

IN THE SENATE

SENATE BILL NO. 1288

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CHILD CUSTODY; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 15, TITLE 32, IDAHO CODE, TO PROVIDE THAT DETERMINATIONS
3 AND MODIFICATIONS IN CERTAIN CASES RELATING TO ACTIVE DUTY SERVICE
4 MEMBERS SHALL NOT BE MADE PRIOR TO THE EXPIRATION OF A SPECIFIED TIME
5 PERIOD, TO PROHIBIT SERVICE OF PROCESS DURING CERTAIN PERIODS OF TIME
6 AND PROVIDING AN EXCEPTION.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 32, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as
11 Chapter 15, Title 32, Idaho Code, and to read as follows:

12 CHAPTER 15

13 CHILD CUSTODY AND VISITATION DETERMINATIONS AND MODIFICATIONS -- ACTIVE
14 DUTY SERVICE MEMBERS

15 32-1501. CHILD CUSTODY AND VISITATION DETERMINATIONS AND
16 MODIFICATIONS -- ACTIVE DUTY SERVICE MEMBERS. (1) A court shall not make the
17 following determinations or modifications for a minimum period of sixty (60)
18 days, immediately prior to which a person entitled to notice under the law of
19 this state was an active duty service member or a member of the national guard
20 who was activated for more than thirty (30) days:

21 (a) A child custody or visitation determination or modification;

22 (b) A determination relating to whether a court has continuing
23 jurisdiction in a matter involving child custody or visitation.

24 (2) Service of process in cases involving child custody and visitation
25 for such active duty service members shall not be made during their active
26 duty service.

27 (3) The provisions of this section shall not apply if an active duty
28 service member voluntarily submits to the jurisdiction of the court during
29 such active duty.