

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

REVISED

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

LLS NO. 13-0065.01 Jane Ritter x4342

HOUSE BILL 13-1200

HOUSE SPONSORSHIP

Gardner,

SENATE SPONSORSHIP

Roberts,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

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

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.*

SENATE
Amended 2nd Reading
April 22, 2013

HOUSE
3rd Reading Unamended
March 19, 2013

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.

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 MAJOR DECISIONS REGARDING A CHILD, INCLUDING DECISIONS REGARDING
14 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, IN CASES WHERE THERE
18 HAS BEEN A PRIOR DETERMINATION OF CUSTODY, A DEPLOYING PARENT
19 SHALL NOTIFY IN A RECORD THE OTHER PARENT OF A PENDING
20 DEPLOYMENT NOT LATER THAN TWELVE CALENDAR DAYS AFTER
21 RECEIVING DEPLOYMENT ORDERS UNLESS REASONABLY PREVENTED
22 FROM DOING SO BY THE CIRCUMSTANCES OF SERVICE. IF THE
23 CIRCUMSTANCES OF SERVICE PREVENT GIVING NOTIFICATION WITHIN
24 TWELVE CALENDAR DAYS, THE DEPLOYING PARENT SHALL GIVE THE
25 NOTIFICATION AS SOON AS REASONABLY POSSIBLE.

26 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS
27 SECTION AND SUBJECT TO SUBSECTION (3) OF THIS SECTION, EACH PARENT

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

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

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

20 

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

1 TERMINATED. THE INDIVIDUAL SHALL PROVIDE THE NOTICE TO ANY COURT
2 THAT HAS ISSUED A CUSTODY OR CHILD SUPPORT ORDER CONCERNING THE
3 CHILD WHICH IS IN EFFECT. THIS NOTICE PROVISION DOES NOT ALTER THE
4 PROVISIONS OF SECTION 14-10-129.

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

12 **14-13.7-107. General consideration in custody proceeding of**
13 **parent's military service.** IN A PROCEEDING FOR CUSTODIAL
14 RESPONSIBILITY OF A CHILD OF A SERVICE MEMBER, A PARENT'S PAST
15 DEPLOYMENT OR POSSIBLE FUTURE DEPLOYMENT IN ITSELF MAY NOT
16 SERVE AS THE SOLE BASIS IN DETERMINING THE BEST INTEREST OF THE
17 CHILD. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING
18 THE COURT FROM APPLYING SECTION 14-10-124 IN DETERMINING THE BEST
19 INTEREST OF THE CHILD. ■

20 PART 2

21 AGREEMENT ADDRESSING CUSTODIAL
22 RESPONSIBILITY DURING DEPLOYMENT

23 **14-13.7-201. Form of agreement.** (1) THE PARENTS OF A CHILD
24 MAY ENTER INTO AN INTERIM AGREEMENT UNDER THIS ARTICLE GRANTING
25 CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT.

