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AND INTERNATIONAL TERRORISM



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Congressman Lee M. Zeldin

First Congressional District of New York

January 10, 2020

Governor Andrew M. Cuomo
Executive Chamber
State Capitol
Albany, NY 12224

Senator Andrea Stewart-Cousins
188 State Street Room 907
Legislative Office Building
Albany, NY 12247

Speaker of the Assembly Carl E. Heastie
188 State Street Room 932
Legislative Office Building
Albany, NY 12248

Dear Governor Cuomo, Senate Majority Leader Cousins, and Assembly Speaker Heastie,

As our nation's servicemembers endure deployments overseas, we must continue to protect their parental rights at home. Some servicemembers with children rely on family care plans to make quick arrangements for family member care in advance of deployment. Unfortunately, many experience difficulties protecting their custody rights as parents while overseas. Congress passed the Servicemembers Civil Relief Act to ensure veterans and servicemembers' rights are not harmed by their commitment to the security of the United States. However, since child custody cases are traditionally handled by states, additional protections are still needed at the State level to allow deployed military parents equal rights. In comparison to other States, New York lacks sufficient protections for military service members deployed overseas. That is why we are requesting the New York State Legislature consider enacting certain state laws to address the varying issues affecting deployed parents in custody proceedings.

Deployments can be unpredictable, sometimes involve short notice, and often require all members of a family to make difficult adjustments. Many states, including New Jersey, have passed laws addressing the concerns for loss of custody or parenting time during deployment, especially deployment overseas. For example, over 14 States have adopted state law provisions to prohibit a court from using deployment or the possibility of deployment as the sole factor in determining the best interest of a child. Similar language has been introduced in the New York State Senate and Assembly, New York AB 1894 and SB 5725. We urge New York State to consider adopting the following protections:

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- 1. Deployment not a detrimental factor in custody determinations:** When courts are making a determination concerning child custody or parenting time, the absence or potential absence of a military service member by reason of deployment should not be considered a detrimental factor in determining the best interest of a child for whom the service member is a parent or caretaker.
- 2. Expedited hearing for deployed parent:** Courts should facilitate expedited hearings in custody and visitation matters for service members who receive official written notice of military temporary duty, deployment, or mobilization orders.
- 3. Guardianship or visitation can be delegated:** Servicemembers should be permitted to delegate all or some visitation rights to other family members with whom a child has a close and substantial relationship during the period of deployment.

These are some of the primary provisions in the Uniform Deployed Parents Custody and Visitation Act designed to protect single-parent service members, which has been adopted by 10 States. Our concern is that there remains some gaps in protections for military parents involved in custody or visitation proceedings in New York, which falls short of the protections provided by other States. We urge you to pass legislation in the New York State Legislature to adopt these necessary protections.

Sincerely,



Lee Zeldin
Member of Congress