MISSION CRITICAL: A CALL TO ACTION FOR JUVENILE AND FAMILY COURTS, THE U.S. ARMED FORCES, AND VETERANS AFFAIRS

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This article describes an innovative court program to focus services and case processing on military families, both active and retired (veterans), who are involved in family law proceedings in the civil courts. The article examines the process taken from concept to implementation in one court, with focus on the interplay between the court and armed force support groups, and legal/court stakeholders focused on improved outcomes for military families in distress. Finally, the author briefly examines the possible reasons for the historical disconnect between the courts and the military (veterans and active forces), draws corollaries to existing federal support for other family matters, and posits a method to include the military family under the umbrella of federal attention.

Key Points for the Family Court Community:

- The ease with which the pilot went from concept to rollout bodes well for replication, even when no funding source is available
- This civil family docket is the perfect adjunct for communities with Veterans Treatment Courts
- There is an imperative need for the branches of service, VA, and the courts to communicate about this topic
- Only federal initiative, similar to what has already occurred in other areas of family law, can resolve the impasse

Keywords: Armed Forces; Divorce; Honoring Military Families; Military; Servicemember; Veterans Administration; and Veterans.

INTRODUCTION

Three of our country’s largest institutions—America’s state judiciary and America’s Armed Forces and Veterans Affairs—have remained virtually invisible to each other, without any national dialogue about the military person known to all.¹ In the face of increasing pressure from the people we are entrusted to assist, we can no longer sustain that stance.

The face of America changed forever on September 11, 2001, when terrorists claimed thousands of lives, wreaked destruction in New York City, Pennsylvania, and Washington DC, and forever eradicated our nation’s naïve but longstanding perception of invulnerability.

In response to those attacks, war was declared and the military mobilized. Guard and Reserve units were called to duty by the thousands.² Suddenly our “weekend warriors” were deployed and redeployed for long stretches at a time in dangerous war zones against non-army insurgent opposition. Armed conflict has continued unremittingly since then.

Over³ the past decade-plus of war, as judges in courtrooms across the country witnessed and passed judgment on lives disrupted by deployments, war-related injuries, and veteran joblessness with increasing frequency, they had little time to reflect how the families of these servicemembers and recent veterans could be better served.⁴

While family dramas as a consequence of military service were being described in newspapers and in the media, there has been only muted, sporadic, and uncoordinated discussion of this inside the court community, and virtually none between the courts and the military.

Why should the courts care? Simply put, we must. To ethically discharge our judicial duties, we must learn about and respond to this population and “culture” in our midst.⁵ Where at one time a judge

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in a county outside the gates of military forts and bases might only occasionally preside over a civil case involving active or retired military, the nonstop military action since 9/11 has changed that scenario.

Why should the Armed Forces care? If they do not, servicemembers in an all-volunteer force will leave if they or their family members are unhappy. By the mid-1980’s each branch of the military had created family support centers as they faced the reality that military family members outnumbered military personnel. With the 1985 Military Family Act, “the DoD [Department of Defense] viewed family issues as an issue of ‘force management’, and an acknowledgement that family needs and working conditions for the servicemember cannot be considered separately.”

There are over 22 million living veterans in the country at this time whose benefits and services are administered by the U.S. Department of Veterans Affairs (VA), a delivery system separate and quite distinct from the armed forces branches. The VA recently embraced an obligation running to family members of veterans as a “core value” and issued a directive that family involvement in treatment is a national priority.

As of January 2011, more than 60% of active-duty military families live off-installations. In 2010 more than 90% of military-connected children attended non-DOD schools. The heavy use of National Guard and Reserve components, who have always lived in our communities and thus often aren’t seen as “military families”, means that the strains of these long wars—more than three times longer than World War II—are present in our courtrooms and communities today, whether we acknowledge it or not.

By 2012, about 2.6 million of our nation’s veterans had served since 9/11. Quite literally, virtually every family courtroom in the country now has contact with active, retired, or veteran populations of these latest conflicts. These court cases have increased like a rising tide, silently but inexorably. Much like slowly heating water in the lobster pot, we in the court system did not at first consider them any more than anomalies until their numbers and the presenting problems were epidemic. Only as we began to compare experiences have we realized the pervasiveness of the common themes appearing across the nation’s juvenile and family law dockets. As we looked at the courtrooms of our state judicial colleagues we saw them spilling into mortgage foreclosures and consumer credit transaction litigation as well.

The author informally tapped national contacts in search of judicial responses to military family issues before creating the pilot described in this article, but found only a handful of focused implemented court interventions for this population. While there are quite likely more, no national resource or center exists to locate them. There has never been a national canvas of state court responses on which we might rely regarding the military or veteran litigant. What is known is that no state court has implemented a systemic civil response to these families, although most states are opening veteran treatment court sites in selected cities for criminal dockets.

The very fact that civil dockets specifically tailored to address military or veteran issues are so scarce or difficult to discover underscores the challenge we face. Before programs can be assessed, then expanded to other districts and states, and finally replicated across the nation, they must “stand up and be counted”.

Even in areas with sizeable armed forces and veteran populations, the struggles of military and veteran families have been largely under the court’s radar. With increased pressures from state budget cutbacks affecting all branches of government, courtrooms are struggling simply to maintain their core responsibility to dispense justice. New courthouse initiatives that would result in saving considerable time and money in other systems (such as schools, housing, law enforcement, public assistance, mental health care) unfortunately find little purchase in this current economic climate.

Our country’s siloed court and military institutions do not serve us well! This article is an attempt to bridge some of those divides. Like other collaborative court models, this article urges state courts, together with the Armed Forces and Veterans Administration (VA), to share information and work cooperatively to better serve our veterans, military servicemembers, and their families who have been impacted by the unique strains of military service.
Specifically, the objectives of this article are to 1) describe a pilot created by the author in one jurisdiction devoted to family law cases of active or veteran military personnel undergoing divorces; 2) extrapolate on the early success of that project to the host of other ways we can better serve military and veteran families in civil court by coordinating our efforts; and finally 3) while noting the challenges between the state courts on one side, and Armed Forces and VA on the other, urge prompt adoption of a focused plan of action to end the impasse.

HONORING MILITARY FAMILIES CIVIL DOCKET: SALUTING SERVICE, HONORING SACRIFICE

While Buffalo New York is not near an active military installation, it is only a few miles from the Niagara Falls Air Reserve Station, home of the Reserve Command’s 914th Airlift Wing. The area’s US Army Reserve unit is based there and the New York Army National Guard also maintains a support facility.

