This article considers the results of the first national survey of family court judges, in which they ranked key concerns for cases involving military families. Consistent with estimates recognizing the significant number of service members with operational stress injuries and the link between such unseen injuries and military family turmoil, judges who initially had little experience with military families have encountered increasing numbers of such cases as the wars in Iraq and Afghanistan intensified. This article reviews current efforts to establish a standardized curriculum that is responsive to judges’ foremost concerns. After describing potential approaches for delivery of this core curriculum, the article suggests three factors that will greatly enhance efforts to meet judges’ needs: (1) awareness of key aspects of military culture that have a bearing on family functioning, (2) greater incorporation of the U.S. Department of Veterans Affairs and Veterans Service Organizations in family court cases involving military families, and (3) identification of best practices in family courts located near military communities which function as de facto centers of excellence. The article draws on selected experiences and opinions of family court judges in North Carolina, Georgia, Hawaii, and Tennessee military communities and suggests key recommendations for meeting all courts’ most dire needs.

Key Points for the Family Court Community:
- In a recent national study, family court judges ranked deployment and postdeployment readjustment considerations among their most important needs for training on military family issues.
- Family courts adjudicating disputes involving veterans with operational stress injuries must often transcend existing scientific studies to craft meaningful parenting plans and family interventions.
- Courts operating within high-density military populations have developed uncommon solutions to common problems and can provide a wealth of knowledge to family courts that do not regularly hear such cases.
- Although family court interactions with veterans service organizations and the U.S. Department of Veterans Affairs are limited or nonexistent—even within large military communities—these organizations possess special knowledge and resources that can enhance the family courts’ effectiveness.
- Family court judges located within jurisdictions that have operational Veterans Treatment Courts can easily draw on the expertise of veterans court judges to obtain necessary knowledge and vital insights.
- Many approaches to military family deployments and combat-related mental conditions equally apply to the tens of thousands of families of private contractors who worked in Iraq and Afghanistan, especially on security details.

Keywords: Child Support; Custody Determinations; Department of Veterans Affairs; Family Court Judges; Homelessness; Military Communities; Military Contractors and their Families; Military Family and Culture; National Council of Juvenile and Family Court Judges; Needs Assessment; PTSD; Veterans Service Organizations; and Veterans.

I. INTRODUCTION

Roughly a year after the War in Afghanistan eclipsed Vietnam as America’s longest war, on March 11, 2011, the National Council of Juvenile and Family Court Judges (NCJFCJ), a professional organization with the mission of improving family courts’ understanding of children’s needs,
conducted the first nationwide survey of judges on the frequency of their contacts with military families and their perceived education needs regarding military families. The survey of judges and various professionals belonging to NCJFCJ, the American Bar Association, and other organizations responded to the growing consensus that the recent wars in Iraq and Afghanistan, Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), have resulted in increased numbers of military families in the family court system. As eloquently stated by Judge Janice Rosa, the pioneer of the nation’s first docket devoted to military family matters,

Where at one time a judge might preside rarely or occasionally over a civil case involving active or retired military, since 9/11 and nonstop military fronts those numbers have increased like a rising tide, silently but inexorably. Much like the slowing heating water in the lobster pot, we in the court system did not consider them any more than anomalies until their numbers and the presenting problems were daily.3

With this recognition, the NCJFCJ survey aimed to identify the types of issues with which judges, court administrators, and attorneys most needed assistance in dealing with military families, with the implicit understanding that families who have endured multiple deployments and stresses of more than a decade at war face a set of compelling and very unfamiliar life circumstances compared to civilian families.5

Not since the Vietnam War have the American family courts witnessed so many combat readjustment issues. Although OIF and OEF present unique issues, such as the more frequent and longer duration deployments and medical advances that help service members survive severe injuries in modern times, Vietnam similarly involved counterinsurgency operations in an environment where it was often impossible to determine whether a third-country national was a friend or disguised enemy and where enemy tactics were designed to cause serious injuries, rather than death.7 Importantly, these stressful combat conditions in Vietnam similarly produced significant numbers of service members and veterans who experienced posttraumatic stress disorder (PTSD) based on combat experiences.8 While Vietnam veterans had a higher divorce rate than the general population, and “38% of the marriages of Vietnam veterans broke up within six months of their return from Southeast Asia,”9 those veterans with Operational Stress Injuries (OSIs)10 like PTSD had significantly higher divorce rates. The results of the National Vietnam Veterans’ Readjustment Study, one of the largest studies of Vietnam combat veterans, revealed that the vast majority (69%) of male combat veterans with PTSD divorced their spouses, with a significant portion (twenty-four percent) returning to the family courts for divorces on two or more occasions.11

Despite similar heavy traffic of combat veterans struggling through family problems, current family courts do not cite or implement the lessons from Vietnam in approaching such cases. It is as though the Vietnam era is completely devoid of lessons to be learned. This is curious because, despite differences between periods of war, the absence of PTSD as a diagnosis until 1980,12 and the monumental transition from the Draft to an all-volunteer military in 1973,13 mental health professionals following Vietnam raised concerns for military family readjustment problems not substantially different from those voiced today.14 For example, the most comprehensive examination of Vietnam family issues occurs in clinical psychologist Aphrodite Matsakis’s volume Vietnam Wives: Women and Children Surviving Life with Veterans Suffering Post Traumatic Stress Disorder, based on her and other mental health providers’ experiences counseling families at over half of the Vietnam Vet Centers in the Nation.15 Considering the manner in which her book identifies how PTSD affects sexual intimacy,16 examines special considerations for the effects of PTSD on children,17 and discusses common factors contributing to a wife’s decision to stay with her combat-traumatized husband or end the marriage,18 Matsakis’s work is an even more valuable resource today based on its vital but neglected insights.

The current lack of interest in and failure to transmit lessons learned from the courts’ collective experience with Vietnam veterans is likely explained by the desire of the American public to forget an unpopular war and its veterans.19 Such ambivalence may also be rooted in the drawdown in
forces in the 1990s, which caused many to speculate that there would be less U.S. involvement in combat hostilities. Namely, because the public expected less large-scale warfare, this would decrease interest in the impact of combat on service members and their families. Unfortunately, this outlook emerged at precisely the same time researchers had begun to achieve results of longitudinal studies of Vietnam veterans and their families. For a combination of reasons, early on, the family courts missed the opportunity to develop a formalized approach to military families. In so doing, they were unable to appreciate the primary lesson that a forgotten family was attached to every married “forgotten warrior” of the Vietnam conflict. From an intergenerational perspective, family courts missed the related secondary lesson that many children who experienced a parent’s deployment suffered a sort of “survivor’s guilt” of their own based on the Vietnam readjustment process.

Modernly, family courts are in a far better position to make use of the groundswell of mounting concern for veterans, particularly of OEF and OIF. The only question is how to best accomplish this goal. Evident in the NCJFCJ’s proposal for a needs assessment, and true to attorneys’ and researchers’ predictions, many courts that do not frequently encounter combat veterans or military families are witnessing an increase in numbers of such cases. Identifying the needs of these courts, in terms of education and resourcing, is a good first step. Disseminating such knowledge is a wise second. Consequently, Part II of this Article shares the results of the NCJFCJ’s groundbreaking needs assessment, considering the frequency of the courts’ contacts with military families and the most pressing educational objectives identified by judges regarding military families. Part III addresses the various interdisciplinary sources that might form the basis of a standard judicial curriculum, highlighting concerns about important topics like military cultural factors that remain obscured in current discussions of military family legal issues. Recognizing that judges prefer certain methods of education over others, Part III considers the manner in which the NCJFCJ has attempted to meet judicial education needs with a Webinar and a Summit on military family issues in the courts. This part also reviews the unprecedented effort of the Department of Defense to publish the Quick Reference Guide for Family Court Judges.

The last three Parts of this Article offer specific recommendations for the development of a national curriculum. Despite the current lack of contact between family court judges and members of the U.S. Department of Veterans Affairs (VA), Part IV recommends incorporation of the VA as a necessary component of judicial education on the military family. Part V draws on the input of family court judges in Hawaii, North Carolina, Tennessee, and Georgia high-density military populations. It describes some common trends and experiences, and shares their recommendations for maximizing effective court interventions for all military family members. Based on these valuable insights, Part VI theorizes that certain family courts are de facto centers of excellence. Given the gulf between research studies and applied solutions in the courts, perhaps the most decisive factor for adequately preparing judges is the incorporation of practical guidance from the trenches based on the experiences of diverse family courts near military installations which have developed their own solutions to the most perplexing problems.

II. NEEDS ASSESSMENT FOR MILITARY FAMILIES IN JUVENILE AND FAMILY COURTS

The family court community is unique in its responsibility to do justice to families and the overall community by virtue of the immediate and intergenerational consequences of their decisions on each individual in the family unit. As has been the case in matters involving domestic violence, substance abuse, and gay and lesbian parenting, the family courts have been forced by circumstances to innovate in the absence of clearly established causal connections and longitudinal studies. In the implementation of problem-solving courts to address the underlying issues responsible for the breakdown of families, judicial initiative has made the difference.
adjudicating cases involving active duty service members, reservists, and veterans who have deployed or whose families are in the throes of readjustment challenges, the family courts must again continue their legacy of innovation and creative problem-solving. Considering the large deficit of knowledge in both the mental health and legal profession on military family issues, family courts have even more pronounced responsibilities to create immediate solutions. Some experience in isolated instances, such as the development of a specialized military family court docket in Buffalo, New York, and mobile hearings in San Diego to assist homeless veterans with child support modifications, shows that family courts have answered the call and fostered necessary innovation. On a broader level, the natural question is how to develop a standardized curriculum that will permit the family courts—particularly family court judges—to innovate in a responsible and responsive manner. To this end, the primary step is identification of judicial education needs.

A. RESULTS OF THE FIRST NATIONAL JUDICIAL NEEDS ASSESSMENT REGARDING MILITARY FAMILIES

Faced with the dilemma of identifying the most common educational needs of judges, attorneys, and mental health professionals who encounter military families, the Military Issues Committee and the Juvenile and Family Law Department Advisory Committee of the NCJFCJ used a snowball sampling methodology to field a needs assessment survey between December 19, 2011 and January 25, 2012. When the online survey closed, 145 judges from 31 states responded. The results of the survey identify important facts that have a direct bearing on the nature of family court contact with military families and corresponding educational needs. While any national survey of judicial experience is difficult to achieve—leading many scholars to review individual states’ studies in an effort to approximate collective results—the NCJFCJ surveyed judges under identical conditions during a standard timeframe, offering more reliable indications of nationwide perspectives. One of the most important findings relates to the frequency of judicial contact with military families.

1. Frequency of Judicial Contact with Military Families

Among all the judges, ten (7.6%) had no professional contact with members of the active armed services, reserve component, discharged veterans, or their families, or did not know what portion of the persons appearing before them had such a military affiliation. Discounting their responses, the research team analyzed responses from 122 (92.4%) judges who have the requisite contacts to answer the key questions. That so many of the judges had contact with military families on some level is likely explained by the fact that communities without large active military installations nearby still have reserve or national guard centers (67%) and VA or military hospitals (51%) in their jurisdictions. An additional consideration is the transient nature of military service, with 33% of military families moving each year, compared to 5% of civilian families, and displacement of young newly-married spouses from home communities. When marriages suffer, the spouses usually return to their homes of record to family and friends who can support them. As Kentucky Judge Jason Shea Fleming observed, he sees many cases near Fort Campbell, which begin in Kentucky, but end up with one spouse in Texas and another in Indiana as the case progresses through family court adjudication. This may also explain how family courts inherit military cases, even if they are not usually in a region that has a large military population.

Despite the fact that any family court can encounter a military family case in today’s climate of deployment readjustment difficulty, the NCJFCJ’s study reveals that geography does make a difference. Whereas a significant portion (35%) of family court judges report “contact with members of the military and/or their families” at least once per month, an even greater number—nearly half (47%)—have such contact “once every two to three months or less often.” The remainder of
judges (18%) maintains professional contact with military families in their courts once every four to six weeks.\textsuperscript{40} On balance, these varied results demonstrate a distinct difference where most family court judges have either “very little or frequent contact” with military family members.\textsuperscript{41} This difference is likely explained by the large number of cases in communities located near active-duty military installations.

Unsurprisingly, many of the judges who responded to the survey were from states with the largest military populations in the Nation. Virginia, one of the most represented states in the NCJFCJ survey (8\% of total judicial respondents),\textsuperscript{42} has the second largest active duty population,\textsuperscript{43} including a single ZIP code with 46,859 active military members.\textsuperscript{44} In personal interviews with family court judges in ZIP codes servicing large bases in Hawaii, Georgia, and North Carolina, for example, they estimated that veterans and active duty military personnel constituted “at least 30\%,” “a third,” and “between 30\% to 50\%” of their custody and divorce dockets, respectively.\textsuperscript{45} With military populations as large as entire cities,\textsuperscript{46} this likely explains the polarized results for frequency of judicial contact. Considering the inherent difficulty and complexity of Military Family Law,\textsuperscript{47} it is safe to assume that the majority of courts, which have more infrequent contact, likely lack practical experience with complex issues by virtue of their distance from these military populations.

