

### Deployed Troops Fight for Lost Custody of Kids

Except from article dated May 5, 2007, Associated Press, NBC News

She had raised her daughter for six years following the divorce, shuttling to soccer practice and cheerleading, making sure schoolwork was done. Then **Lt. Eva Crouch** was mobilized with the Kentucky National Guard, and Sara went to stay with Dad.

A year and a half later, her assignment up, Crouch pulled into her driveway with one thing in mind — bringing home the little girl who shared her smile and blue eyes. She dialed her ex and said she'd be there the next day to pick Sara up, but his response sent her reeling.

“Not without a court order you won't.”

Within a month, a judge would decide that Sara should stay with her dad. It was, he said, in “the best interests of the child.” What happened? Crouch was the legal residential caretaker; this was only supposed to be temporary. What had changed? She wasn't a drug addict, or an alcoholic, or an abusive mother.



Photo of Lt. Crouch holding a picture of her daughter.

Her only misstep, it seems, was answering the call to serve her country.

Crouch and an unknown number of others among the 140,000-plus single parents in uniform fight a war on two fronts: For the nation they are sworn to defend, and for the children they are losing because of that duty.

A federal law called the Servicemembers Civil Relief Act is meant to protect them by staying civil court actions and administrative proceedings during military activation. They can't be evicted. Creditors can't seize their property. Civilian health benefits, if suspended during deployment, must be reinstated.

And yet service members' children can be — and are being — taken from them after they are deployed.

Some family court judges say that determining what's best for a child in a custody case is simply not comparable to deciding civil property disputes and the like; they have ruled that family law trumps the federal law protecting servicemembers. Even some supporters of the federal law say it should be changed — that soldiers should be assured that they can regain custody of children.

Military mothers and fathers speak of birthdays missed, bonds weakened, endless hearings.

## **Fighting insurgents and the family court**

They are people like **Marine Cpl. Levi Bradley**, helping to fight the insurgency in Fallujah, Iraq, at the same time he battles for custody of his son in a Kansas family court.

Like **Sgt. Mike Grantham** of the Iowa National Guard, whose two kids lived with him until he was mobilized to train troops after 9/11.

Like **Army Reserve Capt. Brad Carlson**, fighting for custody of his American-born children after his marriage crumbled while he was deployed and his European wife refused to return to the States.

And like **Eva Crouch**, who spent two years and some \$25,000 pushing her case through the Kentucky courts. "I'd have spent a million," she says. "My child was my life ... I go serve my country, and I come back and have to go through hell and high water."

In 1943, during World War II, the U.S. Supreme Court held that the soldiers' relief law should be "liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the nation." Shielding soldiers allows them "to devote their entire energy" to the nation's defense, the law itself states.

### **But child custody cases are different.**

"The minute these guys are getting deployed, the other parent is going, 'I can do whatever I want now,'" says Jean Ann Uvodich, an attorney who represented Bradley.

Bradley had already joined the Marines, and his young wife, Amber, was a junior in high school when their son Tyler came along in 2003. With Bradley in training, Amber and the baby lived with Bradley's mother, Starleen, in Ottawa, Kan. When the marriage fell apart two years later, Bradley filed for divorce and Amber signed a parenting plan granting him sole custody and agreeing that Tyler would live with Starleen while Bradley was on duty.

In August 2005, Bradley deployed to Iraq. A month later, Amber sought residential custody of Tyler. She didn't fully understand what she had signed, she said. Bradley learned of the petition in Fallujah. He worked during the day as a mechanic, then at night called his mother to hear the latest from court.

"My mind wasn't where it was supposed to be," he says. And the distraction cost him. One day he rolled a Humvee he was test-driving. Though uninjured, Bradley was reprimanded. Uvodich sought a stay under the Servicemembers Civil Relief Act, arguing Bradley had a right to be present to testify. But the judge said he didn't believe the case was subject to the federal law because "this Court has a continuing obligation to consider what's in the best interest of the child." The judge awarded temporary physical custody to Amber. Last summer, that order was made permanent.

"The act states: Everything will be put on hold until I'm able to get back. It doesn't happen," he says. "I found out the hard way."