
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 511 Session of
2017

INTRODUCED BY BAKER, BARTOLOTTA, TARTAGLIONE, WARD, MENSCH,
McGARRIGLE, HAYWOOD, SCHWANK, VULAKOVICH, FOLMER, RAFFERTY,
FARNESE, COSTA, SCARNATI, RESCHENTHALER AND BROWNE,
MARCH 10, 2017

REFERRED TO JUDICIARY, MARCH 10, 2017

AN ACT

1 Amending Titles 23 (Domestic Relations) and 51 (Military
2 Affairs) of the Pennsylvania Consolidated Statutes, enacting
3 the Uniform Deployed Parents Custody and Visitation Act;
4 making related repeals; and making editorial changes.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5338(b) of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5338. Modification of existing order.

10 * * *

11 (b) Applicability.--Except as provided in 51 Pa.C.S. [§ 4109
12 (relating to child custody proceedings during military
13 deployment)] Ch. 46 (relating to uniform deployed parents
14 custody and visitation), this section shall apply to any custody
15 order entered by a court of this Commonwealth or any other state
16 subject to the jurisdictional requirements set forth in Chapter
17 54 (relating to uniform child custody jurisdiction and
18 enforcement).

1 Section 2. Sections 4109 and 4110 of Title 51 are repealed:

2 [§ 4109. Child custody proceedings during military deployment.

3 (a) Restriction on change of custody.--If a petition for
4 change of custody of a child of an eligible servicemember is
5 filed with any court in this Commonwealth while the eligible
6 servicemember is deployed in support of a contingency operation,
7 no court may enter an order modifying or amending any previous
8 judgment or order, or issue a new order, that changes the
9 custody arrangement for that child that existed as of the date
10 of the deployment of the eligible servicemember, except that a
11 court may enter a temporary custody order if it is in the best
12 interest of the child.

13 (a.1) Temporary assignment to family members.--If an
14 eligible servicemember has received notice of deployment in
15 support of a contingency operation, a court may issue a
16 temporary order to an eligible servicemember who has rights to a
17 child under 23 Pa.C.S. § 5323 (relating to award of custody) or
18 former 23 Pa.C.S. Ch. 53 Subch. A (relating to general
19 provisions), including a temporary order to temporarily assign
20 custody rights to family members of the servicemember. In the
21 case of temporary assignment of rights to family members of the
22 servicemember, the following shall apply:

23 (1) The servicemember may petition the court for a
24 temporary order to temporarily assign custody rights to
25 family members of the servicemember. The servicemember shall
26 be joined in the petition by the family members to whom the
27 servicemember is seeking to assign temporary custody rights.
28 The petition shall include a proposed revised custody
29 schedule for care of the child by the family members. The
30 proposed revised custody schedule may not include custody

1 rights which exceed the rights granted to a servicemember set
2 forth in the order in effect at the time of the filing of the
3 petition to grant temporary custody rights to family members.

4 (2) The court may issue a temporary order with a revised
5 custody schedule as proposed by the servicemember and the
6 family members or another revised custody schedule as the
7 court deems appropriate, if the court finds that a temporary
8 assignment of custody rights to family members of the
9 servicemember is in the best interest of the child. In no
10 case shall a temporary order granting custody rights to the
11 family members of a servicemember exceed the custody rights
12 granted to the servicemember set forth in the order in effect
13 at the time of the filing of the petition to assign temporary
14 custody rights to family members.

15 In the case of any other temporary order issued under this
16 subsection, the court may issue a temporary order if it is in
17 the best interest of the child.

18 (b) Completion of deployment.--In any temporary custody
19 order entered under subsection (a) or (a.1), a court shall
20 require that, upon the return of the eligible servicemember from
21 deployment in support of a contingency operation, the custody
22 order that was in effect immediately preceding the date of the
23 deployment of the eligible servicemember is reinstated.

24 (c) Exclusion of military service from determination of
25 child's best interest.--If a petition for the change of custody
26 of the child of an eligible servicemember who was deployed in
27 support of a contingency operation is filed after the end of the
28 deployment, no court may consider the absence of the eligible
29 servicemember by reason of that deployment in determining the
30 best interest of the child.

