

112TH CONGRESS
2^D SESSION

H. R. 4201

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

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”.

1 **SEC. 2. PROTECTION OF CHILD CUSTODY ARRANGEMENTS**
2 **FOR PARENTS WHO ARE MEMBERS OF THE**
3 **ARMED FORCES.**

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

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

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

20 “(b) EXCLUSION OF MILITARY SERVICE FROM DE-
21 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
22 or a petition is filed seeking a permanent order to modify
23 the custody of the child of a servicemember, no court may
24 consider the absence of the servicemember by reason of
25 deployment, or the possibility of deployment, in deter-
26 mining the best interest of the child.

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

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

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

16 “(1) that are designated as unaccompanied;

17 “(2) for which dependent travel is not author-
18 ized; or

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

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

“208. Child custody protection.”.

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