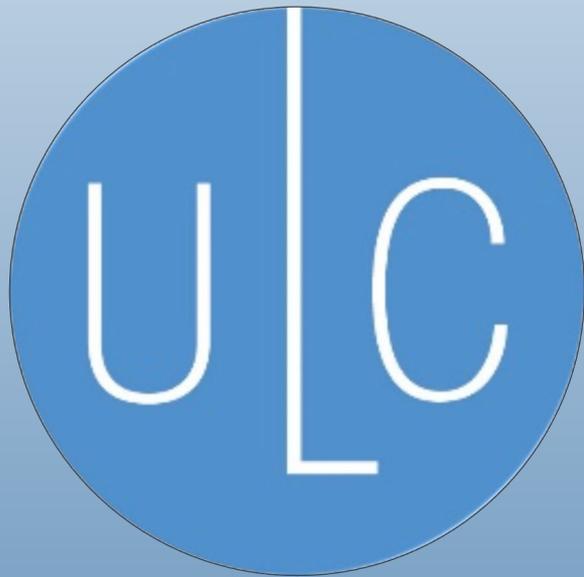


Uniform Deployed Parents Custody and Visitation Act



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Road Map

- Overview of the Uniform Law Commission (ULC)
- Overview of the Uniform Deployed Parent Custody and Visitation Act (UDPCVA)
- Important provisions in the uniform act
- Comments on preliminary draft (LRB0409/P1)



What is the Uniform Law Commission?

- For over 125 years, the Uniform Law Commission (ULC) has served states and their citizens by drafting laws on subjects in which uniformity across the states desirable
- Over 400 uniform act
- Non-partisan and voluntary



Membership

The current membership consists of more than 397 lawyers

Wisconsin Commissioners (14): Terry Anderson, Ann Bradley, Lawrence Bugge, Richard Champagne, David Cullen, Peter Dykman, Aaron Gary, Gary George, Evan Goyke, Mark Gundrum, Shaun Haas, Joanne Huelsman, Margit Kelley, Walter Kelly, John Macy, Bruce Munson, Jim Ott, Orlan Prestegard, David Prosser, Daniel Riemer, Fred Risser, Patience Roggensack, Ron Tusler, Michael Weiden, Annette Ziegler, Rich Zipperer, V. David Zvenyach



Exceptional Value

- Each ULC drafting project represents a minimum of at least \$1.2 million worth of donated legal expertise
- The ULC is able to provide focused, sustained attention to highly technical areas of law, which would otherwise not be available to many state and territorial legislatures