1 (d) Failure to appear due to military deployment.--The
2 failure of an eligible servicemember to appear in court due to
3 deployment in support of a contingency operation shall not, in
4 and of itself, be sufficient to justify a modification of a
5 custody order if the reason for the failure to appear is the
6 eligible servicemember's active duty in support of a contingency
7 operation.

8 (e) Relationship to other laws.--Notwithstanding any other
9 provision of law, the provisions of this section shall be
10 applied with regard to child custody issues related to eligible
11 servicemembers deployed in support of contingency operations.

12 (f) Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection:

15 "Contingency operation." A military operation that:

16 (1) is designated by the Secretary of Defense as an
17 operation in which members of the armed forces are or may
18 become involved in military actions, operations or
19 hostilities against an enemy of the United States or against
20 an opposing military force; or

21 (2) results in the call or order to, or retention on,
22 active duty of members of the uniformed services under 10
23 U.S.C. § 688 (relating to retired members: authority to order
24 to active duty; duties), 12301(a) (relating to reserve
25 components generally), 12302 (relating to Ready Reserve),
26 12304 (relating to Selected Reserve and certain Individual
27 Ready Reserve members; order to active duty other than during
28 war or national emergency), 12305 (relating to authority of
29 President to suspend certain laws relating to promotion,
30 retirement, and separation) or 12406 (relating to National

1 Guard in Federal service: call) or any other provision of 10
2 U.S.C. during a war or during a national emergency declared
3 by the President or Congress.

4 "Eligible servicemember." A member of the Pennsylvania
5 National Guard or a member of an active or reserve component of
6 the Armed Forces of the United States who is serving on active
7 duty, other than active duty for training, for a period of 30 or
8 more consecutive days, in support of a contingency operation.

9 "Family members." As defined in 23 Pa.C.S. § 6303 (relating
10 to definitions).

11 § 4110. Expedited or electronic hearing.

12 (a) Expedited hearing.--Upon motion of an eligible
13 servicemember who has received notice of deployment in support
14 of a contingency operation, the court shall, for good cause
15 shown, hold an expedited hearing in custody matters instituted
16 under section 4109 (relating to child custody proceedings during
17 military deployment) when the military duties of the eligible
18 servicemember have a material effect on the eligible
19 servicemember's ability, or anticipated ability, to appear in
20 person at a regularly scheduled hearing.

21 (b) Electronic hearing.--Upon motion of an eligible
22 servicemember who has received notice of deployment in support
23 of a contingency operation, the court shall, upon reasonable
24 advance notice and for good cause shown, allow the eligible
25 servicemember to present testimony and evidence by electronic
26 means in custody matters instituted under section 4109 when the
27 military duties of the eligible servicemember have a material
28 effect on the eligible servicemember's ability to appear in
29 person at a regularly scheduled hearing.

30 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Contingency operation." As defined in section 4109
4 (relating to child custody proceedings during military
5 deployment).

6 "Electronic means." Includes communication by telephone,
7 video conference or the Internet.

8 "Eligible servicemember." As defined in section 4109
9 (relating to child custody proceedings during military
10 deployment).

11 "Matter." As defined in 42 Pa.C.S. § 102 (relating to
12 definitions).]

13 Section 3. Title 51 is amended by adding a chapter to read:

14 CHAPTER 46

15 UNIFORM DEPLOYED PARENTS

16 CUSTODY AND VISITATION

17 Subchapter

18 A. General Provisions

19 B. Agreement Addressing Custodial Responsibility During
20 Deployment

21 C. Judicial Procedure for Granting Custodial Responsibility
22 During Deployment

23 D. Return from Deployment

24 E. Miscellaneous Provisions

25 SUBCHAPTER A

26 GENERAL PROVISIONS

27 Sec.

28 4601. Short title.

29 4602. Definitions.

30 4603. Remedies for noncompliance.

1 4604. Jurisdiction.

2 4605. Notices.

3 4606. (Reserved).

4 4607. General consideration of parent's military service.

5 § 4601. Short title.

6 This chapter shall be known and may be cited as the Uniform
7 Deployed Parents Custody and Visitation Act.

8 § 4602. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Adult." An individual who has attained 18 years of age or
13 an emancipated minor.

