



WHY STATES SHOULD ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT

The Uniform Deployed Parents Custody and Visitation Act (UDPCVA) addresses the wide variability in the ways that states handle child custody and visitation issues that arise when service members are deployed. Because of the mobile nature of military service, and because a child's other parent will often live in or move to a different state than the deployed service member, bringing the child with them, there are many times that that these custody issues involve two or more states. Yet different states now apply very different substantive law and court procedures from one another when custody issues arise on a parent's deployment. The resulting patchwork of rules makes it difficult for the parents to resolve these important issues quickly and fairly, hurts the ability of deploying parents to serve the country effectively, and interferes with the best interest of children.

The UDPCVA provides uniform, expeditious, and fair disposition of cases involving the custody rights of a member of the military. The UDPCVA ensures a proper balance of interests—protecting the rights of the service member, the other parent, and above all the best interest of the children involved.

Among its attributes that will improve state law, the UDPCVA:

- Encourages and facilitates mutual agreement between parents to a custody arrangement during deployment
- Provides a set of expedited procedures for entry of a temporary custody order during deployment
- Integrates with the Uniform Child Custody Jurisdiction and Enforcement Act, and declares the residence of the deploying parent not changed by reason of the deployment, thus protecting against jurisdictional litigation
- Allows the court, at the request of a deploying parent, to grant the service member's portion of custodial responsibility in the form of caretaking authority to an adult nonparent who is either a family member or with whom the child has a close and substantial relationship when it serves the child's best interest
- Declares that no permanent custody order can be entered before or during deployment without the service member's consent
- Guards against the possibility that courts will use past or possible future deployment as a negative factor in determining custody by service members without serious consideration of whether the child's best interest was or would be truly compromised by such deployment