Excerpts from Minutes of the Spring Meeting of the
Joint Editorial Board for Uniform Family Law Acts

Chicago, IL

March 7, 2009

JEB/UFL Study Committee on Visitation and Custody Issues for Deployed Military Personnel

The Uniform Law Commission asked the JEB to discuss a Scope proposal submitted in January. The proposal dealt with custody issues for military families. The proposal was submitted by Mark Sullivan from the ABA Family Law Section Military Committee. The proposal showed that 19 states have started addressing issues related to custody and military families as well as the existence of pending federal legislation.

Barbara Handschu reported that New York recently amended the UCCJEA to address the military issues, but this has created confusion regarding modification of existing orders. Other members of the JEB discussed the role deployment played in the UCCJEA rules, as it may be a material change in circumstances, may involve several states based on deployment states and home states, as well as invoke *Troxel* issues related to surrogate custody arrangements.

Robert Spector expressed the need to prevent federal legislation from progressing to the point where it would preempt the UCCJEA.

ULC President Martha Walters and Bob Carey, representing the National Defense Network, also spoke to the need for the project. Mr. Carey, a retired naval officer, discussed the details of some of the custody arrangements service members have made during the most recent deployments. Mr. Carey also provided the JEB with some stakeholders to engage on the project. President Walters also indicated that the Pew Foundation, which is funding the Overseas Voting Act, may have an interest in a military custody project.

Upon the motion of Ms. Elrod, the JEB resolved:

RESOLVED: The Joint Editorial Board for Uniform Family Laws recommends that the Executive Committee of the Uniform Law Commission employ a drafting committee for a uniform act addressing custody orders involving military families.

The Resolution passed unanimously.