14 "Caretaking authority." The right to live with and care for
15 a child on a day-to-day basis. The term includes physical
16 custody, parenting time, right to access and visitation.

17 "Child." An:

18 (1) unemancipated individual who has not attained 18
19 years of age; or

20 (2) adult son or daughter by birth or adoption, or under
21 law of this Commonwealth other than this chapter, who is the
22 subject of a court order concerning custodial responsibility.

23 "Close and substantial relationship." A relationship in
24 which a significant bond exists between a child and a nonparent.

25 "Court." A tribunal authorized under law of this
26 Commonwealth other than this chapter to make, enforce or modify
27 a decision regarding custodial responsibility.

28 "Custodial responsibility." The term includes:

29 (1) Powers and duties relating to caretaking authority
30 and decision-making authority for a child.

1 (2) Physical custody, legal custody, parenting time,
2 right to access, visitation and authority to grant limited
3 contact with a child.

4 "Decision-making authority." The power to make important
5 decisions regarding a child, including decisions regarding the
6 child's education, religious training, health care,
7 extracurricular activities and travel. The term does not include
8 the power to make decisions that necessarily accompany a grant
9 of caretaking authority.

10 "Deploying parent." A parent who:

11 (1) is a service member; and
12 (2) is deployed or has been notified of impending
13 deployment.

14 "Deployment." The movement or mobilization of a service
15 member, other than for training, to a location for at least 30
16 consecutive days under official orders that:

17 (1) are designated as unaccompanied;
18 (2) do not authorize dependent travel; or
19 (3) otherwise do not permit the movement of family
20 members to the location where the service member is deployed.

21 "Family member." An individual included in the definition of
22 "family members" in 23 Pa.C.S. § 6303 (relating to definitions).

23 "Legal custody." The right to exercise decision-making
24 authority on behalf of a child.

25 "Limited contact." The authority of a nonparent to visit a
26 child for a limited time. The term includes authority to take
27 the child to a place other than the residence of the child.

28 "Parent." An individual who is:

29 (1) a parent of a child under law of this Commonwealth
30 other than this chapter; or

1 (2) an individual who:

2 (i) has custodial responsibility for a child under
3 23 Pa.C.S. § 5323 (relating to award of custody) or
4 former 23 Pa.C.S. Ch. 53 Subch. A (relating to general
5 provisions); and

6 (ii) is not an individual described in paragraph
7 (1).

8 "Physical custody." The actual physical possession and
9 control of a child.

10 "Record." Information that is inscribed on a tangible medium
11 or that is stored in an electronic or other medium and is
12 retrievable in perceivable form.

13 "Return from deployment." The conclusion of a service
14 member's deployment as specified in official orders.

15 "Service member." An individual who meets all of the
16 following:

17 (1) Is a member of:

18 (i) the active or reserve components of the Army,
19 Navy, Air Force, Marine Corps or Coast Guard of the
20 United States;

21 (ii) the United States merchant marine, the
22 Commissioned Corps of the Public Health Service of the
23 Department of Health and Human Services or the
24 Commissioned Corps of the National Oceanic and
25 Atmospheric Administration of the United States; or

26 (iii) the National Guard or Pennsylvania National
27 Guard.

28 (2) Is on active duty.

29 "Sign." With present intent to authenticate or adopt a
30 record:

1 (1) to execute or adopt a tangible symbol; or
2 (2) to attach to or logically associate with the record
3 an electronic symbol, sound or process.

4 "State." A state of the United States, the District of
5 Columbia, Puerto Rico, the Virgin Islands or any territory or
6 insular possession subject to the jurisdiction of the United
7 States.

8 § 4603. Remedies for noncompliance.

9 In addition to other remedies under law of this Commonwealth
10 other than this chapter, if a court finds that a party to a
11 proceeding under this chapter has acted in bad faith or
12 intentionally failed to comply with this chapter or a court
13 order issued under this chapter, the court may assess reasonable
14 attorney fees and costs against the party and order other
15 appropriate relief.

16 § 4604. Jurisdiction.

17 (a) Exercise.--A court may issue an order regarding
18 custodial responsibility under this chapter only if the court
19 has jurisdiction under 23 Pa.C.S. Ch. 54 (relating to uniform
20 child custody jurisdiction and enforcement).

