

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1299

Short Title: Virtual Visitation/Family Law. (Public)

Sponsors: Representatives Rapp, M. Alexander, Glazier (Primary Sponsors); Dickson, Fisher, and Lucas.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary I.

April 9, 2009

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.