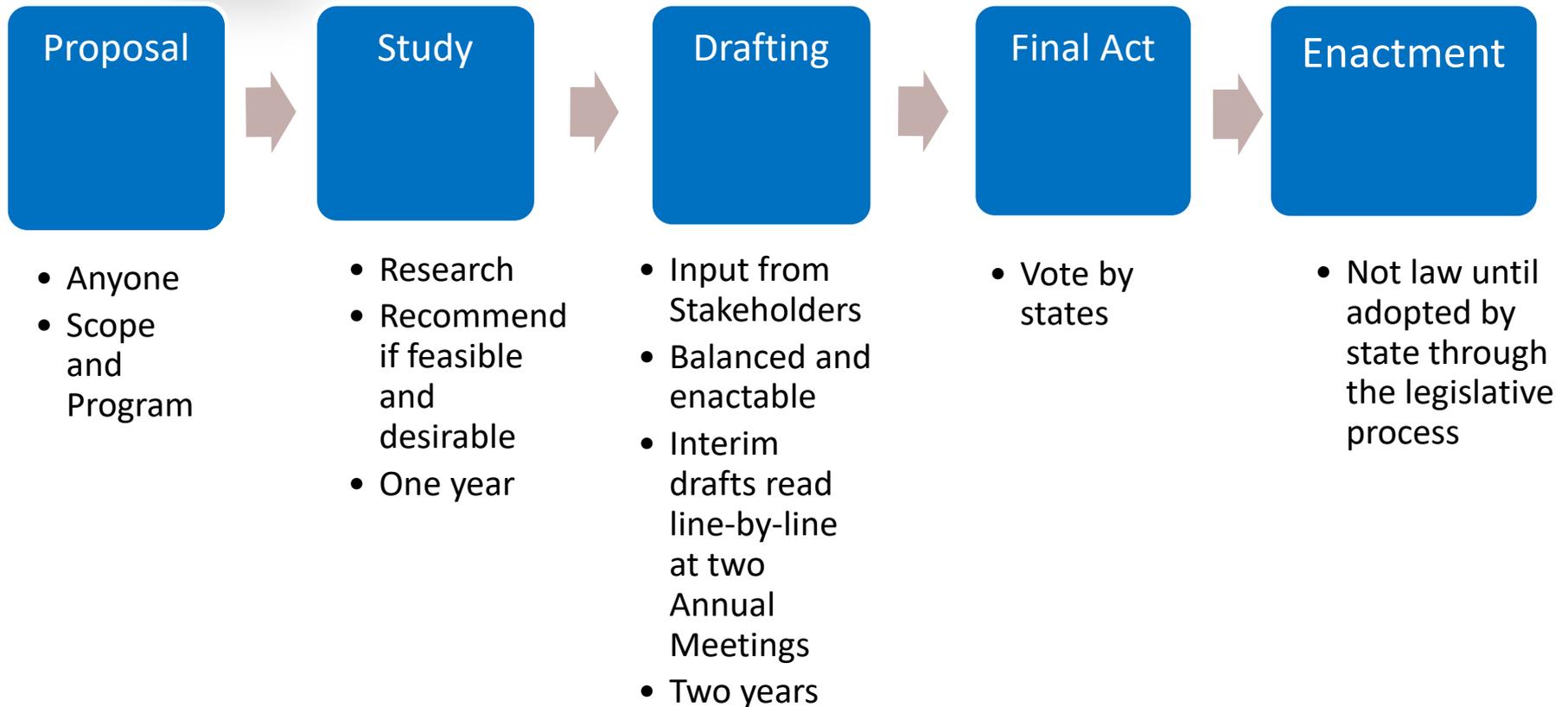


Uniform Acts Adopted by WI (a lot)

