



WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Judiciary, Corrections and
Privacy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Present: (5) Senators Zien, Roessler, Grothman, Taylor and
Risser.
Absent: (0) None.

Moved by Senator Roessler, seconded by Senator Grothman that
Senate Bill 590 be recommended for passage.

Ayes: (3) Senators Zien, Roessler and Grothman.
Noes: (2) Senators Taylor and Risser.

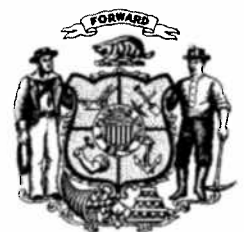
PASSAGE RECOMMENDED, Ayes 3, Noes 2



John Hogan
Committee Clerk



WISCONSIN STATE LEGISLATURE



Becker, Scott (88RRC)

From: jason.scott.middleton@us.army.mil
Sent: Tuesday, February 28, 2006 1:11 PM
To: Becker, Scott (88RRC)
Cc: jason.scott.middleton@us.army.mil
Subject: I hope this helps

Mr. Becker.

First I'd like to thank you for your help and concern.

Before my deployment I was able to see my daughter every other Saturday, Sunday, and Monday. Since I have been away I know my parents have been denied the same visits. Besides that Cathleen has made several phone calls claiming that I have denied the Army to garnish my wages. Which I know that is a lie. I don't even think it's possible to stop a court ordered garnishment. She also has made several threats to take me or my Attorney to court to get full custody. She has threatened to change my daughters last name before the end of my deployment. She also has made several threats to stop all visits to my family. She quotes peoples name from Winnebago County Family Court who says my family has no legal rights to my daughter. Winnebago county is where our cases go through even though we have never resided in that county. Currently my attorney is addressing that jurisdiction matter.

I really hopes this helps. I know reading this my sound a little childish. I'm sure Mrs. Raatz can confirm Cathleen is not a very rash person. If you need any thing else please let me or my family know I will try to do my best. As will my parents. Again thank you very much.

SGT. Jason Middleton

Out line

-Good Afternoon, I would like to thank you for your time

- I'm Scott Becker, CPT US Army Reserves

-I was mobilized in February 2003 to Ft McCoy

-Prior to Mobilization I had 50% placement of my daughter, and was able to adjust my work schedule so I only had to work 1 day out of every 2 weeks that I had placement

- I was ordered to Afghanistan on short notice in July of 2003 to fill a position that was vacant due to another person's illness.

-Before this, I was due to be off Active Duty in September of 2003.

-While in Afghanistan, a court order was put in place. I had asked my Lawyer to ensure that upon my return home, the placement reverted to the prior placement arrangement. I had no problem paying the increased child support since I was not going to be there to care for my daughter. After that, I had no knowledge of proceedings until after my attorney signed the order. My Power of Attorney did not agree with the order but my Lawyer assured him it was the best that he could do.

-Unfortunately he used the phrase, when I get off active duty placement reverts to prior placement, I was injured while in Afghanistan and have had three surgeries since returning home, all of which involved extensive rehab.

- Presently, they are preparing for me to be medically discharge me from the Army due to the nature of my injuries.

-I have been back in country since early April 2004 and in my home since July 2004. I have tried working with Pam to no avail.

-She prevented me from seeing my daughter the first Fathers Day I was home,

-The first summer I was home, I was able to have SPB one weekend per month.

- This summer it looks like I'll be able to take my daughter for vacation THIS WILL BE THE FIRST TIME I HAD MY DAUGHTER FOR MORE THAN 5 DAYS SINCE JANUARY 2003.

-If the process continues as the GAL recommends I will have visitation every other weekend year round!

-Per court documents, it is unlikely I would have placement during the school year due to my service in Afghanistan and the GAL does not want me to have extended time during the summer since I have to work and Pam does not.

-I understand that even if this bill was passed it would not personally help me since it won't be retroactive, but it is still a very important issue that needs to be addressed and expedited.

1) I am proud beyond words for what was accomplished in Afghanistan and the role my unit played. 2) Although being away from family and friends is a high price to pay, (3) doing my part in making the world safe for my children and others children makes the price tolerable (4) But to come home and spend 22+ months trying to get placement time back with my daughter is a cost too high to pay.

-I have a note from a soldier who is on his way over to Iraq whose ex is threatening to take full custody of his daughter. I spoke to him yesterday to let him know that there are people trying to prevent this from happening to mobilized reservists and National Guard members.

