

## State Child Custody Laws Related to Mobilization / Deployment of SM Parents

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State	Status	Statute	No permanent custody orders	Temporary orders may revert back	Deployment not a factor in custody determination	Deployment does not justify modification	Guardianship or visitation can be delegated	Expedited / Electronic Hearing for deployed parent	Only National Guard and/or Reserves are protected
Alabama	Pending	<a href="#">HB 408 (2010) Last Action 4/21/10.</a>				X <sup>P</sup>	C		
Alaska	Pending	<a href="#">HB334 SIGNED 6/4/10 CHAPTER 44 SLA 10</a>		X	X	X	X	X	
Arizona <sup>[1,2]</sup>	Passed	<a href="#">Ariz. Rev. Stat. § 25-411 HB2207 (2008)</a>				X			
Arkansas <sup>[1]</sup>	Passed	<a href="#">Ark. Code Ann. § 9-13-110 HB1345 (2007)</a>	X						
California <sup>[15]</sup>	Passed	Cal. Fam. Code § 3047 / SB 1082 (2005). <a href="#">AB 2416 (2010) Amendment Pending</a>	X <sup>P</sup>	X <sup>P</sup>	X <sup>P</sup>	X	X <sup>P</sup>	X <sup>P</sup>	
Colorado <sup>[15]</sup>	Passed	<a href="#">Colo. Rev. Stat. § 14-10-131.3 / HB 08-1176 (2008)</a>	X	X <sup>9</sup>			C		X <sup>5</sup>
Connecticut	None								
D.C.	None								
Delaware	Passed	13 Del. Code Ann. § 727 / HB 442 (2008) <a href="#">HB 418 (2010) Amendment Pending</a>	X	X <sup>P</sup>		X <sup>P</sup>	X <sup>P</sup>	X <sup>P</sup>	
Florida <sup>[4,15,19]</sup>	Passed	Fla. Stat. Ann.Stat. § 61.13002 (2008) / HB 435 (2007) <a href="#">HB 25 (2010) Amendment Chaptered</a>	X	X <sup>10</sup>			X	X	
Georgia	Passed	<a href="#">Ga. Code Ann. § 19-9-122 (2008) SB 88 (2007)</a>					X <sup>16</sup>		
Guam	None								
Hawaii	Passed	<a href="#">H.B. 2061 (Chaptered:Effective Aug. 1, 2010)</a>		X	X	X	X	X	
Idaho	Passed	<a href="#">Idaho Code Ann. §§ 32-717 / HB 51(2007);15-5-104 (1991)</a>				X	X <sup>C</sup>		X <sup>6</sup>
Illinois <sup>[1]</sup>	Passed	<a href="#">Ill. A.L.S. 676 / HB 2283 (effective 2010)</a>				X	C		
Indiana	None								
Iowa	Passed	<a href="#">S.F. 2214 (2008) / Iowa Code § 598.41C</a>	X	X <sup>10</sup>		X			
Kansas <sup>[2,4,19]</sup>	Passed	<a href="#">Kan. Stat. Ann. § § 60-1625, 60-1630 / SB 32 (2008)</a>	X	X <sup>14</sup>		X	X	X <sup>18</sup>	
Kentucky	Passed	<a href="#">Ky. Rev. Stat. Ann. § 403.340 / HB (2008)</a>	X	X <sup>12</sup>					
Louisiana <sup>[17]</sup>	Passed	<a href="#">La. Rev. Stat. Ann. § 9:348 / SB 154 (2006)</a>					X		
Maine	Passed	<a href="#">Me. Rev. Stat. Ann. tit. 18-A, § 5-104 (2008)</a>					X		X <sup>5</sup>
Maryland <sup>[4,19]</sup>	Passed	<a href="#">Family Law Section Ann. Code § 9-108 / HB 422 (2009)</a>						X	
Massachusetts	Pending	<a href="#">HB 1553 (2009)</a>		X <sup>P</sup>		X <sup>P</sup>			
Michigan	Passed	<a href="#">Mich. Comp. Laws Serv. § 722.27 / HB 5100 (2006)</a>	X	X <sup>10</sup>	X	X	X		
Minnesota	Failed	<a href="#">HF 2495 (2007, 2008)</a>		X <sup>F</sup>		X <sup>F</sup>			
Mississippi	Passed	Miss. Code Ann. §§ 93-5-23, 93-11-65, 93-5-34 <a href="#">SB 2753 (2008)</a>		X <sup>11</sup>		X	X	X	
Missouri <sup>[10,15]</sup>	Passed	Mo. Rev. Stat. §§ 452.412, 452.416 <a href="#">HB 1678 (2008)</a> <a href="#">HB 504 (2009, failed, would have added orders revert back)</a>	X			X			
Montana	None		X		X	X	X	X	
Nebraska	None								
Nevada	None								
New Hampshire	None								
New Jersey	Failed	<a href="#">S. 2910 (2006, 2007) ; S. 941 (2008, 2009)</a>	X <sup>F</sup>			X <sup>F</sup>			