Absence as Evidence of Death and Absentees' Property (1939): *Enacted 1941*; Acknowledgment (1939): *Enacted 1943*; Amendments to Acknowledgment (1942)(1952)(1955): *Enacted 1957*; Amendments to Acknowledgment (1960): *Enacted 1961*; Aeronautical Regulatory (1935): *Enacted 1937*; Aeronautics (1922): *Enacted 1929*; Alcoholism and Intoxication Treatment (1971): *Enacted 1974*; Anatomical Gift (1968): *Enacted 1969*; Revised Anatomical Gift (1987): *Enacted 1990*; Revised Anatomical Gift (2006): *Enacted 2008*; Ancillary Administration of Estates (1949): *Enacted 1951*; Amendments to Ancillary Administration of Estates (1953): *Enacted 1955*; Annulment of Marriage and Divorce (1907): *Enacted 1909*; Appointment of Commissioners, Act to Provide for (1944): *Enacted 1957*; Arbitration* (1925): *Enacted 1931*; Attendance of Witnesses from Without the State in Criminal Cases, Act to Secure (1931): *Enacted 1933*; Athlete Agents (2000): *Enacted 2004*; Attendance of Witnesses from Without a State in Criminal Proceedings, Act to Secure (1936): *Enacted 1947*; Bills of Lading (1909): *Enacted 1917*; Certification of Questions of Law (1967): *Enacted 1982*; Child Custody Jurisdiction (1968): *Enacted 1976*; Child Custody Jurisdiction and Enforcement (1997): *Enacted 2006*; Cold Storage of Certain Articles of Food, Act to Regulate (1914): *Enacted 1917*; Commercial Code (1951): *Enacted 1963*; Revised UCC Article 1 (2001): *Enacted 2010*; UCC Article 2A (1987)(1990): *Enacted 1992*; Revised UCC Articles 3 and 4 (1990): *Enacted 1996*; UCC Article 4A (1989): *Enacted 1992*; Amendment to UCC Article 4A (2012): *Enacted 2013*; Revised UCC Article 5 (1995): *Enacted 2006*; Revised UCC Article 6 (Repeal) (1989): *Enacted 2010*; Revised UCC Article 7 (2003): *Enacted 2010*; Amendments to UCC Article 8 (1977): *Enacted 1986*; Revised UCC Article 8 (1994): *Enacted 1998*; Amendments to UCC Article 9 (1972): *Enacted 1974*; Revised UCC Article 9 (1999): *Enacted 2001*; Amendments to Revised UCC Article 9 (2010): *Enacted 2012*; Common Trust Fund (1938): *Enacted 1943*; Amendments to Common Trust Fund (1952): *Enacted 1953*; Conditional Sales (1918): *Enacted 1919*; Conservation Easement (1981): *Enacted 1982*; Controlled Substances (1970): *Enacted 1971*; Revised Controlled Substances (1990): *Enacted 1996*; Criminal Extradition (1926)(1932): *Enacted 1933*; Custodial Trust (1987): *Enacted 1992*; Declaratory Judgments (1922): *Enacted 1927*; Desertion and Non-Support (1910): *Enacted 1911*; Determination of Death (1980): *Enacted 1982*; Disposition of Unclaimed Property (1966): *Enacted 1970*; Division of Income for Tax Purposes* (1957): *Enacted 19*; Divorce Procedure and Divorce from the Bonds of Matrimony, Act to Establish (1901): *Enacted 1901*; Divorce Recognition (1947): *Enacted 1949*; Durable Power of Attorney (1979): *Enacted 1982*; Electronic Transactions (1999): *Enacted 2004*; Enforcement of Foreign Judgments (1948): *Enacted 1949*; Revised Enforcement of Foreign Judgments (1964): *Enacted 1965*; Evidence, Rules of (1974): *Enacted 1974*; Extradition of Persons of Unsound Mind (1916): *Enacted 1919*; Federal Lien Registration (1978): *Enacted 1980*; Amendments to Federal Lien Registration (1982): *Enacted 1994*; Federal Tax Lien Registration (1926): *Enacted 1925*; Fiduciaries (1922): *Enacted 1925*; Fiduciary Access to Digital Assets (2015): *Enacted 2016*; Flag (1917): *Enacted 1919*; Foreign Acknowledgments (1914): *Enacted 1915*; Foreign Money Claims (1989): *Enacted 1992*; Fraudulent Conveyance (1918): *Enacted 1919*; Gifts to Minors (1956): *Enacted 1957*; Revised Gifts to Minors (1965): *Enacted 1967*; Insurers Liquidation (1939): *Enacted 1965*; Interstate Arbitration of Death Taxes (1943): *Enacted 1971*; Interstate Depositions and Discovery (2007): *Enacted in 2016 by