

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH80227-LU-48 (02/10)

Short Title: Virtual Visitation/Family Law.

(Public)

Sponsors: Representative Rapp.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE LAWS PERTAINING TO CUSTODY OF A MINOR CHILD
3 BY DEFINING VISITATION TO INCLUDE VISITATION BY ELECTRONIC
4 COMMUNICATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 50-13.2 is amended by adding a new subsection to read:

7 "(e) An order for custody of a minor child may provide for visitation rights by electronic
8 communication. In granting visitation by electronic communication, the court shall consider the
9 following:

10 (1) Whether electronic communication is in the best interest of the minor child.

11 (2) Whether equipment to communicate by electronic means is available,
12 accessible, and affordable to the parents of the minor child.

13 (3) Any other factor the court deems appropriate in determining whether to
14 grant visitation by electronic communication.

15 The court may set guidelines for electronic communication, including the hours in which the
16 communication may be made, the allocation of costs between the parents in implementing
17 electronic communication with the child, and the furnishing of access information between
18 parents necessary to facilitate electronic communication. Electronic communication with a
19 minor child may be used to supplement visitation with the child. Electronic communication
20 may not be used as a replacement or substitution for custody or visitation. The amount of time
21 electronic communication is used shall not be a factor in calculating child support or be used to
22 justify or support relocation by the custodial parent out of the immediate area or the State. Any
23 supervised visitation shall include electronic communication between the minor child and the
24 parent subject to supervised visitation. As used in this subsection, 'electronic communication'
25 means contact, other than face-to-face contact, facilitated by electronic means, such as by
26 telephone, electronic mail, instant messaging, video conferencing, wired or wireless
27 technologies by Internet, or other medium of communication."

28 **SECTION 2.** This act is effective when it becomes law.

