

# DRAFT “VIRTUAL VISITATION” BILL

## DOMESTIC RELATIONS - CHILDREN

Amends the New York Article 13, Section 640:

### A BILL

#### STATE OF NEW YORK

---

Introduced by \_\_\_\_\_ -- read once and referred to the Committee  
on Judiciary

**AN ACT to amend the domestic relations law and the family court act, in  
relation to the visitation rights to add Virtual Visitation with a child**

**The People of the State of New York, represented in Senate and Assembly, do enact  
as follows:**

**1 Article 13. Section 640 of the domestic relations law, as amended by  
VIRTUAL VISITATION WITH A CHILD**

**Sec. 240** (A) ‘Virtual Visitation’ means time that a parent spends with his or her child during which the child is with the other parent, but which is facilitated by the use of communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

- (1) Virtual Visitation may not be used as a replacement or as a substitute for parental rights and responsibilities.
- (2) Virtual Visitation with the child may be used only to supplement a parent’s periods of parenting time or visitation with the child.
- (3) Virtual Visitation with the child may be used only to supplement a parties contact, parenting time or visitation with the child.
- (4) Granting a parent Virtual Visitation with the child shall be based on whether it is in the child’s best interest and whether equipment for providing Virtual Visitation is reasonably available to both parents.
- (5) The court may not use the availability of Virtual Visitation as a factor in support of a modification of the parental rights and responsibilities or visitation order.
- (6) The court may not use the availability of Virtual Visitation as a factor in support of a modification of contact or visitation rights.

- (7) The court may not use the availability of Virtual Visitation as a factor in support of a removal of a child by the residential parent out of the immediate area or state.
- (8) Virtual Visitation may not be used as a factor in deciding support for a child.

(B) Virtual Visitation upon motion by either parent, the court may grant a reasonable amount of Virtual Visitation at reasonable hours to a parent when the child is with the other parent.

DRAFT