



STATEMENT OF
BRIGADIER GENERAL (PA) SCOTT D. WAGNER
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FOR VETERANS' AFFAIRS
BEFORE THE
HOUSE JUDICIARY COMMITTEE
AUGUST 25, 2008

Thank you Mr. Chairman. It is a pleasure to appear before you this afternoon to share some thoughts on Senate Bill 1107 on Child Custody Proceedings during Military Deployments.

My name is Scott Wagner and I serve as the Deputy Adjutant General for Veterans' Affairs for the Commonwealth of Pennsylvania. I am also a retired colonel from the Pennsylvania National Guard, and I deployed to Afghanistan with the 213th Area Support Group in 2003-2004.

Both from the perspective of veterans' interests, and as a former commander of deployed troops, I want to thank the House Judiciary Committee and the General Assembly for considering this legislation. When our soldiers and airmen deploy in support of contingency operations, they are stressed by a number of factors. First and foremost is the obvious stress of combat and the hazards that deployed personnel face throughout their time in a combat zone. Secondly, and perhaps more important to this issue, is the stress that comes from family situations and relationships, especially when legal proceedings and child custody is in dispute.

I believe we have been fortunate in Pennsylvania in not having any highly publicized child custody cases involving service members who return from deployment to find that their pre-existing child custody arrangements are being challenged because they served their country overseas. From my own experience in Afghanistan, I can tell you that for most of my personnel, child custody issues were handled and executed as planned by the soldier. Still it only takes one case, and the worries that it inflicts on a soldier, to affect morale and readiness.

Today's military is different than the force of just a few years ago. For example, the number of single parents in the reserve components increased from about 46,000 nationwide in 2000 to almost 70,000 in 2006. The number of female service members has increased as well. In the Army National Guard, nationwide, the number has nearly doubled since 1990, going from about 7% of the force to just over 13%. Although the increase in numbers is not as dramatic in

some of the other components, it is clear that in today's total force for National Defense, we rely on female soldiers, sailors, airmen and marines like never before.

Because of lessons learned in Operations Desert Shield and Desert Storm in the early 1990's, the armed forces have focused much more intensely on family care issues. All service members who are single parents and all married couples with minor children where both spouses are in the service must prepare and keep up-to-date a Family Care Plan. These plans provide for the designation of individuals to care for children both on a short-term and longer-term basis when the parents are deployed to remote locations or combat zones. These plans recognize the importance of planning in advance for the care of children of military parents, and they are supported in some cases by court approved custody arrangements. As you may know, the Department of Military and Veterans Affairs manages Scotland School for Veterans' Children near Chambersburg, which offers a nine month residential school opportunity for veteran's children, and we now have admissions preference for children of deployed or deploying servicemembers.

In the case of single parents, the other parent who is not in the military may receive custody while the military parent is deployed. In most cases, this works out fine and when the service member returns from deployment, custody is restored to its pre-deployment condition. But in some cases, the parent who is not in the service takes action to change custody arrangements either while the member is deployed or just after he or she returns. Sometimes they argue that custody should be changed because of the military parent's deployment obligations. It is just not right for soldiers who serve their country and take the risks and face the challenges of deployment to come home and find that their status as custodial parents is being changed.

The armed forces recognize the important of families in other ways as well. We have active family readiness groups and family support groups to support our service members and their families during times of mobilization and deployment. These groups, which often include volunteers from our many veterans' organizations, do a great job of helping service members and families, but of course they cannot resolve difficult child custody issues.

Recent federal legislation, which Mr. Guise will describe, and state legislation like Senate Bill 1107 will help address this situation. These efforts even the playing field and make it clear that our soldiers, sailors, airmen, and marines who are serving will not suffer disadvantages in civil legal matters because of deployments. We have learned over the past few years, that family care issues, including custody battles have been a factor in soldier retention.

Why is it important for Pennsylvania to stand up for our service members with legislation like Senate Bill 1107? Servicemembers are separated from their families while they deploy, and it's important to give them some additional assurance that their child custody arrangements will not be adversely affected

Just as the demographic composition of the military has changed in recent years, so, too, has the way we fight changed since September 11, 2001. Our nation relies on our reserve components like never before, and this means that soldiers and airmen from around Pennsylvania and around the country are taken away from their civilian pursuits to deploy at home and abroad. Of the 19,000 or so members of the Pennsylvania Army and Air National Guard, nearly 17,000 have been called to serve in operational missions, at home and abroad, since the September 11, 2001 terrorist attacks. Right now today, the Pennsylvania Army National Guard is planning to undertake its largest mobilization and deployment since World War II. The 56th Stryker Brigade and the Combat Aviation Brigade are both slated to deploy over the next few months. They will join other members of our Army and Air National Guard who are deployed overseas. The scope of upcoming Pennsylvania deployments make it all the more important to give our personnel all the reassurances we can with regard to child custody issues.

Thank you for the opportunity to make this statement. I will be followed by Lt Col Kris Kollar of the Pennsylvania Air National Guard.