

110TH CONGRESS
1ST SESSION

S. 1658

To amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2007

Mr. GREGG introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

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. PROTECTION OF CHILD CUSTODY ARRANGE-**

4 **MENTS FOR PARENTS WHO ARE MEMBERS OF**

5 **THE ARMED FORCES DEPLOYED IN SUPPORT**

6 **OF A CONTINGENCY OPERATION.**

7 (a) CHILD CUSTODY PROTECTION.—Title II of the

8 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et

1 seq.) is amended by adding at the end the following new
2 section:

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

4 “(a) RESTRICTION ON CHANGE OF CUSTODY.—If a
5 motion for change of custody of a child of a servicemember
6 is filed while the servicemember is deployed in support of
7 a contingency operation, no court may enter an order
8 modifying or amending any previous judgment or order,
9 or issue a new order, that changes the custody arrange-
10 ment for that child that existed as of the date of the de-
11 ployment of the servicemember, except that a court may
12 enter a temporary custody order if there is clear and con-
13 vincing evidence that it is in the best interest of the child.

14 “(b) COMPLETION OF DEPLOYMENT.—In any pre-
15 ceding covered under subsection (a), a court shall require
16 that, upon the return of the servicemember from deploy-
17 ment in support of a contingency operation, the custody
18 order that was in effect immediately preceding the date
19 of the deployment of the servicemember is reinstated.

20 “(c) EXCLUSION OF MILITARY SERVICE FROM DE-
21 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
22 for the change of custody of the child of a servicemember
23 who was deployed in support of a contingency operation
24 is filed after the end of the deployment, no court may con-

1 sider the absence of the servicemember by reason of that
2 deployment in determining the best interest of the child.

3 “(d) CONTINGENCY OPERATION DEFINED.—In this
4 section, the term ‘contingency operation’ has the meaning
5 given that term in section 101(a)(13) of title 10, United
6 States Code, except that the term may include such other
7 deployments as the Secretary may prescribe.”.

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

“208. Child custody protection.”.