court rule*; Interstate Enforcement of Domestic Violence Protection Orders (2000): *Enacted 2016*; Interstate Family Support (1992): *Enacted 1994*; Amendments to Interstate Family Support (1996): *Enacted 1998*; Amendments to Interstate Family Support (2008): *Enacted 2010*; Joint Obligations (1925): *Enacted 1927*; Judicial Notice of Foreign Law (1936): *Enacted 1947*; Limited Partnership (1916): *Enacted 1919*; Revised Limited Partnership (1976)(1985): *Enacted 1990*; Machine Gun (1932): *Enacted 1933*; Management of Institutional Funds (1972): *Enacted 1976*; Marital Property (1983): *Enacted 1984*; Marriage and Marriage License (1911): *Enacted 1917*; Marriage Evasion (1912): *Enacted 1915*; Migratory Divorce, Act to Establish a Law Relative to (1901): *Enacted 1901*; Military Justice, Code of (1961): *Enacted 1969*; Narcotic Drug (1932): *Enacted 1935*; Amendments to Narcotic Drug (1942): *Enacted 1939 previous to adoption by Conference*; Negotiable Instruments Law (1896): *Enacted 1899*; Notarial Acts (1982): *Enacted 1984*; Partnership (1914): *Enacted 1915*; Revised Partnership (1997): *Enacted 2016*; Photographic Copies of Business and Public Records as Evidence (1949): *Enacted 1951*; Power of Attorney (2006): *Enacted 2010*; Principal and Income (1931): *Enacted 1957*; Amendments to Principal and Income (1958): *Enacted 1961*; Revised Principal and Income (1997): *Enacted 2005*; Amendments to Revised Principal and Income (2008): *Enacted 2014*; Probate in this State of Foreign Wills, Act Relative to (1895): *Enacted 1895*; Probate of Foreign Wills (1950): *Enacted 1951*; Prudent Investor (1994): *Enacted 2004*; Prudent Management of Institutional Funds (2006): *Enacted 2009*; Real Estate Time Share (1980)(1982): *Enacted 1988*; Real Property Electronic Recording (2004)(2005): *Enacted 2006*; Reciprocal Enforcement of Support (1950): *Enacted 1951*; Amendments to Reciprocal Enforcement of Support (1952): *Enacted 1953*; Amendments to Reciprocal Enforcement of Support (1958): *Enacted 1959*; Revised Reciprocal Enforcement of Support (1968): *Enacted 1969*; Recognition of Acknowledgments (1968): *Enacted 1969*; Rendition of Prisoners as Witnesses in Criminal Proceedings (1957): *Enacted 1959*; Residential Mortgage Satisfaction (2004): *Enacted 2014*; Sales (1906): *Enacted 1911*; Amendments to Sales (1922): *Enacted 1925*; Secured Creditors' Dividends in Liquidation Proceedings, Act Governing (1939): *Enacted 1941*; Securities (1956)(1958): *Enacted 1969*; Revised Securities (2002): *Enacted 2008*; Securities Ownership by Minors (1960): *Enacted 1961*; Simplification of Fiduciary Security Transfers (1958): *Enacted 1959*; Simultaneous Death (1940): *Enacted 1941*; Amendments to Simultaneous Death (1953): *Enacted 1955*; Revised Simultaneous Death (1991)(1993): *Enacted 1997*; State Administrative Procedure (1946): *Enacted 1945*; Statutory Construction (1965): *Enacted 1968*; Stock Transfer (1909): *Enacted 1913*; Statutory Form Power of Attorney (1988): *Enacted 1992*; TOD Security Registration (1989): *Enacted 1990*; Trade Secrets (1979)(1985): *Enacted 1986*; Transboundary Pollution Reciprocal Access (1982): *Enacted 1986*; Transfers to Minors (1983)(1986): *Enacted 1988*; Trust Code (2000): *Enacted 2014*; Trust Receipts (1933): *Enacted 1953*; Unclaimed Property (1981): *Enacted 1984*; Unincorporated Nonprofit Association (1992): *Enacted 1998*; Unsworn Foreign Declarations (2008): *Enacted 2010*; Vendor and Purchaser Risk (1935): *Enacted 1941*; Veterans' Guardianship (1942): *Enacted 1947*; Voidable Transactions (1984): *Enacted 1988*; Voting by New Residents in Presidential Elections* (1962): *Enacted 1965*; War Service Validation (1944): *Enacted 1945*; Warehouse Receipts (1906): *Enacted 1909*; Amendments to Warehouse Receipts (1922): *Enacted 1925*.



