



## **H.R. 6048 – To amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation**

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### FLOOR SITUATION

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H.R. 6048 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Michael Turner (R-OH) on May 14, 2008. The resolution was referred to the House Committee on Veterans' Affairs, but was never considered.

H.R. 6048 is expected to be considered on the floor of the House on May 20, 2008.

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### SUMMARY

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H.R. 6048 restricts courts from changing judgments or orders regarding custody arrangements for the children of service members that were born as of the date of the service member's deployment in support of a military operation. The court may order temporary custody if it would not be in the best interest of the children for the court to maintain a custody judgment or order.

The legislation also requires courts to reinstate any custody order that was in effect prior to the servicemembers deployment unless it would not be in the best interest of the children.

Additionally, the bill prohibits all courts from considering a service member's absence due to deployment as a factor when determining the best interest of the children.

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### BACKGROUND

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According to current law, courts may change child custody arrangements during a parent's military deployment. However, the federal Servicemembers Civil Relief Act (P.L. 108-189) imposes temporary suspensions on civil court proceedings that may affect a servicemembers' civil rights during their deployment in support of a military operation. Additionally, the Act prohibits courts from entering default judgments against a servicemember who has not been able to appear in court until the deployed servicemember has appointed counsel.

The Servicemembers Civil Relief Act allows members of the armed forces to suspend or postpone some civil obligations so that the servicemember may fully devote their time and attention to military duties. The Servicemembers Civil Relief Act was signed into law on December 19, 2003 and amended the Soldiers' and Sailors' Civil relief Act passed during World War I.

[Department of Homeland Security website on the Servicemembers' Civil Relief Act](#)

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### COST

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The Congressional Budget Office did not have a cost estimate available for H.R. 6048 as of May 16, 2008.

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### STAFF CONTACT

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