

Virtual Visitation

This Act enables courts to put requirements into child custody orders allowing divorced parents to visit their children by electronic communication. The Act defines “electronic communication” to mean contact, other than face-to-face contact, facilitated by electronic means, such as by telephone, electronic mail, instant messaging, video teleconferencing, wired or wireless technologies by Internet, or other medium of communication.”

Submitted as:

North Carolina

[Session Law 2009-314](#)

Status: Enacted into law in 2009.

Comment: North Carolina was the fifth of six states to enact laws permitting virtual visitation as way for divorced parents to stay in contact with their children. Utah was the first. Other states include Florida, Illinois, Texas and Wisconsin.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Enable Parents to Visit
2 Children Via Electronic Communication.”

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4 Section 2. [*Parental Visitation Via Electronic Communication.*]

5 (A) An order for custody of a minor child may provide for visitation rights by electronic

6 communication. In granting visitation by electronic communication, the court shall consider the

7 following:

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

9 (2) Whether equipment to communicate by electronic means is available,

10 accessible, and affordable to the parents of the minor child.

11 (3) Any other factor the court deems appropriate in determining whether to grant

12 visitation by electronic communication.

13 (B) The court may set guidelines for electronic communication, including the hours in

14 which the communication may be made, the allocation of costs between the parents in

15 implementing electronic communication with the child, and the furnishing of access information

16 between parents necessary to facilitate electronic communication. Electronic communication

17 with a minor child may be used to supplement visitation with the child. Electronic

18 communication may not be used as a replacement or substitution for custody or visitation. The

19 amount of time electronic communication is used shall not be a factor in calculating child

20 support or be used to justify or support relocation by the custodial parent out of the immediate

21 area or the State. Electronic communication between the minor child and the parent may be

22 subject to supervision as ordered by the court. As used in this subsection, “electronic

23 communication” means contact, other than face-to-face contact, facilitated by electronic means,

24 such as by telephone, electronic mail, instant messaging, video teleconferencing, wired or

25 wireless technologies by Internet, or other medium of communication.”

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27 Section 3. [*Severability.*] [Insert severability clause.]

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29 Section 4. [*Repealer.*] [Insert repealer clause.]

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31 Section 5. [*Effective Date.*] [Insert effective date.]