2. Assessment of Judicial Education Needs Among the National Sample

The NCJFCJ survey asked judges to assess their educational and technical needs in both open-ended questions and questions directing the judges to rank topics by order of importance on a list of 13 possibilities.\textsuperscript{48} On the open-ended question asking, “In your specific jurisdiction(s), what do you believe is the SINGLE most critical training topic regarding military issues in juvenile and family courts?”,\textsuperscript{49} responding judges most frequently indicated specific needs to improve their knowledge of military regulations and the application of military-specific laws, such as the manner in which the Services implement Family Care Plans, all of which have a bearing on “child support calculations,” “parenting time,” and “visitation.”\textsuperscript{50} The second-ranked open-ended responses involved information about “the effect of deployment on the soldier and family, specifically [PTSD] and other mental health issues as well as soldier reentry.”\textsuperscript{51} Some other judges raised less common concerns, such as “command responsibility,”\textsuperscript{52} “enlistment criteria,”\textsuperscript{53} or “eligibility of 18 year olds for military with juvenile records.”\textsuperscript{54}

Like the judges’ responses to the open-ended questions, they ranked deployment-related issues among the top four of five concerns on a list of thirteen possibilities.

1. Protocol and statutes to consider when selecting kinship care for children of deployed parent or parents: what alternatives exist for keeping children away from an unsafe environment?
2. Welfare of spouse and children protocol when deployed, legally separated, or divorced.
3. The possible effects of military service and deployments on neurological and psychological states (e.g., PTSD, TBI), substance abuse, depression, physical disability—permanent and temporary.\textsuperscript{55}

While intimate partner violence, family violence, and related concerns constituted the fourth most important topic to the judge respondents,\textsuperscript{56} the fifth most important need involved “[e]ducational support for children of deployed parents to deter issues before they escalate.”\textsuperscript{57} As evident in Appendix A, which summarizes the rank-ordered judicial observations, the sixth through thirteenth issues addressed information that would not change in times of relative peace and garrison operations.\textsuperscript{58} Judicial desires for deployment-related education demonstrate how the fact that the realities of a nation at war have changed the courts’ needs from pre-9/11 periods. As an important gauge, even judges who are familiar with military families and who have been practicing
over a decade within or near large military communities, describe how they have “seen a big difference pre-9/11 and post-9/11 in how military families are affected on the civilian court side.”

Among open-ended and rank-ordered questions alike, the frequent responses touching upon the effects of deployment on families and mental health disorders are distinguishable from many other ranked topics because the former category involves a controversial body of knowledge that is perpetually in development and highly dependent upon individual circumstances. As an example, while the Army’s regulation on *Family Support, Child Custody, and Paternity* offers a precise equation to calculate a soldier’s family support obligation (prior to a court order) based on his or her entitlement to Basic Allowance for Housing, one cannot as easily determine a given parent’s risk and protective factors for violent PTSD stress reactions based on the diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders*; in all cases involving military families, while all family members may experience similar occupational stressors, each experience is personal—necessarily different from other families, and even different from other members within the same family. This distinction raises important challenges for the development of a standard curriculum on the effects of deployment, assessment of risks, court-mandated treatment, or other interventions.

### 3. Standardizing a Core Curriculum on Military Families for Family Court Judges

Some legal education seminars attended by family court judges have begun to address military family topics, including the effects of deployment on military families. In Texas, for example, the San Antonio Bar Association sponsored the *Military Divorce and Retirement Conference* in September of 2012, and, on May 20, 2011, the El Paso Bar Association presented a *Conference to Address the Legal Needs of Veterans, Retirees, Active Duty and Their Families*, both of which addressed OSIs. The Illinois Bar Association recently incorporated psychologists to address the impact of military service on custody evaluations and the impact for PTSD and TBI on co-parenting. In New York, in November of 2012, the Center for Court Innovation sponsored a statewide conference on *Veterans Treatment Courts and Domestic Violence Courts: A Collaborative Problem-Solving Court Response to Interpersonal Violence*. Private legal organizations have also ventured into this area, such as Massachusetts Continuing Legal Education, Inc., with its course on *Representing Military Families for Family Lawyers*. Collectively, these efforts represent an important first step toward tailoring specialized interventions for military families in the family courts.

Of course, the existence of such programs can paint a misleading picture that there is a consensus on what topics to teach and how to teach them; not all presentations or materials are created equally. A cursory review of the courses reveals entirely different topics under the general heading of Military Family Law, with most conferences focusing on a subset of military-specific issues, rather than the full complement. This is likely due to the fact that it could otherwise take days to cover all core topics. Despite efforts to develop essential knowledge, there exists no vetted core curriculum for judges and no organization responsible for its national standardization. Among those jurisdictions offering training, there is also wide variance in the experiences, training, and priorities of the course instructors.

Because the military family is an entity that can only be understood with an interdisciplinary perspective, the same must be said about military family law. In drawing knowledge from different disciplines, military family law inherits the current challenges within domains like psychology, pediatrics, and social work, all of which are struggling to understand the dynamics of Iraq and Afghanistan readjustment. For example, in 2011, when the Military Family Research Institute at Purdue University and the Center for Deployment Psychology convened a group of leading experts on military family issues, they identified the “top five priorities for research about military families” as shown in Figure 1.
Among this list, there is a pronounced need to understand issues facing children of military and veteran families; “without precise knowledge of military children’s strengths and their opportunities for positive development, conjecture and overgeneralization will inappropriately frame discussions about meeting their needs and supporting their health[.]” Few scholars profess to know the answers to these vital questions, which leaves many researchers offering tentative and guarded recommendations, if any at all. Considering that a majority of the same issues are ranked among the most desired educational needs for family court judges, courts seeking answers in these areas must forge ahead, beyond the current scholarship and knowledge and develop practical interventions for the immediate needs of families. The sections below will identify some of the special considerations in the development of a judicial curriculum, focusing on the more challenging topics.

B. EASILY ACCESSIBLE, NONCONTROVERSIAL SOURCES OF INFORMATION

The NCJFCJ’s identification of leading judicial needs provides great insight into the formation of a national curriculum on military families. Fortunately, some of these ranked topics in Military Family Law are largely uncontroversial, with fixed answers. In this regard, Mark Sullivan’s *Military Divorce Handbook*, currently in its second edition, is regarded as a virtual bible by many family law judges and attorneys alike. Its table of contents provides an orientation to key issues in military family law, with many overlapping the very needs identified by NCJFCJ survey respondents. By providing certain practitioner’s tips, analysis of state courts’ treatment of issues in actual cases, and excerpts of model judicial orders, Sullivan goes further to translate theory into practice. In one respect, the juxtaposition of Sullivan’s scholarship over the assessed judicial needs provides wonderful insight on a standardized approach to judicial education. Even at 863 pages, however, *The Military Divorce Handbook* cannot, and does not, cover all issues related to military family law, especially in areas where resolution of legal questions depends on the expertise of interdisciplinary professionals. Here, the instant Special Issue of the *Family Court Review* provides additional guidance by incorporating diverse viewpoints, framed through the lens of juvenile, divorce, and custody adjudication.

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**Figure 1** Top five priorities for research about military families.70

1. Examine family and marital relationships longitudinally (even after service members leave the military), focusing on quality, process, outcomes, and lagged effects as well as risk and protective factors in those relationships.

2. Study the effects of deployment on child well-being and parent-child relationships. Specifically, more needs to be known about how deployment affects different age groups, gender differences among children, and what characteristics of the parent-child relationships (both deploying and at-home parents) seem to buffer the effects of deployment.

3. Study renegotiation processes in military families. Examine how military families adapt to transitions to and from deployment and examine the conditions under which families navigate these transitions successfully.

4. Learn more about families of service members with subthreshold symptoms, and those coping with psychological or physical wounds and injuries.

5. Investigate the impact of family member presence or absence on help-seeking among single soldiers.
Because Sullivan and the authors in this Special Issue have provided very useful guidance and recommendations on key issues in Military Family Law, the remainder of this Part explores three more obscure, but essential, concerns: First, an understanding of military culture in which these family members are embedded is as vital to the courts as an understanding of the legal standards applicable to military family issues. Particularly, any curriculum on the military family should recognize the huge difference between the realities, opportunities, and social mobility facing junior enlisted service members and their families and senior enlisted service members and officers and their respective families. Much the same can be said of retirees, single parents, and other members of the multifaceted military culture. Second, although normally ranked toward the end of judicial interests, current objectives to reduce the size of the armed forces make military discipline, including administrative nonjudicial punishment and separation from the service, an issue of key importance—not just for interpersonal violence or child neglect or endangerment but for any type of misconduct. Third, because there are so many varied approaches to the mental health of military families, and few certainties about recovery, it is particularly worthwhile here to identify resources that offer present solutions regarding combat mental health diagnoses, physical injuries, and family-based treatments for each.

C. LESS-EXPLORED DIMENSIONS OF MILITARY CULTURE AND SPOUSES’ VARIED EXPERIENCES

Because the military subscribes to its own “language, norms, and beliefs,” psychologists have recognized that the military constitutes a “distinct subculture,” akin to ethnic or religious associations as cognized under the American Psychological Association’s Ethical Principles of Psychologists and Code of Conduct.77 The researchers have identified the psychologist’s ethical obligation to learn about military culture in the delivery of clinical services.78 They similarly point out how the failure to know about duty descriptions, rank responsibilities, the nature of combat versus support services, and other realities of military life can lead to serious errors like the “inaccurate diagnosis” of a mental condition, or worse.79 Despite these recommendations, the lack of resources often forces members of the public to navigate through “spotty and varied [accounts that range from] tomes of dry statistics to fictionalized ‘war stories’ difficult to relate to.”80 For judges, it is valuable to consider a number of consolidated resources that address military culture, such as:

- Military Culture Competence;82
- The Importance of Understanding Military Culture;83
- Military Culture;84
- Societal Culture and the New Veteran;85 and
- Cultural and Ethical Considerations When Working with Military Personnel and Veterans: A Primer for VA Training Programs.86

For family court judges who are required by circumstance to address interpersonal violence, a number of publications have begun to identify how military training and aspects of the “survival mode” of combat deployments can contribute to aggressive behavior, even in the absence of a mental health diagnosis. Professor William Brown identifies how the military, as a total institution, conditions violent responses.87 In this regard, critical warrior training, so absolutely essential to surviving in combat, requires extensive overlearning and makes use of procedural/motor learning. The end result places the warrior in the zone, which is needed for survival. Such learning, however, is extremely difficult to suppress or unlearn, and the application of these skills in a civilian or home environment may place the veteran at risk.88
While not all violence among veterans and military members can be explained by military culture, and the vast majority of combat veterans are peaceful and law-abiding, some incidents of violence do result from overreactions to misperceived threats and danger cues. In addition to resources that explore the connection between invisible wounds of war and interpersonal violence, such as the accompanying article in this Special Issue by Glenna Tinney and April Gerlock, the following works can assist the courts in distinguishing violence that may be related to aspects of military culture:

- *The Perfect Storm: Veterans, Culture and the Criminal Justice System*; 90
- *The Military Total Institution*; 91
- *Military Training and Combat Experience*; 92 and
- *The Nature of the Job*. 93

When addressing the full impact of military culture, professionals also suggest that it is important to distinguish how military families are different from civilian families before considering any type of intervention. 94 Figure 2 shows twelve differences that should assist judges with this preliminary step.

1. frequent separations and reunions—with many details sometimes secret and the length often contingent upon world crises situations;

2. regular geographical household relocations—with disruptions of friendships, activities, schooling, employment of other family members, and often with the total cost never completely reimbursed;

3. living life under the dictum that the mission must come first;

4. the need to adapt the family’s natural growth and spontaneity to the rigidity, regimentation, and conformity demanded by the job and the nature of the military;

5. the specter of early retirement for the career fighting man in comparison with his civilian counterpart in the same age group;

6. the omnipresent rumors and background threat of loss during a mission by death, injury, or capture;

7. feelings of detachment from the mainstream of non-military life around them, due sometimes to the isolated nature of some duty stations and often owing to the overt or covert discrimination by the surrounding population;

8. the security of knowing that a vast system exists to support them in meeting their needs for survival;

9. the ability to look forward to work that involves travel and adventure in different parts of the world as their association with the military continues;

10. the knowledge that they may not have to face or completely deal with a difficult situation in one place because they may be leaving soon;

11. the effect of a certain rank or rate on social pressures, family or individual stresses; and

12. the feeling of some lack of personal control over pay, promotion, and other benefits.

**Figure 2** Twelve major differences between military and civilian families. 95
Mindful of these differences, including the fact that military family life does have intrinsic benefits aside from stresses, it is vital to consider the nonuniformed military spouse’s experience within military culture, since “implicitly or explicitly, knowledgeably or naively,” a military spouse adopts a salient role.

1. Military Wives’ Experiences

The name of a recent book, *12 Army Wives Give the Best Advice They Never Got*, provides insight for the family court community and its judges; even those spouses within the military family culture often find it difficult to learn the essentials about employment opportunities, benefits, entitlements, and social supports. While some practical guides exist, like the 395-page *Army Wife Handbook*, which contains guidance on the ideal role of military spouses as social extensions of their uniformed spouses, more recent publications reject the “‘mythical creature’ described as the good military spouse.” Despite the gender-biased and near-impossible standard to uphold, the antiquated view of the perfect military spouse continues to exert extraordinary pressures on many spouses, as reinforced through social support groups. The recent critical publications offer insights for spouses seeking to achieve personal goals, without feeling as though they must abandon their aspirations for the uniformed spouse’s benefit. These books also tell of the authors’ tremendous difficulty learning about how to survive as a spouse in the practical sense and the impetus to write because of the shortfalls of existing publications.

