

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE   | STATUTE     | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                          |
|---------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alabama | § 30-3-165  | A person entitled to custody of a child who is on active military service in the Armed Forces of the United States of America and is being transferred or relocated pursuant to a non-voluntary order of the government shall provide notice of change of principal residence of a child to the persons entitled to custody of or visitation with a child with the information set forth in subsection (b) except that such notice need not contain a warning to the non-relocating person as provided in subdivision (8) of subsection (b) that an objection to the relocation must be made within 30 days or the relocation will be permitted. |                                                                                                                                                                                                                                                                                                                                                                                                                |
| Alaska  | § 25.20.095 | In determining the availability of a parent for custody or visitation, if a parent is deployed or in a position where the parent may be deployed, the court shall take particular care to ensure that the child has the maximum opportunity, consistent with the best interests of the child, to have contact with the parent. Except as provided in this section, a parent's temporary duty, mobilization, or deployment to military service and the resultant temporary disruption to the child of the parent may not be a factor in a court's decision to grant or deny a petition for custody or visitation.                                 | In making a determination of the best interests of the child, the court shall consider the factors under § 25.24.150(c) and apply the rebuttable presumption under § 25.24.150(g) to visitation, delegation, and custody orders issued under this section. In addition, there is a rebuttable presumption that a deployed parent's visitation rights may not be delegated to a family member who has a history |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE   | STATUTE  | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                             |
|---------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | of perpetrating domestic violence against a spouse, a child, or a domestic living partner, or to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against a spouse, a child, or a domestic living partner. |
| Arizona | § 25-411 | <p>If a custodial parent is a member of the United States armed forces, the court shall consider the terms of that parent's military family care plan to determine what is in the child's best interest during the custodial parent's military deployment.</p> <hr/> <p>If the parent with whom the parent's child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence, a court shall not enter a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless a modification is agreed to by the deploying parent.</p> |                                                                                                                                                                                                                                                                                   |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | DV SPECIFIC PROVISION |
|-------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>The court shall not consider a parent's absence caused by deployment or mobilization or the potential for future deployment or mobilization as the sole factor supporting a real, substantial, and unanticipated change in circumstances [justifying modification].</p> <p>On motion of a deploying or nondeploying, mobilizing, or absent military parent, the court, after a hearing, shall enter a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization if a military parent who has custody or parenting time pursuant to an existing court order has received notice from military leadership that the military parent will deploy or mobilize in the near future, and the deployment or mobilization would have a material effect on the military parent's ability to exercise parental rights and responsibilities or parent-child contact.</p> <p>If a military parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE    | STATUTE    | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | DV SPECIFIC PROVISION |
|----------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|          |            | military parent's residence or that otherwise have a material effect on the military parent's ability to exercise parenting time, at the request of the military parent, the court may delegate the military parent's parenting time to a child's family member or to another person who is not the child's parent but who has a close and substantial relationship to the minor child, if the court determines that is in the child's best interest.                                                                                                                                                                                                                                                                                                                      |                       |
| Arkansas | § 9-13-110 | <p>A court of competent jurisdiction shall determine whether a temporary modification to an order for child custody or visitation is appropriate for a child or children of a mobilized parent.</p> <p>(2) The determination includes consideration of any and all circumstances that are necessary to maximize the mobilized parent's time and contact with his or her child that is consistent with the best interest of the child, including without limitation:</p> <p>(A) The ordered length of the mobilized parent's call to active duty;</p> <p>(B) The mobilized parent's duty station or stations;</p> <p>(C) The opportunity that the mobilized parent will have for contact with the child through a leave, a pass, or other authorized absence from duty;</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE      | STATUTE               | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DV SPECIFIC PROVISION                                                                                     |
|------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
|            |                       | (D) The contact that the mobilized parent has had with the child before the call to active military duty;<br>(E) The nature of the military mission, if known; and<br>(F) Any other factor that the court deems appropriate under the circumstances.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                           |
