

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 13-1200

BY REPRESENTATIVE(S) Gardner, Fields, Gerou, Kagan, Labuda, Lee, Mitsch Bush, Pabon, Rosenthal, Salazar, Young, Murray, Singer;
also SENATOR(S) Roberts, Aguilar, Grantham, Guzman, Heath, King, Newell.

CONCERNING THE "UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT".

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

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

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

ARTICLE 13.7

Uniform Deployed Parents Custody and Visitation Act

PART 1

GENERAL PROVISIONS

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ACT".

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

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

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

(3) "CHILD" MEANS:

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

(b) AN ADULT SON OR DAUGHTER BY BIRTH OR ADOPTION, OR UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE, WHO IS THE SUBJECT OF A COURT ORDER CONCERNING CUSTODIAL RESPONSIBILITY.

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

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

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

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

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

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

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

(a) ARE DESIGNATED AS UNACCOMPANIED;

(b) DO NOT AUTHORIZE DEPENDENT TRAVEL; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) "UNIFORMED SERVICE" MEANS:

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

(b) THE UNITED STATES MERCHANT MARINE;

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

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

(e) THE NATIONAL GUARD OF A STATE.

14-13.7-103. Reserved.

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

(2) IF A COURT HAS ISSUED AN INTERIM ORDER REGARDING CUSTODIAL RESPONSIBILITY PURSUANT TO PART 3 OF THIS ARTICLE, THE RESIDENCE OF THE DEPLOYING PARENT IS NOT CHANGED BY REASON OF THE DEPLOYMENT FOR THE PURPOSES OF ARTICLE 13 OF THIS TITLE.

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

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

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

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

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION AND SUBJECT TO SUBSECTION (3) OF THIS SECTION, IN CASES WHERE THERE HAS BEEN A PRIOR DETERMINATION OF CUSTODY, A DEPLOYING PARENT SHALL NOTIFY IN A RECORD THE OTHER PARENT OF A PENDING DEPLOYMENT NOT LATER THAN TWELVE CALENDAR DAYS AFTER RECEIVING DEPLOYMENT ORDERS UNLESS REASONABLY PREVENTED FROM DOING SO BY THE CIRCUMSTANCES OF SERVICE. IF THE CIRCUMSTANCES OF SERVICE PREVENT GIVING NOTIFICATION WITHIN TWELVE CALENDAR DAYS, THE DEPLOYING PARENT SHALL GIVE THE NOTIFICATION AS SOON AS REASONABLY POSSIBLE.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION AND SUBJECT TO SUBSECTION (3) OF THIS SECTION, EACH PARENT SHALL PROVIDE IN A RECORD TO THE OTHER PARENT A PLAN FOR FULFILLING THAT PARENT'S SHARE OF CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT.

EACH PARENT SHALL PROVIDE THE PLAN AS SOON AS REASONABLY POSSIBLE AFTER NOTIFICATION OF DEPLOYMENT IS GIVEN UNDER SUBSECTION (1) OF THIS SECTION.

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

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

14-13.7-106. Duty to notify of change of address. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, AN INDIVIDUAL TO WHOM CUSTODIAL RESPONSIBILITY HAS BEEN GRANTED DURING DEPLOYMENT PURSUANT TO PARTS 2 OR 3 OF THIS ARTICLE SHALL NOTIFY THE DEPLOYING PARENT AND ANY OTHER INDIVIDUAL WITH CUSTODIAL RESPONSIBILITY OF A CHILD OF ANY CHANGE OF THE INDIVIDUAL'S MAILING ADDRESS OR RESIDENCE UNTIL THE GRANT IS TERMINATED. THE INDIVIDUAL SHALL PROVIDE THE NOTICE TO ANY COURT THAT HAS ISSUED A CUSTODY OR CHILD SUPPORT ORDER CONCERNING THE CHILD WHICH IS IN EFFECT. THIS NOTICE PROVISION DOES NOT ALTER THE PROVISIONS OF SECTION 14-10-129.

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

14-13.7-107. General consideration in custody proceeding of

parent's military service. IN A PROCEEDING FOR CUSTODIAL RESPONSIBILITY OF A CHILD OF A SERVICE MEMBER, A PARENT'S PAST DEPLOYMENT OR POSSIBLE FUTURE DEPLOYMENT IN ITSELF MAY NOT SERVE AS THE SOLE BASIS IN DETERMINING THE BEST INTEREST OF THE CHILD. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING THE COURT FROM APPLYING SECTION 14-10-124 IN DETERMINING THE BEST INTEREST OF THE CHILD.

PART 2
AGREEMENT ADDRESSING CUSTODIAL
RESPONSIBILITY DURING DEPLOYMENT

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

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

(a) IN WRITING; AND

(b) SIGNED BY BOTH PARENTS AND ANY NONPARENT TO WHOM CUSTODIAL RESPONSIBILITY IS GRANTED.

(3) SUBJECT TO SUBSECTION (4) OF THIS SECTION, AN AGREEMENT UNDER SUBSECTION (1) OF THIS SECTION, IF FEASIBLE, MUST:

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

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

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

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

(e) IF, UNDER THE AGREEMENT, CUSTODIAL RESPONSIBILITY IS SHARED BY THE OTHER PARENT AND A NONPARENT, OR BY OTHER

NONPARENTS, PROVIDE A PROCESS TO RESOLVE ANY DISPUTE THAT MAY ARISE;

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

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

(h) ACKNOWLEDGE THAT ANY PARTY'S CHILD-SUPPORT OBLIGATION CANNOT BE MODIFIED BY THE AGREEMENT ALONE, AND THAT CHANGING THE TERMS OF THE OBLIGATION DURING DEPLOYMENT REQUIRES MODIFICATION BY COURT ORDER;

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

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

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

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

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

RESPONSIBILITY IS GIVEN.

