

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

("C" means established by case law) Updated July 10, 2011

Based upon the work of Lt.Col George D. McHugh, modified and updated by Christine Church

State	Status	Statute	No permanent custody orders	Temporary orders may revert back	Deployment is not sole factor in custodial decisions	Guardianship or visitation can be delegated	Expedited / Electronic Hearing for deployed parent
Alabama	AL	None	Bill proposed, but defeated 2010				
Alaska	AK	Passed	H.B. 334 (2010)	X	X	X	X
Arizona	AZ	Passed	Ariz.Rev.Stat.Ann. § 25-411 (2011)	X	X	X	X
Arkansas	AR	Passed	Ark. Code Ann. § 9-13-110 (2009)	X		X	
California	CA	Passed	Cal. Fam. Code § 3047 (2007)			X	
Colorado	CO	Passed	Colo. Rev. Stat. § 14-10-131.3 (2008)	X	X	X(1)	C
Connecticut	CT	None					
Delaware	DE	Passed	Del.Code.Ann. Tit.13, § 727(d) (2009)	X		X	
Florida	FL	Passed	Fla.Stat.Ann. § 61.13002 (2010)	X	X		X
Georgia	GA	Passed	Ga. Code Ann. § 19-9-122(a) (2010)			X	
Hawaii	HI	Passed	HB 2061 (2010)		X	X	X
Idaho	ID	Passed	Idaho Code Ann. § 32-717 (2007); § 15-5-104			X	C
Illinois	IL	Passed	750 ILCS 5/602; 5/610 (2010)	X		X	C
Indiana	IN	Passed	Ind.Code Ann 10-16-7-22 (2008); 31-17-4-10 (2008); 31-14-13-6.3 (2010)	X	X	X	
Iowa	IA	Passed	Iowa Code Ann. 598.41C	X	X	X	X
Kansas	KS	Passed	Kan. Stat. Ann. § 60-1625; 60-1630 (2008)	X	X	X	X
Kentucky	KY	Passed	Ky. Rev. Stat. §§ 403.270 to 403.350 (2008)	X	X	X	
Louisiana	LA	Passed	La. Rev. Stat. Ann. §§ 9:348; 9:359 et.seq. (2010)	X	X	X	X
Maine	ME	Passed	Me. Rev. Stat. Ann. tit. 18-A, § 5-104 (2008)			X	X
Maryland	MD	Passed	Md. Fam. Law Code Ann. § 9-108 (2009)				X
Massachusetts	MA	Pending	HB 1553 into committee in 2009				
Michigan	MI	Passed	Mich. Comp. Laws Serv. § 722.27 (2008)	X	X	X	
Minnesota	MN	None	2007 bill died in committee				
Mississippi	MS	Passed	Miss. Code Ann. § 93-5-34 (2010)		X	X	X
Missouri	MO	Passed	Mo. Rev. Stat. §§ 452.412, 452.416 (2009)	X		X	

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Montana	MT	Passed	Mont. Code. Ann. 40-4-212 (2009)	X	X	X	X
Nebraska	NE	None					
Nevada	NV	Passed	AB 313 (2011)	X	X	X	X
New Hampshire	NH	None					
New Jersey	NJ	None					
New Mexico	NM	None					
New York	NY	Passed	McKinney's Dom. Rel. 75-l (2009)			X(2)	
North Carolina	NC	Passed	N.C. Gen. Stat. § 50-13.7A (2007)		X	X	X
North Dakota	ND	Passed	N.D. Cent. Code § 14-09-06.2, 06.6 (2008)	X	X	X	
Ohio	OH	Passed	ORC 3109.04 and 3109.05 (2011)			X	X
Oklahoma	OK	Passed	43 Okla. Stat. § 112 (2008)	X		X	
Oregon	OR	Passed	Or.Rev.Stat. § 107.169;107.135(13); 109.056 (2009)			X	
Pennsylvania	PA	Passed	51 Pa.C.S.A. § 4109 (2008)	X	X	X	
Rhode Island	RI	Pending	S. 2054A in committee 2010	X	X	X	X
South Carolina	SC	Passed	S.C. Ann. 63-5-900 et seq (2010)	X	X	X	X
South Dakota	SD	Passed	S.D. Codified Laws § 33-6-10 (2008)	X		X	X
Tennessee	TN	Passed	Tenn. Code Ann. §36-6-113 (2008)	X	X	X	
Texas	TX	Passed	Tex. Fam. Code §153.701 et seq; 156.101-102;156.105 (2009)		X	X(3)	
Utah	UT	Passed	Utah Code Ann. 1953 § 30-3-40 (2009)	X		X	X
Vermont	VT	Passed	15 Vermont Stat. Ann. 681 et seq (2010)	X	X	X	X
Virginia	VA	Passed	Va. Code Ann. §§ 124.7 et seq (2008)	X	X	X	X
Washington	WA	Passed	Rev.CodeWash. §§ 26.09.004; 26.09.010, 26.09.260 (2009)		X	X	X
West Virginia	WV	Passed	W. Va. Code, § 48-9-404 (2009)	X		X	X
Wisconsin	WI	Passed	Wis. Stat. § 767.451 (2007)		X	X	
Wyoming	WY	Passed	HB 0105 (2011)	X	X	X	X

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State	Status	Statute				
<b>Totals</b>			28	26	38	21

No permanent custody orders

Temporary orders may revert back

Deployment is not sole factor in custodial decisions

Guardianship or visitation can be delegated

Expedited / Electronic Hearing for deployed parent

(1) The relationship between a servicemember parent and his or her child should not be unfairly impacted due to military service

(2) *Diffin v. Towne* , 47 A.D. 3d 988, 849 N.Y.S. 2d 687 (S. Ct. App. Div. 008). The Court in *Diffin v. Towne* held that the deployment in and of itself did not constitute a significant change in circumstances.

(3) *Holley v. Adams* , 544 S.W. 2d 371-372, The Court in *Holley* found that there are several factors that the courts are to consider when determining the best interest of the child. (*Holley* Factors)