| California | Cal.Fam.Code § 3047   | If a party with sole or joint physical custody or visitation receives temporary duty, deployment, or mobilization orders from the military that require the party to move a substantial distance from his or her residence or otherwise has a material effect on the ability of the party to exercise custody or visitation rights, any necessary modification of the existing custody order shall be deemed a temporary custody order made without prejudice, which shall be subject to review and reconsideration upon the return of the party from military deployment, mobilization, or temporary duty. Upon a motion by the relocating party, the court may grant reasonable visitation rights to a stepparent, grandparent, or other family member. |                                                                                                           |
| Colorado   | § 14-13.7-101 et seq. | Colorado has enacted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | If an existing court order prohibits disclosure of the address or contact information of a person to whom |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE       | STATUTE   | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                |
|-------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |           | issue temporary orders regarding custodial responsibility. The act also permits parents to enter into an agreement regarding parenting during a time of deployment and allows a court to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options.                                                                                                                                                                                                                                                                                                                                   | custodial responsibility has been assigned or granted, a notification of change of mailing address or residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted. |
| Connecticut | § 46b-56e | If a parent is a member of the armed forces, has sole or joint custody of a child or court ordered visitation, parental access or parenting time and receives notice from military leadership that he or she will deploy or mobilize in the near future and will be required to be separated from such child due to such deployment or mobilization, then upon motion of such deploying parent or the nondeploying parent, a court may enter temporary orders of custody or visitation modifying final orders of custody or visitation during the period of such deployment or mobilization if: (1) The deployment or mobilization would have a material effect upon the deploying parent's ability to exercise parental rights and responsibilities or parent-child |                                                                                                                                                                                                                                                                                                                      |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE                | STATUTE     | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DV SPECIFIC PROVISION |
|----------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|                      |             | contact as set forth in the existing final orders of custody or visitation, and (2) the court finds that such modification is in the best interests of the child.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |
| District of Columbia | § 16-914.02 | <p>Upon a motion as provided under subsection (a) of this section, the court may issue a temporary order to establish the terms for custody and visitation of the child of the deploying parent or modify the terms of an existing custody or visitation order for the child of the deploying parent to make reasonable accommodation for the deployment.</p> <p>(2) A temporary order issued pursuant to this subsection shall state:</p> <p>(A) That the basis of the order is the deployment of a military parent; and</p> <p>(B) That the temporary order shall terminate and the permanent order shall resume within 10 days after notification of the deploying parent's ability to resume custody or visitation unless the court finds that resumption of the custody or visitation order in effect before deployment is no longer in the child's best interest.</p> <p>(3) A temporary order issued pursuant to this subsection may require:</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DV SPECIFIC PROVISION |
|-------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>(A) The non-deploying parent to reasonably accommodate the leave schedule of the deploying parent;</p> <p>(B) The non-deploying parent to facilitate opportunities for telephonic communication, electronic mail, or other electronic communication between the deploying parent and child during the deployment period; and</p> <p>(C) The deploying parent to provide the non-deploying parent with timely notice of leave of absence, unless the leave schedule of the deploying parent is changed without sufficient advance notice to allow the deploying parent to give timely notice to the non-deploying parent, in which case neither the court nor the non-deploying parent shall use the untimely notice to prevent contact between the deploying parent and the child or use the untimely notice as a basis in requesting or issuing a permanent order modifying an existing custody or visitation arrangement.</p> <hr/> <p>Upon a motion of a deploying parent, or upon motion of a family member of the deploying parent with the consent of the deploying parent, the court may issue a temporary order to delegate all or a portion of the</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE   | STATUTE    | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | DV SPECIFIC PROVISION |
|---------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|         |            | deploying parent's visitation rights to a family member with a close and substantial relationship to the child for the duration of the deployment if in the best interest of the child                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |
| Florida | § 61.13002 | <p>If a motion or petition to modify time-sharing and parental responsibility is filed because a parent is activated or deployed, and the parent's ability to comply with time-sharing is materially affected as a result, the court may not issue an order or modify or amend a previous judgment or order that changes time-sharing as it existed on the date the parent was activated or deployed, except that a court may enter a temporary order to modify or amend time-sharing if there is clear and convincing evidence that the temporary modification or amendment is in the best interests of the child. However, a parent's activation or deployment may not be the sole factor in a court's decision to grant a petition or motion for modification of permanent time-sharing and parental responsibility.</p> <hr/> <p>If a parent is activated, deployed, or temporarily assigned to military service on orders in excess of 90 days and the parent's ability to comply with time-sharing is materially affected as a result, the parent may</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE   | STATUTE  | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DV SPECIFIC PROVISION |
|---------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|         |          | designate a person or persons to exercise time-sharing with the child on the parent's behalf.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |
| Georgia | § 19-9-3 | <p>Whenever a military parent is deployed, a court shall not enter a final order modifying parental rights and responsibilities under an existing parenting plan earlier than 90 days after the deployment ends, unless such modification is agreed to by the deployed parent.</p> <hr/> <p>All temporary modification orders for parenting plans shall include a reasonable and specific transition schedule to facilitate a return to the predeployment parenting plan over the shortest reasonable time period after the deployment ends, based upon the child's best interest.</p> <hr/> <p>Upon a petition to modify an existing parenting plan being filed by a deploying parent and upon a finding that it serves the best interest of the child, the court may delegate for the duration of the deployment any portion of such deploying parent's parenting time with the child to anyone in his or her extended family, including but not limited to an immediate family member, a person with whom the deploying parent</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE  | STATUTE          | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DV SPECIFIC PROVISION                                                                                                                                                               |
|--------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                  | cohabits, or another person having a close and substantial relationship to the child.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                     |
| Hawaii | § 571-91 et seq. | <p>Unless otherwise ordered by the court and consistent with the best interest of the child, including safety considerations in cases involving a finding of domestic violence, any order that anticipates deployment may require that:</p> <p>(1) The other parent shall make the child reasonably available to the deploying parent when the deploying parent has leave;</p> <p>(2) The deployed parent shall provide timely information regarding the deployed parent's leave schedule;</p> <p>(3) Both parents shall facilitate opportunities for telephonic and electronic contact, appropriate for each child, between the deployed parent and the child during deployment; and</p> <p>(4) Each parent shall provide immediate notification to the other parent of a change of address or contact information, or both.</p> <p>Upon motion of the deploying parent and consistent with the best interest of the child, including safety considerations in cases involving a finding of domestic</p> | Court may issue orders in anticipation of deployment, but must consider best interests of child, including safety considerations in cases involving a finding of domestic violence. |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE  | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DV SPECIFIC PROVISION |
|-------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |          | violence, the court may delegate the deploying parent's parent-child contact rights, or a portion thereof, to a family member, whether biological or by adoption, or to a person to whom the deploying parent is married or with whom the deploying parent cohabitates; provided that the family member or person has an existing close and substantial relationship with the child.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |
| Idaho | § 32-720 | In the event a petition for modification of a child custody order is filed during the time that the court action may be subject to the servicemembers civil relief act, 50 U.S.C. App. §501 et seq., because one of the parties is a servicemember as defined in said act, the court shall determine if said act applies to the action pursuant to the jurisdiction provisions of the act. If the court determines that the act does apply, the court shall thereafter act in compliance with the terms of said act and, in addition, the following shall apply to the extent not in violation of said act:<br>(a) If the court determines that modification is in the best interest of the child pursuant to the provisions of § 32-717, and the party who is a servicemember is deployed, the court may only enter an order or decree temporarily modifying the existing child custody order |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE    | STATUTE          | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | DV SPECIFIC PROVISION |
|----------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|          |                  | during the period of deployment, and upon completion by the servicemember of the period of deployment, the order or decree shall expire sixty (60) days after notification to the court, and to all persons entitled to notice in the action, of the deployed servicemember's completion of deployment. Provided however, that:<br>(i) The court may thereafter conduct an expedited or emergency hearing for resolution of the child's custody on the filing of a motion, filed prior to the expiration of the order, alleging that it would not be in the best interests of the child pursuant to the provisions of § 32-717, Idaho Code, if the order expires;<br>(ii) If a motion is so filed, the temporary order shall be extended until the court rules on the motion; and<br>(iii) Following the return from deployment of a deploying parent and until the temporary order for child custody is terminated, the court shall enter a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interests of the child pursuant to the provisions of § 32-717. |                       |
| Illinois | § 750 ILCS 5/610 | A court may only provide for a temporary modification of a custody or visitation order during a period of a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE   | STATUTE                                                   | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DV SPECIFIC PROVISION |
|---------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|         |                                                           | <p>parent's deployment by the United States Armed Forces in order to make reasonable accommodations necessitated by the deployment. The temporary order shall specify that deployment is the basis for the order and shall include provisions for:</p> <p>(1) custody or reasonable visitation during a period of leave granted to the deployed parent if the custody or reasonable visitation is in the child's best interest;</p> <p>(2) if appropriate, visitation by electronic communication; and</p> <p>(3) the court's reservation of jurisdiction to modify or terminate the temporary modification order upon the termination of the deployed parent's deployment upon such terms and conditions as the court may deem necessary to serve the child's best interest at the time of the termination of the deployment.</p> |                       |
| Indiana | §§ 31-14-13-6.1, 31-14-13-6.2, 31-17-2-21.1, 31-17-2-21.2 | <p>Upon the motion of a parent who has received military deployment orders, the court may delegate the parent's parenting time, or a part of the parent's parenting time, during the time the parent is deployed to a person who has a close and substantial relationship with the parent's child if the court finds that delegating the parent's parenting time is in the best interests of the child. The</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE  | STATUTE   | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | DV SPECIFIC PROVISION |