For criminal defendants, the best known VTC opened in Buffalo, New York, in 2008. An experienced criminal court judge with longtime involvement in “problem solving courts” with the Drug Treatment model and later the Mental Health Court model, Judge Robert T. Russell noticed military veterans on both criminal dockets. By carving out a specialized docket called the Veterans Treatment Court, devoted to cases involving military veterans from any era or branch of service, he and his court support staff were able to achieve remarkable results. They began to coordinate services, and soon included a representative from the Department of Veterans Affairs Health Administration (VHA) and support from the VA Benefits Administration (VBA) too, to attend the court session and help access services and information. Participants in VTC are assigned peer mentors, volunteer veterans from their same branch of service. There is a heavy presence of retired and active military in the courtroom, and an air of respect and appreciation for “service to our country” conveyed to each defendant at every appearance.

The success of the concept has been dramatic and has quickly caught the attention of state and federal groups. Buffalo’s VTC specialized docket has, to use the vernacular, “gone viral” and virtually every state is quickly using the template or some variation to establish focused treatment model courts for veterans or active servicemembers involved in the criminal justice system, fueled by heavy federal agency support and funding. The federal endorsement has succeeded in bringing the concept home to state criminal courts around the country.

Knowing that Buffalo’s family and civil supreme courts were seeing an increase of civil cases involving military families, the local district administrative judge asked the author to introduce some VTC service providers to Buffalo’s civil family law bench. In Spring 2012, county, state, and federal veterans service providers associated with Buffalo’s VTC, as well as the head of VTC’s all-volunteer mentor group, met informally with Erie (Buffalo) County’s family court judges and support magistrates about the services available to the veteran and military community, including their family members.

As that meeting ended, the author realized that support resources for civil military family cases were already connected and communicating directly with Buffalo’s court system, albeit the criminal city court. How could we then tap into those same strengths for our families who were accessing only the civil courts, located in different courthouses—one courthouse for divorce and child custody decisions, and another courthouse for parenting, protective orders, and child support? The idea of a family law pilot devoted to military and veteran families was suddenly crystal clear. The vision of what that would look like, of how the courts and the military could collaborate for the welfare of our military families, and what community and legal stakeholders needed to be at the table to launch it, appeared effortlessly. One complicating factor was the author’s impending retirement from the bench; thus the pilot must be one that could be assembled with due speed. With great good fortune, the staunch support of district court administration, and an outpouring of interest from legal
and veteran support groups, the concept manifested smoothly in mere months, an auspicious sign for future sites.

**A MODEST BEGINNING FOR BUFFALO’S HONORING MILITARY FAMILIES CIVIL DOCKET**

New resources for a problem-solving civil court in 2012 were non-existent in the New York court system; a major retirement incentive and forced layoffs in the state’s judicial branch had wreaked havoc with judicial resources in the several years prior. System-wide the court was focused on maintaining its core function of dispute adjudication, and had little ability to add new initiatives for any group of litigants, no matter how compelling. Starting slowly and working modestly, the first rollout was intentionally limited in scope.

But even though limited, the smooth implementation of the pilot proved that a dedicated military family civil docket could be assembled with relative ease and little cost, especially in a community with a strong history of veteran and military support. Replication and expansion possibilities are clear.

**Defining the Case, Defining the Litigants**

The average age of servicemembers is less than 28 years; more than 56% of them are married, and of those, about 45% have children. Of those with children, nearly two-thirds of the children are less than eleven years of age, with the largest group aged birth to 5 years. This group of divorce litigants with military service in the last eleven years was thus likely to have young children and be unusually beset with stresses from multiple deployments and injuries.

With a large Air Guard and Reserve base in nearby Niagara Falls, Guard and Reservists would be a large part of the new docket. These “citizen-soldiers” were being mobilized at nearly the same rates and short cycles as active personnel, yet they lacked the supportive resources of an active duty station, expected to melt into civilian life after disembarking from their flight home. As a result, they are actually more, not less, susceptible to operational stress injuries (OSI) than active personnel.

While there are veterans of every age, and many servicemembers accessing our civil courts, the field of the pilot was confined to those who had served in the military on or after the watershed of 9/11 and were involved in a divorce case.

Erie County’s contested matrimonial (i.e., divorce or separation) caseload was chosen first. It had the benefit of being funneled into one part—the Expedited Matrimonial Part—presided over by a judge and several court attorney referees. There, matrimonial cases are actively conferenced by the court attorneys or the judge, and most are settled without trial. Those that do not resolve with settlement are referred to a trial part. The author was one of those assigned trial part judges, thus easing the way to create the military docket within her particular caseload.

**Challenge of Identifying the Military Litigant**

A dilemma facing probably every court system, and certainly New York’s, is the inability to identify a “military” case when it is filed. No computer field collected this data, as it is not required for state civil case management purposes. In fact, the Buffalo Veterans Treatment Court receives the majority of its referrals from inquiry made by the county sheriff at the local jail; it is not necessarily a court inquiry.

With the Expedited Matrimonial Part the pilot could rely on existing court legal staff to manually identify and divert cases. Buffalo’s Expedited Matrimonial Part’s court attorneys, who conduct the preliminary court conference in the majority of cases, were tasked with identifying litigants who fit the parameter of any divorcing spouse who was then actively serving in the military or had served since 9/11. In this manner, identification was performed as part of the court attorney’s normal conferencing, and did not require additional procedures or involve clerical staff. When identified, the case was referred immediately out of the expedited divorce part to the pilot, a part of the author’s larger civil divorce docket.
First Case, Historic Date

The Honoring Military Families Initiative (HMFI) went from concept to a “double time” roll out in a few months; the first HMFI case was heard on September 11, 2012. Involving an Army servicemember stationed at Fort Drum some four hours’ drive away, it was given accelerated processing. The author knew that active military families dealt with a higher degree of stress compared with civilian couples experiencing divorce, and that finality in the litigation would likely reduce the forensic trauma, and allow the servicemember to more quickly refocus to his/her military responsibilities. That concept was reinforced with this case, as the servicemember was emotionally distraught at first.

Using what is colloquially called the “rocket docket” approach, adjournments were measured in days and weeks, not months, and close judicial monitoring kept all sides actively obtaining and sharing needed information quickly and efficiently. The servicemember, the defendant husband in that first case—who chose not to obtain counsel—was given court permission to appear telephonically, and all discussions with the court were held on the record. The case settled successfully with a written agreement in less than six weeks from identification.