ULC Process





Overview of the UDPCVA

UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-FIRST YEAR
NASHVILLE, TENNESSEE
JULY 13 - JULY 19, 2012

WITH PREFATORY NOTE AND COMMENTS

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By
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

October 15, 2012

- Address the many difficulties service members and their families face relating upon deployment
 - Often there is not enough time to resolve matters through ordinary custody procedures in court
 - Out-of-court transfers of custody are common
 - Regaining custody or visitation rights after deployment is not always straight-forward

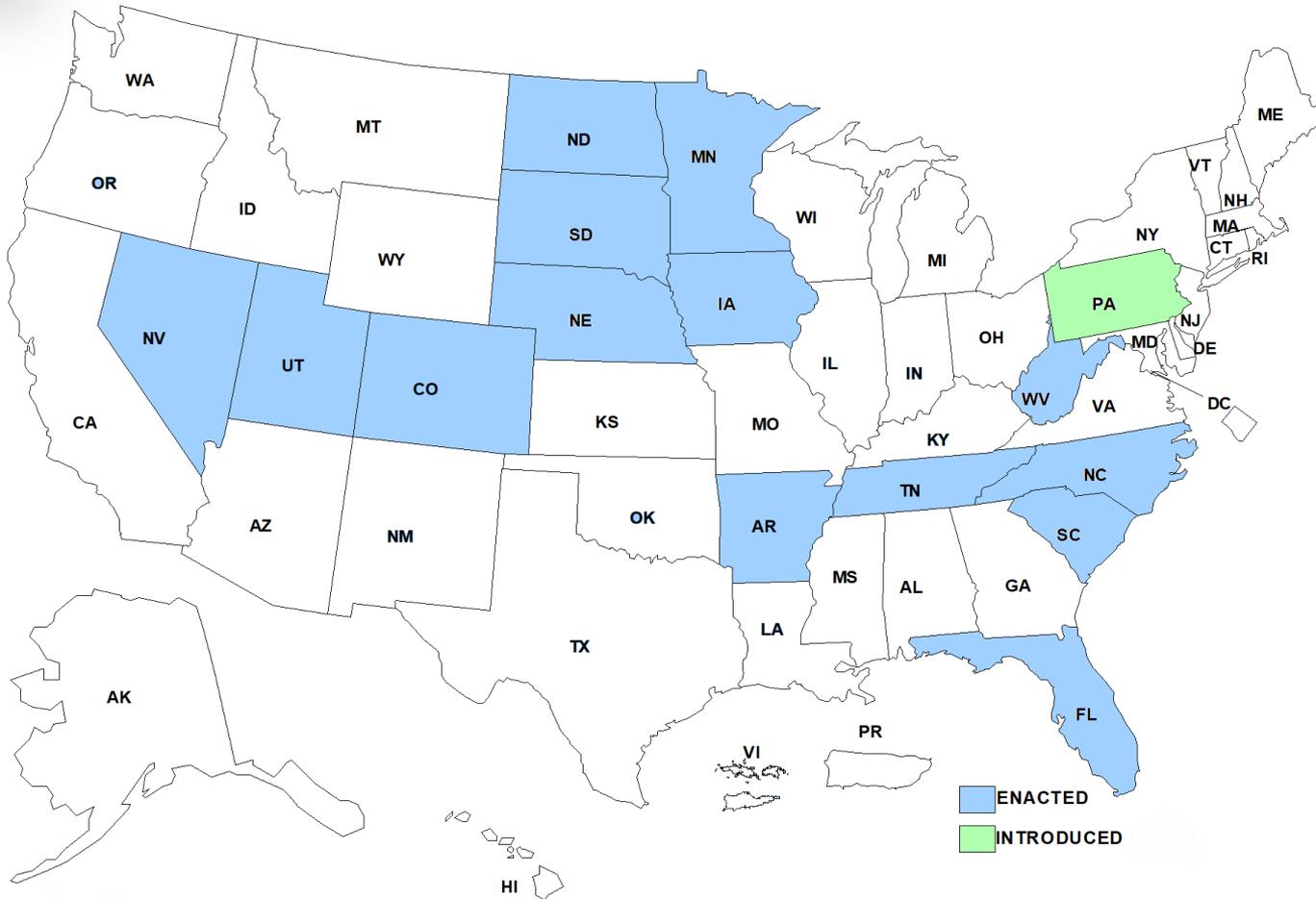


Why uniformity?

- Avoid patchwork of laws across states
- High mobility of service members
 - multi-jurisdictional disputes are highly common
 - military families still struggled with the wide variance of regulation across jurisdictions
- Federal solution? Family law and custody issues are traditionally the province of state law, the ULC decided that a uniform law for adoption across the states would be more appropriate



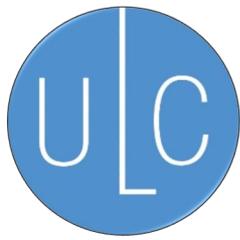
UDPCVA: Enactments





UDPCVA: Important Provisions

- 1. Out-of-Court Resolution:** simplifies the process for out-of-court resolution of custody issues by providing clear guidance on form and substance of agreements
- 2. Judicial Resolution:** when an agreement is not possible, the act makes it easier for the service member to participate in judicial process (ideally, in-person) and helps avoid extended proceedings and related costs
- 3. Temporary, Unless Consent:** makes clear that custody orders under the Act are temporary in nature, unless the service member consents to a permanent change
- 4. Delegation of Service Member's Rights:** a court may, at the request of the deploying parent, delegate the service member's portion of custodial responsibility to an adult non-parent who is either a family member or another individual with a close and substantial relationship with the child, if such an assignment would be in the child's best interest



UDPCVA: Important Provisions (Cont.)

5. Transition after Deployment: temporary custody arrangements do not automatically terminate immediately upon return of the service member in order to safeguard child's best interest (includes a limited period of transition)

6. Maintain Relationships with Limited Contact Visitation: the UDPCVA provides for a unique form of visitation known as "limited contact" designed to help service members maintain their relationship with the child while away

7. Focus on Significant Impacts of Deployment: a judge shall not consider the service member's past or future deployment alone as a negative factor in determining the child's best interest. However, a judge may consider "significant effects" of deployment



LRB-0409/P1



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0409/P1
EAW:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 767.41 (2) (e) 2. and 767.41 (5) (c); and **to create** chapter 324
2 of the statutes; **relating to:** a Uniform Deployed Parents Custody and
3 Visitation Act.

Analysis by the Legislative Reference Bureau

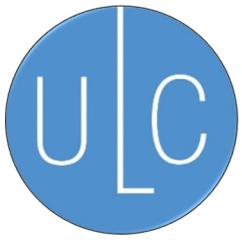
This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** Chapter 324 of the statutes is created to read:
5 **CHAPTER 324**
6 **DEPLOYED PARENTS**
7 **CUSTODY AND VISITATION**
8 **SUBCHAPTER I**
9 **GENERAL PROVISIONS**

Differences from the uniform act:

1. No safeguards relating to termination of temporary custody after the deployed service member's return (see pt. 5 on previous slide)
 - Calls for immediate reversion to the previous order upon return
 - No consideration of the possibility that resumption of custody may not be in the child's best interest because of changes to the child's or service member's situation.
2. No grant of limited contact visitation (see pt. 6 on previous slide)
3. No consideration of "significant impacts of deployment" on best interest of child (see pt. 7 on previous slide)



Thank You