

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

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

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

State	Status	Statute	No permanent custody orders	Temporary orders may revert back	Deployment is not sole factor in custodial decisions	Guardianship or visitation can be delegated	Expedited / Electronic Hearing for deployed parent
Alabama	AL	None					
Alaska	AK	Passed	X	X	X	X	X
Arizona	AZ	Passed	X	X	X		X
Arkansas	AR	Passed	X		X		
California	CA	Passed			X		
Colorado	CO	Passed	X	X	X(1)	C	C
Connecticut	CT	None					
Delaware	DE	Passed	X		X		
Florida	FL	Passed	X	X		X	X
Georgia	GA	Passed				X	
Hawaii	HI	Passed		X	X	X	X
Idaho	ID	Passed			X	C	
Illinois	IL	Passed	X		X	C	
Indiana	IN	Passed	X	X	X		
Iowa	IA	Passed	X	X	X	X	X
Kansas	KS	Passed	X	X	X	X	X
Kentucky	KY	Passed	X	X	X	X	
Louisiana	LA	Passed	X	X	X	X	X
Maine	ME	Passed			X	X	X
Maryland	MD	Passed					X
Massachusetts	MA	Pending					
Michigan	MI	Passed	X	X	X		
Minnesota	MN	None					
Mississippi	MS	Passed		X	X	X	X
Missouri	MO	Passed	X		X		
Montana	MT	Passed	X	X	X	X	X
Nebraska	NE	None					

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Nevada	NV	Passed AB 313 (2011)	X	X	X		X
New Hampshire	NH	None					
New Jersey	NJ	None					
New Mexico	NM	None					
New York	NY	Passed McKinney's Dom. Rel. 75-l (2009)			X(2)		
North Carolina	NC	Passed N.C. Gen. Stat. § 50-13.7A (2007)		X	X	X	X
North Dakota	ND	Passed N.D. Cent. Code § 14-09-06.2, 06.6 (2008)	X	X	X		
Ohio	OH	Passed ORC 3109.04 and 3109.05 (2011)			X		X
Oklahoma	OK	Passed 43 Okla. Stat. § 112 (2008)	X		X		
Oregon	OR	Passed Or.Rev.Stat. § 107.169;107.135(13); 109.056 (2009)			X	X	
Pennsylvania	PA	Passed 51 Pa.C.S.A. § 4109 (2008)	X	X	X		
Rhode Island	RI	Pending S. 2054A in committee 2010	X	X	X	X	X
South Carolina	SC	Passed S.C. Ann. 63-5-900 et seq (2010)	X	X	X		X
South Dakota	SD	Passed S.D. Codified Laws § 33-6-10 (2008)	X		X	X	X
Tennessee	TN	Passed Tenn. Code Ann. §36-6-113 (2008)	X	X	X		
Texas	TX	Passed Tex. Fam. Code §153.701et seq; 156.101-102;156.105 (2009)		X	X(3)	X	
Utah	UT	Passed Utah Code Ann. 1953 § 30-3-40 (2009)	X			X	X
Vermont	VT	Passed 15 Vermont Stat. Ann. 681 et seq (2010)	X	X	X	X	X
Virginia	VA	Passed Va. Code Ann. §§ 124.7 et seq (2008)	X	X	X		X
Washington	WA	Passed Rev.CodeWash. §§ 26.09.004; 26.09.010, 26.09.260 (2009)		X	X	X	X
West Virginia	WV	Passed W. Va. Code, § 48-9-404 (2009)	X		X		X
Wisconsin	WI	Passed Wis. Stat. § 767.451 (2007)		X	X		
Wyoming	WY	Passed HB 0105 (2011)	X	X	X	X	X
<b>Totals</b>			<b>28</b>	<b>26</b>	<b>38</b>	<b>21</b>	<b>21</b>

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

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

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**State**

**Status**

**Statute**

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Temporary orders may revert back

Deployment is not sole factor in custodial decisions

Guardianship or visitation can be delegated

Expedited / Electronic Hearing for deployed parent

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