The universal fact that military spouses lack a singular place to look for information from disparate sources cautions the family courts to take a comprehensive view in distilling the most useful information for resolving a given family dispute. Judicial education on military families should attempt to incorporate some of the perspectives of spouses themselves in overcoming the challenges of a unique military culture. Certain useful resources, even though some may be dated, include volumes like:

- *Today’s Military Wife*;
- *Married to the Military*;
- *The Complete Idiot’s Guide to Life as a Military Spouse*; and
- *A Family’s Guide to the Military for Dummies*.

All provide basic summaries of benefits and programs from the spouses themselves. The 649-page volume *Your Military Family Network* adds the insights of various professionals in an interview format with checklists, questions and answers, and learning points for each of the 60 covered topics. It also includes a “Service-by-Service Guide to Family Support Systems” in its first appendix, a list of helpful private and charitable organizations in its second appendix, and a list of “State Resources for the Military” in its third appendix.

2. Military Husbands’ Experiences

Most scholarship on the military family extends to the experience of wives in the role of the nonmilitary spouse, primarily because there are so few nonmilitary husbands. Those who claim that “the vast majority of [husband spouses] previously served in the military and are already very familiar with it” likely base this conclusion on the fact that women in the Service are more likely to marry a military spouse than servicemen. Other research demonstrates that some portion of these husbands, perhaps due to incompatibility with prescribed traditional military spousal roles, experience significant challenges in terms of “gender norms and expectations, employment opportunities, and social isolation.” A 2009 estimate of this specialty population appears in Figure 3.
Despite their unquestionable entitlement to uniform spousal benefits, nonmilitary husbands face special challenges in the military spousal role—a designation that already claims “outsider status” at most military installations due to all family members’ transitory status.117

3. Junior Enlisted Spouses’ Experiences

With due consideration to military pensions and retirement, family court judges should remember that the vast majority of active duty military members (85%) are enlisted,118 “overwhelmingly young”119 (nearly half aged 20 to 24120), serve tours of only seven (combined) years on average—even in the aftermath of the nation’s economic downturn,121 and will not qualify for retirement upon separation from the Service.122 Despite this temporary military status, many of these young troops are married with children: “At any given time, military families include a higher portion of young parents and children compared with the greater American population.”123 This fact is mostly explained by the high proportion of junior enlisted service members who marry, often just prior to their entrance into the military. While approximately “one-third of junior enlisted personnel are married, . . . almost 20 percent of 18-year-old Army personnel are married, compared to less than 5 percent of 18-year-old civilians.”124 Although spouses of junior enlisted service members often cannot afford to hire an attorney for divorce proceedings without family or other financial assistance, research has shown that youth, and the immaturity that comes with it, is one of the key contributors to the rise in recent military divorce rates.125 Recognizing that “[t]he average age of today’s military recruit is still young at 18,”126 it is inescapable that the junior enlisted family is a salient component of military culture, along with its host of first-time family challenges, undergirded by the ultimate challenge for all members to adapt to a new and demanding military way of life.127 The monumental risks facing these families makes them a “uniquely vulnerable population”128 that often “endure[s] a poisonous combination of all the worst that the military lifestyle has to offer.”129

When the courts encounter a junior enlisted family, it is important to understand their special challenges. Employment is likely the first.130 While officers’ wives are usually college educated and have work experience, this is not true of junior enlisted wives, recognized in research as “invisible women” in military culture.131 Burdened by childcare responsibilities, work, if any, is usually part-time, where she can expect to earn up to 60% less salary than her civilian counterpart.132 In most cases, the junior enlisted wife is newly married, displaced from her home and family, living off the military installation, without access to her own vehicle; oftentimes, the uniformed spouse will “conscious[ly]” isolate her from the installation and its resources.133 She may also be living with limited community resources given extravagant purchases made as the family learned of the ability to pledge allotments of pay for merchandise that its members would not otherwise qualify to purchase.134 Based on these commonalities, Michael J.R. Schindler describes the “stereotypical junior enlisted wife” in the following manner:

<table>
<thead>
<tr>
<th></th>
<th>Army</th>
<th>Navy</th>
<th>Marine Corps</th>
<th>Air Force</th>
<th>Total DoD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>6.3%</td>
<td>7.3%</td>
<td>2.1%</td>
<td>10.0%</td>
<td>6.9%</td>
</tr>
<tr>
<td>Female</td>
<td>93.7%</td>
<td>92.7%</td>
<td>97.9%</td>
<td>90.0%</td>
<td>93.1%</td>
</tr>
</tbody>
</table>

Figure 3 Gender distribution of military spouses by service branch.116
She is recently married, a young wife away from home for the first time, with a toddler and . . . a second child on the way. Like many junior enlisted wives, she lives off post in the only kind of housing they can afford—a trailer. Employment options are sparse, and the need for child care erodes the modest salary she can command in a low-paying job market. She has a limited insight into the intricacies of Army organizations, procedures, and even bureaucracies established with her in mind. Her physical isolation, limited financial means, and lack of knowledge of the culture her husband has joined combine to reinforce her own sense of invisibility.135

A study by the RAND Corporation compares the experiences of three Army junior enlisted spouses along several dimensions including monthly budgets, involvement with Family Readiness Groups, and parenting experiences.136 Even though it is dated, the study’s findings are as vital today for discerning the realities and opportunities facing families of military members with different ranks.

Family court judges must be aware of the entire junior enlisted family’s special challenges, compared to more established households of career service members with a greater ability to lead an independent existence. David Wolpert and his colleagues’ figure in Appendix B, titled, “First Term Military Family Issues,” may assist.137

4. Single Parents’ Experiences

Traditionally, single parents have faced steep challenges remaining in the Service. While commanders would likely grow skeptical of the father who desired to seek primary custody of his child following a divorce or separation,138 it is imperative to remember that, for years, military mothers waged countless courtroom battles for “the right to have children.”139 In fact, before June of 1974, the military initiated “mandatory involuntary separation of any servicewoman who became pregnant or otherwise assumed parental status.”140 Recent statistics reveal that 4% of men and 12% of women on active-duty and 8% of men and 17% women in the National Guard and Reserves are single parents, a status that is more frequent among enlisted service members than officers.141 These statistics signify how the military is, by far, “the nation’s largest employer[ ] of single parents.”142

The research on policy options, which is extremely limited, has established not only that single parents in the military lack programs tailored to their specific needs, but that these needs are quite different from and more challenging than those faced by civilian single parents.143 For example, [t]hough on-base day care is available for all parents, single parents must make arrangements for child care during extended training exercises and deployments. Because personnel cannot expect to be stationed close to their extended families, single parents in the military are often isolated from the kind of family networks that can greatly help single civilian parents.144

In a comprehensive study of Air Force single parents’ experiences, Samantha Everhart Blanchard recently filled a glaring gap in the literature. By reviewing all exiting literature and considering the practical realities of executing family care plans and troubles obtaining sufficient educational support for children—much of this postdivorce—Blanchard offers judges unprecedented insights into the likely consequences of their military custody determinations.

5. Retiring Military Families’ Experiences

An additional consideration on the cultural aspects of military family existence is military retirement. Although the division of governmental benefits upon divorce consumes a great many pages owing to its inherent complexity,145 retirement has an extremely significant psychological and emotional impact on the military member as well as the family.146 It is a mixed blessing that military members are able to retire after twenty years of service, immediately earning 50% of their salary for lifetime, adjusted for inflation.147 Beginning in FY2014, early retirement initiatives have permitted
some military members to retire at 15 years with reduced payments. While, on the one hand, there is additional security of a fixed income, on the other, military members retire approximately “15 to 25 years earlier than civilians,” at a time when most feel tremendous pressure to work, often unsure of whether their military skills are transferrable. Spouses similarly sever their connection with the military, often experiencing grief from the sudden tripartite loss of “vicarious social status, automatic acceptance, and a natural social group.” Additional pressures arise with the retiree’s “new and more intense family interaction,” which can be even more unsettling. For these reasons, since at least the late 1960s, mental health professionals have addressed retirement as an event with clinical implications for the entire family and have likened the process to a “syndrome,” with significant attendant risks. Aside from division of marital assets, family court judges should be acquainted with the literature on military retirement for deeper insights into underlying conflicts facing newly retired families and couples. To this end, Kathleen P. O’Beirne identifies six emotional stages associated with separation from the military that underscore a perpetual ripeness for marital conflict. David S. Wolpert’s Depiction of “Issues to Remember when Providing Services to Military Retirees,” located at Appendix C may also assist.

6. Military Children’s Experience Transitioning Through Schools

The Department of Defense has an expansive educational system with 195 schools in seven states, two territories, and thirteen countries. These specialized schools are theorized to provide more adaptive training based on experience with the deployment cycle and first-hand exposure to challenges of readjustment, in comparison with many civilian educators who may be completely unaware of their pupils’ military affiliation or family members’ deployment in harm’s way. Such capacity is especially necessary, considering that “[m]ore than 100,000 military families have children with special health-care needs.” In the context of legal issues related to this group, Air Force Judge Advocate General (JAG) Lieutenant Colonel Elizabeth L. Schuchs-Gopaul wrote a comprehensive primer covering twelve essential considerations, including special education in the military setting. Despite the military’s educational resources, over ninety percent of military children receive their education from public schools. The mobility of the military family has traditionally posed challenges for the military child, especially when schools in different districts have “misaligned” prerequisites for graduation or matriculation into a higher grade. Because “[c]hildren from military families change schools approximately every 2.9 years, or nine times on average,” these educational transitions have become as much a part of military family culture as the deployment cycle and the challenges of readjustment. Curiously, however, it has taken substantial time to address these challenges on a larger scale.

Prior to April 2008, military families were forced to overcome these challenges on a case-by-case basis with the new schools they encountered. However, more recently, in the aftermath of a Presidential Directive and newly authorized grants targeting military children in public schools, the national outlook has dramatically improved. Following the development of an Interstate Compact on Educational Opportunity for Military Children by the Council of State Governments’ National Center for Interstate Compacts, in 2008, Kansas was the first state to incorporate its standard solutions and guidelines for educators into law. By 2012, thirty-nine states and the District of Columbia joined, with only eleven remaining. Family court judges should have basic awareness of the principles in the Compact as they concern the education of military children. As the result of a multidisciplinary and multistate consortium of planners, the Compact offers a “good template for understanding [many] issues faced by military families.”

D. MILITARY JUSTICE AND DISCIPLINE CONSIDERATIONS

Although family courts may have more experience with military discipline as it relates to domestic and interpersonal violence, family court judges have more reason to learn about the military
disciplinary process in general. The Armed Forces currently envision the elimination of 80,000 active duty Army Soldiers and Marines by 2017, reminiscent of the 1990s reduction in force. However, the reduction of the Army to 450,000, as discussed in a February 2014 briefing by the Chairman of the Joint Chiefs of Staff, “would [signify] the Army’s smallest size since 1940, before the United States entered World War Two.” Not only has the military targeted certain types of misconduct for elimination from the Service and restrictions on advancement, but even minor punishment for misconduct can be a basis to end a career or reduce retirement income by several hundred thousand dollars. In the NCJFCJ survey, judges ranked military justice relatively low, as the ninth most important consideration of thirteen. Apparently, those judges who had more familiarity with military members had less of a desire to learn about this topic than those who had little or no previous exposure.

A number of useful references exist to help judges understand the implementation of military justice by commanders, which is substantially different from civilian criminal justice. For some basic facts about the court-martial process, the Congressional Research Service has developed a concise summary. More detailed treatment of nonjudicial punishment, administrative separation, and the courts-martial process, occurs in hornbooks like *Military Criminal Justice: Practice and Procedure* and specialized law review articles. Each of the Services also has its own regulations which describe service-specific nuances of punishment and administrative proceedings. Considering that states have some military justice powers applicable to National Guard members, Major Robert Martin’s survey of the states is quite useful for this purpose.

Aside from disciplinary topics that routinely have significance in the family court, such as domestic assault, substance abuse, or adultery as cognized by military law, the modern military environment, with mandates to downsize its forces, also depends on a different type of guidance in the form of policy memoranda and updates to existing regulations. Awareness of these policy directives, which have a bearing on individual cases, requires a mechanism to obtain real-time updates from the field from distribution channels that are often inaccessible to or obscured from the public. Judge advocates who practice within military justice settings can serve this function, echoing some family court judges’ opinions regarding a symbiotic relationship between local judge advocate offices and nearby family courts. Ultimately, family court judges should know about various punishments and their consequences, especially when standards have become stricter to increase the elimination of offenders.

**E. FIVE KEY ISSUES IN PHYSICAL AND MENTAL HEALTH**

Increased attention to the effects of deployment has led to a “small but growing body of research” about its adverse effects and preliminary measures to build resilience in the face of unavoidable family stresses. Although there is a concerning lack of data on the development of military children—particularly those aged 0–5—and a lack of longitudinal studies of Iraq and Afghanistan veterans and their families, leaving many researchers with guarded and tentative recommendations at best, some “empirically derived” research supports a relational model for deployment factors that influence youth functioning, represented in Figure 4.