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

- 1 (a) IN WRITING; AND
- 2 (b) SIGNED BY BOTH PARENTS AND ANY NONPARENT TO WHOM
3 CUSTODIAL RESPONSIBILITY IS GRANTED.
- 4 (3) SUBJECT TO SUBSECTION (4) OF THIS SECTION, AN AGREEMENT
5 UNDER SUBSECTION (1) OF THIS SECTION, IF FEASIBLE, MUST:
- 6 (a) IDENTIFY THE DESTINATION, DURATION, AND CONDITIONS OF
7 THE DEPLOYMENT THAT IS THE BASIS FOR THE AGREEMENT;
- 8 (b) SPECIFY THE ALLOCATION OF CARETAKING AUTHORITY AMONG
9 THE DEPLOYING PARENT, THE OTHER PARENT, AND ANY NONPARENT;
- 10 (c) SPECIFY ANY DECISION-MAKING AUTHORITY THAT
11 ACCOMPANIES A GRANT OF CARETAKING AUTHORITY;
- 12 (d) SPECIFY ANY GRANT OF LIMITED CONTACT TO A NONPARENT;
- 13 (e) IF, UNDER THE AGREEMENT, CUSTODIAL RESPONSIBILITY IS
14 SHARED BY THE OTHER PARENT AND A NONPARENT, OR BY OTHER
15 NONPARENTS, PROVIDE A PROCESS TO RESOLVE ANY DISPUTE THAT MAY
16 ARISE;
- 17 (f) SPECIFY THE FREQUENCY, DURATION, AND MEANS, INCLUDING
18 ELECTRONIC MEANS, BY WHICH THE DEPLOYING PARENT WILL HAVE
19 CONTACT WITH THE CHILD, ANY ROLE TO BE PLAYED BY THE OTHER
20 PARENT IN FACILITATING THE CONTACT, AND THE ALLOCATION OF ANY
21 COSTS OF CONTACT;
- 22 (g) SPECIFY THE CONTACT BETWEEN THE DEPLOYING PARENT AND
23 CHILD DURING THE TIME THE DEPLOYING PARENT IS ON LEAVE OR IS
24 OTHERWISE AVAILABLE;
- 25 (h) ACKNOWLEDGE THAT ANY PARTY'S CHILD-SUPPORT
26 OBLIGATION CANNOT BE MODIFIED BY THE AGREEMENT ALONE, AND THAT
27 CHANGING THE TERMS OF THE OBLIGATION DURING DEPLOYMENT

1 REQUIRES MODIFICATION BY COURT ORDER;

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

5 (j) IF THE AGREEMENT MUST BE FILED PURSUANT TO SECTION
6 14-13.7-205, SPECIFY WHICH PARENT IS REQUIRED TO FILE THE
7 AGREEMENT.

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

11 (5) THE AGREEMENT MAY BE SUBMITTED TO THE COURT FOR
12 APPROVAL TO BECOME AN ENFORCEABLE ORDER.

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

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

27 **14-13.7-203. Modification of agreement.** (1) BY MUTUAL

1 CONSENT, THE PARENTS OF A CHILD MAY MODIFY AN AGREEMENT
2 REGARDING CUSTODIAL RESPONSIBILITY MADE PURSUANT TO THIS PART 2.

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

8 (3) IF AN AGREEMENT IS MODIFIED UNDER SUBSECTION (1) OF THIS
9 SECTION DURING DEPLOYMENT OF A DEPLOYING PARENT, THE
10 MODIFICATION MUST BE AGREED TO IN A RECORD THAT IS SIGNED BY BOTH
11 PARENTS AND ANY NONPARENT WHO WILL EXERCISE CUSTODIAL
12 RESPONSIBILITY UNDER THE MODIFIED AGREEMENT, AND THE MODIFIED
13 AGREEMENT MAY BE SUBMITTED TO THE COURT FOR APPROVAL TO
14 BECOME AN ENFORCEABLE ORDER.

15 **14-13.7-204. Power of attorney.** A DEPLOYING PARENT, BY
16 POWER OF ATTORNEY, MAY DELEGATE ALL OR PART OF HIS OR HER
17 CUSTODIAL RESPONSIBILITY TO AN ADULT NONPARENT FOR THE PERIOD OF
18 DEPLOYMENT IF NO OTHER PARENT POSSESSES CUSTODIAL RESPONSIBILITY
19 UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE, OR IF A COURT
20 ORDER CURRENTLY IN EFFECT PROHIBITS CONTACT BETWEEN THE CHILD
21 AND THE OTHER PARENT. THE DEPLOYING PARENT MAY REVOKE THE
22 POWER OF ATTORNEY BY SIGNING A REVOCATION OF THE POWER.