|--------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|        |           | court shall hold an expedited hearing to determine or modify the custody of a child or parenting time with a child if the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing concerning custody or parenting time.                                                                                                                                                                                                                                                                                                                   |                       |
| Iowa   | § 598.41C | A parent may initiate modifications of his/her existing court-ordered custody arrangement prior to or during the time in which the parent is serving active duty in the military and to allow the deploying/deployed parent to temporarily assign physical care parenting time to a family member of the minor child, specified by the deploying/deployed parent. The application or petition initiating this process must be accompanied by an affidavit from the family member assuming temporary custody indicating they understand the change and are willing to exercise the absent parent's responsibilities. |                       |
| Kansas | § 23-3217 | If a parent with parenting time rights receives deployment, mobilization, temporary duty, or unaccompanied tour orders from the military that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to exercise parenting time rights, the                                                                                                                                                                                                                                                                                                  |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | DV SPECIFIC PROVISION |
|-------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>court may delegate the parent's parenting time rights, or a portion thereof, to a member or members of the service member's family with a close and substantial relationship to the minor child for the duration of the parent's absence, if delegating parenting time rights is in the best interests of the child.</p> <hr/> <p>The court may, upon motion of a parent who has received deployment, mobilization, temporary duty, or unaccompanied tour orders from the military, the court shall, for good cause shown, hold an expedited hearing in custody and parenting time matters instituted under this section when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing.</p> <hr/> <p>The court, on motion of the parent returning from deployment, mobilization, temporary duty, or unaccompanied tour, seeking to amend or review the custody or parenting time order based upon such deployment, mobilization, temporary duty, or unaccompanied tour, shall set a hearing on the matter</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE    | STATUTE                | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | DV SPECIFIC PROVISION |
|----------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|          |                        | that shall take precedence on the court's docket and shall be set within 30 days of the filing of the motion. Service on the nondeploying parent shall be at such nondeploying parent's last address provided to the court in writing. Such service, if otherwise sufficient, shall be deemed sufficient for the purposes of notice for this subsection. For purposes of this hearing, such nondeploying parent shall bear the burden of showing that reentry of the custody or parenting time order in effect prior to deployment, mobilization, temporary duty or unaccompanied tour is no longer in the best interests of the child. |                       |
| Kentucky | §§ 403.320 and 403.340 | Any court-ordered modification of a child custody decree, based in whole or in part on:<br>1. The active duty of a parent or a de facto custodian as a regular member of the United States Armed Forces deployed outside the United States; or<br>2. Any federal active duty of a parent or a de facto custodian as a member of a state National Guard or a Reserve component;<br>shall be temporary and shall revert back to the previous decree at the end of the deployment outside the United States or the federal active duty, as                                                                                                 |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE     | STATUTE                | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DV SPECIFIC PROVISION |
|-----------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|           |                        | appropriate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |
| Louisiana | LSA-R.S. 9:359 et seq. | Louisiana has enacted the Military Parent and Child Custody Protection Act, which provides for temporary modification of orders during deployment and delegation of some or all of the deploying parent's visitation, upon motion of the deploying parent, to a family member with a substantial relationship to the child if the court determines it is in the best interest of the child.                                                                                                                                                                 |                       |
| Maryland  | § 9-108                | Any custody or visitation order issued based on the deployment of a parent shall require that:<br>(1) the other parent reasonably accommodate the leave schedule of the parent who is subject to the deployment;<br>(2) the other parent facilitate opportunities for telephone and electronic mail contact between the parent who is subject to the deployment and the child during the period of deployment; and<br>(3) the parent who is subject to the deployment provide timely information regarding the parent's leave schedule to the other parent. |                       |
| Michigan  | § 722.27<br>§ 700.5103 | If a motion for change of custody is filed during the time a parent is in active military duty, the court shall                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DV SPECIFIC PROVISION |
|-------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>not enter an order modifying or amending a previous judgment or order, or issue a new order, that changes the child's placement that existed on the date the parent was called to active military duty, except the court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child. Upon a parent's return from active military duty, the court shall reinstate the custody order in effect immediately preceding that period of active military duty. If a motion for change of custody is filed after a parent returns from active military duty, the court shall not consider a parent's absence due to that military duty in a best interest of the child determination.</p> <p>(d) Utilize a guardian ad litem or the community resources in behavioral sciences and other professions in the investigation and study of custody disputes and consider their recommendations for the resolution of the disputes.</p> <p>By a properly executed power of attorney, a parent or guardian of a minor or a guardian of a legally incapacitated individual may delegate to another person, for a period not exceeding 6 months, any of the</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE       | STATUTE   | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DV SPECIFIC PROVISION |