The Unique Issues

The cases assigned to the Honoring Military Families Civil Docket presented the anticipated and predictable range of concerns well-documented in companion articles in this journal: very young parents, fragmented families, financial stresses, war-related injuries and/or disabilities, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) symptoms, combined with minimal assets and resources. The slightly older veteran population (those whose military service had ended some years ago) had more stable family units, with the parents more settled in the community and in civilian employment, distanced from the unique stressors of the current wars. None of this was surprising.

But, compared anecdotally to the civilian divorce population, there seemed to be a higher than expected number of newer veterans who were non-responsive to counsel and the court—inexplicably, even when the veteran was the plaintiff. This appeared to occur more frequently with the recently retired military cases, and has not been systematically evaluated. Although it is too soon for a definitive answer, the local team speculated that it might be a symptom of undiagnosed TBI or perhaps the young veteran’s need to disengage from authoritative institutions. Outreach was unsuccessful from both the attorney’s office, and the court social worker. Since the cases were civil, not criminal, and the author did not wish to re-traumatize the veteran if not critical, no formal court process was taken on the few early cases. Instead, contact was made to the psychologist at the local Vet Center, seeking his assistance, which was partially successful. More observation and examination would be needed to determine if this apparent lack of engagement would persist over a larger number of cases.

The Special Role of the Court Social Worker, and Identifying Stressors

Once an Honoring Military Families Initiative case was identified and transferred, the parties were interviewed separately by a court-employed social worker. Referrals were made for each spouse to community or veteran services if needed; the parties’ attorneys were also alerted to their individual client’s special stressors, with the hope of reducing the stress of litigation.

It was soon apparent that most members of the civil divorce bar, although well intentioned and caring, were unaware of services or benefits available for active servicemembers or military veterans and their dependent family members. Similarly, they often did not recognize the behavior of clients who were suffering from operational stress injuries (OSI). In taking the time to speak with the attorneys, the social workers were educating the bar, coaching them on how to better assist these unique clients. The ultimate goal, of course, was to minimize the trauma and anxiety of divorce
litigation on a usually young and already emotionally vulnerable group. The local bar’s need for information was a large impetus for the court trainings discussed below.

One key to the success of Buffalo’s Honoring Military Families Initiative, as with VTC and other problem-solving courts, was the knowledge of, and linkage to, services tailored to the needs of each litigant. The court social workers acted as de facto resource coordinators in assisting the litigants to access services. It would have been much more challenging—although not impossible—to serve this population without their invaluable input. In locales without this resource, another avenue would have to be found, perhaps with a local veterans group, Armed Forces support group, or social services agency.

**Attorney for the Child**

Finally, if not already appointed, every case involving unemancipated children was also assigned an Attorney for the Child, compensated with already available state funding and at no charge to the litigants. One well-respected children’s legal representation agency, funded by the state judiciary and well equipped with staffing, graciously answered the court’s call to become versed in issues affecting military connected children, including resources and benefits available to children of veterans.

**The Role of the Mentor: Call for More Help**

The Honoring Military Families Initiative docket had an assigned volunteer mentor as an informal liaison for the court’s social worker, and a conduit to services and resources offered to veterans in the community. The assigned liaison had prior experience as a VTC mentor, and he assisted the social worker with service referrals. Unlike the operation of Veterans Treatment Court, he was not assigned to a particular litigant, but rather answered inquiries for the court, attorneys for litigants, and occasionally the litigants. His role was primarily to assist the social workers in navigating the various federal, state and county resources available for veterans and servicemembers.

We intentionally stopped short of assigning individual volunteer mentors to the military half of the divorcing couple, considering this an unfair advantage to that spouse in this civil case. The author believed it inappropriate to do so without having a similar mentor available for the other spouse in the divorce. That is a challenge for the future. The search for a ready source of mentors for divorcing spouses of military is uncharted—but vital—territory to explore. The criminal VTC model relies on the support of the mentor volunteer to maintain the focus of the litigant and draw on his or her strengths to persevere and successfully complete the terms of the criminal case. The author hypothesizes that a similar effect would occur in family civil cases if both litigants in a divorce or custody case would have a separate mentor assigned, an unrelated and neutral “coach” to provide the stabilizing force of age and maturity to the marital or family dispute.

**Scheduling**

While criminal veteran treatment courts reserve a dedicated time each week to hear their cases, in contrast, Buffalo’s HMFI cases were heard at times and dates best suited to the needs of the litigants and attorneys. In this way the stress of a dedicated court docket on staffing and attorneys was eliminated at the outset of the pilot. Placing all such cases on a specific day of the week would ideally have allowed a more concentrated delivery of services by the community resources, as is done with other problem solving courts. That step was deferred to minimize staffing stressors.

**Laying the Groundwork and Sustaining the Initiative: Outreach and Education.** Before the courtroom doors opened to the Honoring Military Families Initiative, meetings were held with interested members of the family law and veterans issues local bar committees to enlist their help and hear their ideas and concerns. Most at the table in the small family law community of Buffalo were well known
to each other from other bench and bar activities.

The author and court social workers formed relationships at the region’s local Vet Center, which provides counseling and outreach services for servicemembers and families. Outreach was extended to the family readiness coordinator of the western New York region for the air base in Niagara Falls.

Shortly after opening, under the auspices the New York Court Administration and the New York-based Center for Court Innovation, and with federal funding from the federal Department of Justice Office on Violence Against Women (OVW), Buffalo was host to a state-wide conference entitled: Veteran Treatment Courts and Domestic Violence Courts: A Collaborative Problem-Solving Court Response to Interpersonal Violence. Attended by a cross section of the civil and criminal bench, court staff, attorneys, mental health practitioners, and military-focused service providers from the region and across the state, it was a comprehensive cross-training that also included civilian mental health practitioners and military veterans groups. For the first time, an entire cross section of the community, led by the court, convened to learn about our veterans, domestic violence, and wartime stressors. It was “cross training” in the broadest, community-wide sense.

The civil court, along with county bar association committees, then hosted a series of free monthly lunchtime presentations in the courthouse, focusing on veteran and military issues. The presenters were military service providers from the Vet Center; the aim was increased awareness of the legal, social, medical, and therapeutic needs of the military veteran or servicemember as he or she experiences the legal system.

The court, in providing the meeting venue, acted in a leadership role to engage the legal profession and the courts, as well as any military and veteran service providers who wished to attend. In dispensing much-needed information about the military system, and the issues for returning servicemembers, informal lines of communication between the military and the courthouse were begun. While important information was provided to the legal community, relationships began to form that will hold the key to more coordinated, efficient, and respectful case management of future civil military cases.

Next Logical Steps: Expanding the Honoring Military Families Initiative. Due to budget constraints and available resources to both identify cases at entry to the court system and to adjudicate across court types, Buffalo’s Honoring Military Families Initiative docket limited itself to divorce cases. However, there are natural variations to consider for any military family and juvenile court program going to scale.

Family and Juvenile Matters

The most obvious variation would move all family custody/visitation cases, as well as civil protective order matters, occurring in the family court into the Honoring Military Families Initiative Civil Docket. In this way, all domestic relations cases involving military family members would be heard in one part, and have access to the full array of resources.

There is anecdotally a fair number of child and spousal support matters involving military veterans, many of whom struggle with joblessness and homelessness. Identifying those cases, and directing them to one support magistrate on a designated day would allow county and state veteran services to attend on site, similar to Buffalo City Court’s VTC. It would channel greater attention to the pervasive issue of joblessness for returning and discharged military, allowing the impetus for better community response.

Other Civil Litigation

Civil cases involving military personnel are not confined to family law cases. This segment of the population is often financially overextended and thus involved in mortgage foreclosure proceedings and consumer credit litigation. Consideration could be given to transferring those case types as well,
or consolidating them onto another docket with a dedicated civil judge who would become well versed
on the rights and obligations of servicemembers and veterans in financial straits.

Expanding the type of cases referred to the Honoring Military Families Initiative to include
mortgage foreclosures, guardianships, and consumer credit transactions would increase staffing
demands and was not feasible when the Buffalo pilot began. However, judges in the county were
advised by court administration that the court-employed social workers versed in accessing military
and veteran resources are available for their use. The author suggests that in these cases, which usually
pit an institutional plaintiff against an individual defendant, a volunteer mentor could be provided to
the defendant litigant without the perception of an unfair advantage. Likewise, referrals to the military
and veterans issues subcommittee of the bar could provide some legal assistance to those
unrepresented veterans.

Project ONE Concepts Apply to Military Cases

One of the challenges in successfully grappling with military family issues when they intersect the
courtroom is that those problems are as universal as those affecting all families. Thus, military
families might be involved in a divorce or custody case in one courthouse, in a support or paternity
case in another, and a mortgage foreclosure or creditor’s suit in yet another. Or in addition to these,
their adolescent child could be involved with delinquency court, the child welfare system could be
filing a child maltreatment case, and complications of domestic violence could easily result in charges
filed in both the civil and criminal court.

Yet, for each of these legal proceedings, most state courts have separate doorways with separate
judges. Simultaneous filings in multiple courtrooms often result in disjointed outcomes, with little or
no coordination and sharing of information.

To call attention and provide solutions, Project ONE was formed by the National Council of
Juvenile and Family Court Judges. The acronym stands for “O”—one family, one judge; “N”—no
wrong door; and “E”—equal access to justice for all families. Funded by the Office of Juvenile Justice
Delinquency Prevention (OJJDP), a division of the Department of Justice, the initiative focuses on
coordinated and equal access to justice regardless of the courtroom doorway the family first entered.
Discussions regarding the scope of Project ONE have not, to date, addressed the military and veteran
family, but the principles underlying the project are identical to those that would be incorporated into
the integrated comprehensive Honoring Military Families Initiative Civil Docket envisioned above.

Accomplishing the Critical Mission: Creating Systems of Cooperation and Support, Forming the
Court-Military Collaborative. The speedy creation of the Honoring Military Families Initiative civil
docket in one community lights the way for a coordinated court/military/community response group
on the national level. That collective must have one goal: to provide better information-sharing among
the institutions, for more coordinated and respectful outcomes to all members of our military and
veteran families accessing our state courtrooms.

The military family litigants are the immediate beneficiaries as we reduce confusion and frustration
for these already stressed families involved in the civil trial system. But on a larger level, the “chains
of command” on “both sides of the gate” will operate with less redundancy; better yet, with less
conflicting or unworkable mandates.

By sharing information specific to each of our separate judicial, military, and veterans systems, we
will combine forces. There is much to learn about what can and cannot be done by each group, and
the laws and regulations under which each are governed.

Collaborative Court Processes, A Proven Method of Systems Change

The measured savings that have come from collaborative court models discussed briefly below are
significant and should be expected here as well. Creating enduring lines of communication and
working protocols is not only the right thing to do for our military families, it is not difficult.
The challenge, however, is to sustain those initiatives, to record their success and learn from experiences, and then to percolate those new ideas into the national mainstream so that they change the experience of family civil litigation for the military and veteran family.

The reasons why strong court-military collaboration has not occurred much earlier, and suggested remedies to clear those obstacles, are reserved for a future more exhaustive discussion. But there are clear and proven precedents for family and juvenile court collaboration with outside groups that can guide the critically needed national discussion here. With a predictable track record when used with other components of family law, we surely can find success for the military and veteran litigant if we but have an unwavering sense of mission and the fortitude to execute it.

Child Welfare, Abuse, and Neglect Cases

For instance, federal directives that mandate oversight of the child welfare system by local juvenile and family justice systems have created the impetus to form working collaborations with the courts, local child welfare agencies, and their provider delivery networks. In the 1980s the federal government responded to heightened awareness of the dangers of child abuse and neglect by mandating that each state provide increased judicial oversight of state child welfare agencies by the local family and juvenile court systems.56

In response to this directive, and with federal and private funding to support them, judges and child welfare experts under the auspices of the National Council of Juvenile and Family Court Judges published The Resource Guidelines57 in 1995. It was a comprehensive template for all judges presiding over child welfare cases to implement federal timeframes (later enhanced in the Adoption and Safe Families Act (ASF A)).58 Courts who were committed to both adopting the precepts of the Guidelines and forming collaborative alliances with their local child welfare agency and other community service providers, volunteered as pilot sites and incubators for “best practices,” and are referred to as Model Courts.59 The Resource Guidelines have been the blueprint for the Model Courts60 and other courts across the nation, ultimately changing forever the child welfare landscape. Additional guidelines on adoption case management,61 and on juvenile delinquency62 have followed.

Child Welfare Drug Cases

Many aspects of the Family Drug Treatment Courts (FDTC) illustrate the range of community partners who should be at the table for our military families, whose stressors place them at higher risk than their civilian neighbors.63 Established as a subset of child welfare intervention, FDTCs therapeutically address cases where parents have such serious substance abuse disorders that they are losing their children to foster care. Based on the criminal drug court model template, but with significant departures tailored to non-criminal child maltreatment cases, FDTCs outcomes have been remarkable, with both results and cost savings dramatic.64 Like other court initiatives, the cost savings occur in other spheres than the courtroom—reduced criminality, homelessness and unemployment; foster care placement reduction, and adult sobriety—rather than the courthouse. In fact, FDTCs tend to require more, not less, staffing to monitor litigants, similar to drug and mental health court models.