21 (b) Effect of temporary order.--If a court has issued an
22 order regarding temporary custodial responsibility under
23 Subchapter C (relating to judicial procedure for granting
24 custodial responsibility during deployment), the residence of
25 the deploying parent is not changed by reason of the deployment
26 for the purposes of 23 Pa.C.S. Ch. 54 during the deployment.

27 (c) Effect of permanent order.--If a court has issued an
28 order regarding permanent custodial responsibility before notice
29 of deployment and the parents modify that order temporarily by
30 agreement under Subchapter B (relating to agreement addressing

1 custodial responsibility during deployment), the residence of
2 the deploying parent is not changed by reason of the deployment
3 for the purposes of 23 Pa.C.S. Ch. 54.

4 (d) Action in other state.--If a court in another state has
5 issued an order regarding temporary custodial responsibility as
6 a result of impending or current deployment, the residence of
7 the deploying parent is not changed by reason of the deployment
8 for the purposes of 23 Pa.C.S. Ch. 54.

9 (e) Temporary emergency jurisdiction.--This section does not
10 prevent a court from exercising jurisdiction under 23 Pa.C.S. §
11 5424 (relating to temporary emergency jurisdiction).

12 § 4605. Notices.

13 (a) Pending deployment.--Except as otherwise provided in
14 subsection (d) and subject to subsection (c), a deploying parent
15 shall provide the other parent with notice in a record of a
16 pending deployment:

17 (1) not later than seven days after receiving notice of
18 deployment unless reasonably prevented from doing so by the
19 circumstances of service; or

20 (2) if the circumstances of service prevent giving
21 notice within the time period specified in paragraph (1), as
22 soon as reasonably possible.

23 (b) Plan.--Except as otherwise provided in subsection (e)
24 and subject to subsection (d), each parent shall provide the
25 other parent, in a record, with a plan for fulfilling that
26 parent's share of custodial responsibility during deployment.
27 Each parent shall provide the plan as soon as reasonably
28 possible after notice of deployment is given under subsection

29 (a).

30 (c) Change of address.--

1 (1) Except as otherwise provided in subsection (d), an
2 individual to whom custodial responsibility has been granted
3 during deployment under Subchapter B (relating to agreement
4 addressing custodial responsibility during deployment) or C
5 (relating to judicial procedure for granting custodial
6 responsibility during deployment) shall notify, in a record,
7 the deploying parent and any other individual with custodial
8 responsibility of a child of a change of the individual's
9 mailing address or residence. The obligation under this
10 paragraph continues until the grant is terminated.

11 (2) The individual shall provide each notice under
12 paragraph (1) to a court that has issued an order regarding
13 custodial responsibility or child support which is in effect
14 concerning the child.

15 (d) Court order on disclosure.--

16 (1) If a court order currently in effect prohibits
17 disclosure of the address or contact information of the other
18 parent or the other individual to whom custodial
19 responsibility has been granted, the notice and documents
20 required under subsections (a) and (b) shall be provided only
21 to the issuing court. If the address of the other parent or
22 other individual is available to the issuing court, the court
23 shall forward the notice and document to the other parent or
24 other individual.

25 (2) If a court order currently in effect prohibits
26 disclosure of the address or contact information of an
27 individual to whom custodial responsibility has been granted,
28 the notice required under subsection (c) shall be provided
29 only to the court that issued the order.

30 (3) The court shall keep confidential the address or

1 contact information of any individual subject to an order
2 prohibiting disclosure.

3 (e) Exception.--Notice under subsection (a) and the plan
4 under subsection (b) are not required if the parents are living
5 in the same residence and both parents have actual notice of the
6 deployment and plan.

7 (f) Proceeding on custodial responsibility.--In a proceeding
8 regarding custodial responsibility, a court may consider the
9 reasonableness of a parent's efforts to comply with this
10 section.

11 § 4606. (Reserved).

12 § 4607. General consideration of parent's military service.

13 In a proceeding for custodial responsibility of a child of a
14 deploying parent, a court may not consider a parent's past
15 deployment or possible future deployment in itself in
16 determining the best interest of the child but may consider any
17 significant impact on the best interest of the child of the
18 parent's past or possible future deployment.

