

State Child Custody Laws Related to Mobilization / Deployment of SM Parents (Updated 7/13/10)

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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	HB 408 (2010) Last Action 4/21/10.				X ^P	C		
Alaska	Pending	HB334 SIGNED 6/4/10 CHAPTER 44 SLA 10		X	X	X	X	X	
Arizona ^[1,2]	Passed	Ariz. Rev. Stat. § 25-411 HB2207 (2008)				X			
Arkansas ^[1]	Passed	Ark. Code Ann. § 9-13-110 HB1345 (2007)	X						
California ^[15]	Passed	Cal. Fam. Code § 3047 / SB 1082 (2005). AB 2416 (2010) Amendment Pending	X ^P	X ^P	X ^P	X	X ^P	X ^P	
Colorado ^[15]	Passed	Colo. Rev. Stat. § 14-10-131.3 / HB 08-1176 (2008)	X	X ⁹			C		X ⁵
Connecticut	None								
D.C.	None								
Delaware	Passed	13 Del. Code Ann. § 727 / HB 442 (2008) HB 418 (2010) Amendment Pending	X	X ^P		X ^P	X ^P	X ^P	
Florida ^[4,15,19]	Passed	Fla. Stat. Ann.Stat. § 61.13002 (2008) / HB 435 (2007) HB 25 (2010) Amendment Chaptered	X	X ¹⁰			X	X	
Georgia	Passed	Ga. Code Ann. § 19-9-122 (2008) SB 88 (2007)					X ¹⁶		
Guam	None								
Hawaii	Passed	H.B. 2061 (Chaptered:Effective Aug. 1, 2010)		X		X	X	X	
Idaho	Passed	Idaho Code Ann. §§ 32-717 / HB 51(2007);15-5-104 (1991)				X	X ^C		X ⁶
Illinois ^[1]	Passed	Ill. A.L.S. 676 / HB 2283 (effective 2010)				X	C		
Indiana	None								
Iowa	Passed	S.F. 2214 (2008) / Iowa Code § 598.41C	X	X ¹⁰		X			
Kansas ^[2,4,19]	Passed	Kan. Stat. Ann. § § 60-1625, 60-1630 / SB 32 (2008)	X	X ¹⁴		X	X	X ¹⁸	
Kentucky	Passed	Ky. Rev. Stat. Ann. § 403.340 / HB (2008)	X	X ¹²					
Louisiana ^[17]	Passed	La. Rev. Stat. Ann. § 9:348 / SB 154 (2006)					X		

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Maine	Passed	Me. Rev. Stat. Ann. tit. 18-A, § 5-104 (2008)					X		X ⁵
Maryland ^[4,19]	Passed	Family Law Section Ann. Code § 9-108 / HB 422 (2009)						X	
Massachusetts	Pending	HB 1553 (2009)		X ^P		X ^P			
Michigan	Passed	Mich. Comp. Laws Serv. § 722.27 / HB 5100 (2006)	X	X ¹⁰	X	X	X		
Minnesota	Failed	HF 2495 (2007, 2008)		X ^F		X ^F			
Mississippi	Passed	Miss. Code Ann. §§ 93-5-23, 93-11-65, 93-5-34 SB 2753 (2008)		X ¹¹		X	X	X	
Missouri ^[10,15]	Passed	Mo. Rev. Stat. §§ 452.412, 452.416 HB 1678 (2008) HB 504 (2009, failed, would have added orders revert back)	X			X			
Montana	None		X		X	X	X	X	
Nebraska	None								
Nevada	None								
New Hampshire	None								
New Jersey	Failed	S. 2910 (2006, 2007) ; S. 941 (2008, 2009)	X ^F			X ^F			
New Mexico	None								
New York ^[4,19]	Passed	A8722-A Ortiz / S5860-A Rath (2008) A04079 and S07523 (2010) (Stalled)	X	X ²⁰					
North Carolina	Passed	N.C. Gen. Stat. § 50-13.7A; H1634 (2007)		X ¹¹		X	X	X	
North Dakota	Passed	N.D. Cent. Code § 14-09-06.6; SB 2064 (2007)	X	X ¹⁴					X ⁵
Ohio	Passed	ORC 3109.041 (I); HB 119 (2007). HB 371 (2010) Amendment, Stalled	X					X	X ⁶
Oklahoma	Passed	Okla. Stat. tit. 43, § 112; SB158 (2007)	X						

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Oregon	Passed	Ore. Rev. Stat. § 107.135(13); 107.169 and 109.056. HB 2190 (2007)				X			X ⁷
Pennsylvania	Passed	Title 23 § 5310; Title 51 § 4109. SB 1107 (2007-2008)	X		X ²¹	X			
Puerto Rico	None								
Rhode Island	Pending	H7346 and S2460 (Introduced 2010)							
South Carolina ^[19]	Passed	Article 7 Section 63-5-900: Military Parent Equal Protection Act. S*155 (2009)	X	X ¹²		X		X	
South Dakota	Passed	S.D. Codified Laws § 33-6-10 (2008)	X				X		
Tennessee ^[3]	Passed	S.B. 2547 (2008) / Tenn. Code Ann. § 36-6-1	X	X ¹²					
Texas	Passed	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. SB 279 (2009)		X		X	X	X	
Utah	Passed	HB 401 (2008) . Enacted Utah Code Annotated 30-3-40	X	X			X		
Vermont	Passed	H 533 (2010) 15 V.S.A. chapter 11, Enacted subchapter 4a: Military Parents' Rights Act	X	X		X	X	X	
Virginia ^[4,19]	Passed	Va. Code Ann. §§ 20-124.7 thru 20-124.12. "SB 118 (2008)	X					X	
Washington	Passed	HB 1170 (2009) . RCW 26.09.004, 26.09.010 and 26.09.260	X	X ¹²	X		X	X ¹⁸	
West Virginia ^[19]	Passed	W. Va. Code, § 48-9-404. HB 2694 (2009)	X			X			
Wisconsin	Passed	SB 590 (2005, 2006) Created 767.24 (2) (e), 767.24 (5) (c), 767.325 (3m) and 767.325 (5m). Also see Wis. Stat. § 767.451 (2007)		X	X				
Wyoming	None								

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			<div style="display: flex; justify-content: space-around;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">No permanent custody orders</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Temporary orders may revert back</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Deployment not a factor in custody determination</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Deployment does not justify modification</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Guardianship or visitation can be delegated</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Expedited / Electronic Hearing for deployed parent</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Only National Guard and/or Reserves are protected</div> </div>
		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	
		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	