Domestic Violence Work

In response to growing public concern about intimate partner violence (domestic violence), federal legislation was enacted in 199465 that established a federal office inside the Department of Justice and authorized spending for local law enforcement and prevention efforts, including judicial training.66 As community leaders, judges collaborated with national experts in 1999 to create protocols for a coordinated community/court response to address domestic violence in child welfare cases.67 Since that time, dozens of communities around the country have used the Greenbook to improve their policies and develop enhanced coordination among courts and social service agencies.
These long-established, mature, family-focused collaborative groups, of which much has already been written, provide helpful templates for the court/military/community groups envisioned here for military and veteran families.68

The Value of VTCs for the Honoring Military Families Initiative Civil Docket

We might also examine the criminal docket’s Veteran Treatment Court model for what components might naturally carry over to military family civil cases. “For all the differences between family and VTC dockets, from offense thresholds to the need for mentors for family members and veterans, VTCs still teach important lessons because they are, at base, conduits for coordinating a host of veteran-specific resources.”69

With the hearty federal endorsement and partial underwriting of the VTC model, resulting in widespread adoption of the idea of a specific docket devoted to military and veterans, there is the opportunity for coordination on both systemic and individual scales. Certainly, at the least, computer access to veterans systems of care operated by VA representatives in the courthouse should be available to the family court bench as well as the criminal court.70

One partial remedy would have VTC staff tasked with obtaining information from their criminal defendant about other pending civil court activity outside of the criminal court, and then convey it to the civil court. However, in the first months of operation, Buffalo’s Honoring Military Family Civil docket found no instances where a divorcing litigant was also involved in VTC, so crossover will likely be only a small segment.71

Notably, and contrary to the view of pervasive military criminality, the vast majority of civil family cases for military and veteran families do not involve any contact with the criminal justice system.72

Honoring Military Families Civil Dockets Can Do So Much More, for Many More

The VTC model is virtually exclusive for veterans, not active duty personnel. Although some servicemembers do end up in a state VTC as a result of committing state criminal offenses, it is mostly the case that the military will handle such offenders through its own military justice system, with its own rules, penalties, and incarceration facilities.

On the other hand, family and juvenile dockets are entirely different and accessed by active duty personnel, reservists, and veterans in substantial numbers. Indeed, the state civil court is the only place where family law remedies will be found, the only doors through which most military litigants will ever enter. Only the state will adjudicate divorces,73 custody, paternity, support, asset and property division, and enter civil judgments of foreclosure and the like.

With the obviously greater numbers of active duty individuals involved in the family and juvenile courts, there are also far greater avenues for referrals between court, and base, fort, and installation. From commanders, chaplains, and judge advocates, to family readiness groups and family advocacy programs, the potential lines of connection are abundant. Strong court linkage to these assets then infuses a range of programs specifically tailored to active duty servicemembers. At a time when many community-funded programs have been slashed or eliminated across the country, these military-focused modalities are still funded better and are more laser-focused on the unique qualities of active duty personnel. The author submits there is a rich opportunity here, largely still ignored by bench, bar, and sword.

The examples of the Model Courts, the FDTCs and VTCs, and other collaborative court models illustrate that federal endorsement and even small seed funding does positively affect program implementation at the local level. It is absolutely time for this concept to be expanded to civil courts handling family disputes and personal matters of veterans and military personnel.

Finding a Federal Home, Accepting National Ownership

One compounding factor for our critical mission is the lack of federal or congressional attention to, much less mandates about, family law issues (with the limited exceptions of child welfare, domestic
violence, and juvenile justice mentioned earlier). Long the sole domain of state courts, Congress does not fund, and the executive branch has no departmental home for, domestic relations matters affecting families such as divorce, separation, custody, paternity, spousal support, or property rights. For this group of litigants, a home needs to be found. While all members of this group would once have been active military, after leaving the service branch, they are forever after a part of the VA. As a result there is no natural central federal site, other than for retired servicemembers.

Call to Action—the Courts

At the national level, juvenile and family court judges in leadership positions with the National Council of Juvenile and Family Court Judges in a 2011 resolution acknowledged the seriousness and uniqueness of concerns for military families. It supported the White House’s January 14, 2011 Strengthening Our Military Families: Meeting Our Commitments report’s request to “enhance the well-being and psychological health of the military family . . . [1.6] By making our court systems more responsive to the unique needs of Veterans and Families. . . .”

In addition to the National Council’s resolutions supporting training and education to the judiciary, not surprisingly the resolution also encouraged “collaboration between civilian and military personnel to resolve case processing issues and to enhance delivery of services,” and promoted the “exercise of judicial leadership to convene local stakeholder and community groups to improve and enhance system response. . . .”

Call to Action—the Armed Forces

At the federal level, national military initiatives commence within the Office of the Secretary of Defense (OSD). However, most matters affecting the life quality of servicemembers are actually state-controlled. Thus, OSD created the USA4Military Families Initiative and works through the State Liaison Office (DSLO) with state policymakers, governments, and other leaders to remove unnecessary state barriers. Every year, based on consensus of the various armed forces divisions, ten “key personnel and readiness issues supporting servicemembers and families” are created for action and remain until resolved. In late 2012 a new item was added to that list: to create state-wide Memoranda of Understanding with child welfare agencies and the Department of Defense.

While this is but one case type (child maltreatment) with limited scope, the author wholeheartedly endorses this proactive step and urges state action.

The Armed Forces Control of its Personnel

The Armed Forces, with its management of all aspects of the daily lives of active duty military personnel, is a unique employer. There is no other litigant before the court who truly answers to a competing, arguably higher authority, than the military person. Guard and Reservists find themselves under the same restrictive rules when they receive orders to deploy.

Even though there are significant reductions in the ranks of active duty Army and Marine personnel expected over the next four years, family courts will still need information about a military litigant’s availability for court proceedings. The ability of the state court judge to accurately assess the information, sometimes piecemeal, sometimes contradicted by the opposing spouse, would be greatly smoothed by opening lines of communication between courtroom and military command. Perhaps a standardized national form would be a step, made easier by advances in the sharing of electronic data.

