

March 6, 2017; Law Big Help to Military Parents

Raising children is never an easy task. Add military service to the long list of challenges facing parents, and the task can be overwhelming. And, if a military member is a single parent, effective parenting can seem almost impossible. This is especially true when a military member receives a deployment notice. The soldier and parent is stuck between duty to country and duty to his or her children. What's a military member to do?

For many years, this question has confronted and confounded legislatures across the United States, including Guam. In response, on July 2016, the 33rd Guam Legislature passed Public Law 33-167, the Uniform Deployed Parents Custody and Visitation Act (UDPCVA). Provisions in this law assist in leveling the legal playing field involving custodial issues related to military service.

Some background information is needed to put this law into proper perspective. In doing so, I rely heavily on an excellent article on this topic authored by Mark E. Sullivan, G. Brentley Tanner, and Ashley L. Oldham, all experts in military law.

On a personal note, I come from a military family. My father served in the Air Force for 36 years. There were numerous times during my father's military career when my mother was left alone to care for me, and my four siblings. As a parent of two children, I marvel at the fact that she was able to maintain her sanity.

Since my father's retirement 40 years ago, there have been tremendous social changes in both the civilian and military communities alike. During my parents' generation, military service was exclusively for men. In addition, few wives worked, the divorce rate was very low, and single parenting was relatively rare.

Fast forward to today. Women comprise nearly 15% of the military workforce. About 70% of married women are employed. Divorce is all too common, and more than one-third of all children in the U.S. are raised by a single parent. Military parents frequently find themselves caught in the cross hairs of these drastic social changes, stretching to the breaking point their ability to provide their children with a stable home environment.

These stresses have increased dramatically since the September 11, 2001 terrorists' attack on New York City's Twin Towers. Before 2001, most deployments involved full-time military personnel. Following the attack, military operations in the Middle East and elsewhere have greatly expanded and required the deployment of many part-time members of the Reserves and National Guard. On Guam, thousands of our residents have been deployed around the world. Many of these soldiers are parents. As a family law attorney, I've witnessed first hand the challenges these deployments have had on our Guam soldiers and their families.

Unfortunately, up until the passage of UDPCVA, provisions within family law statutes throughout the U.S. often worked to the disadvantage of single and divorced military parents who were striving to meet their parental duties and obligations. For example, a lengthy deployment in-and-of itself could serve as a catalyst to strip custodial rights from military parents.

Over the next few columns, we'll take a look at how UDPCVA has changed the law to better accommodate the realities of parenting and military service.