATE THE GRANT IF  
27 THE MODIFICATION OR TERMINATION IS CONSISTENT WITH THIS PART 3 AND



1 IT IS IN THE BEST INTEREST OF THE CHILD. A MODIFICATION IS TEMPORARY  
2 AND TERMINATES PURSUANT TO PART 4 OF THIS ARTICLE AFTER THE  
3 DEPLOYING PARENT RETURNS FROM DEPLOYMENT, UNLESS THE GRANT HAS  
4 BEEN TERMINATED BEFORE THAT TIME BY COURT ORDER.

5 (2) ON MOTION OF A DEPLOYING PARENT, THE COURT SHALL  
6 TERMINATE A GRANT OF LIMITED CONTACT.

7 PART 4

8 RETURN FROM DEPLOYMENT

9 **14-13.7-401. Procedure for terminating temporary grant of**  
10 **custodial responsibility established by agreement.** (1) AT ANY TIME  
11 AFTER RETURN FROM DEPLOYMENT, A TEMPORARY AGREEMENT GRANTING  
12 CUSTODIAL RESPONSIBILITY UNDER PART 2 OF THIS ARTICLE MAY BE  
13 TERMINATED BY AN AGREEMENT TO TERMINATE SIGNED BY THE  
14 DEPLOYING PARENT AND THE OTHER PARENT.

15 (2) A TEMPORARY AGREEMENT UNDER PART 2 OF THIS ARTICLE  
16 GRANTING CUSTODIAL RESPONSIBILITY TERMINATES:

17 (a) IF AN AGREEMENT TO TERMINATE UNDER SUBSECTION (1) OF  
18 THIS SECTION SPECIFIES A DATE FOR TERMINATION ON THAT DATE; OR

19 (b) IF THE AGREEMENT TO TERMINATE DOES NOT SPECIFY A DATE,  
20 ON THE DATE THE AGREEMENT TO TERMINATE IS SIGNED BY THE  
21 DEPLOYING PARENT AND THE OTHER PARENT.

22 (3) IN THE ABSENCE OF AN AGREEMENT TO TERMINATE UNDER  
23 SUBSECTION (1) OF THIS SECTION, A TEMPORARY AGREEMENT GRANTING  
24 CUSTODIAL RESPONSIBILITY TERMINATES UNDER PART 2 OF THIS ARTICLE  
25 SEVEN DAYS AFTER THE DEPLOYING PARENT GIVES NOTICE TO THE OTHER  
26 PARENT THAT THE DEPLOYING PARENT RETURNED FROM DEPLOYMENT.

27 (4) IF A TEMPORARY AGREEMENT GRANTING CUSTODIAL

1 RESPONSIBILITY WAS FILED WITH A COURT PURSUANT TO SECTION  
2 14-13.7-205, AN AGREEMENT TO TERMINATE THE TEMPORARY AGREEMENT  
3 MUST ALSO BE FILED WITH THAT COURT WITHIN A REASONABLE TIME  
4 AFTER THE SIGNING OF THE AGREEMENT. THE CASE NUMBER AND HEADING  
5 OF THE CASE CONCERNING CUSTODIAL RESPONSIBILITY OR CHILD SUPPORT  
6 MUST BE PROVIDED TO THE COURT WITH THE AGREEMENT TO TERMINATE.

7 **14-13.7-402. Consent procedure for terminating temporary**  
8 **grant of custodial responsibility established by court order.** AT ANY  
9 TIME AFTER A DEPLOYING PARENT RETURNS FROM DEPLOYMENT, THE  
10 DEPLOYING PARENT AND THE OTHER PARENT MAY FILE WITH THE COURT  
11 AN AGREEMENT TO TERMINATE AN INTERIM ORDER FOR CUSTODIAL  
12 RESPONSIBILITY ISSUED UNDER PART 3 OF THIS ARTICLE. AFTER AN  
13 AGREEMENT HAS BEEN FILED, THE COURT SHALL ISSUE AN ORDER  
14 TERMINATING THE INTERIM ORDER EFFECTIVE ON THE DATE SPECIFIED IN  
15 THE AGREEMENT. IF A DATE IS NOT SPECIFIED, THE ORDER IS EFFECTIVE  
16 IMMEDIATELY.