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

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

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

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

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

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

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

PART 3
JUDICIAL PROCEDURE FOR GRANTING
CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT

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

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

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

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

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

CAUSE TO REQUIRE A PERSONAL APPEARANCE.

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

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

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

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

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

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

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

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

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

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

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

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

(a) DESIGNATE THE ORDER AS AN INTERIM ORDER; AND

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

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

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

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

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

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

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

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

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

14-13.7-311. Modifying or terminating grant of custodial responsibility to nonparent. (1) EXCEPT FOR AN ORDER UNDER SECTION 14-13.7-305, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, AND CONSISTENT WITH THE "SERVICEMEMBERS CIVIL RELIEF ACT", 50 U.S.C. APPENDIX SECTIONS 521 AND 522, ON MOTION OF A DEPLOYING OR OTHER PARENT OR ANY NONPARENT TO WHOM CARETAKING AUTHORITY, DECISION-MAKING AUTHORITY, OR LIMITED CONTACT HAS BEEN GRANTED, THE COURT MAY MODIFY OR TERMINATE THE GRANT IF THE MODIFICATION OR TERMINATION IS CONSISTENT WITH THIS PART 3 AND IT IS IN THE BEST INTEREST OF THE CHILD. A MODIFICATION IS AN INTERIM MODIFICATION AND TERMINATES PURSUANT TO PART 4 OF THIS ARTICLE AFTER THE DEPLOYING PARENT RETURNS FROM DEPLOYMENT, UNLESS THE GRANT HAS BEEN TERMINATED BEFORE THAT TIME BY COURT ORDER.

(2) ON MOTION OF A DEPLOYING PARENT, THE COURT SHALL TERMINATE A GRANT OF LIMITED CONTACT, UNLESS IT IS NOT IN THE BEST INTERESTS OF THE CHILD.

PART 4 RETURN FROM DEPLOYMENT

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

(2) AN INTERIM AGREEMENT UNDER PART 2 OF THIS ARTICLE GRANTING CUSTODIAL RESPONSIBILITY TERMINATES:

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

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

(3) IN THE ABSENCE OF AN AGREEMENT TO TERMINATE UNDER SUBSECTION (1) OF THIS SECTION, AN INTERIM AGREEMENT GRANTING

CUSTODIAL RESPONSIBILITY TERMINATES UNDER PART 2 OF THIS ARTICLE THIRTY-FIVE DAYS AFTER THE DEPLOYING PARENT GIVES NOTICE TO THE OTHER PARENT THAT THE DEPLOYING PARENT RETURNED FROM DEPLOYMENT.

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

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

14-13.7-403. Visitation before termination of interim grant of custodial responsibility. AFTER A DEPLOYING PARENT RETURNS FROM DEPLOYMENT UNTIL AN INTERIM AGREEMENT OR AN INTERIM ORDER FOR CUSTODIAL RESPONSIBILITY ESTABLISHED UNDER PARTS 2 OR 3 OF THIS ARTICLE IS TERMINATED, THE COURT SHALL IMMEDIATELY ISSUE AN INTERIM ORDER GRANTING THE DEPLOYING PARENT REASONABLE CONTACT WITH THE CHILD CONSISTENT WITH THE DEPLOYED PARENT'S POST DEPLOYMENT LEAVE, UNLESS THE COURT FINDS IT IS NOT IN THE BEST INTEREST OF THE CHILD, EVEN IF THE TIME OF CONTACT EXCEEDS THE TIME THE DEPLOYING PARENT SPENT WITH THE CHILD BEFORE DEPLOYMENT.

14-13.7-404. Termination by operation of law of interim grant of custodial responsibility established by court order. (1) IF AN AGREEMENT BETWEEN THE PARTIES TO TERMINATE AN INTERIM ORDER FOR CUSTODIAL RESPONSIBILITY UNDER PART 3 OF THIS ARTICLE HAS NOT BEEN FILED, THE ORDER TERMINATES THIRTY-FIVE DAYS AFTER THE DEPLOYING PARENT GIVES NOTICE TO THE OTHER PARENT AND ANY NONPARENT

GRANTED CUSTODIAL RESPONSIBILITY THAT THE DEPLOYING PARENT HAS RETURNED FROM DEPLOYMENT.

(2) A PROCEEDING SEEKING TO PREVENT TERMINATION OF AN INTERIM ORDER FOR CUSTODIAL RESPONSIBILITY IS GOVERNED BY SECTIONS 14-10-124 AND 14-10-129.

PART 5 MISCELLANEOUS PROVISIONS

14-13.7-501. Uniformity of application and construction. IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MAY BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT IF IT IS CONSISTENT WITH THE PUBLIC POLICY OF THE STATE.

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

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

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

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

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

(7) (b) Notwithstanding the provisions of paragraph (a) of this subsection (7), "home state" does not mean a state in which a child lived

with a parent or a person acting as a parent on a temporary basis as the result of an interim order entered pursuant to ~~section 14-10-131.3~~ ARTICLE 13.7.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO