

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6048

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IN THE SENATE OF THE UNITED STATES

MAY 21, 2008

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend the Servicemembers Civil Relief Act to provide for the protection of 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,*

1 **SECTION 1. PROTECTION OF CHILD CUSTODY ARRANGE-**  
2 **MENTS FOR PARENTS WHO ARE MEMBERS OF**  
3 **THE ARMED FORCES DEPLOYED IN SUPPORT**  
4 **OF A CONTINGENCY OPERATION.**

5 (a) CHILD CUSTODY PROTECTION.—Title II of the  
6 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et  
7 seq.) is amended by adding at the end the following new  
8 section:

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

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

20 “(b) COMPLETION OF DEPLOYMENT.—In any pre-  
21 ceding covered under subsection (a), a court shall require  
22 that, upon the return of the servicemember from deploy-  
23 ment in support of a contingency operation, the custody  
24 order that was in effect immediately preceding the date  
25 of the deployment of the servicemember is reinstated, un-

1 less there is clear and convincing evidence that such a re-  
2 instatement is not in the best interest of the child.

3 “(c) EXCLUSION OF MILITARY SERVICE FROM DE-  
4 TERMINATION OF CHILD’S BEST INTEREST.—If a motion  
5 for the change of custody of the child of a servicemember  
6 is filed, no court may consider the absence of the  
7 servicemember by reason of deployment, or possibility of  
8 deployment, in determining the best interest of the child.

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

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

“208. Child custody protection.”.

Passed the House of Representatives May 20, 2008.

Attest:

LORRAINE C. MILLER,

*Clerk.*