-I am also aware of a soldier from the Kenosha area whose ex moved his children out of state while he was gone, serving his country.

-I found out yesterday there is a female who was mobilized and is now fighting to get placement of her children back.

-I tried working with SPB's mother, to no avail
-I tried working with the legal system and using the current protections available under the "Service Members Civil Relief Act"
-I tried to get help from the Army's JAG corp, but was told that when I was released from active duty they would not represent me. Also I was told they did not like to deal with family law.
-I have tried working with the Army to resolve this issue with minimal help. Mostly I received that this is the cost of serving your country.
-I am grateful that you are addressing this concern and that Representatives Gundrum and Musser were proactive and brought this bill forward.



2/13/06 - Army Times

Deployment could damage custody claims

By Karen Jowers
TIMES STAFF WRITER

As if deployments are not tough enough, some military members say they are being penalized in child custody arrangements when they return home.

While the extent of the problem is not clear, it is on the radar screen of at least one state legislature.

On Jan. 25, state senators in Kentucky passed a bill containing a provision that requires any court-ordered modification of a child custody decree based partly or entirely on active-duty deployment or federal activation to revert back to the previous child custody decree at the end of the deployment.

"This year is the first time I've had cases like these, but others have had problems like this, too," said Joey Pendleton, a Kentucky state senator whose district includes Fort Campbell. Pendleton said one active-duty soldier in Iraq complained to him that her husband left with their daughter while she was deployed.

She had primary custody before she deployed in the midst of a divorce.

She has been unable to talk to her daughter, and no one knows where the husband or the daughter is, Pendleton said.

"I've only heard one side," he said. "We have not been able to reach him. But I would like to know for the child's sake. It's stressful for the mother."

Retired Col. Mark Sullivan, a family law attorney in North Carolina who is a former Army Reserve judge advocate general, said service members "can indeed be penalized" in custody arrangements while on deployment.

"They're losing custody because they are away for a significant amount of time, and the court found that little Johnny is doing better" with the other parent, said Sullivan, chairman of the military committee of the Family Law Section of the American Bar Association.

When a service member deploys



Sgt. 1st Class Lane Poyeur works on online classwork in the living room of her home in Tallahassee, Fla. At right is a portrait of her and her two children, Marlon Walker, 9, and Martin Walker, 5. Poyeur lost primary custody of the children while serving in Iraq in 2004 and wants a federal law passed to protect military parents who are deployed.

PAUL SEARIS

to the "sandbox" in Iraq or Afghanistan, the other parent gets primary custody and usually has a year to build a case that the child is better off with him or her than with the service member, he said.

In many cases, service members leave their children with someone other than the divorced spouse, who will then go to court seeking custody, Sullivan said.

In many cases, he said, the judge will not adhere to the Servicemembers' Civil Relief Act — which is supposed to defer civil court actions while service members are away performing military duties — and will make a decision on custody that may be difficult to reverse later.

Joyce Raezer, director of government relations for the National Military Family Association, said custody cases involving military members often reflect a lack of understanding of the military on the part of judges.

"Some judges have a perception

that military life is not a stable environment," Raezer said. "A lot of it is lack of understanding. Military folks are more transient, and it's harder to make the case about the level of stability, and what the military can offer."

In Florida, Reserve Sgt. 1st Class Jane Poyeur contends that she lost primary custody of her two children because she deployed to Iraq.

Before she left Tallahassee in January 2004, she had custody two-thirds of the time. When she returned home, she "assumed everything would go back to the way it was," she said. Instead, the judge changed the custody arrangement, splitting the children's time equally between the parents.

"What shocks me is that I've got laws in place to protect my job, lower my interest rate, but the most important thing in the world to me is my children, and there is nothing to protect my parenting

rights [while I am] protecting my country," Poyeur said.

The judge did not respond to questions by press time.

Jonathan Walker, Poyeur's ex-husband, said his former wife's military service "had nothing to do with the custody hearing [and] had no bearing on the custody decisions."

"If anything, military service would help an individual" in such cases, he said. "I don't think any judge would ever penalize someone for serving our country. It's just unconscionable."

He said his custody hearing came down to the judge's assessment of each parent.

He said both he and Poyeur wanted primary custody of their two children, now ages 9 and 5.

"Nowadays, it's more common for judges to give fathers more time with the children" than in the past, he said. "My attorney and I were both surprised I didn't get primary custody." □