

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4201

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IN THE SENATE OF THE UNITED STATES

JUNE 4, 2012

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Servicemember Family  
3 Protection Act”.

4 **SEC. 2. PROTECTION OF CHILD CUSTODY ARRANGEMENTS**  
5 **FOR PARENTS WHO ARE MEMBERS OF THE**  
6 **ARMED FORCES.**

7 (a) CHILD CUSTODY PROTECTION.—Title II of the  
8 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et  
9 seq.) is amended by adding at the end the following new  
10 section:

11 **“SEC. 208. CHILD CUSTODY PROTECTION.**

12 “(a) RESTRICTION ON TEMPORARY CUSTODY  
13 ORDER.—If a court renders a temporary order for custo-  
14 dial responsibility for a child based solely on a deployment  
15 or anticipated deployment of a parent who is a service-  
16 member, then the court shall require that upon the return  
17 of the servicemember from deployment, the custody order  
18 that was in effect immediately preceding the temporary  
19 order shall be reinstated, unless the court finds that such  
20 a reinstatement is not in the best interest of the child,  
21 except that any such finding shall be subject to subsection  
22 (b).

23 “(b) EXCLUSION OF MILITARY SERVICE FROM DE-  
24 TERMINATION OF CHILD’S BEST INTEREST.—If a motion  
25 or a petition is filed seeking a permanent order to modify  
26 the custody of the child of a servicemember, no court may

1 consider the absence of the servicemember by reason of  
2 deployment, or the possibility of deployment, in deter-  
3 mining the best interest of the child.

4 “(c) NO FEDERAL RIGHT OF ACTION.—Nothing in  
5 this section shall create a Federal right of action.

6 “(d) PREEMPTION.—In any case where State law ap-  
7 plicable to a child custody proceeding involving a tem-  
8 porary order as contemplated in this section provides a  
9 higher standard of protection to the rights of the parent  
10 who is a deploying servicemember than the rights provided  
11 under this section with respect to such temporary order,  
12 the appropriate court shall apply the higher State stand-  
13 ard.

14 “(e) DEPLOYMENT DEFINED.—In this section, the  
15 term ‘deployment’ means the movement or mobilization of  
16 a servicemember for a period of longer than 60 days and  
17 not longer than 18 months pursuant to temporary or per-  
18 manent official orders—

19 “(1) that are designated as unaccompanied;

20 “(2) for which dependent travel is not author-  
21 ized; or

22 “(3) that otherwise do not permit the move-  
23 ment of family members to that location.”.

1           (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of such Act is amended by adding at the  
3 end of the items relating to title II the following new item:

“208. Child custody protection.”.

Passed the House of Representatives May 30, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*