National Census of Court and Military Initiatives Needed

The absolute dearth of information about current or past civil court responses to military families calls for immediate federal funding of a comprehensive census, state by state, county by county, of
programs or processes in place or used in the past. Different than a survey, the author envisions there be contact with each state court administrative system, and canvassing of all military and veteran services groups.

Compiling the information will not only be illustrative, it will provide the framework of a “best practices” analysis for support of proven initiatives and expansion and replication across the country. One might expect to find case management ideas that are ideal for counties located outside active military sites, while other options, such as developed in the pilot highlighted in this article, might be adequate for state courts farther away from active military personnel concentrations.

National Brainstorming for the Critical Mission Needed, A National Development Team for Guidelines

With the census in hand, those who hold keys to unlocking the impasse between the court and the military need to be convened. Family and juvenile judges, judicial organizations, national representatives from the branches of the armed forces (including commanders, policy makers, chaplains and judge advocates), as well as leaders in the veterans mental health and social policy professions must be directed to create the guidelines that can then govern the courts, Armed Forces, and VA in establishing links through the courtroom. By codifying, endorsing, and financially supporting best practice precepts, never again will hard-earned lessons from prior wars (such as the Vietnam era approaches) be lost to the sands of time.

National Faculty Development, “Train the Trainer;” Spread the Word

From the ranks of the leaders of the national discussion will come the natural educators to cross-train the institutions. The author suggests multi-disciplinary teams, taken from rosters of available trainers, to deploy as needed, with a succinct mission and core set of learning points consistent throughout. Those would also train others to join their ranks, or to continue the work in state and municipal locations, as well as on bases, forts, and installations.

National Sites of Innovation, Cross-Pollination

Support is needed to create problem-solving court/military/community sites, allowing the natural variations and “flavors” to develop, much as the Model Courts in the child welfare arena have developed—all subscribing to the same core principles, yet each with its own local delivery. Candidates for those sites should come from regions around large military installations as well as urban and rural areas at a far distance. Each site selected would commit to promoting the principles of the national guidelines created by the national development team.

National Judicial and Legal Training

Clearly the problems besetting military and veteran families transcend the criminal arena, and training to the civil family law judiciary will absolutely enhance the delivery of justice for these families. At the very least, the intensive training now provided to state criminal docket judges, who will preside over newly created VTCs, must be modified and presented as federally supported training of the entire cadre of state family law judges.

The author found that even with limited self-training on the topic, a judge could observe and identify a situation where a TBI not deemed severe enough to warrant a compensable disability was negatively affecting the behavior and cooperation of a litigant. Such experiences are not unique among members of the juvenile and family court benches. In short, a little judicial education will have a significant impact for a large number of active duty personnel and veterans in courtrooms.

Much-needed judicial training for military cases, sought by family court judges and explored in another article in this journal, needs to be augmented by the creation of a national listserv for judges
seeking contact with, and information from, judges with similar experiences in other jurisdictions. There is currently no single consolidated resource for judges to access solutions for servicemembers, veterans, or their families who intersect the judicial system.88

Informal Outreach Within Counties and Districts

At the state level, administrative judges must implement ties between a local veterans treatment court and the local family court bench even without or before federal support, much like what Buffalo’s local district administrative judge fostered. This costs no money, but it does take a commitment of time and focus. The challenge here is in the natural divide that occurs in counties large enough to have judges assigned to separate criminal and civil cases. There exists now almost no reason for the exchange of information and cooperation between different courts of the same town, much less criminal and civil courts of different levels of jurisdiction. Also, the local VTCs may be situated in different buildings or parts of the city. Add to that, in many jurisdictions the civil and criminal court computer systems may be not be connected.89 It would involve a manual review by clerical staff to find the same litigants in the courthouses if case coordination and integrated court parts were desired.90

Parallel Universes No More

The judicial system on one hand, and military and veteran’s institutions on the other, seem to exist in parallel universes, not in synchronous discussion with each other. Since the institutions are autonomous and have no common points of intersection except the military litigant, there has never been a pressing concern to build bridges. That must end, for the sake of our military and veteran families at risk.

Challenges abound, simply on where to start. Neither the Armed Forces nor the judicial branches of state government are monolithic, cohesive, or able to act with one voice across the country. While there are five branches of the active Armed Forces under the Department of Defense, multiple components of the National Guard and Reserves, and an entirely separate Department of Veterans Affairs, there are fifty different state judicial systems, no two of which are the same, and each of which has dozens of districts and hundreds of judges with juvenile and family law dockets. Some state judiciaries are hierarchical, and some not; some are composed of appointed judges, and some have an elected judiciary.

While state court systems are static and may have a judge assigned to one courthouse and one case type for many years, thus gaining an expertise and familiarity, others have frequent judicial rotations. While these state judicial institutions are spinning in their own orbits, the Armed Forces will have—compared to many court systems—short-term rotations of command. These combined institutional constructs increase the difficulty of forming, nurturing, and most importantly maintaining sustained cooperation between military and judicial institutions. In large part, this probably explains the dearth of innovative court solutions available for review.

As a result of these movements in both the Armed Forces and the state court systems, any bright spots where formal understandings or informal lines of communication occur tend to be short-lived. Changes of command, rotations, and judicial retirements or reassignments all contribute to short-term memories. The entities themselves are built to have very little institutional memory unless codified in regulation or statute.91

Concluding Thought

There are ample precedents to draw on for court leadership to create partnerships with military, veterans, and community groups. In doing so, the result will be more holistic and respectful responses to the servicemember or veteran whose life’s problems has brought him or her and family to the courthouse doors.
Armed Forces groups must reach out to civil judges and judicial administration “beyond the gates” to bridge the language and culture gap. Armed Forces and veterans groups must actively engage the civilian family court as they have begun to do in the criminal court.

This quest is not a battle, but a critical mission—with the courts, military and veterans services, and the communities around the nation all unified in a common and vital interest: the well-being of those who served our country, and their families who remained behind.

While the challenges for civil courts, the Armed Forces, and Veterans Affairs might appear daunting in breadth, in truth the barriers are quite surmountable. We simply cannot allow difficulties to forecast defeat when there are proven options to consider. Simply put, if we expect our active servicemembers to show courage and even give all in service to their country, we must surely do no less for them, their families, and our veterans.

NOTES

* I am appreciative of Dr. Kathleen West’s generous assistance in discussions about military families, as well as her steadfast voice in championing their needs. Enormous thanks are also in order to Maj. Evan Seamone, Journal Editor, for his unwavering support, unending patience, and scholarly passion, as well as directing me to many sources of helpful information. Both enriched the discussion in this article immeasurably.