19 SUBCHAPTER B

20 AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY

21 DURING DEPLOYMENT

22 Sec.

23 4611. Form of agreement.

24 4612. Nature of authority created by agreement.

25 4613. Modification or termination of agreement.

26 4614. Power of attorney.

27 4615. Filing agreement or power of attorney with court.

28 § 4611. Form of agreement.

29 (a) Authorization.--The parents of a child may enter into an
30 agreement under this subchapter granting temporary custodial

1 responsibility during deployment.

2 (b) Formation.--An agreement entered into under subsection

3 (a) shall be:

4 (1) in a record; and

5 (2) signed by both parents and any nonparent to whom
6 custodial responsibility is granted.

7 (c) Contents.--An agreement entered into under subsection

8 (a) may do any of the following to the extent feasible:

9 (1) Identify the destination, duration and conditions of
10 the deployment that is the basis for the agreement.

11 (2) Specify the allocation of caretaking authority among
12 the deploying parent, the other parent and any nonparent to
13 whom custodial responsibility is granted.

14 (3) Specify decision-making authority that accompanies a
15 grant of caretaking authority.

16 (4) Specify a grant of limited contact to a nonparent.

17 (5) If custodial responsibility is shared by the other
18 parent and a nonparent or by other nonparents, provide a
19 process to resolve a dispute that may arise.

20 (6) Specify:

21 (i) frequency, duration and means, including
22 electronic means, by which the deploying parent will have
23 contact with the child;

24 (ii) role to be played by the other parent or
25 nonparent in facilitating the contact; and

26 (iii) allocation of costs of contact.

27 (7) Specify the contact between the deploying parent and
28 child during the time the deploying parent is on leave or is
29 otherwise available.

30 (8) Acknowledge that a party's child-support obligation

1 cannot be modified by the agreement and that changing the
2 terms of the obligation during deployment requires
3 modification in the appropriate court.

4 (9) Provide that the agreement will terminate according
5 to the procedures under Subchapter D (relating to return from
6 deployment) after the deploying parent returns from
7 deployment.

8 (10) If the agreement is required to be filed under
9 section 4615 (relating to filing agreement or power of
10 attorney with court), specify who is required to file the
11 agreement.

12 (d) (Reserved).

13 § 4612. Nature of authority created by agreement.

14 (a) Temporary.--

15 (1) An agreement entered into under this subchapter is
16 temporary and terminates under Subchapter D (relating to
17 return from deployment) after the deploying parent returns
18 from deployment unless the agreement has been terminated
19 before that time by court order or by the parents under
20 section 4613 (relating to modification or termination of
21 agreement).

22 (2) The agreement does not create an independent,
23 continuing right to caretaking authority, decision-making
24 authority or limited contact in an individual to whom
25 custodial responsibility is given.

26 (b) Standing.--A nonparent who was granted caretaking
27 authority, decision-making authority or limited contact by an
28 agreement entered into under this subchapter has standing to
29 enforce the agreement until it has been terminated by court
30 order, by the parents under section 4613 or under Subchapter D.

1 § 4613. Modification or termination of agreement.

2 (a) Authorization.--The parents may modify or terminate an
3 agreement regarding custodial responsibility entered into under
4 this subchapter.

5 (b) Prior to deployment.--

6 (1) If an agreement is modified before deployment, the
7 modification must be in a record and signed by:

8 (i) both parents; and

9 (ii) any nonparent who will exercise custodial
10 responsibility under the modified agreement.

11 (2) If an agreement is terminated before deployment, the
12 termination must be in a record and signed by both parents.

13 (c) During deployment.--

14 (1) If an agreement is modified during deployment, the
15 modification must be agreed to in a record by:

16 (i) both parents; and

17 (ii) any nonparent who will exercise custodial
18 responsibility under the modified agreement.

19 (2) If an agreement is terminated during deployment, the
20 termination must be agreed to in a record by both parents.

21 § 4614. Power of attorney.

22 (a) Authorization.--A deploying parent, by power of
23 attorney, may delegate all or part of custodial responsibility
24 to an adult nonparent for the period of deployment if:

25 (1) the other parent does not possess custodial
26 responsibility under law of this Commonwealth other than this
27 chapter; or

28 (2) a court order currently in effect prohibits contact
29 between the child and the other parent.