Some issues raised by the model are addressed by various national organizations, such as the American Association of Pediatrics, and the American Psychological Association’s Presidential Task Force, which has the mission to “determine the effect of military deployments on service members and their families (spouses, children and significant others),” ascertain stigmas to treatment, and make recommendations “to improve the delivery of mental health services to . . . those returning from a combat zone, and military families.” Yet, the model raises other underlying concerns like the accuracy of a patent’s diagnosis, family members’ understanding of a physical or mental condition, and the efficacy of individual or family treatment. The five considerations below highlight areas with a prominent place in judicial curriculum because they collectively equip the courts to take meaningful action in the face of considerable scholarly debate and conjecture.
1. Physical Injury

By 2011, between 35,000 and 53,000 military families experienced the return of a parent with serious physical injuries from combat wounds sustained in Iraq and Afghanistan.\textsuperscript{191} When accounting for nonhostile injuries in these theaters, the numbers rise substantially to approximately 77,118 by February 2009 alone.\textsuperscript{192} Based on the prevalence of these wounds, the Dole-Shalala report confirmed that, by 2007, “21% of active-component, 15% of reserve-component, and 24% of retired service members had a family member or friend who had been forced to leave a job to care for an OIF or OEF veteran full-time.”\textsuperscript{193} Commonly, Iraq and Afghanistan injuries include blindness and burns,\textsuperscript{194} which pose high risks of infection, hence difficulty in treatment.\textsuperscript{195} In many of these cases, the injury has dramatically changed the entire family structure with spouses and children adopting the role of caretakers, often to the detriment of their own interests and employment.\textsuperscript{196} As recognized by mental health providers, the experience of the military family with a physically injured combat veteran can be entirely different from the family with a member who was injured by virtue of an accident or an illness.\textsuperscript{197} For example, spouses are frequently concerned with the prospect of forced medical retirement at a lower rank or pay grade.\textsuperscript{198} Physical injuries, not only mental ones, often result in divorce based on these exhaustive tolls of these difficult family consequences.\textsuperscript{199} While, similar to unseen injuries in the way scholars desire further research regarding family effects, certain resources are tailored to the effects of physical war injuries specifically:

- *When a Parent is Injured or Killed in Combat;*\textsuperscript{200}
- *Working with Combat-Injured Families Through the Recovery Trajectory;*\textsuperscript{201}

\textbf{Figure 4}  Proposed relationship between individual/family, military, and deployment characteristics and youth and caregiver outcomes.\textsuperscript{188}

Additional resources provide vital insights into the distinction between the medical disability evaluation process for actively serving troops in contrast with evaluations for benefits administered solely by the Department of Veterans Affairs:

- Caring for Wounded Warriors,
- Fitness for Duty, Recovery, and Return to Service, and
- Overview of Federal Benefits Available to Service Members, Veterans, and Their Families.

Judicial education on the military family should incorporate the lessons from these materials.

2. Mental Health Conditions

PTSD is the most frequent reason why veterans of the Iraq and Afghanistan wars have sought and obtained VA benefits for mental conditions—at nearly twice the rate of veterans of prior wars. While mental health conditions may accompany many physical injuries—such as an amputation, PTSD, and TBI all from a single Improvised Explosive Device—the prerequisite for PTSD may only involve exposure to a life-threatening situation or being the witness to death of another. Even without exposure to combat, as many as eight percent of service members will qualify for a diagnosis of PTSD. Multiple deployments have exposed a great number of military members to precisely the types of events that are known to cause PTSD, as reflected in Figure 5.

Despite conservative estimates that roughly twenty percent of Iraq and Afghanistan service members will suffer PTSD, and statistics indicating that twenty-nine percent of Iraq and Afghanistan veterans who are now receiving care at the VA are being treated for PTSD, there is still great variance in its diagnosis and misdiagnosis, which will only be exacerbated by additional diagnostic procedures.

<table>
<thead>
<tr>
<th>Combat Experience</th>
<th>Percentage Endorsing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received hostile incoming fire from small arms, artillery, rockets, mortars, or bombs (any), %</td>
<td>97.9</td>
</tr>
<tr>
<td>At least a few times per week, %</td>
<td>67.6</td>
</tr>
<tr>
<td>Saw Americans or allies after they had been severely wounded or disfigured, %</td>
<td>62.8</td>
</tr>
<tr>
<td>“I was concerned that my unit would be attacked by the enemy,” agree or strongly agree, %</td>
<td>78.8</td>
</tr>
<tr>
<td>“I felt that I was in great danger of being killed or wounded,” agree or strongly agree, %</td>
<td>64.5</td>
</tr>
</tbody>
</table>

Figure 5 Selected deployment experiences among 670 active-duty Iraq veterans who served between April 2003 and September 2006.
criterion in the fifth edition of the Diagnostic and Statistical Manual for Mental Disorders. Judges have increasingly remarked that they have become the de facto front-line responders to PTSD in their courts because the military has failed to diagnose the service member or because the service member had successfully concealed symptoms. For example, Retired Connecticut Supreme Court Justice Barry Schaller observes “[t]he failure of current [military] support systems has left it to the states and cities to fill in the gaps,” highlighting how “[t]he goal must be to prevent problems of readjustment rather than expecting civilian society to deal with them after they occur.” Schaller considered a number of difficulties with diagnosis in his excellent book, Veterans on Trial: The Coming Battles Over PTSD, which is as applicable to the education of a family court judge as it is to a criminal jurist.

The implication of the courts’ “first responder” role is the requirement for judges to have knowledge of PTSD and other OSIs and symptomatology that might be detectable in court or through examination of the parties or witnesses. Only by understanding the efficacy of treatment types can the courts responsibly address treatment in their parenting plans and other family court interventions: Mental conditions like PTSD grow increasingly worse when they remain untreated, and, moreover, the family disputes that stem from untreated conditions often create more harm than the disorders alone. Whether this knowledge is gained from a VA or military health care provider, family court judges must also recognize that combat-related mental health conditions pose special challenges to family members while the veteran undergoes treatment with the leading evidence-based techniques like Cognitive Processing Therapy, Eye Movement Desensitization Reprocessing, and Prolonged Exposure. During the course of therapy, because the service member or veteran must revisit the traumatic event to break its devastating hold and reach a resolution, the patient will necessarily experience additional distress and likely expose family members to it. Such actual progress may appear to the family members as regression into an even more disturbed state unless they are adequately prepared and educated with coping strategies:

[I]t is common sense to think that treatment is supposed to make someone better and that if symptoms get worse after beginning treatment, treatment should be discontinued. However, the treatment for PTSD often involves focus on the traumatic event so that the conflicted thoughts, dreams and anxiety are expected and can actually signify progress.

Judicial education must therefore consider these realities as well.

In their first-responder role, family court judges must expand their concern beyond child abuse and neglect to signs of secondary traumatization, which has emerged as the “signature injury” of military families with an OSI-afflicted combat veteran. Researchers working with Army families have found that “[s]ignificant others and family members experience [PTSD] at rates that exceed those of military service members of current and previous wars.” Perhaps, the rising rate of military children requiring mental health care is an indication of the prevalence of these problems, with inpatient treatment having doubled between 2003 and 2010. Although some researchers doubt whether consensus exists on how to prevent or treat secondary trauma, comprehensive studies have described the various mechanisms through which it is transmitted to children (i.e., overdisclosure, reenactment, identification, silence, ambiguous loss, and caregiver burden). Many react to a veteran parent’s stress reactions by “mirroring” the parent. Others change their behavior in unhealthy attempts to engage parents who are distant or withdrawn. At the most general level, the chief problem for spouses and children rests in their attempt to “offer[ ] support and empathiz[e] with” the symptomatic parent. Amidst the academic debates regarding precise definitions or causal connections, some eminently practical points rise to the surface. From the work Vietnam Wives, judges can learn about the seven family characteristics that increase the risk of intergenerational trauma transmission to the child(ren) as displayed in Figure 6.
From the work of the Strategic Outreach to Families of All Reservists, judges can similarly distinguish the “abnormal parameters” of combat veterans’ stress reactions that place the family in danger as shown in Figure 7.

Because some aspects of vicarious trauma have timeless lessons as matters of human concern, family coping strategies from WWI combat and the Holocaust resonate today. Significant contributions to family court judges’ education exist in the below resources:

- PTSD and Children;
- When a Child’s Parent has PTSD;
- The Legacy of Combat Trauma: Clinical Implications of Intergenerational Transmission.
The prevention of intergenerational trauma transmission has two essential components. First is the ability to obtain treatment for the veteran’s underlying mental health condition. Treatment of the veteran can even prevent the unconscious transmission of trauma to children. Second is the less complicated task of obtaining a qualified clinician’s assistance in helping the child understand the nature and course of the condition—and the fact that the child is not to blame for causing it. When exposure is longstanding and its effects more pronounced, the most helpful resource for judges to understand treatment considerations is an article by Barbara Leiner. Her study provides detailed vignettes involving children, age five to ten, who have contended with parents’ varied Iraq and Afghanistan-related mental and physical conditions, including commentary on each child’s course of clinical treatment and its outcome. Ultimately, each child and family member will react differently to his or her exposure to a symptomatic veteran. While uncertainty and debate may always surround this particular topic, judges have a pressing responsibility to intervene when possible and consider multidisciplinary support for more pronounced difficulties.

3. Medications

Because current treatment strategies for OSIs like PTSD also depend heavily on a combination of psychotropic medications and psychotherapy, judges should understand the difficulties that stem from side effects of the drugs, and the process of titration—experimenting with dosages of medication so that the body does not become resistant to it. By no fault of the patient, and owing to changes in prescriptions, he or she may act in a bizarre or hostile manner. A good examination of this phenomenon occurs in Sharon Morgillo Freeman et al.’s chapter in the volume Living and Surviving in Harm’s Way. Other authors have raised concerns over the manner in which military mental health has substituted narcotics for therapy, often to the detriment of patients, based on fiscal concerns. While family court judges need not become pharmacists to understand how these matters can play out in cases, they should have enough education on the dangers posed by certain medications to inquire about these issues during their review of cases and a parent’s progress in treatment.

4. Family-Inclusive Treatment

Another essential mental health consideration is the nature of treatment for all members of the traumatized combat veteran’s family, including spouses, and children. Although family members often seek such inclusion, it is not regularly incorporated into most planning. Clearly, if treatment has just begun for the veteran, involvement of spouses and children may have to be delayed until the service member achieves some level of stability. If there is a plan to involve the child in the veteran’s life, however, and parents will exchange children and have any level of continued contact while so doing, then these interactions are ripe for therapeutic facilitation. The issue of spousal therapy alone engenders debate, with some researchers strongly urging caution prior to the implementation of any joint therapeutic approach. Clinicians speak of a huge chasm when it comes to the issue of child-inclusive therapy, noting that children are largely ignored as if they did not even exist in a military culture where they too often “stay in the background.” Ironically, in this station, the children are ultimately the ones to “express the symptoms for the [whole] family.” Given the mandate of the courts to intervene in the best interests of the child, judges cannot ignore the needs of the children and the potential benefits of a child-inclusive therapy approach that would help the child understand the parent’s challenges and enable the child to avoid triggers, recognize important symptoms, and know when to seek help while interacting with the parent recovering from a mental condition.
Judges now have the benefit of certain studies that have identified family-based therapies as viable approaches for combat veterans and their families, with additional recognition that clinicians are free to adapt other existing treatments for positive effects. Although many programs for military spouses and children have not had the benefit of systematic evaluation, the list shown in Figure 8 of eleven interventions provides a solid basis to explore potential family-inclusive approaches:

![Figure 8](image)

**Figure 8** Eleven family-inclusive treatments involving veterans suggested in the scholarly literature.

Acknowledging these possibilities, any approach to military family therapy “must [, nevertheless,] be adapted to fit the individual veteran’s particular family constellation, as well as the veteran’s and family’s culture.” Additional informative resources that can contribute to judicial education efforts include:

- **Family-Focused Programs**
- **Family-Centered Care for Military and Veteran Families Affected by Combat Injury**
- **18 Inquiries as “Guidelines” for Assisting Clinicians in Planning Military Family Treatment**
- **Enhancing Parenting in Military and Veteran Families**
- **Couple and Family Issues and Interventions for Veterans of the Iraq and Afghanistan Wars**
- **Meeting the Wartime Needs of Military Children and Adolescents**
- **PTSD Symptoms and How Family and Friends Can Help**
- **The Returning Warrior: Advice to Family and Friends**
- **Resources for Clinicians and Service Members and Their Families**
- **Enhancing Family Resilience Through Family Narrative Co-construction**

Family-inclusive therapy is vital, when appropriate, because it not only helps the veteran, but it also overcomes the major obstacle that “[s]o long as veterans are identified as ‘patients’ they can be maintained as scapegoats in the family or seen as the exclusive source of difficulty.” While the court does not bear the responsibility of treating the family, awareness of resources that are responsive to its members’ needs always provides judges with more tools to achieve a maximal outcome.