|-------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|             |           | parent's or guardian's powers regarding care, custody, or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward or to release of a minor ward for adoption.<br>If a parent or guardian is serving in the armed forces of the United States and is deployed to a foreign nation, and if the power of attorney so provides, a delegation under this section is effective until the thirty-first day after the end of the deployment.                                                                                                                                                                                                                                                     |                       |
| Mississippi | § 93-5-34 | When a parent who has custody, or has joint custody with primary physical custody, receives temporary duty, deployment or mobilization orders from the military that involve moving a substantial distance from the parent's residence having a material effect on the parent's ability to exercise custody responsibilities:<br>(a) Any temporary custody order for the child during the parent's absence shall end no later than 10 days after the parent returns, but shall not impair the discretion of the court to conduct a hearing for emergency custody upon return of the parent and within 10 days of the filing of a verified motion for emergency custody alleging an immediate danger of irreparable harm to the child; and |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DV SPECIFIC PROVISION |
|-------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>(b) The temporary duty, mobilization or deployment of the service member and the temporary disruption to the child's schedule shall not be factors in a determination of change of circumstances if a motion is filed to transfer custody from the service member.</p> <p>(c) Any order entered under this section shall require that:</p> <p>(i) The non-deployed parent shall make the child or children reasonably available to the deployed parent when the latter parent has leave;</p> <p>(ii) The non-deployed parent shall facilitate opportunities for telephonic, "webcam," and electronic mail contact between the deployed parent and the child or children during deployment; and</p> <p>(iii) The deployed parent shall provide timely information regarding the parent's leave schedule to the non-deployed parent.</p> <p>If the parent with visitation rights receives military temporary duty, deployment or mobilization orders that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to exercise rights, the court otherwise may delegate the parent's visitation rights, or a portion</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE    | STATUTE   | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |           | thereof, to a family member with a close and substantial relationship to the service member's minor child for the duration of the parent's absence, if delegating visitation rights is in the child's best interest.                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Missouri | § 452.413 | An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment. Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child. | However, if a valid order of protection from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. There is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under § 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE    | STATUTE      | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | DV SPECIFIC PROVISION                                                      |
|----------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
|          |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | perpetrating domestic violence against another family or household member. |
| Montana  | § 40-4-228   | If the parent receives military service orders that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to parent the child for the period the parent is called to military service, as defined in § 10-1-1003, the court may grant visitation rights to a family member of the parent with a close and substantial relationship to the minor child during the parent's absence if granting visitation rights is in the best interests of the child as determined by § 40-4-212. |                                                                            |
| Nebraska | § 43-2929.01 | Where military parents are mobilized or deployed, the court should consider parenting time and visitation and provide orders for communication between the military parent and his/her child during any mobilization of greater than 30 days to insure liberal access. In addition, a military parent's obligations to duty are not, in themselves, sufficient cause for orders or modifications to an order involving custody, parenting time, visitation, or other access. No permanent changes will be made to custody, child support, parenting time,  |                                                                            |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE  | STATUTE     | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | DV SPECIFIC PROVISION                                                                                                                                                                                           |
|--------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |             | <p>visitation, or access following notice of deployment; when the deployed parent returns home, either parent may file a motion requesting a hearing or reinstatement of a prior order.</p> <hr/> <p>If a parent with parenting time rights receives deployment, mobilization, temporary duty or unaccompanied tour orders from the military that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to exercise parenting time rights, the court may delegate the parent's parenting time rights, or a portion thereof, to a member or members of the service member's family with a close and substantial relationship to the minor child for the duration of the parent's absence, if delegating parenting time rights is in the best interests of the child.</p> |                                                                                                                                                                                                                 |
| Nevada | § 125C.0667 | Nevada has enacted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to issue temporary orders regarding custodial responsibility. The act also permits parents to enter into an agreement regarding parenting during a time of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE         | STATUTE          | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DV SPECIFIC PROVISION                                                                                                                                                                                          |