1. This journal highlights not only the lack of contacts, but the high desire of judges for such conversation. Evan R. Seamone, Educating Family Court Judges on the Front Lines of Combat Readjustment: Toward the Formulation and Delivery of a Core Curriculum on Military Family Issues, 52 Fam. Ct. Rev. 458 (2014).

2. A “shadow army” of private contractors also shared many of the challenges and stresses of active military personnel. Seamone, supra note 1, at 495.


4. For an excellent list of the stressors on military families, causing some of these issues, see Seamone, supra note 1, at 495 fig. 2; see also Shirley A. Riggs & Angela Cusimano, The Dynamics of Military Deployment in the Family System: What Makes a Parent Fit for Duty, 52 Fam. Ct. Rev. 381 (2014).

5. That the military has a culture of its own has been widely known in some circles, particularly with veterans’ treatment courts, but little or no training has been provided to state juvenile and family court judges such as is contained in SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, UNDERSTANDING THE MILITARY: THE INSTITUTION, THE CULTURE, AND THE PEOPLE: INFORMATION FOR BEHAVIORAL HEALTHCARE SPECIALISTS WORKING WITH VETERANS AND SERVICE MEMBERS (2010); and companion articles, Seamone, supra note 1, at 495; Annette N. Farmer et al., Enduring Hope and Support: Helping Family Court Professionals Incorporate Programs to Build Resilient Families, 52 Fam. Ct. Rev. 425 (2014).

6. RUTH ANN O’KEEFE ET AL., MILITARY FAMILY SERVICE CENTERS, THE MILITARY FAMILY: DYNAMICS AND TREATMENT, 262 (Florence W. Kashow & Richard I. Ridenour eds., 1984) (“Military family support was no longer considered a one-time benefits package offered in time of national emergency or demobilization but was (and is) an institutionalized service provided as a right of military personnel and families in recognition of their special stresses, challenges, and ongoing needs”).


16. Seamone, supra note 1, at 495.
17. Discussions with Dr. K. West, April 2013, indicate several in California, one in the planning stages for custody cases, the other in place for civil protective orders. See also Veterans Clinics at law schools, such as Widener Law School; Seamone, supra note 1, at 495 (discussing mobile hearings in child support matters).

18. In 2009 there were eight Veterans Treatment Courts (VTCs) in the country. See Russell, infra note 20. By August 2010, there were forty-one VTCs. See VA, NATIONAL CENTER FOR PTSD, KEEPING VETERANS WITH PTSD OUT OF THE JUSTICE SYSTEM; By June 2012 there were 104 recognized VTCs around the country and there are dozens more each year in the planning stages. See JUSTICE FOR VETS: THE NATIONAL CLEARINGHOUSE FOR VETERANS TREATMENT COURTS.


22. VTCs adhere to the treatment principles formulated for drug courts by the National Association of Drug Court Professionals and the U.S. Department of Justice. See NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS FACTSHEET: DEFINING DRUG COURTS: THE KEY COMPONENTS (1997).

23. OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT, FACT SHEET: VETERANS TREATMENT COURTS (2010) (“[VTCs] are modeled after drug courts . . . Drug courts have a remarkable track record over the course of their 20-year history. During times of difficult economic conditions for State and local governments, drug courts still prove to be a smart, cost-effective investment that helps put offenders on the road to recovery, effectively reducing recidivism.”).


25. See DEP’T OF LABOR, supra note 15.


27. New York’s statewide trial level general jurisdiction courts are called Supreme Court. The highest appellate court is designated the Court of Appeals.


29. Erie County’s Veterans Service Agency was first organized in 1926, the first of its kind in the state of New York, in 1945 becoming a part of county government. Accredited representatives for the VA, their mission is to register every county veteran in the national VA system. See Veterans Service Agency, A Brief History, www2.erie.gov/veterans (last visited Mar. 8, 2014).

30. See James McGuire et al., What Can Family Law Courts Learn from the Veterans Treatment Courts?, 52 FAM. CT. REV. 417 (2014) (“[Family Law] Judges with VTCs operating locally or nearby are optimally positioned to incorporate veteran-specific resources into their courts’ operations; there is no need for a judge to build a resource network from scratch when one already exists.”).


32. Jane Darwin, Disabilities and Injuries Among the Members of the National Guard and Reserve Units, in RETURNING WAR’S WOUNDED, INJURED, AND ILL: A REFERENCE HANDBOOK 160 (Nathan D. Ainspan & Walter E. Penk eds., 2008).

33. Information about Erie County’s Expedited Matrimonial court docket can be found at http://www.nycourts.gov/courts/8jd/erie/spec_matri matrimonials.shtml (last visited May 30, 2014) [hereinafter Erie County Divorce Docket].

34. Seamone, supra note 1, at 495 (noting that even high-density courts outside military installations “did not routinely inquire about family members’ veteran status and lacked a methodology for distinguishing whether a party was a veteran, reservist, or actively serving military member.”).

35. While the Servicemember’s Civil Relief Act (SCRA) requires there be inquiry for a defendant’s military duty status for any default civil action, its breadth is limited to suits involving active military. 50 USC APP. § 501 (2003). Thus cases involving veterans would be outside the scope of the inquiry.

36. Seamone, supra note 1.

37. See Seamone, supra note 1, at 495 (“. . . family court judges should remember that the vast majority of active duty military members (85%) are enlisted, overwhelmingly young (nearly half aged 20 to 24), serve tours of duty of only seven years on average—even in the aftermath of the Nation’s economic downturn, and will not qualify for retirement upon separation from the Service. Despite this temporary military status, many of these young troops are married with children . . . ”); see also Riggs & Cusimano, supra note 4; Nelson, supra note 5.
38. Note, however, that the total number was still in the single digits. It was an interesting anomaly, and at the end of the first six months of operation, it was statistically too soon to know if this would persist.

39. While the young veteran may have been engaged in the early stages, at some point nearing conclusion he (all cases were males) would fail attorney appointments or court appearances, refuse to return telephone contacts, etc.

40. For instance, a bench warrant for nonappearance at a scheduled court appearance could have been issued but was not utilized.

41. See McGuire, supra note 30, for details of VA services.

42. Seamone, supra note 1.

43. The Children’s Legal Center of Buffalo.

44. For an excellent discussion, see companion article, Nelson, supra note 5.

45. The assigned attorney, while a civilian, is the close friend of an Iraq war veteran. That young veteran is also the son of a high court judge, himself a veteran from the Vietnam era. The children’s attorney thus had a heightened awareness of military stressors, a vested interest in gaining expertise, and agreed to actively learn about community resources. His education came from the court-sponsored trainings and individual case experiences from his agency’s social workers and the court social workers.