23 **14-13.7-205. Filing agreement or power of attorney with court.**
24 AN AGREEMENT OR POWER OF ATTORNEY UNDER THIS PART 2 MUST BE
25 FILED WITHIN A REASONABLE TIME WITH ANY COURT THAT HAS ENTERED
26 AN ORDER ON CUSTODIAL RESPONSIBILITY OR CHILD SUPPORT THAT IS IN
27 EFFECT CONCERNING THE CHILD WHO IS THE SUBJECT OF THE AGREEMENT

1 OR POWER. THE CASE NUMBER AND HEADING OF THE PENDING CASE
2 CONCERNING CUSTODIAL RESPONSIBILITY OR CHILD SUPPORT MUST BE
3 PROVIDED TO THE COURT WITH THE AGREEMENT OR POWER.

4 PART 3

5 JUDICIAL PROCEDURE FOR GRANTING
6 CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT

7 **14-13.7-301. Definition.** IN THIS PART 3, "CLOSE AND
8 SUBSTANTIAL RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN A CHILD
9 AND A NONPARENT WHO HAS HAD PHYSICAL CARE OF THE CHILD FOR MORE
10 THAN ONE HUNDRED EIGHTY-TWO DAYS.

11 **14-13.7-302. Proceeding for interim custody order.** (1) AFTER
12 A DEPLOYING PARENT RECEIVES NOTICE OF DEPLOYMENT AND UNTIL THE
13 DEPLOYMENT TERMINATES, A COURT MAY ISSUE AN INTERIM ORDER,
14 CONSISTENT WITH THE BEST INTERESTS OF THE CHILD, GRANTING
15 CUSTODIAL RESPONSIBILITY, UNLESS PROHIBITED BY THE
16 "SERVICEMEMBERS CIVIL RELIEF ACT", 50 U.S.C. APPENDIX SECTIONS
17 521 AND 522. A COURT MAY NOT ISSUE A PERMANENT ORDER GRANTING
18 CUSTODIAL RESPONSIBILITY WITHOUT THE CONSENT OF THE DEPLOYING
19 PARENT.

20 (2) AT ANY TIME AFTER A DEPLOYING PARENT RECEIVES NOTICE OF
21 DEPLOYMENT, EITHER PARENT MAY FILE A MOTION REGARDING CUSTODIAL
22 RESPONSIBILITY OF A CHILD DURING DEPLOYMENT. THE MOTION MUST BE
23 FILED IN A PENDING PROCEEDING FOR CUSTODIAL RESPONSIBILITY IN A
24 COURT WITH JURISDICTION UNDER SECTION 14-13.7-104 OR, IF THERE IS NO
25 PENDING PROCEEDING IN A COURT WITH JURISDICTION UNDER SECTION
26 14-13.7-104, IN A NEW ACTION FOR GRANTING CUSTODIAL RESPONSIBILITY
27 DURING DEPLOYMENT.

1 **14-13.7-303. Expedited hearing.** IF A MOTION TO GRANT
2 CUSTODIAL RESPONSIBILITY IS FILED UNDER SECTION 14-13.7-302 (2)
3 BEFORE A DEPLOYING PARENT DEPLOYS, THE COURT SHALL CONDUCT AN
4 EXPEDITED HEARING.

5 **14-13.7-304. Testimony by electronic means.** IN A PROCEEDING
6 UNDER THIS PART 3, A PARTY OR WITNESS WHO IS NOT REASONABLY
7 AVAILABLE TO APPEAR PERSONALLY MAY APPEAR, PROVIDE TESTIMONY,
8 AND PRESENT EVIDENCE BY ELECTRONIC MEANS UNLESS THE COURT FINDS
9 GOOD CAUSE TO REQUIRE A PERSONAL APPEARANCE.

