

113TH CONGRESS
1ST SESSION

H. R. 1898

To protect the child custody rights of deployed members of the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2013

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

A BILL

To protect the child custody rights of deployed members
of the Armed Forces, and for other purposes.

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. PROTECTION OF CHILD CUSTODY ARRANGE-**
4 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
5 **THE ARMED FORCES.**

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

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

2 “(a) RESTRICTION ON TEMPORARY CUSTODY
3 ORDER.—If a court renders a temporary order for custo-
4 dial responsibility for a child based solely on a deployment
5 or anticipated deployment of a parent who is a service-
6 member, then the court shall require that, upon the return
7 of the servicemember from deployment, the custody order
8 that was in effect immediately preceding the temporary
9 order shall be reinstated, unless the court finds that such
10 a reinstatement is not in the best interest of the child,
11 except that any such finding shall be subject to subsection
12 (b).

13 “(b) LIMITATION ON CONSIDERATION OF MEMBER’S
14 DEPLOYMENT IN DETERMINATION OF CHILD’S BEST IN-
15 TEREST.—If a motion or a petition is filed seeking a per-
16 manent order to modify the custody of the child of a serv-
17 icemember, no court may consider the absence of the serv-
18 icemember by reason of deployment, or the possibility of
19 deployment, as the sole factor in determining the best in-
20 terest of the child.

21 “(c) NO FEDERAL JURISDICTION OR RIGHT OF AC-
22 TION OR REMOVAL.—Nothing in this section shall create
23 a Federal right of action or otherwise give rise to Federal
24 jurisdiction or create a right of removal.

25 “(d) PREEMPTION.—In any case where State law ap-
26 plicable to a child custody proceeding involving a tem-

1 porary order as contemplated in this section provides a
 2 higher standard of protection to the rights of the parent
 3 who is a deploying servicemember than the rights provided
 4 under this section with respect to such temporary order,
 5 the appropriate court shall apply the higher State stand-
 6 ard.

7 “(e) DEPLOYMENT DEFINED.—In this section, the
 8 term ‘deployment’ means the movement or mobilization of
 9 a servicemember to a location for a period of longer than
 10 60 days and not longer than 540 days pursuant to tem-
 11 porary or permanent official orders—

12 “(1) that are designated as unaccompanied;

13 “(2) for which dependent travel is not author-
 14 ized; or

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

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

“208. Child custody protection.”.

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