

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

February 23, 2010

1:09 p.m.

MEMBERS PRESENT

Representative John Harris
Representative Bob Lynn
Representative Jay Ramras
Representative Tammie Wilson
Representative Robert L. "Bob" Buch
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Carl Gatto, Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 334

"An Act establishing child custody, modification, and visitation standards for a military parent who is deployed; and amending Rule 99, Alaska Rules of Civil Procedure."

- MOVED CSHB 334(MLV) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 334

SHORT TITLE: MILITARY DEPLOYMENT AND CHILD CUSTODY

SPONSOR(S): REPRESENTATIVE(S) THOMAS

02/10/10	(H)	READ THE FIRST TIME - REFERRALS
02/10/10	(H)	MLV, JUD
02/23/10	(H)	MLV AT 1:00 PM BARNES 124

WITNESS REGISTER

KACI SCHROEDER HOTCH, Staff
Representative Bill Thomas
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the committee substitute for HB 334 on behalf of Representative Thomas, prime sponsor.

REPRESENTATIVE BILL THOMAS

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as the prime sponsor of HB 334.

MARK SAN SOUCI, Regional Liaison Northwest
Defense State Liaison Office
Office of the Deputy Under Secretary of Defense DUSD (Military
Community and Family Policy)
Under Secretary Department of Defense
United States Department of Defense
Lakewood, Washington

POSITION STATEMENT: Testified in support of HB 334.

MARK SULLIVAN, Attorney
Raleigh, North Carolina

POSITION STATEMENT: Testified in support of HB 334.

McHUGH PIERRE, Deputy Commissioner/Chief of Staff
Office of the Commissioner/Adjutant General
Department of Military & Veterans' Affairs
Fort Richardson, Alaska

POSITION STATEMENT: Testified in support of HB 334.

ACTION NARRATIVE

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REPRESENTATIVE JOHN HARRIS called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:09 p.m. Present at the call to order were Representatives Harris, Tammie Wilson, Ramras, Buch, and Kawasaki.

HB 334-MILITARY DEPLOYMENT AND CHILD CUSTODY

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REPRESENTATIVE HARRIS announced that the only order of business would be HOUSE BILL NO. 334, "An Act establishing child custody, modification, and visitation standards for a military parent who is deployed; and amending Rule 99, Alaska Rules of Civil Procedure."

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REPRESENTATIVE BUCH moved to adopt CS for HB 334, 26-LS1310\E, as the working document.

REPRESENTATIVE HARRIS asked for any objections to the motion. Hearing none, the working document was before the committee.

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KACI SCHROEDER HOTCH, Staff, Representative Bill Thomas, Alaska State Legislature, discussed the changes in Version E of the bill. The first change on page 2, line 25, would not allow a military member to designate visitation to a family member with a history of domestic violence. The second change on page 4, line 10, was that if a court order is in place because of a domestic violence issue, the non-deployed parent would not have to notify the deployed parent of a change of address, but would have to notify the court. The third change on page 4, line 20, also has to do with not being able to designate visitation rights to a family member with a history of domestic violence. She advised the committee that the bill prime sponsor supports all of the changes in Version E.

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REPRESENTATIVE RAMRAS said he would like to hear from the bill sponsor.

REPRESENTATIVE BILL THOMAS, Alaska State Legislature, recalled his experience in the military when he witnessed suffering over child custody. The intent of the bill is to relieve additional burdens on military members serving in a combat zone.

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REPRESENTATIVE HARRIS observed that the bill would stop family members from using military active duty as an excuse for child custody purposes.

REPRESENTATIVE THOMAS expressed his concern for the mental stability of soldiers.

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MS. SCHROEDER HOTCH offered to display a three-minute video pertaining to the bill [but the sound did not work, so it was not played]. In response to Representative Harris, she reviewed the main points of the proposed legislation. Currently, active duty, reserve, and National Guard members are serving multiple deployments which are putting additional strain on family units.

As a result, divorce rates are rising in the military, and judges are faced with balancing deployment issues with child custody issues. Ms. Schroeder Hotch explained that HB 334 provides guidelines to the courts on how to balance the following issues: deployment cannot be used as a factor to determine child custody; the service member has a right to an expedited hearing; the service member can delegate his/her visitation rights to a family member; guidelines for temporary custody orders; guidelines for electronic testimony. She pointed out that the prevailing guideline is what is in the best interest of the child.

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REPRESENTATIVE RAMRAS talked about his district and the number of deployments that have occurred there, and the general effect military life has on children. Above that, there are children in the district who have lost parents. He cautioned that the civilian community may be unaware of the difficulties that arise when young members of the military are deployed thousands of miles away from home. He concluded that this addresses a very serious issue and he appreciated the intent of the bill.

REPRESENTATIVE HARRIS agreed that this is a serious subject.

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MARK SAN SOUCI, Regional Liaison Northwest, Defense State Liaison Office, Office of the Deputy Under Secretary of Defense DUSD (Military Community and Family Policy), Under Secretary Department of Defense, United States Department of Defense, informed the committee the mission of his office is to be a resource to state policy makers as they address quality of life issues for military families. Mr. San Souci related that the divorce rate of military families continues to climb and many divorced military have issues concerning children whose other parent is not the service member's current spouse. Additionally, states may not consider a service member's deployment status when making decisions about the custody of children. In fact, deployment away from home can undermine and disrupt existing arrangements, creating stress on parents and children. These inequities cause such stress that this issue is one of the top ten issues affecting military families in all of the states. Mr. San Souci related that the Department of Defense believes that although the welfare of the child is paramount, the demands of military service should not abrogate

parents' rights. He stated that his office also believes that the states, not the federal government, are in the best position to balance these inequities. As previously heard, the bill addresses all five areas of concern, and he encouraged adoption of these protections for service members.

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MARK SULLIVAN, Attorney, provided information on his background and extensive experience in military family law. He said he has assisted 15 states with the passage of military custody and visitation statutes, and participates on the national and state level in related law issues. Mr. Sullivan opined that the language in HB 334 is superior to the related North Carolina statute because the bill does not allow the absence of a deployed service member to be used against him or her as a waiver of rights to be with the child. The proposed legislation accomplishes this by requiring the non-deployed parent to make the child available to the service member during periods of leave, by requiring the non-deployed parent to facilitate contact between the service member and the child, by mandating that the deployed parent give timely information to the non-deployed parent about the leave schedule, and by the immediate notification by the non-deployed parent of any change in address or contact information. Mr. Sullivan applauded the sponsor on the language of the legislation and offered to facilitate passage of the bill.

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REPRESENTATIVE RAMRAS observed that Alaska has a special relationship with its military, and this is an opportunity to lead the nation in looking out for soldiers and families.

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REPRESENTATIVE TAMMIE WILSON related her personal experience with soldiers that will be helped by the proposed legislation.

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McHUGH PIERRE, Deputy Commissioner/Chief of Staff, Office of the Commissioner/Adjutant General, Department of Military & Veterans' Affairs, informed the committee his department has worked closely with the veteran's caucus staff, Representative Thomas, and Senator Huggins to meet the needs of Guard, reserve,

and active duty service members. He expressed his appreciation for "helping to take these loopholes out of the law that will really ease our members' minds when they are deployed."

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REPRESENTATIVE LYNN moved to report CSHB 334, 26-LS1310\E, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 334(MLV) was reported from the House Special Committee on Military and Veterans' Affairs.

1:31:16 PM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:31 p.m.