|---------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               |                  | deployment and allows a court may to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted. |
| New Hampshire | § 458E:1 et seq. | <p>New Hampshire has enacted a Military Parents' Rights Act, which provides that upon motion of a deploying or nondeploying parent, the court shall enter a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization when:</p> <p>(a) A military parent who has shared sole or primary legal or physical parental rights and responsibilities for a child or who has parent-child contact pursuant to an existing court order has received notice from military leadership that he or she will deploy or mobilize in the near future; and</p> <p>(b) The deployment or mobilization would have a material effect upon his or her ability to exercise such parental rights and responsibilities or parent-child contact.</p> |                                                                                                                                                                                                                |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE      | STATUTE    | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | DV SPECIFIC PROVISION |
|------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|            |            | Upon motion of the deploying parent, the court may delegate his or her parent-child contact rights, or a portion of them, to a family member, a person with whom the deploying parent cohabits, or another person with a close and substantial relationship to the minor child or children for the duration of the deployment, upon a finding that it is in the child's best interests.                                                                                                                                                                                                                                                                                                                             |                       |
| New Jersey | § 9:2-12.1 | Whenever a service member is a party to a child custody or parenting time arrangement and has received an official written notice of deployment or service-related treatment, the service member shall:<br>(a) notify the other parent or caretaker involved in the child custody or parenting time arrangement of the service member's deployment or treatment location and scheduled dates thereat, no later than the day immediately preceding the service member's departure, or the 10th day after receipt of the official written notice for the deployment or treatment, whichever date occurs first, unless the service member's notice to the other parent or caretaker is prohibited by the military; and |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | DV SPECIFIC PROVISION |
|-------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>(b) provide timely information, if not prohibited by the military, regarding the service member's scheduled leave or other availability during the service member's period of deployment or service-related treatment.</p> <p>(2) The other parent or caretaker involved in the child custody or parenting time arrangement with the service member shall:</p> <p>(a) make the child reasonably available to the service member while the service member is on leave or is otherwise available in accordance with the information provided to the other parent or caretaker pursuant to subparagraph (b) of paragraph (1) of this subsection; and</p> <p>(b) facilitate opportunities for communication, including telephonic and electronic mail contact, to the extent feasible, between the service member and the child during the period of the service member's deployment or service-related treatment.</p> <hr/> <p>The court may order parenting time for a family member of the service member who has a close and substantial relationship with the child.</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE      | STATUTE                  | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New Mexico | §§ 40-10D-1 to 40-10D-10 | New Mexico has adopted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to issue temporary orders regarding custodial responsibility. The Act also permits parents to enter into an agreement regarding parenting during a time of deployment and allows a court to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options.                | If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted. |
| New York   | Dom. Rel. Law § 75-1     | During such period the court may enter an order to modify custody if there is clear and convincing evidence that the modification is in the best interests of the child. An attorney for the child shall be appointed in all cases where a modification is sought during such military service. Such order shall be subject to review. When entering an order under this section, the court shall consider and provide for, if feasible and if in the best interests of the child, contact between the military service member and his or her child including, but not limited to, electronic communication |                                                                                                                                                                                                                                                                                                                                                                                                                                |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE          | STATUTE     | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |             | by e-mail, webcam, telephone, or other available means. During the period of the parent's leave from military service, the court shall consider the best interests of the child when establishing a parenting schedule, including visiting and other contact.                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |
| North Carolina | § 50-13.2   | In a proceeding for custody of a minor child of a service member, a court may not consider a parent's past deployment or possible future deployment as the only basis in determining the best interest of the child. The court may consider any significant impact on the best interest of the child regarding the parent's past or possible future deployment.                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                      |
|                | Chapter 50A | North Carolina has adopted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to issue temporary orders regarding custodial responsibility. The Act also permits parents to enter into an agreement regarding parenting during a time of deployment and allows a court to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options. | If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE        | STATUTE              | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | been assigned or granted.                                                                                                                                                                                                                                                                                                                                                                                                      |