17 **14-13.7-403. Visitation before termination of temporary grant**  
18 **of custodial responsibility.** AFTER A DEPLOYING PARENT RETURNS FROM  
19 DEPLOYMENT UNTIL A TEMPORARY AGREEMENT OR AN INTERIM ORDER  
20 FOR CUSTODIAL RESPONSIBILITY ESTABLISHED UNDER PARTS 2 OR 3 OF  
21 THIS ARTICLE IS TERMINATED, THE COURT SHALL ISSUE AN INTERIM ORDER  
22 GRANTING THE DEPLOYING PARENT REASONABLE CONTACT WITH THE  
23 CHILD UNLESS THE COURT FINDS IT IS NOT IN THE BEST INTEREST OF THE  
24 CHILD, EVEN IF THE TIME OF CONTACT EXCEEDS THE TIME THE DEPLOYING  
25 PARENT SPENT WITH THE CHILD BEFORE DEPLOYMENT.

26 **14-13.7-404. Termination by operation of law of temporary**  
27 **grant of custodial responsibility established by court order.** (1) IF AN

1 AGREEMENT BETWEEN THE PARTIES TO TERMINATE AN INTERIM ORDER FOR  
2 CUSTODIAL RESPONSIBILITY UNDER PART 3 OF THIS ARTICLE HAS NOT BEEN  
3 FILED, THE ORDER TERMINATES SEVEN DAYS AFTER THE DEPLOYING  
4 PARENT GIVES NOTICE TO THE OTHER PARENT AND ANY NONPARENT  
5 GRANTED CUSTODIAL RESPONSIBILITY THAT THE DEPLOYING PARENT HAS  
6 RETURNED FROM DEPLOYMENT.

7 (2) A PROCEEDING SEEKING TO PREVENT TERMINATION OF AN  
8 INTERIM ORDER FOR CUSTODIAL RESPONSIBILITY IS GOVERNED BY LAW OF  
9 THIS STATE OTHER THAN THIS ARTICLE.

10 PART 5

11 MISCELLANEOUS PROVISIONS

12 **14-13.7-501. Uniformity of application and construction.** IN  
13 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MAY BE  
14 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
15 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

16 **14-13.7-502. Relation to electronic signatures in global and**  
17 **national commerce act.** THIS ARTICLE MODIFIES, LIMITS, OR SUPERSEDES  
18 THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE  
19 ACT", 15 U.S.C. SECTION 7001, ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR  
20 SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C. SECTION 7001 (c), OR  
21 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN  
22 SECTION 103 (b) OF THAT ACT, 15 U.S.C. SECTION 7003 (b).

23 **14-13.7-503. Savings clause.** THIS ARTICLE DOES NOT AFFECT THE  
24 VALIDITY OF A TEMPORARY COURT ORDER CONCERNING CUSTODIAL  
25 RESPONSIBILITY DURING DEPLOYMENT THAT WAS ENTERED BEFORE THE  
26 EFFECTIVE DATE OF THIS ARTICLE.

27 **14-13.7-504. Effective date.** THIS ARTICLE TAKES EFFECT JULY 1,

1 2013.

2 **SECTION 3.** In Colorado Revised Statutes, 14-13-102, **amend**  
3 (7) (b) as follows:

4 **14-13-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (7) (b) Notwithstanding the provisions of paragraph (a) of this  
7 subsection (7), "home state" does not mean a state in which a child lived  
8 with a parent or a person acting as a parent on a temporary basis as the  
9 result of an interim order entered pursuant to ~~section 14-10-131.3~~  
10 ARTICLE 13.7.

11 **SECTION 4. Inclusion of official comments.** There shall be  
12 included in the publication of the "Uniform Deployed Parents Custody  
13 and Visitation Act", as nonstatutory matter, following each section of the  
14 article, the full text of the official comments to that section contained in  
15 the official volume containing the 2012 official text of the "Uniform  
16 Deployed Parents Custody and Visitation Act" issued by the national  
17 conference of commissioners on uniform state laws, with any changes in  
18 the official comments or Colorado comments to correspond to Colorado  
19 changes in the uniform act. The revisor of statutes shall prepare the  
20 comments for approval by the committee on legal services for  
21 publication.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.