46. The head of the Buffalo VTC Mentor Program, Jack O’Connor, showed enormous interest in educating the civil family law bench on services available for veterans. His enthusiasm for the pilot HMFI was unflagging, and he agreed to provide one of his deputy mentors to the HMFI for our use.

47. The Veterans’ and Service-Members’ Legal Issues Committee of the Bar Association of Erie County is active and has published a booklet, Legal Services Referral List in Erie County, listing legal service providers and veterans’ courts contact information and provided to the public. Electronic copy available at http://www.eriebar.org/files/documents/111684-Brochure-singlepgs.pdf (last visited May 30, 2014).

48. Vet Centers operate independently from the Veterans Administration, are community based, and part of the VA. See VA, Vet. Center Program, http://www.vetcenter.va.gov (last visited Mar.8, 2014); The Vet Center Program was created in 1979 to address the significant number of Vietnam era vets still experiencing readjustment problems. Vet Centers are free to eligible veterans who have been deployed to a war zone and their families. Id.

49. Indeed, Dr. Paul Harrigan, director of the Vet Center, was a member of that first group of veteran service providers to speak with the family law judges and quickly formed working relationships between the court, and he and his fellow professionals at the Center.

50. There is an acronym to describe such an event: “SCAT” which means “Stop Court and Train,” a technique where information is disseminated to large group of stakeholders attending the same event. In short, everyone hears the same message at the same time.


52. The federal Office of Child Support Enforcement, in collaboration with the VA and Health and Human Services (HHS), along with the American Bar Association (ABA) has an initiative to end homelessness among veterans by assistance in modifying child support and reducing child support debt. OCSE is a division of HHS, Administration of Children and Families.

53. The special challenges, economic and otherwise, of junior enlisted are discussed in more detail at Seamone, supra note 1, at 495.

54. Central to the work is a holistic view of individuals and families, and the sharing of innovative practices of courts across the nation who demonstrate court collaborative practices. It is precisely the same process envisioned by the author for military and veteran families.

55. I am presently a member of Project ONE's Steering Committee.


57. NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES (NCJFCJ), RESOURCE GUIDELINES: IMPROVING COURT PRACTICE IN CHILD ABUSE AND NEGLECT CASES (1995). The NCJFCJ worked in conjunction with the National Conference of Chief Justices, the ABA’s Center on Children and the Law, and the ABA Judicial Administration Division, as well as Cincinnati Ohio court administration in the publication, The American Bar Association and the Conference of Chief Justices have endorsed the Guidelines.


60. The term “model” does not imply ideal practice or perfection in systems, but rather that the courts will serve as models to other courts and communities for systems change. See Id.


66. For instance, the National Judicial Institute on Domestic Violence was formed in 1998 and has trained thousands of judges across the nation on a core curriculum.


69. Seamone, supra note 1, at 495.

70. Id.

71. Of those VTC cases present or past, the notable overlap was in child support, custody, and child neglect cases.


73. See Mathew B. Tully, Helping Military Couples Understand Their Legal Rights in Divorce, in HANDBOOK OF COUNSELING MILITARY COUPLES, 347 (Bret A. Moore ed., 2012) (“Many members of the armed forces, and especially their spouses, believe that it is possible to get a ‘military divorce’ while in service. In reality, there is no such thing as a military divorce, just as there is no such thing as a ‘military marriage’. There are, however, ‘military married couples’ who, for various reasons, may wish to end their marital relationship by divorcing”).

74. Child welfare matters are funded through HHS, domestic violence matters through (DOJ), Office of Violence Against Women, and juvenile justice matters through DOJ, OJJDP.


77. See Erie County Court Docket, supra note 33.


80. Other issues deemed critical include licensure portability, affordable child care, state tuition rate waivers, development of VTCs. See id.

81. See Id. at 2 (“Create state-wide MoUs between the DoD and the state child welfare agency to standardize relationships among local courts, agencies and military facilities: DoD installations currently develop MoUs with counties which can leave gaps in coverage and inconsistencies in managing care for children in protective custody and foster care. Statewide MOUs between DoD [on behalf of the military communities] and the State child welfare agency [on behalf of local child protective services and other State and local agencies] can support improved continuity and child safety.”).

82. Seamone, supra note 1, at 495.

83. One veteran, not involved in a criminal case, told staff with the Buffalo VTC that it was ironic a veteran had to commit a major crime to merit the attention of the community and the VA, and receive the intense services of VTC. As a result of that comment court resources, including the Veterans Justice Outreach specialist, are present an hour before the Buffalo VTC calendar begins, providing walk-in services to any veteran.

84. On another “front” many servicemembers rely on, or wish to, the Judge Advocates assigned to their facility, although admittedly these fine attorneys may not be schooled in family law of the state in which they are stationed. The author suggests that local courts and bar associations provide introductory family law information, free bar association admission, and reduced admission to local continuing family law legal education for these military attorneys. See Seamone, supra note 1, at 495.

85. While in that case the veteran downplayed the injury to his attorney and was employed, he was struggling with work and the litigation, and was exhibiting classic (albeit muted) signs of traumatic brain injury.

86. Seamone, supra note 1, at 495 (noting a Hawaiian judge’s observation that “judges are often the first-responders to the disorder . . . [I]f that is, they may be able to recognize OSIs and their symptoms even when the military member and the spouse do not.”).

87. Id.
88. For instance, the NCJFCJ serves as the manager of a Domestic Violence Resource Center: Child Protection and Custody as part of the Domestic Violence Resource Network; and underwritten with federal funding. See Nat’l Resource Ctr. on Domestic Violence, DVRN, http://www.nrcdv.org/DVRN/ (last visited Mar. 8, 2014). A similar process would be a natural fit for military, veteran, community, and court systems.

89. For instance, in Buffalo, the Buffalo VTC criminal court is on a separate computer system from both the state supreme civil court and the third computer system for the county-wide family court, both of which handle family law civil dockets.

90. That is exactly what occurred when we reviewed companion court cases of the VTC defendants. While it could be done, it took manual labor, the creation of a list, and was static, needing to be recreated constantly.

91. See Seamone, supra note 1, at 495 (noting, in answer to a companion article’s query, that this historical failure to retain remedies, and the resulting inability to access them when issues reoccur, accounts for the fact that the judicial experience gained in treating the returning Vietnam veteran and his family years ago is now lost to the current bench of judges dealing with post-9/11 military families).

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