| North Dakota | § 14-09.3-01 et seq. | North Dakota has enacted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to issue temporary orders regarding custodial responsibility. The act also permits parents to enter into an agreement regarding parenting during a time of deployment and allows a court to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options. | If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted. |
| Ohio         | § 3109.04            | A court may issue a temporary order allocating or modifying parental rights and responsibilities for the duration of the parent's active military service. A temporary order shall specify whether the parent's active military service is the basis of the order and shall provide for termination of the temporary order and resumption of the prior order within 10 days after receipt of notice pursuant to division (I)(5) of this section, unless the other parent demonstrates that resumption of the prior order is not in the child's best                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE        | STATUTE       | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                          |
|--------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |               | interest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                |
| Oklahoma     | § 112.7       | A military deployment shall not be used as evidence of a substantial, material and permanent change of circumstances to warrant a permanent modification of custody.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                |
| Oregon       | § 107.145     | A court may not set aside, modify, or alter any portion of a judgment of annulment, separation, or dissolution of marriage that provides for the custody, parenting time, visitation, support or welfare of a minor child of a parent deployed for active military duty until 90 days after the completion of the deployment unless a motion to set aside, alter, or modify such arrangements was heard and adjudicated before the parent's deployment. A court may enter a temporary order modifying the terms of a preexisting judgment of annulment, separation or dissolution of marriage that provides for the custody, parenting time, visitation, support and welfare of a minor child of a deployed parent to reasonably accommodate the circumstances of the deployed parent's deployment in the best interests of the child. | Prior to reinstatement of the provisions of a preexisting judgment, a parent may request ex parte a temporary order alleging that the child will be irreparably harmed or placed in immediate danger if the provisions of the preexisting judgment are automatically reinstated upon completion of deployment. |
| Pennsylvania | Ch. 51 § 4109 | The servicemember may petition the court for a temporary order to temporarily assign custody rights to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DV SPECIFIC PROVISION |
|-------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>family members of the servicemember. The servicemember shall be joined in the petition by the family members to whom the servicemember is seeking to assign temporary custody rights. The petition shall include a proposed revised custody schedule for care of the child by the family members. The proposed revised custody schedule may not include custody rights which exceed the rights granted to a servicemember set forth in the order in effect at the time of the filing of the petition to grant temporary custody rights to family members.</p> <p>(2) The court may issue a temporary order with a revised custody schedule as proposed by the servicemember and the family members or another revised custody schedule as the court deems appropriate, if the court finds that a temporary assignment of custody rights to family members of the servicemember is in the best interest of the child. In no case shall a temporary order granting custody rights to the family members of a servicemember exceed the custody rights granted to the servicemember set forth in the order in effect at the time of the filing of the petition to assign temporary custody rights to family</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE          | STATUTE       | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |               | members.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Rhode Island   | § 15-5-16     | A parent's absence, relocation, or failure to comply with custody and visitation orders are not sufficient to modify custody and visitation orders if the reason for the absence, relocation, or noncompliance is military service or deployment.                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| South Carolina | § 63-5-920    | An existing order establishing the terms of custody or visitation in place at the time a military parent is called to military service may be temporarily modified to make reasonable accommodation for the parties because of the military parent's service.                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| South Dakota   | Chapter 25-4B | South Dakota has adopted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to issue temporary orders regarding custodial responsibility. The Act also permits parents to enter into an agreement regarding parenting during a time of deployment and allows a court to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options. | If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted. |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE     | STATUTE                        | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DV SPECIFIC PROVISION                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tennessee | Chapter 36-7                   | Tennessee has adopted the Uniform Deployed Parents Custody and Visitation Act. The Act allows a court, prior to deployment and during the deployment, to issue temporary orders regarding custodial responsibility. The Act also permits parents to enter into an agreement regarding parenting during a time of deployment and allows a court to grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child, among other options. | If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted. |
| Texas     | § 156.105<br>§ 153.701 et seq. | <p>The military duty of a conservator who is ordered to military deployment, military mobilization, or temporary military duty, as those terms are defined by § 153.701, does not by itself constitute a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that sets the terms and conditions for the possession of or access to a child except that the court may render a temporary order.</p> <hr/> <p>If a conservator is ordered to military deployment,</p>                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | DV SPECIFIC PROVISION |