5. Community and other Resources for Reservists and All Military Members

In large part, local private and charitable organizations have supplemented military installations in responding to the needs of Reserve Component members, who primarily live in “nonmilitary communities.” Cumulatively, these citizen-soldiers belong to seven separate entities, with the National Guard...
being the largest by far (346,288 members). At times, reservists have made up almost fifty percent of the forces fighting in the Iraq and Afghanistan wars, with their mobilization transforming the entire family into “sudden military” status. It is said that, in no other capacity can one “return home after a deployment on a Saturday and return to a civilian job when the weekend ends,” which helps explain why Reserve Component members are more susceptible to combat-derived mental conditions than members of the Active Component. Children of reserve component members face their own special dilemmas, such as a perceived “lack of understanding and support from their peers and teachers more than children from active-duty families.” Organizations like Strategic Outreach to Families of All Reservists (SOFAR) have gone through great lengths to fill a void in community resources for reservists, and the consciousness raised by such organizations in nonmilitary communities has also resulted in benefits to members of the Active Components and veterans. Judicial education should focus on the distinction between the needs of Reserve and Active Component members and, as important, the many local, nonmilitary resources that may be available to military members of any status.

Because today is a time of great public interest in supporting veterans and their families, organizations with special foci can supplement the military and the family courts in providing necessary assistance. A number of varied resources intended for clinicians, veterans, and military families contain valuable appendices with comprehensive descriptions and contact information for various community organizations and programs. Judges would gain much by consolidating these lists and considering how appropriate referrals might improve the quality of judicial interventions. Some noteworthy references appear in these publications:

- SOFAR Guide to Help Children and Youth Cope with the Deployment and Return of a Parent in the National Guard or Other Military Reserve;
- The National Guard and Reserve: A Reference Handbook;
- Service Members and Military Families Resource Guide;
- Your Military Family Network;
- Community Response to Returning Military;
- After the War Zone: A Practical Guide for Returning Troops and Their Families;
- Resources for Military and Veteran Couples and Families;
- Supporting Military Families: Recent and New Programs;
- A Framework for Accessing Resources for Military and Veteran Couples and Families; and
- Evidence Based Programs that Could be Adapted for Military Connected Schools.

Even if some entries may be dated, many of the covered programs have existed for generations. In addressing the particular needs of a given military family, the greatest challenge remains choosing wisely among an ever-expanding list.

F. TREATMENT NEEDS AND TRAUMA EXPERIENCES OF MILITARY CONTRACTORS AND THEIR FAMILIES

As a final military family mental health consideration, judicial educators should always remember that former and current military contractors and their families have many needs that are identical to service members and their families. It is easy to forget the fact that private contractors have seen combat and served alongside deployed military members in the same hazardous environments. In fact, in 2008 and 2009, there were more private contractors working in Iraq (155,000) and Afghanistan (68,197) than military members, with a great many of the contractors serving in security positions. Given these numbers, some researchers have found it shocking that, as of 2011, not a single peer-reviewed article focused on the treatment needs of contractors’ families. These tens of thousands of civilians accompanying the force were just as susceptible to insurgent attacks, injuries, and OISIs as military members, with at least 1,123 private contractors working for the U.S. Government killed in Iraq by December 31, 2007. While their families experience the same deployment cycles, anxieties, and readjustment challenges, the main difference is their ineligibility for federal benefits
and entitlements, unless the contractor had already achieved veteran status from a former enlistment before separation from the Service. With many family court judges admitting that they do not routinely inquire about military or veteran status of parents and spouses, family court judges should make an even greater effort to actively identify contractors in their midst, who spent time deployed to war zones during the Global War on Terror. Surely, armed with such knowledge, judges should consider some of the same interventions that they would in resolving the disputes of military families.

III. JUDICIAL EDUCATION INITIATIVES ADDRESSING MILITARY FAMILIES

A. EFFORTS OF THE NCJFCJ

In its efforts to meet the judges’ needs identified in the Needs Assessment Survey, the NCJFCJ implemented a Webinar, titled “Bridging the Needs of Military Families and the Courts,” for judges and family court personnel. Approximately six months later, the NCJFCJ also held a conference with military agencies, community organizations, and local family court personnel in Muscogee County, Georgia, a location that serves the sprawling Fort Benning Army installation. The express purpose of this gathering was to identify judicial educational and military community needs and plan for a national Summit. The next sections examine how the NCJFCJ has used these capstone events in pursuit of its judicial education objectives.

1. NCJFCJ Webinar

On June 19, 2012, the NCJFCJ hosted a Webinar instructed by Judge Jason Shea Fleming, a family court judge who serves in Fort Campbell-proximate Christian County, Kentucky, and Dr. Kathleen M. West, a professor of Public Health who has encountered military members during combat deployments and has been instrumental in the NCJFCJ’s military family initiatives. Still accessible to online visitors, the Webinar format reflected a modality of instruction rated as “useful” by the judicial respondents to the needs assessment, along with articles, bulletins, and the most preferred bench cards and curriculum. The module, which lasted just over two hours, had two components. In the first component, the faculty members made the case for judicial awareness of military family issues. They cited various statistics and trends to underscore the complex context in which most cases arise, on the heels of deployments, mental health diagnoses, and interpersonal violence.

At the outset, Judge Fleming underscored how the nature of modern warfare has changed to the point where a service member can return home from combat in as little as three days, posing serious readjustment challenges. Recognizing that many military families have children, with most being under 18 years-old, Judge Fleming also highlighted unique concerns that arise among the more than 60,000 military families that include two active duty parents. Dr. West continued the overview of demographics by highlighting that fourteen percent of the military consists of women in uniform, and how 70,000 noncitizens are in the military on the path of naturalization by virtue of their military service. Both faculty recognized the connection between the rise in combat stress conditions and the rise in prescription medications that poses significant “complications” for military families, and the dramatic doubling in the incidence of child maltreatment and interpersonal violence between 2002 and 2007. Also noted were statistics on binge drinking and substance abuse, as well as completed suicides or attempts, which have matured into a “major public health epidemic.” As a result of these several modern challenges of military service, Judge Fleming elected to view multiple deployments in the context of a “spiral,” rather than a cycle. While both instructors referred to a number of publications and websites as references, such as the National Child Traumatic Stress Network, they recognized the complexity of mental health issues and the importance of provider input. Consequently, comments on these topics were necessarily limited.

After demonstrating the unique nature of military family cases and the reasons why family court judges should have basic knowledge of the differences between these and civilian families, the second
component of the Webinar reviewed the results of the judicial Needs Assessment and addressed twelve Military Family Law “special issues” represented in Figure 9.

![Figure 9](image_url)

Within the abbreviated discussions of eight of the twelve topics, the faculty members referenced some practical realities, such as the influence of a service member’s chain of command in addressing child support or other regulatory requirements. The interactive Web format also permitted viewers to post questions in real-time and conduct side-discussions related to the material. Aside from sharing antidotes based on personal experience, instructors referenced a number of publications to assist viewers in their further research of the topics. The Webinar represented an initial response to the needs identified on the survey. Consequently, the presenters acknowledged the evolving and developmental nature of their efforts and how their basic treatment of the issues was necessarily limited. In Judge Fleming’s opinion, a comprehensive treatment of the issues would require one-and-a-half hours on most issues, with three to four hours on military retirement alone.

2. National Summit for Military Family Adjudication

The NCJFCJ’s objective to provide education to family court judges extends beyond the initial overview provided by the Webinar to the “development of an enhanced training curriculum for courts and judges across the country on issues specifically related to soldiers and military families.” In an effort to determine the types of issues that arise in the military community, the organization invited various representatives of the bench, bar, and military communities to participate in a planning session at Fort Benning, Georgia. The meeting, which occurred on December 6, 2012, at the National Infantry Museum, involved a number of key representatives, including the Chief Judge and other judges of the Muscogee and Chattahoochee County Courts, a military judge, juvenile detectives from the Provost Marshal’s Office, the Chief of Military Justice, the Chief of Legal Assistance, the Veterans Treatment Court program coordinator, members of the Georgia Bar Association, and members of the Department of Family Medicine at Martin Army Community Hospital.

With the objective to identify major needs, the moderators of the group, Family Court Judge Warner L. Kennon and Mari Kay Bickett, Chief Executive Officer of the NCJFCJ, discussed the practical concerns facing military families at the time leading up to, during, and after their interactions with the local court system. The discussion and preparation for the National Summit focused on the following topics:

- What are the pressing issues?
- What might the work look like at (1) a policy level, and (2) an applied / project level?
— Who are the players that need to be at the Summit?
— Take home: What are the top three “wishes” for system improvement that could help frame the Summit?314

Aside from developing specific objectives, the group examined recent developments that have a bearing on military families in the courts, such as the creation of a model act on military child custody and recent directives regarding the downsizing of the active duty forces in the Army and Marine Corps. The results of the planning session have helped to highlight additional topics to supplement the material desired in the needs assessment. Ideally, once the NCJFCJ has developed a curriculum, it will conduct a national conference for judges, and then implement training for courts in remote locations.315 At present, the development of the curriculum is fluid, permitting any number of revisions and improvements over time.

The following parts of this article explore some major considerations facing the NCJFCJ and any organization seeking to develop a program of education for judges. The next part addresses the necessary incorporation of the VA, which has been neglected by family court judges in recent time, but which offers them a tremendous array of indispensable resources.

B. EFFORTS OF THE UNDERSECRETARY OF DEFENSE FOR MILITARY COMMUNITY AND FAMILY POLICY

The Deputy Secretary of Defense for Military Community and Family Policy, Rosemary Freitas, is responsible for “policy, advocacy, and oversight of all community support to service members and their families,” which ranges from child development and youth programs to family violence prevention and intervention.316 On March 19, 2013, her office took the unprecedented step of publishing a 16-page Quick Reference Guide for Family Court Judges with the purpose of enhancing judges’ ability to meet unique military family needs and challenges by “offering practical information about military families and the military resources that are available to support them.”317 Necessarily limited in scope as a “quick reference” resource, the Guide provides a concise overview of: differences between military and civilian families (e.g., population demographics, living arrangements in geographically isolated locations, deployment and training separations, and unpredictable work schedules); common issues that face mainly active-duty family members, and the programs that exist to alleviate those very challenges. To this end, the Guide briefly reviews the support resources shown in Figure 10.

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1. Family Counseling, Including Non-Medical Counseling Services, Counseling for Children, and Medical Counseling Services;
2. Child Care, Including Installation- and Community-Based Programs;
3. Financial Concerns, Including Financial Counseling, Military Relief Societies, The SCRA, Protection from Financial Distress, Protection from Loss of Housing, and General Protections;
4. Youth Misconduct;
5. Child and Youth Programs;
6. Department of Defense Schools and School Liaisons;
7. Morale, Welfare and Recreation Programs;
8. Child and Domestic Abuse;
9. The Family Advocacy Program’s Services Aimed at Prevention, Intervention, and Treatment;
10. Support for Expectant and New Parents; and
11. A List of Additional Resources

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Figure 10  Issues and programs addressed by the Quick Reference Guide.318
With most program descriptions limited to only a paragraph in length, the Guide is akin to a checklist to help judges explore many crucial resources that can assist in the resolution of military family challenges and disputes. The Guide does not, for example, touch upon the unique issues facing military families after the service member(s) separate from the military and assume veteran status. This consideration is vital because, in 2011 alone, “more than 250,000 military members became veteran family members.” Yet, the Guide is still a very useful educational tool that is similar to the NCJFCJ Webinar and Summit in the respect that it seeks to harmonize and consolidate resources for family court judges across the nation. Together, these innovative resources all emphasize a key point underscored in the Guide: “When family court judges deal with military families, understanding what programs and services are available in the military community can help to resolve those families’ issues.”

IV. THE VA AS AN ESSENTIAL COMPONENT OF JUDICIAL EDUCATION ON MILITARY FAMILIES

The explosive nationwide growth of Veterans Treatment Courts (VTCs), currently over 168, “with hundreds in the planning stages,” signals the potential viability of the federal VA as a valuable resource to family courts. The most common feature, which seems equally viable, is in manner in which partnership between state courts and the federal program enables the court to utilize specialized treatment programs and evidence-based treatments that are tailored specifically for veterans with OSIs. As outlined by Judge Janice M. Rosa, there has not yet been an integration of any VTC with a family court and the VTCs experiences have been limited mainly to the criminal—rather than family—context, suggesting the requirement for significant alterations to the criminal courts’ approach if a family court ever adopts a VTC-inspired model. She still recognizes, however, that VTCs exist as a “spark” to ignite the further development of family court sensitivity to military family issues.

At a broader level, the VTC experience underscores a crucial point about the VA. In a period of time some characterize as “Shinseki’s Surge,” based on VA Secretary Eric Shinseki’s robust efforts to improve service delivery to veterans, collaboration with the VA offers the family courts new opportunities to meet the pressing educational needs identified by the national sample of judges and to engineer more individualized and effective family court resolutions. Before this goal can be achieved, however, judges must understand how the VA has changed. Like the “Surge” strategy in Iraq, which established a troop presence in regions most susceptible to insurgent activity, Shinseki’s Surge infused special programs to target the most common symptoms of OIF and OEF readjustment difficulty. Evident in a five-year plan to end veteran homelessness and family-focused initiatives, these special programs changed the face of the VA regarding the most-at-risk veterans.