30 (b) Revocation.--

1 4631. Modifying or terminating grant of custodial
2 responsibility to nonparent.

3 § 4621. (Reserved).

4 § 4622. Proceeding for order.

5 (a) Authorization.--After the deploying parent receives
6 notice of deployment and until the deployment terminates, a
7 court may issue an order granting temporary custodial
8 responsibility unless prohibited by sections 201 and 202 of the
9 Service Members Civil Relief Act (Public Law 108-89, 50 App.
10 U.S.C. §§ 521 and 522). A court may not issue an order granting
11 permanent custodial responsibility without the consent of the
12 deploying parent.

13 (b) Custodial responsibility.--After the deploying parent
14 receives notice of deployment, either parent may file a motion
15 regarding custodial responsibility during deployment. The motion
16 must be filed in a pending proceeding for custodial
17 responsibility in a court with jurisdiction under section 4604
18 (relating to jurisdiction) or, if there is no pending proceeding
19 in a court with jurisdiction under section 4604, in a new action
20 for granting custodial responsibility during deployment.

21 § 4623. Expedited hearing.

22 If a motion to grant custodial responsibility is filed under
23 section 4622(b) (relating to proceeding for order) before the
24 deploying parent deploys, the court shall conduct an expedited
25 hearing.

26 § 4624. Testimony by electronic means.

27 In a proceeding under this subchapter, a party or witness who
28 is not reasonably available to appear personally may appear,
29 provide testimony and present evidence by electronic means
30 unless the court finds good cause to require a personal

1 appearance.

2 § 4624.1. Failure to appear.

3 The failure of a deploying parent to appear in court due to
4 deployment shall not, in and of itself, be sufficient to justify
5 a modification of an order concerning custodial responsibility.

6 § 4625. Effect of prior judicial order or agreement.

7 In a proceeding for a grant of custodial responsibility under
8 this subchapter, the following rules apply:

9 (1) A prior judicial order designating custodial
10 responsibility in the event of deployment is binding on the
11 court unless the circumstances meet the requirements of law
12 of this Commonwealth other than this chapter for modifying a
13 judicial order regarding custodial responsibility.

14 (2) The court shall enforce a prior written agreement
15 between the parents for designating custodial responsibility
16 in the event of deployment, including an agreement executed
17 under Subchapter B (relating to agreement addressing
18 custodial responsibility during deployment), unless the court
19 finds that the agreement is contrary to the best interest of
20 the child.

21 § 4626. Grant of caretaking authority to nonparent.

22 (a) Authorization.--On motion of a deploying parent and in
23 accordance with law of this Commonwealth other than this
24 chapter, if it is in the best interest of the child, a court may
25 grant caretaking authority to a nonparent who is an adult family
26 member of the child or an adult with whom the child has a close
27 and substantial relationship.

28 (b) Duration.--Unless a grant of caretaking authority to a
29 nonparent under subsection (a) is agreed to by the other parent,
30 the grant is limited to an amount of time not greater than the

1 following:

2 (1) The amount of time granted to the deploying parent
3 under an order regarding permanent custodial responsibility
4 that is currently in effect. The court may add unusual travel
5 time necessary to transport the child.

6 (2) In the absence of an order regarding permanent
7 custodial responsibility that is currently in effect, the
8 amount of time that the deploying parent habitually cared for
9 the child before being notified of deployment. The court may
10 add unusual travel time necessary to transport the child.

11 (c) (Reserved).

12 § 4626.1. Grant of decision-making authority to nonparent.

13 If the deploying parent is unable to exercise that authority,
14 a court may grant part of the deploying parent's decision-making
15 authority to a nonparent who is an adult family member of the
16 child or an adult with whom the child has a close and
17 substantial relationship. A court order under this section shall
18 specify the decision-making powers granted.

19 § 4627. Grant of limited contact to nonparent.

20 On motion of a deploying parent, and in accordance with law
21 of this Commonwealth other than this chapter, unless the court
22 finds that the contact would be contrary to the best interest of
23 the child, a court shall grant limited contact to a nonparent
24 who is a family member of the child or an individual with whom
25 the child has a close and substantial relationship.

