

Union Calendar No. 341

112TH CONGRESS
2^D SESSION

H. R. 4201

[Report No. 112-488]

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2012

Mr. TURNER of Ohio (for himself and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 18, 2012

Additional sponsors: Mr. YOUNG of Indiana, Mr. SHUSTER, Mr. RYAN of Ohio, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. CRITZ, Mr. THORNBERRY, Mr. RUNYAN, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. LAMBORN, Ms. BORDALLO, Mr. FORBES, Mr. JONES, Mr. KLINE, Mr. LOBIONDO, Mr. MCCOTTER, Mr. LATOURETTE, Mr. WHITFIELD, Mr. STIVERS, Mr. TURNER of New York, Mr. MEEHAN, Mr. KELLY, Mr. BARLETTA, Mr. GERLACH, Mr. DENT, Mr. OLSON, Mr. PLATTS, Mr. BROUN of Georgia, Mr. BUCHANAN, Ms. SCHAKOWSKY, Mr. HECK, Mr. BISHOP of Utah, Mr. JOHNSON of Ohio, Mr. BROOKS, Mr. CHABOT, Mr. REICHERT, Mrs. MCMORRIS RODGERS, Mr. AUSTIN SCOTT of Georgia, Mrs. HARTZLER, Mr. CONAWAY, Mr. BURGESS, Mrs. MILLER of Michigan, Mr. FLEMING, Mr. WILSON of South Carolina, Mr. LANCE, Mr. WEST, Mrs. ROBY, Mr. PEARCE, Mr. POSEY, Mr. HANNA, Mr. ROSS of Florida, Mr. LUETKEMEYER, Mr. HUNTER, Mr. SCHILLING, Mr. RIBBLE, Mr. DIAZ-BALART, Mr. GARY G. MILLER of California, Mr. RIGELL, Mr. MCKEON, Mr. CALVERT, Mr. BONNER, Mr. LEWIS of California, Mr. CARTER, Mr. BOUSTANY, Mr. COLE, Mr. LATTA, Mr. SHIMKUS, Mr. FLORES, Mr. GARAMENDI, and Mrs. BLACK

MAY 18, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Servicemember Family
5 Protection Act”.

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

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

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

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

1 “(b) EXCLUSION OF MILITARY SERVICE FROM DE-
2 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
3 or a petition is filed seeking a permanent order to modify
4 the custody of the child of a servicemember, no court may
5 consider the absence of the servicemember by reason of
6 deployment, or the possibility of deployment, in deter-
7 mining the best interest of the child.

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

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

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

23 “(1) that are designated as unaccompanied;

24 “(2) for which dependent travel is not author-
25 ized; or

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

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of such Act is amended by adding at the
5 end of the items relating to title II the following new item:
“208. Child custody protection.”.

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