Interviews with family court judges in different high-density military communities suggest that family courts do not regularly work with the federal VA on their cases involving military families. Multiple judges, when asked whether they had ever requested or relied upon VA records in evaluating their cases, explained the rarity of such requests sometimes even aversion from inquiry based upon the perception that “the VA is notorious for being nonresponsive to requests and having problems finding or producing records.” Recognizing the difficulty of obtaining VA records, one of the judges, in fact, elected to adopt as true the testimony of a Vietnam veteran about his combat-related condition and previous VA treatment because identifying and obtaining the corresponding records would be too tedious a process, if the records even existed. Another remarked, “the military and the VA make it very difficult to obtain records and the court cannot wait six months for records to make vital decisions respecting the children’s welfare.” Although not overtly related to the VA, the NCJFCJ Needs Assessment suggests that a national sample of family court judges perceive information about VTCs among their three least important educational needs on the list of 13 different issues. If this low ranking is at all based upon the way the VA operated prior to Shinseki’s Surge, family court judges may be detrimentally underestimating the value of the VA in attaining many of the higher-ranked needs.

In approaching the development of training programs for family court judges at the national level, the VA should be addressed as an integral educational resource for: (1) obtaining information about
individual veterans’ combat experiences and prior mental health assessment and treatment; (2) obtaining instruction from mental health providers with knowledge of the most advanced, veteran-specific treatment techniques; and (3) understanding the nature of eligibility for VA benefits and types of programs and benefits available to OIF and OEF veterans, particularly. Additionally, while some aspects of VTCs may be less important for family court judges to understand given the criminal nexus, other aspects of VTCs are vital to any court relying on VA records or services, offering an important fourth consideration. The subsections below address each of these four vital issues.

A. VA RECORDS AND ASSESSMENTS

Depending on the year in which a former service member applied for benefits or commenced treatment with the VA, medical records might reveal whether the veteran was diagnosed with a mental health disorder using more reliable diagnostic tools than are available in civilian health care settings. Recent VA medical evaluations also necessarily result in treatment plans tailored to the individual veteran’s needs. Associated records may reveal how well the veteran responded to past treatment interventions, records of improvement and compliance with treatment plans, and disability ratings that may meet the threshold for various disability-specific benefits. With these records in hand, family court judges, custody evaluators, and attorneys can more accurately assess current treatment needs and the likelihood of adherence to court-approved treatment plans.

B. VA TRAINERS AND EXPERTISE

Compared with public mental health providers, the VA is far more advanced when it comes to assessing the treatment needs of and providing responsive treatment to combat veterans. This is reflected in the many studies the VA has sponsored regarding OSIs and their treatment, family readjustment issues, and interpersonal violence within military families. The VA also has the greatest number of experienced mental health providers who are trained in evidence-based treatments. For these reasons, experienced community services workers note that the VA is “the only reservoir of combat PTSD expertise” within the community. Some bar associations recognize this, evident in a recent CLE sponsored by the Illinois Bar Association, where clinical psychologists from the VA were the experts who provided training to attorneys and judges regarding PTSD, “including its symptoms, treatment, and effect on custody evaluations and co-parenting, as well as the impact of both temporary and permanent brain injuries on the service member’s ability to parent.”

Isolated family courts, to some extent, have also recognized the value of VA-sponsored education. In Seattle, for example, a legal service organization and the Seattle University School of Law used VA employees to train attorneys about the relationship of VA homelessness programs and child support modifications. Based on the subject matter expertise and practical experiences of VA providers, an experienced juvenile court judge in the state of Tennessee recommended that VA mental health providers should have the primary responsibility of instructing family court judges about mental health considerations. Kentucky family court Judge Jason Shea Fleming’s recommendation that family court judges study the U.S. Army Surgeon General’s textbook Combat Operational Health as an indispensable resource to understanding the symptoms and treatment of OSIs likewise recognizes that quality education about mental health concerns requires judges to turn to military and veteran institutions with the greatest degree of experience in reaching their legal decisions.

C. INFORMATION ON BENEFIT AND PROGRAM ELIGIBILITY

Despite the fact that about twenty percent of the nation’s population is eligible for VA benefits when counting family members’ entitlements, eligibility requirements are so complex that it is nearly “impossible to determine exactly what an individual veteran might be eligible for without extensive research and consultation.” The system’s inherent confusion has unfortunately led many
to falsely believe that they are not entitled to VA benefits or that it will be impossible to obtain them without years of appeals. Many specialized VA programs, tailored specifically to OIF and OEF veterans, have emerged from Secretary Shinseki’s thrust to end veteran homelessness. Not only are there financial assistance programs—some of which pay first and last months’ rent for eligible veterans—but there are programs aiming to improve the quality of interactions between the veteran and his or her entire family. In fact, to this end, clinicians recognize that inclusion of the family in mental health care administered by the VA has very recently risen from a “core value” to the level of an obligation—Additional disability pension benefits, vocational rehabilitation benefits, secured home loans, small business loans—a combination of the most comprehensive of all federal benefits—are all life-transforming interventions that simply hinge on 1) diagnosis and disability rating and 2) character of discharge from the military. Basic knowledge of the nature of available programs and of related eligibility requirements can increase the resources at the family courts’ disposal for meaningful family and child intervention. Judges are assisted by a number of comprehensive guides on the topic of benefits eligibility:

- Beyond “T.B.D.”: Understanding VA’s Evaluation of a Former Servicemember’s Benefit Eligibility Following Involuntary or Punitive Discharge from the Armed Forces;
- The National Veterans Legal Services Program’s Veterans Benefits Manual;
- Veterans for America’s American Servicemembers and Veterans Survival Guide;
- Veteran’s Guide to Benefits;
- Veterans Benefits for Dummies;
- The Veteran’s Survival Guide: How to File and Collect on VA Claims; and
- The Institute of Medicine and the National Research Council’s PTSD Compensation and Military Service.

Additionally, various law reviews, bar journals, and specialty publications may contain articles with concise overviews of VA benefit eligibility. Because roughly only one of every two “Iraq and Afghanistan veterans eligible for VA health care has used it so far,” and because studies have revealed that “[o]ver 40% of women veterans reported needing psychological services but not getting them,” the family courts have a definite opportunity to improve the quality of many lives if the courts are able to link the veteran with VA resources.

D. THE VALUE OF VETERANS TREATMENT COURTS

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. Among family court judges in high-density military populations, some shared the impression that having an operational VTC program in the same court system as the family court had an influence on family court judges: Two judges noted that the bench had greater sensitivity toward military-related issues arising in their family courts as a result of increased interest and knowledge fostered by VTCs. Some practices and sensitivities did not carry over between courts, such as the common VTC mandate to inquire about veteran status. That is, most of the high-density courts 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. But other sensitivities did, with the most prominent being the search for signals of PTSD and other OSIs.

A Hawaii family court judge in a bustling military community explained that VTC protocols led the family court judges to recognize and appreciate the immense value of their oversight function. They are often first-responders to unseen service-related illnesses and are capable of recognizing OSIs and their symptoms, even when the military member and the spouse do not. In this Hawaii family court jurisdiction, where forty percent of all military cases involve PTSD by the judge’s estimate and experience, at least half of the PTSD-afflicted cases involve situations where the court took the
initiative to test for mental conditions without prior suggestion from either party. The Georgia high-density family court judge had a similar experience as a first-responder, estimating that at least a third of the jurisdiction’s military cases involve combat-related mental conditions, with half involving abuse of prescription narcotics: “I can’t begin to say the number of times I’ve seen this,” explained the jurist, noting how, as an example, he would order both parents to undergo drug testing after observing how neither parent sees a problem with the fact that the military member has five simultaneous prescriptions for pain medications from five different providers.

The essential role of the treatment plan in the VTC is comparable to the vital function of the parenting plan in the family court. In that both documents identify treatment objectives and benchmarks for recovery, there is great value in the VTCs’ experiences implementing these plans in the veteran-specific context. Knowledge of VTCs’ experiences implementing treatment plans over the evolution of such programs can help family courts realistically estimate the obstacles and solutions in family court treatment involving veteran-specific resources. More important, however, are the established community and professional networks involved in the VTC to overcome common obstacles. All functioning VTCs should have established points of contact from the VA, who interface with VA hospitals and VA treatment providers to verify eligibility and electronically document progress. These personnel could be of great assistance to family court judges in obtaining VA treatment records for family court participants, verifying eligibility for VA services, and educating the court about available options in a given case. Access to such personnel would be relatively simple if there is an operational VTC in the same geographic region as the family court.

While no family court judges in high-density military communities could recall incorporation of VA treatment plans or programs in their resolution of military family cases, none were opposed to the idea. A judge who rated his willingness at a ten in a range from one to ten explained, “I’ll take any kind of help.” A North Carolina judge further commented that additional mental health assistance from the VA would be greatly appreciated because of the “hard time getting therapists and counselors to come to court” for fear that they will be subpoenaed to testify for a four-to-five day hearing. To this end, VA evaluations would be particularly useful because the byproduct of the current situation is a lack of “true evaluations,” and, at best, summaries of mental health treatment received cobbled from disparate medical records by lawyers, guardians ad litem, or lay professionals without mental health training. On the off chance that a veteran might be ineligible for VA services based on a less-than-honorable discharge or lack of a qualifying disability, the family courts can benefit from relationships between existing VTCs’ and Veterans Service Organizations (VSOs).

Education regarding military families should include an orientation to the various VSOs because they have experience with various issues faced by veterans and their families and most have trained counselors or claims officers with practical knowledge about the process of applying for benefits. Some popular chartered VSOs include,

- The American Legion;
- Marine Corps League;
- Military Order of the Purple Heart;
- Veterans of Foreign Wars of the United States;
- Disabled Veterans of America;
- Vietnam Veterans of America;
- AMVETS (American Veterans);
- Paralyzed Veterans of America;
- Jewish War Veterans Association;
- American Red Cross-Services for Military Members and Families; and
- Swords to Plowshares: Veterans Rights Organization.

As reflected in their office space reserved in VA Regional Offices, these VSOs have longstanding relationships with the VA and are responsible for outreach and claims assistance, often through the appeals process. Numerous other nonchartered VSOs also function to assist veterans and their
families. A number of resources, such as Your Family Network, offer contact information for local VSOs, which can provide the family courts with a great deal of assistance in helping veteran parents or spouses understand their benefit eligibility and apply for benefits and even apply for employment or other assistance through networking opportunities and special programs.

On balance, while VA regulations are complex and difficult to understand, there are several organizations, of varying proficiency, with the mission to provide services to veterans and their families and navigate the complexity. Family court judges should have awareness of basic entitlements and sources of community support specifically tailored to military members, veterans, and their families. As the next part reveals, family court judges in some high-density military communities have a number of valuable insights that would mesh nicely with VA collaboration and outreach.

V. INSIGHTS FROM JUDGES IN HIGH-DENSITY MILITARY POPULATIONS

By no accident or coincidence, the NCJFCJ used an experienced family court judge who regularly hears cases involving military families as a faculty member for its recent Webinar. Judge Fleming brought a perspective informed by trial and error and knowledge of practical considerations that are clearly missing in the precious few Military Family Law resources for courts and lawyers. For example, he addressed special considerations facing judges when a nearby military installation, like his own at Fort Campbell, occupies two different states (i.e., Tennessee and Kentucky). Accordingly, the value of Judge Fleming’s practical perspective enabled him to identify concerns when spouses elect to file actions in neighboring states. While it is inescapable that “different military services, bases, and offices . . . will do things slightly differently,” these specialized challenges and the solutions that courts and individual judges have adopted to overcome them offer insights that can help those in different jurisdictions, especially when judges lack experience with military families.

Interviews with judges in four high-density military populations highlighted how each judge, in some way, offered insights or developed interventions that have far broader appeal. Aside from those lessons already shared in the sections of this article covering coordination with the VA, the following sections of this part address four additional points, involving the Best Interests of the Child Test, common ways in which the issue of PTSD arises, attorneys’ ability to handle the complex issues in military family law, and special relationships with local military JAG offices.

A. APPLICATION OF THE BEST INTERESTS OF THE CHILD TEST TO MILITARY FAMILIES

One of the questions posed to judges in high-density military populations involved whether a parent’s participation in the military would in any way change the application of the Best Interests of the Child Test, the quintessential inquiry that guides all custody courts. In each case, with at least one judge openly hoping that his answer was shared by all others surveyed, the judges responded that military status alone would not have a bearing on this vital inquiry. While acknowledging that military service changes living arrangements in uncommon ways, most of the differences relate the parent’s availability to spend time with the child(ren). The situation is not totally foreign, however. As a judge in North Carolina explained, “I see the same issues in cases where a parent works during the night shift from 11 pm to 7 am”; in both instances, the pivotal issue is scheduling. A Georgia judge similarly used the civilian analogy of a parent who works for a multinational corporation and has to leave periodically on business. Admittedly, being located in a military community makes judges more attuned to the realities of military service. Rather than making the judges more biased in either direction, the effect of such familiarity is that it allows them to see military service for what it is and remove it from the key considerations involved in a Best Interests analysis. A Hawaii family court judge similarly estimated that judges who have less military family experience are at greater risk of ascribing undue weight to military status alone.

On the question of deployment and its effects on the family, the high-density family court judges shared many opinions. Most answered similarly that the prospect of potential future deployment alone
should not count against a military parent in the Best Interests analysis. The exception was a judge with frequent exposure to the most rapidly deploying Special Operations Units. If the parent is assigned to a unit that will deploy nine months out of the year, then this parent is not likely to get primary custody. The same judge, however, noted that, service members who belong to Special Operations units are not normally ones who seek primary custody of their children because they have usually made the determination that their jobs will take priority. A Georgia judge added that, even if the military parent had a history scattered with multiple deployments, this past record would have no negative effect on a custody determination if the “current and future” deployment situation offered more stability. In most cases, unless a nonmilitary parent is in a relationship with a drug abuser or has a mental disorder that poses greater risk to the child, the parents who deploy regularly are not usually awarded primary custody in practice.