26 § 4628. Nature of authority created by order.

27 (a) Duration and effect.--A grant of authority under this
28 subchapter is temporary and terminates under Subchapter D
29 (relating to return from deployment) after the return from
30 deployment of the deploying parent unless the grant has been

1 terminated before that time by court order. The grant does not
2 create an independent, continuing right to caretaking authority,
3 decision-making authority or limited contact in an individual to
4 whom it is granted.

5 (b) Standing.--A nonparent granted caretaking authority,
6 decision-making authority or limited contact under this
7 subchapter has standing to enforce the grant until it is
8 terminated by court order.

9 § 4629. Content of order.

10 (a) Time and identification.--An order granting custodial
11 responsibility issued under this subchapter shall:

- 12 (1) designate the order as temporary; and
13 (2) identify to the extent feasible the destination,
14 duration and conditions of the deployment.

15 (b) Terms.--If applicable, an order for custodial
16 responsibility issued under this subchapter shall:

- 17 (1) specify the allocation of caretaking authority,
18 decision-making authority or limited contact among the
19 deploying parent, the other parent and any nonparent to whom
20 that authority is granted;

- 21 (2) if the order divides caretaking or decision-making
22 authority between individuals or grants caretaking authority
23 to one individual and limited contact to another, provide a
24 process to resolve a dispute that may arise;

- 25 (3) provide for liberal communication between the
26 deploying parent and the child during deployment, including
27 through electronic means, unless contrary to the best
28 interest of the child, and allocate costs of communications;

- 29 (4) provide for liberal contact between the deploying
30 parent and the child during the time the deploying parent is

1 on leave or otherwise available, unless contrary to the best
2 interest of the child;

3 (5) provide for reasonable contact between the deploying
4 parent and the child after the deploying parent returns from
5 deployment and until the order is terminated, even if the
6 time of contact exceeds the time the deploying parent spent
7 with the child before entry of the order; and

8 (6) provide that the order will terminate under
9 Subchapter D (relating to return from deployment) after the
10 deploying parent returns from deployment.

11 § 4630. Order for child support.

12 If a court has issued an order granting caretaking authority
13 under this subchapter or an agreement granting caretaking
14 authority has been entered into under Subchapter B (relating to
15 agreement addressing custodial responsibility during
16 deployment), the court may enter a temporary order for child
17 support consistent with law of this Commonwealth other than this
18 chapter if the court has jurisdiction under 23 Pa.C.S. Pt. VIII
19 (relating to uniform interstate family support).

20 § 4631. Modifying or terminating grant of custodial
21 responsibility to nonparent.

22 (a) Authorization.--

23 (1) Except for an order under section 4625 (relating to
24 effect of prior judicial order or agreement) or as otherwise
25 provided in subsection (b) and consistent with sections 201
26 and 202 of the Service Members Civil Relief Act (Public Law
27 108-89, 50 App. U.S.C. §§ 521 and 522), on motion of a
28 deploying or other parent or a nonparent to whom caretaking
29 authority, decision-making authority or limited contact has
30 been granted, the court may modify or terminate the grant if

1 the modification or termination is consistent with this
2 subchapter and it is in the best interest of the child.

3 (2) A modification is temporary and terminates under
4 Subchapter D (relating to return from deployment) after the
5 deploying parent returns from deployment unless the grant has
6 been terminated before that time by court order.

7 (b) Grant of limited contact.--On motion of a deploying
8 parent, the court shall terminate a grant of limited contact.

9 SUBCHAPTER D

10 RETURN FROM DEPLOYMENT

11 Sec.

12 4641. Procedure for terminating custodial responsibility
13 granted by agreement.

14 4642. Consent procedure for terminating custodial
15 responsibility granted by court order.

16 4643. Visitation before termination of grant of custodial
17 responsibility.

18 4644. Termination by operation of law of custodial
19 responsibility granted by court order.

20 § 4641. Procedure for terminating custodial responsibility
21 granted by agreement.

22 (a) Agreement to terminate.--After the deploying parent
23 returns from deployment, an agreement granting custodial
24 responsibility under Subchapter B (relating to agreement
25 addressing custodial responsibility during deployment) may be
26 terminated by an agreement to terminate signed by both parents.
27 An agreement to terminate is not required to be signed by a
28 nonparent granted temporary custodial responsibility under the
29 agreement.

