

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

("C" means established by case law)

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 Reservists are protected
Alabama	Ala.	None					C		
Alaska	Alaska	None	H.B. 264 (died in committee)						
Arizona <sup>1,2</sup>	Ariz.	Passed	Ariz. Rev. Stat. § 25-411 (LexisNexis 2008)			X			
Arkansas <sup>3</sup>	Ark.	Passed	Ark. Code Ann. § 9-13-110 (2008)	X					
California <sup>15</sup>	Cal.	Passed	Cal. Fam. Code § 3047 (Deering 2007)			X			
Colorado <sup>15</sup>	Colo.	Passed	Colo. Rev. Stat. § 14-10-131.3 (2008)	X	X <sup>9</sup>		C		X <sup>5</sup>
Connecticut	Conn.	None							
D.C.	D.C.	None							
Delaware	Dele.	<b>Passed</b>	<b>13 Del. Code Ann. § 727 (2008)</b>	X					
Florida <sup>4,15, 19</sup>	Fla.	Passed	Fla. Stat. Ann. § 61.13002 (2008)	X	X <sup>10</sup>				
Georgia	Ga.	<b>Passed</b>	<b>Ga. Code Ann. § 19-9-122 (2008)</b>				X <sup>16</sup>		
Guam	Guam	None							
Hawaii	Haw.	None							
Idaho	Idaho	Passed	Idaho Code Ann. §§ 32-717 (2007); 15-5-104 (1991)			X	XC		X <sup>6</sup>
Illinois <sup>1</sup>	Ill.	<b>Passed</b>	<b>2009 Ill. A.L.S. 676 (effective 2010)</b>			X	<del>XC</del>		
Indiana	Ind.	<b>None</b>							
Iowa	Iowa	Passed	H.R. 2072 / Iowa Code § 598.41C (2008)	X	X <sup>10</sup>	X			
Kansas <sup>2,4,19</sup>	Kan.	Passed	<b>Kan. Stat. Ann. § § 60-1625, 60-1630 (2008)</b>	X	X <sup>14</sup>	X	X	X <sup>18</sup>	
Kentucky	Ky.	Passed	Ky. Rev. Stat. Ann. § 403.340 (2008)	X	X <sup>12</sup>				
Louisiana <sup>17</sup>	La.	<b>Passed</b>	<b>La. Rev. Stat. Ann. § 9:348 (2006), La. Rev. Stat. Ann. § 9:3879.1 (1995)</b>				X		
Maine	Me.	Passed	Me. Rev. Stat. Ann. tit. 18-A, § 5-104 (2008)				X		X <sup>5</sup>
Maryland <sup>4,19</sup>	Md.	<b>Passed</b>	<b>Md. Fam. Law Code Ann. § 9-108 (2009)</b>	<del>X</del>	<del>X</del>			X <sup>18</sup>	
Massachusetts	Mass.	None							
Michigan	Mich.	Passed	Mich. Comp. Laws Serv. § 722.27 (LexisNexis 2005)	X	X <sup>10</sup>	X			
Minnesota	Minn.	<b>None</b>	<b>2007 bill died in committee</b>		<del>X</del> <sup>13</sup>	<del>X</del>			
Mississippi	Miss.	Passed	Miss. Code Ann. §§ 93-5-23, 93-11-65, <b>93-5-34 (2008) (main statute to which prior two refer)</b>		X <sup>11</sup>	X	X	X	
Missouri <sup>10,15</sup>	Mo.	<b>Passed</b>	<b>Mo. Rev. Stat. §§ 452.412, 452.416 (2009)</b>	X		X			

