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## ATTORNEY & MEDIATOR

### Military Deployment And Children (Virginia)



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Deployment is a fact of life in military families. The sustained periods away from home do have an impact on custody and visitation decisions by the court.

In 2008, the Virginia General Assembly enacted Virginia Code Section 20-124.8 to try to address some of the concerns that were hindering deploying parents in the courts.

This section requires that whenever custody or visitation is changed due to a parent or guardian's deployment that the order state that specifically.

Delays also are a problem in our over-burdened court system. This Code section gives returning servicemembers priority on the docket and requires that their motions to amend custody/visitation orders that were issued on the basis of deployment be heard within 30 days of filing. The hearing on this motion also places the burden of proof on the nondeploying parent or guardian to show that reentry of the former custody or visitation order before deployment is no longer in the child's best interests. This is a change from the usual case where the party filing the motion has the burden of proof.

The ideal situation would be for the parents to be able to have an agreement worked out, without

the need for court intervention. If they cannot, Section 20-124.8 is available to help deploying parents.

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