An experienced family court judge in Hawaii shared a concern related to additional complicating military factors that impose different weights on the different considerations in the Best Interests analysis. He recognized that “when you are in the middle of the Pacific and a parent will be moving 5,000 miles away,” this often complicates custody decisions when both parents are essentially good people without any addictions or histories of violence that would otherwise favor primary custody in a specific parent. Because of the high cost of living in Hawaii, it is the case that both parents will relocate, oftentimes to states that are extremely far from one another. Although it is ideal to create joint custody arrangements, application of the Best Interests test in these cases, in practice, requires the courts to make sole primary custody determinations. This complication, experienced in Hawaii, would likely also apply in Alaska’s military communities and other remote installations outside of the continental United States.

Scholars have recently identified the chain of events that often stems from combat trauma and leads to misconduct, discharge or discipline from the Service, and subsequent family court adjudication. Because family court judges inevitably encounter service members who are involuntarily separated from the military, it is worth considering how they view a parent’s discharge characterization. This one- to three-word designation is a staple of military discipline that has no civilian analogue. Aside from the vast majority of discharges, which indicate that a service member has performed duties in an admirable, or, at least, satisfactory way—the Honorable Discharge and the General Discharge—is a category of less-than-honorable discharges that indicate unsatisfactory duty performance, underlying misconduct, or even dishonor. Although anything that is less than fully honorable can limit social advancement, the most stigmatizing and devastating military discharge labels include the Undesirable (phased-out in the mid-70s) and Under Other Than Honorable Conditions discharges that can only be issued as a result of an administrative proceeding or the variations of punitive discharges which can only result from the sentence of a military judge or panel at a court-martial (i.e., the officer Dismissal and the Dishonorable and Bad-Conduct discharges for enlisted personnel).

Preliminary indications suggest that family court judges largely would not weigh a stigmatizing discharge against a military parent during a child custody evaluation. After considering the hypothetical situation of a parent who received a Bad-Conduct Discharge at a court-martial, judges in high-density military communities in Hawaii, Georgia, North Carolina, and Tennessee were unanimous that discharge characterization, alone, would not have a detrimental effect. But all judges also explained that they would need to know more about the underlying reason for the discharge. If it related to use of illicit narcotics or crimes of violence, for example, then those prior behaviors would be considered by the judges, independent of the discharge characterization. However, when provided with further information that the service member had been convicted for a purely military offense, such as Desertion or Absence Without Leave, three of the four jurists would not weight the offense heavily against the parent. As one judge remarked, “The general’s decision is not going to make up my mind because the parent might be a really bad soldier, but might be a really great dad.” While a similar opinion was shared by others, a Georgia jurist had a different perspective, explaining that violations of military laws, especially when repeated, are signals that the parent has difficulty “learning how to do something properly after a serious misstep,” which would play a significant part in the application of state-specific laws that focus on a parent’s decision-making ability as a custodian.
B. THE DIVERSE MANNER IN WHICH PTSD ARISES

From the existing scant scholarship on custody decisions involving parents with mental illness, and the even smaller body of scholarship on parents with Posttraumatic Stress Disorder (PTSD), it is hypothesized that the opposing, nonveteran/nonuniformed parent is the one most likely to raise the mental condition as a tactic to obtain a more favorable custody determination. While this is certainly a possibility, when asked about the likelihood that an opposing spouse would raise PTSD frivolously, all of the judges rated the likelihood as being extremely low. Even though each judge practiced in a bustling military community, only one reported having seen an instance where PTSD was alleged by an opposing spouse, where it was ultimately not established. Notably, a North Carolina jurist explained how the military parent is often the one to raise his or her own condition in an effort to explain past behavior; such evidence not only helps the judge approximate the onset of the parent’s mental condition, but as importantly, the effectiveness of treatment since the time of an episode involving negative symptoms.

C. ATTORNEYS’ ABILITY TO HANDLE COMPLEX MILITARY FAMILY LAW ISSUES

Family court judges in high-density military communities acknowledged that military family law issues require specialized knowledge and that attorneys frequently risk committing legal malpractice when they do not appreciate this complexity. However, the high-density judges did not believe that it was necessary for attorneys to refer cases to Military Family Law experts as a matter of course. Some explained how the family courts have begun initiatives to have family court judges train local attorneys about certain important military family law issues. They also cited robust efforts of their own bar associations to do the same. With a growing number of resources developed for attorney consumption, including The Military Divorce Handbook and Strategies for Military Family Law, there was some consensus among judges that self-study and diligence could help the family law attorney overcome most of the obstacles raised by the complexities of military family law. The biggest area of concern where specialty knowledge is necessary, however, involves issues surrounding the division of military pensions, including the conversion of active duty pensions to VA pensions, which results in a significant decrease in financial benefits. However, as another high-density jurist explained, this is not unlike other often-difficult disciplines that family law attorneys must learn and master (e.g., taxation, real property, business valuation, and insurance) in order to do their jobs effectively.

D. THE VALUE OF COORDINATION WITH LOCAL JAG OFFICES

All of the judges in high-density military populations mentioned the courts’ relationship with the local installations’ JAG offices. While the judges had different opinions, they noted how the nature of the JAG offices’ operations had a direct bearing on their courts. For example, in North Carolina, the judge noted how it was necessary for judges to invite JAG officers to the court to teach them state-specific family law rules since most of the attorneys who worked in the JAG offices and dispensed legal advice to military spouses were not licensed to practice law in the state and might otherwise miss important distinctions, such as the state’s rules on equitable distribution. Regardless of the quality of the legal advice at JAG offices, the fact remains that a great many military families will turn to the government-provided legal assistance offices rather than private attorneys, due to lack of funds, to cover the expenses of representation. The judge in Hawaii recognized that his State’s Chief Justice has made an effort to invite military attorneys to represent spouses in family law matters much for this reason, although he was not aware of any JAG officers who took up the offer. In addressing the nature of the relationship between military law offices and the family courts, judges in Hawaii and Tennessee recognized a symbiotic relationship. The judge in Tennessee went further, suggesting that JAG officers be incorporated in judicial education to assist judges in understanding aspects of military culture and the practical realities of military life raised by spouses in their offices on
a regular basis. He noted that while the court could offer the military attorneys knowledge of state law issues, the military attorneys possessed unique knowledge and insights that could certainly benefit the courts.424 Part II.D of this article addressed frequent updates to the military’s rules about mandatory elimination and severity in punishments for various acts of misconduct. Existing relationships with JAG offices would provide the means through which family court judges could learn of these updates in real time as they contemplate a parent’s career options and ability to sustain certain custody arrangements. In this respect, military lawyers could contribute to the education of family court judges.

While the above observations and opinions represent only four jurists in large military communities, and hardly reflect a national consensus, they certainly raise considerations that are worthy of further exploration in larger samples of family court judges.

VI. IDENTIFYING DE FACTO JUDICIAL CENTERS OF EXCELLENCE FOR MILITARY FAMILY ADJUDICATION

The diversity of insights and pockets of experience that now exist in the area of Military Family Law underscore a primary objective to collect, consolidate, and disseminate the lessons from high-density populations. Much like efforts now underway to find and share the best practices of “military-connected” public schools to improve overall educational programming,425 the application of such efforts to the judiciary will improve current knowledge and enable attainment of all other identified judicial needs.426 The underlying principle is simply to go where the action is happening for the greatest insights.427 To this end, Census data give us an indication of the de facto centers of excellence for military family court adjudication. Based on 2009 Census data, Figure 11, below, lists the counties

<table>
<thead>
<tr>
<th>Location</th>
<th>Zip Code</th>
<th>Number of Personnel</th>
<th>State Rank for Total Military Affiliates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oceanside, CA</td>
<td>92054</td>
<td>98,226</td>
<td>1st in the Nation based on total military affiliates.</td>
</tr>
<tr>
<td>Honolulu, HI</td>
<td>96818</td>
<td>54,856</td>
<td>Hawaii is not ranked among the top 12.</td>
</tr>
<tr>
<td>Clarksville, TN</td>
<td>37042</td>
<td>53,956</td>
<td>Tennessee is not ranked among the top 12.</td>
</tr>
<tr>
<td>Goose Creek, SC</td>
<td>29445</td>
<td>48,628</td>
<td>South Carolina is not ranked among the top 12.</td>
</tr>
<tr>
<td>Fayetteville, NC</td>
<td>28314</td>
<td>47,879</td>
<td>7th in the Nation based on total military affiliates.</td>
</tr>
<tr>
<td>Norfolk, VA</td>
<td>23503</td>
<td>46,859</td>
<td>6th in the Nation based on total military affiliates.</td>
</tr>
<tr>
<td>San Antonio, TX</td>
<td>78227</td>
<td>46,688</td>
<td>Texas is not ranked among the top 12.</td>
</tr>
<tr>
<td>Hinesville, GA</td>
<td>31313</td>
<td>35,885</td>
<td>8th in the Nation based on total military affiliates.</td>
</tr>
<tr>
<td>Groton, CT</td>
<td>06340</td>
<td>31,679</td>
<td>Connecticut is not ranked among the top 12.</td>
</tr>
<tr>
<td>Bellevue, NB</td>
<td>68123</td>
<td>25,258</td>
<td>Nebraska is not ranked among the top 12.</td>
</tr>
<tr>
<td>Fort Campbell, KY</td>
<td>42223</td>
<td>21,539</td>
<td>Kentucky is not ranked among the top 12.</td>
</tr>
<tr>
<td>Tacoma, WA</td>
<td>98433</td>
<td>19,645</td>
<td>11th in the Nation based on total military affiliates.</td>
</tr>
</tbody>
</table>

Figure 11 2009 Census data on the number of military personnel in specific counties and postal service ZIP codes.428
in which the greatest number of “military personnel” reside based on self-reported current employment, along with the ZIP codes for the corresponding family courts which service the respective communities.

Some of these locations reflect states with the largest known veteran, active duty, and reserve populations. For example, California is the largest (2,147,598 military affiliates, including veterans, Guard/Reserve, and active duty),\textsuperscript{429} Florida the second largest (1,728,195 military affiliates),\textsuperscript{430} New York the third (1,010,315 military affiliates),\textsuperscript{431} Pennsylvania the fourth (1,001,612),\textsuperscript{432} Ohio the fifth (927,084 military affiliates),\textsuperscript{433} and Virginia the sixth (910,569 military affiliates).\textsuperscript{434} The list of the top twelve is reproduced in Appendix D. Notably, the Census identified of Washington State, Kentucky, Nebraska, Connecticut, Texas, South Carolina, Tennessee, and Hawaii, as the largest military populations (by number of personnel concentrated in a ZIP code) reflects populations not normally included in the national top twelve.\textsuperscript{435} Alone, the most populous reserve component states may differ as well, ranked by order of the top ten most populated states as: California (6.9%); Texas (6.4%); Florida (4.3%); Pennsylvania (4.2%); New York (3.6%); Georgia (3.5%); Ohio (3.4%); Alabama (3.1%); Illinois (3.1%); and Virginia (3.0%).\textsuperscript{436} However, Census data with the specificity of ZIP codes provide a more narrow and identifiable population, and thus a better window through which to identify family courts that are centers of excellence.

The above concept of the \textit{de facto} military family law center of excellence is simply a heuristic—a “mental shortcut”\textsuperscript{437}—for identifying experienced courts that presumably have developed answers to common problems, simply from exposure to recurring issues in their courts. This density heuristic can help judicial educators develop strategies for meaningful curriculum development. However, all heuristics, including this one, are merely generalizations, which are not always accurate.\textsuperscript{438} Clearly, a court need not be in a high-density military population to develop innovative approaches for adjudicating military family disputes.

Other factors, which might explain local court innovation in serving military families, include the synergy and initiative of public officials who are often veterans, family members of veterans, or supporters of veterans, who seek to make local agencies more responsive. This sort of activism is most evident in the handful of sheriff’s departments that have taken the initiative to create veterans’ dorms in their jails to address practical difficulties of incarcerated veterans with combat trauma.\textsuperscript{439} The impetus for the flagship VTC in Buffalo, New York, also grew from Judge Russell’s frustration in seeing so many veterans on his criminal docket who presented a need for specialized mental health treatment.\textsuperscript{440} Aside from initiative by concerned public officials, other military family-specific court innovations may be the result of grants for certain agencies and associated regional offices that collaborate with family courts. Notably, Clinical Law Professor Steven Berenson has described pilot programs in San Diego, Boston, and Seattle “that take innovative approaches to addressing homeless veterans’ child support issues.”\textsuperscript{441} These efforts stem from collaboration between the American Bar Association’s Commission on Homelessness and Poverty as well as the VA and Department of Health and Human Services.\textsuperscript{442}

Judges may have the opportunity to discuss other jurisdictions’ approaches to common military family difficulties and learn of pilot programs at national conferences.\textsuperscript{443} Some may explore military trends and solutions at informal discussions with different jurisdictions’ judges during the course of military cases involving the \textit{Uniform Child Custody Jurisdiction and Enforcement Act}.\textsuperscript{444} But these educational modalities depend more upon chance than any recurring, organized, systematic approach to judicial education. In approaching this educational need for family court judges, organizations have existing models to facilitate sharing of information in the form of websites, referral lines, secured chat rooms, and a number of hybrids.\textsuperscript{445} Ideally, any judicial education effort should aim to produce an “index or glossary” of particular judges who are willing to be consulted on the military family law issues they know best.\textsuperscript{446} The toughest challenge here is not in the method of networking and dissemination, but rather in identifying the best varied sources for content, including judicial subject matter experts and operational pilot programs. Based on the number of courts that are likely to see these types of cases on a regular basis, the task may not be as difficult as it appears.\textsuperscript{447}
VII. CONCLUSION

The military family unquestionably brings a greater degree of challenge to the family courts by demanding understanding of military culture, the effects of long wars on each of the family members, and enough jargon and regulatory complexity to rival the Tax Code. But family court judges are up to the challenge. Although they require specialized education, they have constantly advanced beyond what is known by researchers in the social sciences. Though this is not the first dilemma to overcome, it has a special resonance; innovative judges who develop solutions with their newfound knowledge can bring meaning to and validate the sacrifices made by less than 1% of the Nation’s current population so that the other 99.9% can rest peacefully each night. Even absent patriotism, it stands to reason that “any event that touches the lives of nearly a million children must have a profound impact on our nation as a whole.” For this reason alone, even if they are often thought of as virtual outsiders, “the military family is the American family.” Because family harmony directly relates to military efficiency and readiness to wage the nation’s wars, all judges have a stake in ensuring that these families have optimal chances to succeed—especially during the process of marriage dissolution. Sometimes, all this requires is moving a uniformed member to the front of the line when he or she appears in court. Other times, it requires far more.

