



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
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MANPOWER AND
RESERVE AFFAIRS

March 3, 2021

The Honorable Whitney Westerfield
Chairman,
Senate Judiciary Committee
702 Capital Ave
Annex Room 228
Frankfort, KY 40601

RE: HB 109- An ACT relating to the Uniform Deployed Parents Custody and Visitation Act

Dear Chair Westerfield:

On behalf of military families and the Department of Defense, I am writing to express support for the policy changes as currently proposed in HB 109, a bill which addresses issues of child custody and visitation that arise when parents are deployed in military.

Deployment in national service raises custody issues that are not adequately addressed without specific child custody policy language. In many instances, notice of deployment will be sudden, making it difficult to resolve custody issues, before the deployment, by ordinary child custody procedures,. Furthermore, the overseas deployment of a parent raises special difficulties in ensuring that the parent-child bond remains intact during the parent's absence. In addition, the return from deployment raises questions regarding how and when the temporary custody situation should be ended and the permanent custody situation resumed. At all these stages, there is the need to ensure that parents who serve their country are not penalized for their service, while still giving adequate weight to the interests of the other parent, and, most importantly, the best interest of the child.

The issues surrounding child custody during deployment are complicated by variance among the law of different states. Issues of child custody and visitation are generally the province of state law. Because of the mobile nature of national service, and because a child's other parent will often live in or move to a different state than the deployed service member, bringing the child with them, there are many times that custody issues relating to the child of a service member will involve two or more states such as the situation where a military installation is located within two states. A uniform approach to these issues would greatly increase predictability and certainty for the families affected, and would increase fairness by ensuring that the same standards apply no matter where the parents lived or a family happened to be posted before deployment.

We appreciate the opportunity to support the policy reflected in HB 109, and are especially grateful to you for considering this important piece of legislation. Thank you for taking the time to receive this statement and please feel free to contact me with any questions you might have. I can be reached at (571) 309-7589 or Eric.S.Sherman2.civ@mail.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Sherman", with a long, sweeping horizontal flourish extending to the right.

Eric S. Sherman
Southeast Regional Liaison
Defense – State Liaison Office