

Case 12: Soldiers Losing Custody While Serving

The Servicemembers Civil Rights Relief Act was signed by President Bush to “help ease the economic and legal burdens on military personnel called to active duty status in Operation Iraqi Freedom.”¹ To some extent, this Act safeguards members by postponing creditor action while they are serving their country (they cannot be evicted from their homes, and their property cannot be taken from them) and reinstating civilian health benefits upon return.

The Act is very beneficial if the only person that needs protection is the service member. However, there are approximately 140,000 single parents serving in the military who need protection for their families in addition to themselves.² Single parents in the military have been forced to fight not only for their country, but their families and home life as well.

Tanya Towne is a single mother of two, Derrell, 12, and Darren, 4. Tanya divorced Derrell’s father 8 years ago when Derrell was only 4 and was granted primary custody. She has been raising him along with Darren, who is her son from a later marriage that also ended in divorce.

In 2004, Tanya was deployed with the rest of her National Guard unit to Iraq. During that time, Derrell’s father was granted temporary custody. Near the end of Tanya’s deployment, he filed a petition for permanent custody of Derrell. He was eventually granted that petition. Even though Tanya appealed, the appellate judges felt that Tanya’s second divorce along with her deployment played a part in creating an unstable environment for her son.³

¹ “Servicemembers Civil Relief Act,” *Ohio Department of Public Safety*, http://publicsafety.ohio.gov/odps_military_heroes/flash_image_library/PDF%20files/soldieract.pdf.

² Arrillaga, Pauline, “Deployed Troops Protected from Custody Fights,” *Army Times*, Jan. 31, 2008. http://www.armytimes.com/news/2008/01/ap_deployedcustody_080130/,

³ Mann, Brian, “Soldier Loses Custody of Child After Iraq Tour,” Morning Edition, Feb. 14, 2008. <http://www.npr.org/templates/sotry/story.php?storyID=18966053>