10 **14-13.7-305. Effect of prior judicial order or agreement.** (1) IN
11 A PROCEEDING FOR A GRANT OF CUSTODIAL RESPONSIBILITY PURSUANT TO
12 THIS PART 3, THE FOLLOWING RULES APPLY:

13 (a) A PRIOR JUDICIAL ORDER DESIGNATING CUSTODIAL
14 RESPONSIBILITY IN THE EVENT OF DEPLOYMENT IS BINDING ON THE COURT
15 UNLESS THE CIRCUMSTANCES MEET THE REQUIREMENTS OF LAW OF THIS
16 STATE OTHER THAN THIS ARTICLE FOR MODIFYING A JUDICIAL ORDER
17 REGARDING CUSTODIAL RESPONSIBILITY;

18 (b) THE COURT SHALL ENFORCE A PRIOR WRITTEN AGREEMENT
19 BETWEEN THE PARENTS FOR DESIGNATING CUSTODIAL RESPONSIBILITY IN
20 THE EVENT OF DEPLOYMENT, INCLUDING AN AGREEMENT EXECUTED
21 UNDER PART 2 OF THIS ARTICLE, UNLESS THE COURT FINDS THAT THE
22 AGREEMENT IS NOT IN THE BEST INTEREST OF THE CHILD.

23 **14-13.7-306. Grant of caretaking or decision-making authority**
24 **to nonparent.** (1) ON MOTION OF A DEPLOYING PARENT AND IN
25 ACCORDANCE WITH LAW OF THIS STATE OTHER THAN THIS ARTICLE, IF IT
26 IS IN THE BEST INTEREST OF THE CHILD, A COURT MAY GRANT CARETAKING
27 AUTHORITY TO A NONPARENT WHO IS AN ADULT FAMILY MEMBER OF THE

1 CHILD OR AN ADULT WITH WHOM THE CHILD HAS A CLOSE AND
2 SUBSTANTIAL RELATIONSHIP.

3 (2) UNLESS A GRANT OF CARETAKING AUTHORITY TO A
4 NONPARENT UNDER SUBSECTION (1) OF THIS SECTION IS AGREED TO BY THE
5 OTHER PARENT, THE GRANT IS LIMITED TO AN AMOUNT OF TIME NOT
6 GREATER THAN:

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

10 (b) IN THE ABSENCE OF A PERMANENT CUSTODY ORDER THAT IS
11 CURRENTLY IN EFFECT, THE AMOUNT OF TIME THAT THE DEPLOYING
12 PARENT HABITUALLY CARED FOR THE CHILD BEFORE BEING NOTIFIED OF
13 DEPLOYMENT, BUT THE COURT MAY ADD UNUSUAL TRAVEL TIME
14 NECESSARY TO TRANSPORT THE CHILD.

15 (c) IF A COURT FINDS THAT IT IS IN THE BEST INTERESTS OF THE
16 CHILD, THE COURT MAY GRANT PART OF A DEPLOYING PARENT'S
17 DECISION-MAKING AUTHORITY, IF THE DEPLOYING PARENT IS UNABLE TO
18 EXERCISE THAT AUTHORITY, TO A NONPARENT WHO IS AN ADULT FAMILY
19 MEMBER OF THE CHILD OR AN ADULT WITH WHOM THE CHILD HAS A CLOSE
20 AND SUBSTANTIAL RELATIONSHIP. IF A COURT GRANTS THE AUTHORITY TO
21 A NONPARENT, THE COURT SHALL SPECIFY THE DECISION-MAKING POWERS
22 GRANTED, INCLUDING DECISIONS REGARDING THE CHILD'S EDUCATION,
23 RELIGIOUS TRAINING, HEALTH CARE, EXTRACURRICULAR ACTIVITIES, AND
24 TRAVEL.

25 **14-13.7-307. Grant of limited contact.** ON A MOTION OF A
26 DEPLOYING PARENT, AND IN ACCORDANCE WITH LAW OF THIS STATE
27 OTHER THAN THIS ARTICLE, UNLESS THE COURT FINDS THAT THE CONTACT

1 WOULD NOT BE IN THE BEST INTEREST OF THE CHILD, A COURT SHALL
2 GRANT LIMITED CONTACT TO A NONPARENT WHO IS A FAMILY MEMBER OF
3 THE CHILD OR AN INDIVIDUAL WITH WHOM THE CHILD HAS A CLOSE AND
4 SUBSTANTIAL RELATIONSHIP.