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New Mexico	None								
New York <sup>[4,19]</sup>	Passed	<a href="#">A8722-A Ortiz / S5860-A Rath (2008)</a> . <a href="#">A04079 and S07523 (2010) (Stalled)</a>	X	X <sup>20</sup>					
North Carolina	Passed	N.C. Gen. Stat. § 50-13.7A; <a href="#">H1634 (2007)</a>		X <sup>11</sup>		X	X	X	
North Dakota	Passed	N.D. Cent. Code § 14-09-06.6; <a href="#">SB 2064 (2007)</a>	X	X <sup>14</sup>					X <sup>5</sup>
Ohio	Passed	<a href="#">ORC 3109.041 (I)</a> ; <a href="#">HB 119 (2007)</a> . <a href="#">HB 371 (2010) Amendment, Stalled</a>	X					X	X <sup>6</sup>
Oklahoma	Passed	Okl. Stat. tit. 43, § 112; <a href="#">SB158 (2007)</a>	X						
Oregon	Passed	Ore. Rev. Stat. § 107.135(13); 107.169 and 109.056. <a href="#">HB 2190 (2007)</a>				X			X <sup>7</sup>
Pennsylvania	Passed	Title 23 § 5310; Title 51 § 4109. <a href="#">SB 1107 (2007-2008)</a>	X		X <sup>21</sup>	X			
Puerto Rico	None								
Rhode Island	Pending	<a href="#">H7346 and S2460 (Introduced2010)</a>							
South Carolina <sup>[19]</sup>	Passed	Article 7 Section 63-5-900: Military Parent Equal Protection Act. <a href="#">S*155 (2009)</a>	X	X <sup>12</sup>		X		X	
South Dakota	Passed	<a href="#">S.D. Codified Laws § 33-6-10 (2008)</a>	X				X		
Tennessee <sup>[3]</sup>	Passed	<a href="#">S.B. 2547 (2008)</a> / Tenn. Code Ann. § 36-6-1	X	X <sup>12</sup>					
Texas	Passed	<a href="#">Chapter 153, Family Code Sections 153.701, 153.702, 153.703, 153.704, 153.705, 153.706, 153.707, 153.708, 153.709, 156.006, 156.101, 156.102, 156.105.</a> <a href="#">SB 279 (2009)</a>		X		X <sup>8</sup>	X	X	
Utah	Passed	<a href="#">HB 401 (2008)</a> . Enacted Utah Code Annotated 30-3-40	X	X			X		
Vermont	Passed	<a href="#">H 533 (2010)</a> 15 V.S.A. chapter 11, Enacted subchapter 4a: <a href="#">Military Parents' Rights Act</a>	X	X		X	X	X	
Virginia <sup>[4,19]</sup>	Passed	Va. Code Ann. §§ 20-124.7 thru 20-124.12. <a href="#">SB 118 (2008)</a>	X					X	
Washington	Passed	<a href="#">HB 1170 (2009)</a> . RCW 26.09.004, 26.09.010 and 26.09.260	X	X <sup>12</sup>	X		X	X <sup>18</sup>	
West Virginia <sup>[19]</sup>	Passed	W. Va. Code, § 48-9-404. <a href="#">HB 2694 (2009)</a>	X			X			
Wisconsin	Passed	<a href="#">SB 590 (2005, 2006)</a> Created767.24 (2) (e), 767.24 (5) (c), 767.325 (3m) and 767.325 (5m) . Also see Wis. Stat. § 767.451 (2007)		X	X				
Wyoming	None								

1 Judge should defer to family care plan

2 Pre-deployment custody order must address the issue of post-deployment custody

3 Court can make a permanent modification if the parent volunteers for active duty as a career choice

4 Non-SM parent must maximize child's communication with SM parent while SM is deployed

5 Law only protects members of the armed forces and also the Reserves, National Guard (on active duty for training) and the Public Health Service

6 Law only protects members of the armed forces reserves and that state's National Guard

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		7 Law only protects members of that state's National Guard							
		8 Law specifically mentions that deployment by itself is sufficient to justify a modification							
		9 Servicemember gives notice that they have returned, after which previous order goes back into effect							
		10 Court shall re-instate the custody decree in place before deployment							
		11 Temporary orders end 10 days after the servicemember returns, unless the other parent files a motion							
		12 Orders revert automatically upon the return of the servicemember							
		13 Court is required to state in the temporary order that the order will revert upon the return of the servicemember							
		14 Court is required to state in the temporary order that the order will revert upon the return of the servicemember, unless the court has clear and convincing evidence that this is not in the best interest of the child							
		15 Servicemember's child support obligations should be modified if they are deployed and their income is decreased as a result.							
		16 Guardianship may be delegated by Power of Attorney, but only to a grandparent.							
		17 On returning servicemember's request, the court can grant "compensatory" visitation to make up for visitation days that were missed during deployment.							
		18 Expedited hearing only for parent who is returning from deployment							
		19 Provision that the non-military parent make the child available during military parent's leave							
		20 Rather than automatic reversion, provides for hearing as to change of circumstances.							
		21 Actually says may not be considered in determination of best interest.							
		22 Provision that the non-military parent make the child available during military parent's leave							