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Montana	Mont.	None							
Nebraska	Neb.								
Nevada	Nev.	None							
New Hampshire	N.H.	None							
New Jersey	N.J.	Pending	S. 2910, 212th Legis., 2006-2007 Sess. (N.J. 2007)	X		X			
New Mexico	N.M.	None							
New York <sup>4,19</sup>	N.Y.	Passed	McKinney's Dom. Rel. 75-l (2009)	X	X <sup>20</sup>				
North Carolina	N.C.	Passed	N.C. Gen. Stat. § 50-13.7A (2008)		X <sup>11</sup>	X	X	X	
North Dakota	N.D.	Passed	N.D. Cent. Code § 14-09-06.6 (2008)	X	X <sup>14</sup>				X <sup>5</sup>
Ohio	Ohio	Passed	ORC 3109.04 ( <b>year</b> )	X		X		X	X <sup>6</sup>
Oklahoma	Okla.	Passed	Okla. Stat. tit. 43, § 112 (2008)	X					
Oregon	Or.	Passed	Ore. Rev. Stat. § 107.169 (2007)			X			X <sup>7</sup>
Pennsylvania	Pa.	Pending	S.B. 1107, 2007-2008 Gen. Assem., 2007 Sess. (Pa. 2007)	X	X <sup>43</sup>	X <sup>21</sup>	X		
Puerto Rico	P.R.	None							
Rhode Island	R.I.	None							
South Carolina <sup>19</sup>	S.C.	Pending	2009 S.C. Acts 25	X	X <sup>12</sup>	X		X	
South Dakota	S.D.	Passed	S.D. Codified Laws § 33-6-10 (2008)	X			X		
Tennessee <sup>3</sup>	Tenn.	Passed	S.B. 2547 / Tenn. Code Ann. § 36-6-1	X	X <sup>12</sup>				
Texas	Tex.	Passed	Tex. Fam. Code §§ 156.105, 153.3161 (2007)			X <sup>8</sup>	X		
Utah	Utah	None							
Vermont	Vt.	None							
Virginia <sup>4, 19</sup>	Va.	Passed	Va. Code Ann. §§ 20-124.7 - 20-124.10	X				X	
Washington	Wash.	Pending	Wash. Rev. Code Ann. § 26.09.260 (2009)	X	X <sup>42</sup>	X	X	X <sup>18</sup>	
West Virginia <sup>19</sup>	W. Va.	Passed	<b>W. Va. Code, § 48-9-404</b>	X		X			
Wisconsin	Wis.	Passed	Wis. Stat. § 767.451 (2007)		X	X			X <sup>5</sup>
Wyoming	Wyo.	None							

<sup>1</sup> Judge should defer to family care plan

<sup>2</sup> Pre-deployment custody order must address the issue of post-deployment custody

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

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		<sup>4</sup> Non-SM parent must maximize child's communication with SM parent while SM is deployed							
		<sup>5</sup> Law only protects members of the armed forces reserves and the National Guard							
		<sup>6</sup> Law only protects members of the armed forces reserves and that state's National Guard							
		<sup>7</sup> Law only protects members of that state's National Guard							
		<sup>8</sup> Texas law specifies that deployment by itself is sufficient to justify a modification							
		<sup>9</sup> Servicemember gives notice that he has returned, after which previous order goes back into effect							
		<sup>10</sup> Court shall re-instate the custody decree in place before deployment							
		<sup>11</sup> Temporary orders end 10 days after the servicemember returns, unless the other parent files a motion							
		<sup>12</sup> Orders revert automatically upon the return of the servicemember							
		<sup>13</sup> Court is required to state in the temporary order that the order will revert upon the return of the servicemember							
		<sup>14</sup> 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							
		<sup>15</sup> Servicemember's child support obligations should be modified if she is deployed and her income is decreased as a result.							
		<sup>16</sup> Guardianship may be delegated by Power of Attorney, but only to a grandparent.							
		<sup>17</sup> On returning servicemember's request, the court can grant "compensatory" visitation to make up for visitation days that were missed during deployment.							
		<sup>18</sup> Expedited hearing only for parent who is <i>returning</i> from deployment							
		<sup>19</sup> Provision that the non-military parent make the child available during military parent's leave							
		<sup>20</sup> rather than automatic reversion, provides for hearing as to change of circumstances.							
		<sup>21</sup> actually says may not be considered in determination of best interest.							
		<sup>22</sup> provision that the non-military parent make the child available during military parent's leave							