

Senate File 2053 - Introduced

SENATE FILE 2053

BY DICKEY

A BILL FOR

1 An Act relating to child custody for parents subject to
2 short-term deployments.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **598D.1 Definitions.**

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "*Child-custody determination*" means the same as defined in
5 section 598B.102.

6 2. "*Deploying parent*" means a uniformed service member who
7 has been notified of impending short-term deployment and is any
8 of the following:

9 a. A parent of a child under a law of this state other than
10 this chapter.

11 b. An individual who has custodial responsibility for a child
12 under a law of this state other than this chapter.

13 3. "*Other parent*" means the same as defined in section
14 598C.102.

15 4. "*Record*" means the same as defined in section 598C.102.

16 5. "*Short-term deployment*" means the movement or mobilization
17 of a deploying parent for less than thirty days pursuant to
18 uniformed service member orders that meet any of the following
19 conditions:

20 a. Are designated as unaccompanied.

21 b. Do not authorize dependent travel.

22 c. Otherwise do not permit the movement of family members to
23 the location to which the deploying parent is deployed.

24 6. "*Uniformed service member*" means any of the following:

25 a. Active and reserve components of the army, navy, air
26 force, marine corps, or coast guard of the United States; the
27 United States merchant marine; the commissioned corps of the
28 United States public health service; or the commissioned corps of
29 the national oceanic and atmospheric administration of the United
30 States.

31 b. The national guard of a state, whether or not activation
32 or performance of duties is pursuant to federal or to state
33 authority.

34 Sec. 2. NEW SECTION. **589D.2 Custody and visitation —**
35 **short-term deployment.**

1 1. a. A deploying parent who is unable to exercise any
2 court-ordered physical care or visitation with the deploying
3 parent's child during a short-term deployment may make up the
4 missed physical care or visitation thirty days immediately
5 preceding the short-term deployment or thirty days immediately
6 following the short-term deployment.

7 b. The deploying parent may make up no more than the total
8 number of days of physical care or visitation days that will
9 be missed during the short-term deployment, not to exceed thirty
10 days.

11 2. a. To make up the missed physical care or visitation, the
12 deploying parent shall notify the other parent, in a record, of
13 a pending short-term deployment, not later than seven days after
14 receiving notice of the short-term deployment, unless reasonably
15 prevented from doing so by the circumstances of service. If the
16 circumstances of service prevent giving notification within the
17 seven days, the deploying parent shall give the notification as
18 soon as reasonably possible.

19 b. The deploying parent shall provide the other parent,
20 in a record, with a plan for fulfilling the physical care
21 or visitation missed during the short-term deployment. The
22 deploying parent shall provide the plan as soon as reasonably
23 possible after notification of short-term deployment is given
24 under paragraph "a".

25 c. If a court order currently in effect prohibits disclosure
26 of the address or contact information of the other parent,
27 notification under paragraph "a" or provision of a plan under
28 paragraph "b" may be made only to the issuing court. If
29 the address of the other parent is available to the issuing
30 court, the court shall forward the notification to the other
31 parent. The court shall keep confidential the address or contact
32 information of the other parent.

33 3. The deploying parent shall file the plan for fulfilling
34 the missed physical care or visitation within any court that has
35 entered a child-custody determination in effect concerning the

1 child who is the subject of the plan.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to child custody and visitation for parents
6 subject to short-term deployment.

7 The bill defines "short-term deployment" as the movement
8 or mobilization of a deploying parent for less than 30 days
9 pursuant to uniformed service member orders that are designated
10 as unaccompanied, do not authorize dependent travel, or otherwise
11 do not permit family members to accompany the deploying parent.

12 The bill allows a deploying parent who is unable to exercise
13 court-ordered physical care or visitation during a short-term
14 deployment to make up the missed time 30 days immediately
15 preceding or 30 days immediately following the deployment. The
16 amount of make-up time may not exceed the number of days missed,
17 and may not exceed 30 days.

18 The bill requires the deploying parent to notify the other
19 parent, in a record, of the short-term deployment unless
20 reasonably prevented by the circumstances of service. The
21 deploying parent must also provide a plan for fulfilling the
22 missed physical care or visitation to the other parent and
23 file the plan with any court that has entered a child-custody
24 determination in effect concerning the child.