30 (b) Termination under agreement.--An agreement entered into

1 under Subchapter B terminates:

2 (1) if an agreement to terminate under subsection (a)
3 specifies a date for termination, on that date; or

4 (2) if the agreement to terminate does not specify a
5 date, on the date the agreement to terminate is signed by
6 both parents.

7 (c) Termination absent agreement.--In the absence of an
8 agreement to terminate under subsection (a), an agreement
9 granting custodial responsibility entered into under Subchapter
10 B terminates 60 days after the deploying parent gives notice, to
11 the other parent and to any nonparent to whom custodial
12 responsibility was granted, of the deploying parent's return
13 from deployment.

14 (d) Judicial filing.--If an agreement entered into under
15 Subchapter B was filed with a court under section 4615 (relating
16 to filing agreement or power of attorney with court), an
17 agreement to terminate the agreement shall be filed with that
18 court within a reasonable time after the signing of the
19 agreement. The case number and heading of the case concerning
20 custodial responsibility or child support shall be provided to
21 the court with the agreement to terminate.

22 § 4642. Consent procedure for terminating custodial
23 responsibility granted by court order.

24 (a) Filing of agreement.--

25 (1) After the deploying parent returns from deployment,
26 both parents may file with the court an agreement to
27 terminate an order for temporary custodial responsibility
28 issued under Subchapter C (relating to judicial procedure for
29 granting custodial responsibility during deployment).

30 (2) An agreement to terminate an order entered into

1 under this section is not required to be signed by a
2 nonparent to whom custodial responsibility has been granted.
3 (b) Order.--After an agreement has been filed, the court
4 shall issue an order terminating the temporary order effective
5 on the date specified in the agreement. If a date is not
6 specified, the order shall take effect immediately upon
7 issuance.

8 § 4643. Visitation before termination of grant of custodial
9 responsibility.

10 Upon petition of a deploying parent who has returned from
11 deployment, the court shall issue an order granting the
12 deploying parent reasonable contact with the child until the
13 agreement entered into under Subchapter B (relating to agreement
14 addressing custodial responsibility during deployment) or the
15 order issued under Subchapter C (relating to judicial procedure
16 for granting custodial responsibility during deployment) is
17 terminated, unless it is contrary to the best interest of the
18 child, even if the time of contact exceeds the time the
19 deploying parent spent with the child before deployment.

20 § 4644. Termination by operation of law of custodial
21 responsibility granted by court order.

22 (a) Absence of filed agreement.--If an agreement to
23 terminate an order for temporary custodial responsibility issued
24 under Subchapter C (relating to judicial procedure for granting
25 custodial responsibility during deployment) has not been filed,
26 the order shall terminate 60 days after the deploying parent
27 gives notice, to the other parent and any nonparent granted
28 custodial responsibility, that the deploying parent has returned
29 from deployment.

30 (b) Applicable law.--A proceeding seeking to prevent

1 termination of an order for temporary custodial responsibility
2 is governed by law of this Commonwealth other than this chapter.

3 SUBCHAPTER E

4 MISCELLANEOUS PROVISIONS

5 Sec.

6 4651. Uniformity of application and construction.

7 4652. Relation to Electronic Signatures in Global and National
8 Commerce Act.

9 4653. Savings clause.

10 § 4651. Uniformity of application and construction.

11 In applying and construing this chapter, which is a uniform
12 act, consideration must be given to the need to promote
13 uniformity of the law with respect to its subject matter among
14 states that enact the uniform act.

15 § 4652. Relation to Electronic Signatures in Global and
16 National Commerce Act.

17 To the extent permitted by section 102 of the Electronic
18 Signatures in Global and National Commerce Act (Public Law 106-
19 229, 15 U.S.C. § 7002), this chapter may supersede provisions of
20 that act.

21 § 4653. Savings clause.

22 This chapter does not affect the validity of any court order
23 or agreement concerning custodial responsibility during
24 deployment which was issued or entered into before the effective
25 date of this section.

26 Section 4. This act shall take effect in 30 days.