



RESOLUTION REGARDING

OPPOSITION TO LEGISLATION ESTABLISHING FEDERAL LEGISLATION CONCERNING CHILD CUSTODY CASES INVOLVING MILITARY SERVICE MEMBERS/PARENTS

WHEREAS, the National Council of Juvenile and Family Court Judges (NCJFCJ) believes that the juvenile and family courts of the various states are uniquely qualified to serve the best interests of the children and families of the country, including its military service members; and

WHEREAS, NCJFCJ is committed to improving practice across all case types that come before the juvenile and family courts; and

WHEREAS, NCJFCJ is committed to promoting evidence-based practices in order to achieve the best outcomes for children, youth, families, victims, and communities; and

WHEREAS, NCJFCJ acknowledges the unique nature of military service to the country and the special demands that military deployment places upon service members and their families; and

WHEREAS, NCJFCJ believes that domestic relations matters involving military service members/parents, including child custody disputes, are best handled through a coordinated response by the existing framework of family courts, social services, and other allied systems; and

WHEREAS, NCJFCJ believes that adequate safeguards for military service members/parents are already built into the federal Servicemembers Civil Relief Act (SCRA); and

WHEREAS, in addition to existing safeguards under federal law, numerous states have enacted additional state law protections to support military members and their families when child custody disputes arise;

BE IT THEREFORE RESOLVED AS FOLLOWS:

NCJFCJ opposes enactment of federal legislation such as H.R. 4469 in the 111th Congress or similar proposals that would increase the likelihood of federal court oversight in child custody cases involving military service members/parents; and

NCJFCJ opposes enactment of federal legislation that would impose evidentiary burdens or dictate case outcomes in child custody cases involving military service members/parents; and

NCJFCJ opposes enactment of federal legislation that would infringe on the sovereign authority of states to enact state laws and to make custody determinations in the best interests of the child in child custody cases involving military service members/parents; and

NCJFCJ opposes enactment of federal legislation that would preempt state laws that address domestic relations matters so long as those state laws do not discriminate against military service members/parents based upon their military status or duties; and

NCJFCJ urges states to enact legislation that prohibits changes or denial of custody based solely on the military status or absence due to deployment of service members/parents.

Adopted by the NCJFCJ Board of Trustees by electronic vote, October 14, 2010.