|-------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | <p>military mobilization, or temporary military duty that involves moving a substantial distance from the conservator's residence so as to materially affect the conservator's ability to exercise the conservator's rights and duties in relation to a child, either conservator may file for an order under this subchapter without the necessity of showing a material and substantial change of circumstances other than the military deployment, military mobilization, or temporary military duty.</p> <p>(b) The court may render a temporary order in a proceeding under this subchapter regarding:</p> <p>(1) possession of or access to the child; or</p> <p>(2) child support.</p> <p>(c) A temporary order rendered by the court under this subchapter may grant rights to and impose duties on a designated person regarding the child, except that if the designated person is a nonparent, the court may not require the designated person to pay child support.</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE   | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DV SPECIFIC PROVISION |
|-------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Utah  | § 30-3-40 | <p>Unless the noncustodial parent has supervised or limited parent-time, if willing and able, the noncustodial parent may provide care for any minor children during the time the service member is away. The noncustodial parent shall notify the custodial parent of the noncustodial parent's willingness to provide care as soon as practicable, but not less than five days before the service member is required to leave. If the noncustodial parent will provide care while the service member is away, the parents shall arrange a time and place for the delivery of the children to the noncustodial parent.</p> <p>(ii) If the noncustodial parent is unwilling or unable to provide care for any minor children during the time the service member is away, the service member may make specific arrangements for the housing and care of the minor children during the time the service member will be away. Notice of arrangements made by the service member shall be provided to the noncustodial parent and may not deprive the noncustodial parent of parent-time during the same time period.</p> <p>(b) If a service member who is a noncustodial parent is deployed, mobilized, or ordered to temporary duty at</p> |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE      | STATUTE                 | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DV SPECIFIC PROVISION        |
|------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
|            |                         | another location, his or her parent-time rights may be exercised by a family member with a close and substantial relationship to the minor child for the duration of the service member's absence. The service member shall provide the custodial parent with written notice of arrangements made regarding the exercise of parent-time in the service member's absence.                                                                                                           |                              |
| Vermont    | tit. 15, §§ 681 et seq. | Where one parent is a deployed military service person:<br>1. the court may issue temporary orders modifying rights, responsibilities, and contacts during the parent's deployment;<br>2. the court may not issue final orders until nine days after deployment ends;<br>3. the court may not consider the deployment itself as a change in the circumstances; and<br>4. the deployed parent may delegate his or her child contact rights to another person during the deployment. |                              |
| Virginia   | § 20-124.8              | Courts may, upon the motion of a deploying parent or guardian, delegate visitation to a family member, including a step-parent, with whom the child has a close and substantial relationship if such delegation is in the best interest of the child.                                                                                                                                                                                                                              |                              |
| Washington | § 26.09.260             | If a parent receives military temporary duty,                                                                                                                                                                                                                                                                                                                                                                                                                                      | The court may not permit the |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE         | STATUTE    | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | DV SPECIFIC PROVISION                                                                                                                                                  |
|---------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               |            | deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. | delegation of residential time or visitation rights to a person who would be subject to limitations on residential time due to a history of acts of domestic violence. |
| West Virginia | § 48-9-205 | A parenting plan issued by the court must include a plan for the custody of the child should one or both of the parents as a member of the National Guard, a reserve component, or an active duty component be mobilized, deployed, or called to active duty.                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                        |
| Wyoming       | § 20-2-205 | If a service member with visitation rights receives temporary duty, deployment or mobilization orders that require the service member to move a substantial distance from the service member's residence or otherwise have a material effect on the service                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                        |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014

## CHILD CUSTODY WHEN ONE PARENT IS ON MILITARY DEPLOYMENT

| STATE | STATUTE | STATUTORY LANGUAGE                                                                                                                                                                                                                                                                                                                                                                         | DV SPECIFIC PROVISION |
|-------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|       |         | member's ability to exercise visitation rights, the court may, upon motion of the service member, order that the service member's visitation rights, or a portion thereof, may be exercised by a family member with a close and substantial relationship to the minor child for the duration of the service member's absence, if the alternate visitation is in the child's best interest. |                       |

©Resource Center on Domestic Violence: Child Protection and Custody, a project of the Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2014.

This chart contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these charts on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation. This project was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official view of the U.S. Department of Health and Human Services or the NCJFCJ.

Last Updated Through: December 31, 2014