



CONGRESSMAN MICHAEL R. TURNER

OHIO'S THIRD CONGRESSIONAL DISTRICT

CHILD CUSTODY BILL EXECUTIVE SUMMARY: PROTECTING DEPLOYED SERVICEMEMBERS AND THEIR CHILDREN

Servicemembers risk their lives in support of the contingency operations that keep our nation safe. State courts should not be allowed to use a Servicemember's previous deployments or the possibility of future deployments when making child custody determinations.

- State courts have used Servicemember's *previous* deployments in support of contingency operations against them when making child custody determinations.
- Similarly, some state courts have considered the possibility of *future* deployment as grounds for determining or altering custody agreements.
- My bill will amend the Servicemembers Civil Relief Act to protect Servicemembers against this injustice by providing a uniform national standard.

The premise and bill itself are straightforward:

- We have a duty to protect those who protect us.
- Servicemembers should not lose custody of their children because they have served or might serve in a contingency operation.
- The bill prohibits state courts from using past deployments or the possibility of deployment against Servicemembers when making child custody determinations.
- The bill also prohibits courts from permanently altering custody orders during a parent's deployment, and requires pre-deployment custody to be reinstated unless that is not in the best interest of the child.

The language of the bill has passed the House on five separate occasions:

- Five times as part of the National Defense Authorization Act. (FY08/09/10/11/12)
- Once as a standalone bill by voice vote. (H.R.6048, 2008)
- In the FY12 NDAA, the bill was included in the Managers Package.

The bill language has strong bipartisan support at the Committee level:

- Every member of the House Armed Services Committee expressed support for the language in the 111th Congress.
- The bill was approved by the Veterans Affairs Subcommittee on Economic Opportunity in 2010.

Secretary Gates stated that he wants to work with Congress to pursue the creation of a federal uniform standard.

- "I am convinced that the benefits outweigh the concerns, and thus we should work with the Congress to pursue an acceptable legislative formulation."

This lack of uniform laws creates uncertainty that adversely affects readiness and morale:

- State laws differ on the question of whether deployment or the potential for deployment can be used as a criterion by courts; many states have no laws at all.
- The difference in state laws provides an opportunity for ex-spouses to venue shop until they find a state that will alter custody agreements.
- Many Servicemember custody battles involve up to three states, the state of the original custody order, the state where the child is residing, and the state where the Servicemember is stationed.
- Department of Defense and Service reports link child custody disputes and military suicides.

Our men and women in uniform sacrifice a great deal to serve our country. We owe it to them to provide uniform legal standards regarding child custody.