5 **14-13.7-308. Nature of authority created by interim custody**
6 **order.** (1) A GRANT OF AUTHORITY UNDER THIS PART 3 IS AN INTERIM
7 GRANT OF AUTHORITY AND TERMINATES UNDER PART 4 OF THIS ARTICLE
8 AFTER THE RETURN FROM DEPLOYMENT OF THE DEPLOYING PARENT,
9 UNLESS THE GRANT HAS BEEN TERMINATED BEFORE THAT TIME BY COURT
10 ORDER. THE GRANT DOES NOT CREATE AN INDEPENDENT, CONTINUING
11 RIGHT TO CARETAKING AUTHORITY, DECISION-MAKING AUTHORITY, OR
12 LIMITED CONTACT IN AN INDIVIDUAL TO WHOM IT IS GRANTED.

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

17 **14-13.7-309. Content of interim custody order.** (1) AN ORDER
18 GRANTING CUSTODIAL RESPONSIBILITY UNDER THIS PART 3 MUST:

- 19 (a) DESIGNATE THE ORDER AS AN INTERIM ORDER; AND
20 (b) IDENTIFY TO THE EXTENT FEASIBLE THE DESTINATION,
21 DURATION, AND CONDITION OF THE DEPLOYMENT.

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

- 24 (a) SPECIFY THE ALLOCATION OF CARETAKING AUTHORITY,
25 DECISION-MAKING AUTHORITY, OR LIMITED CONTACT AMONG THE
26 DEPLOYING PARENT, THE OTHER PARENT, AND ANY NONPARENT;
27 (b) IF THE ORDER DIVIDES CARETAKING OR DECISION-MAKING

1 AUTHORITY BETWEEN INDIVIDUALS, OR GRANTS CARETAKING AUTHORITY
2 TO ONE INDIVIDUAL AND LIMITED CONTACT TO ANOTHER, PROVIDE A
3 PROCESS TO RESOLVE ANY DISPUTE THAT MAY ARISE;

4 (c) PROVIDE FOR LIBERAL COMMUNICATION BETWEEN THE
5 DEPLOYING PARENT AND THE CHILD DURING DEPLOYMENT, INCLUDING
6 THROUGH ELECTRONIC MEANS, UNLESS THE COURT FINDS IT IS NOT IN THE
7 BEST INTEREST OF THE CHILD, AND ALLOCATE ANY COSTS OF
8 COMMUNICATIONS;

9 (d) PROVIDE FOR LIBERAL CONTACT BETWEEN THE DEPLOYING
10 PARENT AND THE CHILD DURING THE TIME THE DEPLOYING PARENT IS ON
11 LEAVE OR OTHERWISE AVAILABLE, UNLESS THE COURT FINDS IT IS NOT IN
12 THE BEST INTEREST OF THE CHILD;

13 (e) PROVIDE FOR REASONABLE CONTACT BETWEEN THE DEPLOYING
14 PARENT AND THE CHILD AFTER RETURN FROM DEPLOYMENT UNTIL THE
15 INTERIM ORDER IS TERMINATED, EVEN IF THE TIME OF CONTACT EXCEEDS
16 THE TIME THE DEPLOYING PARENT SPENT WITH THE CHILD BEFORE ENTRY
17 OF THE INTERIM ORDER; AND

18 (f) PROVIDE THAT THE ORDER WILL TERMINATE PURSUANT TO PART
19 4 OF THIS ARTICLE AFTER THE DEPLOYING PARENT RETURNS FROM
20 DEPLOYMENT.

21 **14-13.7-310. Order for child support.** IF A COURT HAS ISSUED AN
22 ORDER GRANTING CARETAKING AUTHORITY UNDER THIS PART 3, OR AN
23 AGREEMENT GRANTING CARETAKING AUTHORITY HAS BEEN EXECUTED
24 UNDER PART 2 OF THIS ARTICLE, THE COURT MAY ENTER AN INTERIM
25 ORDER FOR CHILD SUPPORT CONSISTENT WITH LAW OF THIS STATE OTHER
26 THAN THIS ARTICLE IF THE COURT HAS JURISDICTION UNDER THE
27 "UNIFORM INTERSTATE FAMILY SUPPORT ACT", ARTICLE 5 OF THIS TITLE.

1 THIS SECTION SPECIFIES A DATE FOR TERMINATION ON THAT DATE; OR

2 (b) IF THE AGREEMENT TO TERMINATE DOES NOT SPECIFY A DATE,
3 ON THE DATE THE AGREEMENT TO TERMINATE IS SIGNED BY THE
4 DEPLOYING PARENT AND THE OTHER PARENT.

5 (3) IN THE ABSENCE OF AN AGREEMENT TO TERMINATE UNDER
6 SUBSECTION (1) OF THIS SECTION, AN INTERIM AGREEMENT GRANTING
7 CUSTODIAL RESPONSIBILITY TERMINATES UNDER PART 2 OF THIS ARTICLE
8 THIRTY-FIVE DAYS AFTER THE DEPLOYING PARENT GIVES NOTICE TO THE
9 OTHER PARENT THAT THE DEPLOYING PARENT RETURNED FROM
10 DEPLOYMENT.

11 (4) IF AN INTERIM AGREEMENT GRANTING CUSTODIAL
12 RESPONSIBILITY WAS FILED WITH A COURT PURSUANT TO SECTION
13 14-13.7-205, AN AGREEMENT TO TERMINATE THE INTERIM AGREEMENT
14 MUST ALSO BE FILED WITH THAT COURT WITHIN A REASONABLE TIME
15 AFTER THE SIGNING OF THE AGREEMENT. THE CASE NUMBER AND HEADING
16 OF THE CASE CONCERNING CUSTODIAL RESPONSIBILITY OR CHILD SUPPORT
17 MUST BE PROVIDED TO THE COURT WITH THE AGREEMENT TO TERMINATE.

18 **14-13.7-402. Consent procedure for terminating interim grant**
19 **of custodial responsibility established by court order.** AT ANY TIME
20 AFTER A DEPLOYING PARENT RETURNS FROM DEPLOYMENT, THE
21 DEPLOYING PARENT AND THE OTHER PARENT MAY FILE WITH THE COURT
22 AN AGREEMENT TO TERMINATE AN INTERIM ORDER FOR CUSTODIAL
23 RESPONSIBILITY ISSUED UNDER PART 3 OF THIS ARTICLE. AFTER AN
24 AGREEMENT HAS BEEN FILED, THE COURT SHALL ISSUE AN ORDER
25 TERMINATING THE INTERIM ORDER EFFECTIVE ON THE DATE SPECIFIED IN
26 THE AGREEMENT. IF A DATE IS NOT SPECIFIED, THE ORDER IS EFFECTIVE
27 IMMEDIATELY.

1 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT IF IT IS
2 CONSISTENT WITH THE PUBLIC POLICY OF THE STATE.

3 **14-13.7-502. Relation to electronic signatures in global and**
4 **national commerce act.** THIS ARTICLE MODIFIES, LIMITS, OR SUPERSEDES
5 THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE
6 ACT", 15 U.S.C. SECTION 7001, ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR
7 SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C. SECTION 7001 (c), OR
8 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN
9 SECTION 103 (b) OF THAT ACT, 15 U.S.C. SECTION 7003 (b).

10 **14-13.7-503. Savings clause.** THIS ARTICLE DOES NOT AFFECT THE
11 VALIDITY OF AN INTERIM COURT ORDER CONCERNING CUSTODIAL
12 RESPONSIBILITY DURING DEPLOYMENT THAT WAS ENTERED BEFORE THE
13 EFFECTIVE DATE OF THIS ARTICLE.

14 **14-13.7-504. Effective date.** THIS ARTICLE TAKES EFFECT JULY 1,
15 2013.

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

18 **14-13-102. Definitions.** As used in this article, unless the context
19 otherwise requires:

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

25
26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.