In adjudicating family disputes, judges must be innovative and, with the help of the VA, VSOs, and knowledge of community resources, they can not only intervene to promote the health and welfare of children, but they can have a direct role in completing the process of successful readjustment back to civilian life—for the veteran and his or her family members—in a judicious and reasoned way that the military is often unable to match. As evident in the judicial practices of family courts in high-density military populations, and courts that have formulated special cooperative relationships with agencies like the VA and HHS, family court judges have already begun to meet the challenge for innovation. This goal is achievable, not hypothetical.

With these lessons in mind, family court judges and organizations developing a standardized curriculum should recognize, above all, their pivotal role in ensuring that no military family member—whether active service member, reservist, veteran, private contractor, civilian spouse, or child—is ever forgotten.

APPENDIX A

NCJFCJ NEEDS ASSESSMENT EDUCATIONAL TOPIC RANKINGS FROM MOST TO LEAST IMPORTANT

1. Protocol and statutes to consider when selecting kinship care for children of deployed parent or parents: what alternatives exist for keeping children away from an unsafe environment? (average = 4.81; mode = 6)
2. Welfare of spouse and children protocol when deployed, legally separated, or divorced. (average = 4.76; mode = 5)
3. The possible effects of military service and deployments on neurological and psychological status (e.g., PTSD, Traumatic Brain Injury, substance abuse, depression, physical disability – permanent and temporary). (average = 4.73; mode = 6)
4. Issues regarding Intimate Partner Violence, family violence, and differential reporting standards (e.g., restricted and non-restricted reporting options) and implication for civilian case investigation. (average = 4.59; mode = 5)
5. Educational Support for Children of deployed parents to deter issues before they escalate. (average = 4.49; mode = 5)
6. Special issues for women in the military and as veterans (e.g., special health issues, care access). (average = 4.12; mode = 4)
7. A primer on your state code of military justice as it applies to juvenile and family law cases. (average = 4.07; mode = 4)
8. Benchmark collaborative and supportive services for juveniles in need and families in need (i.e., might a juvenile probation officer find an office on the base so that juveniles do not need to leave the base?). (average = 4.04; mode = 5)
9. A primer on the Uniform Code of Military Justice (UCMJ) as it applies to family violence, child maltreatment, and consequences on military career. (average = 4.03; mode = 4)
10. Protocols (support services as well as negative consequences) that apply to violations of the UCMJ or state codes of military justice that might be applicable to military families living on base as well as living in a civilian community. (average = 3.87; mode = 4)
11. A summary of Veterans’ Courts and existing evaluative data. (average = 3.57; mode = 4)
12. A primer on the Chain of Command for each branch of the service and the National Guard. (average = 3.39; mode = 4)
13. Procedural practices in military hearings and courts. (average = 3.09; mode = 4)
## FIRST TERM MILITARY FAMILY ISSUES


<table>
<thead>
<tr>
<th>Issue</th>
<th>Potential Strengths</th>
<th>Potential Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Commissary, exchange, medical care, and support services help reduce cost of living.</td>
<td>• Limited, fixed income.</td>
</tr>
<tr>
<td>Management</td>
<td></td>
<td>• Pre- and post-enlistment debts.</td>
</tr>
<tr>
<td>Housing</td>
<td>Access to government quarters or the provision of a housing allowance helps ensure adequate housing.</td>
<td>• Government housing may be substandard.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Civilian housing costs may exceed housing allowance resulting in inadequate, substandard, and/or unsafe housing and/or a great distance from the installation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• There are significant costs associated with setting up a first household.</td>
</tr>
<tr>
<td>Spouse Employment</td>
<td>Spouse employment may supplement family income, and work relationships provide a source of social support.</td>
<td>• Often the only available and/or accessible job is low level, low wage, and provides little or no career opportunity.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Available employment may not cover expenses of working (i.e., childcare, transportation, etc.).</td>
</tr>
<tr>
<td>Child-care</td>
<td>Quality childcare is usually available on the installation.</td>
<td>• Childcare costs create a financial burden.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Childcare hours may not correspond with duty hours.</td>
</tr>
<tr>
<td>Extended Family</td>
<td>Couples can make their own decisions without excessive family interference.</td>
<td>• Couples are often making own decisions for the first time.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• There may be no extended family support available for emergencies.</td>
</tr>
<tr>
<td>Duty Demands</td>
<td>The military member has the opportunity to learn a work ethic, a sense of personal responsibility, and gain technical skills.</td>
<td>• Duty hours are often more than 8 hours/day, individuals may work rotating or 12-hour shifts (military duty is 24 hours a day/7 days a week) and this often interferes with family time.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• The military expects high standards of personal and family member conduct and exerts a variety of social control mechanisms on personal and family life.</td>
</tr>
<tr>
<td>Deployment</td>
<td>There is considerable support available from military installation agencies and unit family support groups.</td>
<td>• A spouse may not have adequate experience for being totally responsible for running a household on his or her own.</td>
</tr>
<tr>
<td>Separation</td>
<td></td>
<td>• A spouse may have a limited personal support network.</td>
</tr>
<tr>
<td>Relocation</td>
<td>New assignments provide opportunity to see new places and meet new people.</td>
<td>• All moving costs are not covered by military allowance, causing financial hardship.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Moving is stressful, especially for those with limited experience in moving and setting up a household.</td>
</tr>
<tr>
<td>General Issues</td>
<td>Many young couples are resilient and possess a sense of adventure.</td>
<td>• Spouse and military members are going through a multitude of personal and martial life adjustments all at one time.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Military duties and duty demands can be very stressful.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Couples do not have the benefit of extended family and long-time friendships as sources of immediate support.</td>
</tr>
</tbody>
</table>
# APPENDIX C

## ISSUES TO REMEMBER WHEN PROVIDING SERVICES TO MILITARY RETIREES


<table>
<thead>
<tr>
<th>Issue</th>
<th>Potential Strengths</th>
<th>Potential Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>• May have easily transferrable skill</td>
<td>• May not have transferrable skill</td>
</tr>
<tr>
<td></td>
<td>• May have job lined up before retiring</td>
<td>• May not be mentally prepared for job search process</td>
</tr>
<tr>
<td></td>
<td>• Has history of strong work ethic which is very marketable</td>
<td>• May have unrealistic expectations about civilian job</td>
</tr>
<tr>
<td></td>
<td>• May have learned and is practicing good job search skills</td>
<td>• May have to take job that does not have status or responsibility of previous military positions.</td>
</tr>
<tr>
<td>Spouse Employment</td>
<td>• Spouse may already be well employed</td>
<td>• Spouse may be forced to work to make up for lost income</td>
</tr>
<tr>
<td></td>
<td>• Spouse may become the lead worker in family as planned</td>
<td>• Military retiree may feel shame or inadequate if relying on spouse for bulk of financial support</td>
</tr>
<tr>
<td>Relocation</td>
<td>• Been there, done that—have a lot of experience moving and setting up house</td>
<td>• May be forced to move because living on the installation</td>
</tr>
<tr>
<td></td>
<td>• May have planned ahead for “final” move; is a positive event because it is the family’s choice, not the military’s</td>
<td>• May be disruptive to older children in school or spouse with job to follow military retiree who moves for employment reasons</td>
</tr>
<tr>
<td>Finances</td>
<td>• Has pension benefits as a cushion</td>
<td>• May be forced to work sooner than desired to ensure financial stability</td>
</tr>
<tr>
<td></td>
<td>• May have planned well and invested appropriately in anticipation of retirement</td>
<td>• Has not made realistic assessment of how much pension will provide</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• May have increased expenses with children in college</td>
</tr>
<tr>
<td>Change in Status/Role</td>
<td>• May feel free of constraining factors of the military</td>
<td>• Rank not very meaningful to civilian world</td>
</tr>
<tr>
<td></td>
<td>• May be energized by new challenge and different responsibilities</td>
<td>• May have to start new job supervised by younger, less experienced person</td>
</tr>
<tr>
<td></td>
<td>• Also may relish more active presence in the family</td>
<td>• May not be primary breadwinner anymore</td>
</tr>
<tr>
<td>Family Changes</td>
<td>• Military member home more and greater participant in family life</td>
<td>• Spouse may be main breadwinner</td>
</tr>
<tr>
<td></td>
<td>• No longer constrained by military rules that may have impacted family</td>
<td>• Spouse and military member may have to redefine roles and responsibilities within family</td>
</tr>
</tbody>
</table>
NOTES

* All opinions expressed in this article are solely my own and do not necessarily represent the positions of the U.S. Department of Defense, the Army, or any governmental organization. I am grateful for the assistance of Shawn Marsh of the National Council of Juvenile and Family Court Judges and Dr. Kathleen West of the Department of Preventive Medicine, USC Keck School of Medicine and the Department of Social Welfare, UCLA Luskin School of Public Affairs for their suggestions on earlier drafts of this manuscript and for providing access to the results of their 2011 Needs Assessment. I would also like to extend special thanks to Judge Janice Rosa, the family court judges in military communities who provided their time and insights during interviews, Christina Gladding for her valuable perspective on military spouse and family issues, and Lieutenant Colonel William Mullee and Lieutenant Colonel James Barkei for their perspectives as experienced judge advocates.


2. Infra Part II.A.


5. While there are many aspects of military service that are comparable with civilian occupations, such as the police officer’s daily risk of death or the physician’s requirement to leave home for “last minute” disruptions, “there may be no other major group that confronts so many or all of [these challenges] as those in the Armed Forces.” Richard I. Ridenour, The Military, Service Families, and the Therapist, in THE MILITARY FAMILY: DYNAMICS AND TREATMENT 1, 2–3 (Florence W. Kaslow & Richard I. Ridenour eds., 1984).

6. Lawrence J. Korb, Introduction, in SERVING AMERICA’S VETERANS: A REFERENCE HANDBOOK 1, 1–7 (Lawrence J. Korb et al. eds., 2009) (citing nine unique factors that explain why “today’s veterans are experiencing far more physical and especially mental problems upon their return from the war zone than veterans of previous wars.”).

7. See, e.g., Victor J. DeFazio, Psychoanalytic Psychotherapy and the Vietnam Veteran, in PSYCHOTHERAPY OF THE COMBAT VETERAN 23, 24–25 (Harvey J. Schwartz ed., 1984): A much higher proportion of combat deaths were due to small arms fire, booby traps, and mines than in either of America’s other major 20th Century wars. . . . The nature of combat (frequently at close range), the type of wounds . . . especially multiple wounds, combined with excellent medical care resulted in a higher incidence of complicated disabilities, including multiple amputations, paraplegia, and hemiplegia. The percentage of Vietnam veterans who suffered crippling wounds was 300 percent higher than in World War II and 70 percent higher than in Korea.

APPENDIX D

TOP 12 STATES RANKED BY COMBINED POPULATION OF VETERANS AND AFFILIATES

<table>
<thead>
<tr>
<th>State</th>
<th>Veterans</th>
<th>Guard/Reserve</th>
<th>Active Duty</th>
<th>Totals</th>
<th>Rank</th>
<th>General Population</th>
<th>Rank</th>
<th>Per Capita</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>1,972,000</td>
<td>57,792</td>
<td>117,806</td>
<td>2,147,598</td>
<td>1</td>
<td>36,961,664</td>
<td>1</td>
<td>17.21</td>
<td>11</td>
</tr>
<tr>
<td>FL</td>
<td>1,650,900</td>
<td>34,653</td>
<td>42,642</td>
<td>1,728,195</td>
<td>2</td>
<td>18,537,969</td>
<td>3</td>
<td>10.73</td>
<td>4</td>
</tr>
<tr>
<td>NY</td>
<td>950,400</td>
<td>30,362</td>
<td>29,553</td>
<td>1,010,315</td>
<td>3</td>
<td>19,541,453</td>
<td>2</td>
<td>19.34</td>
<td>12</td>
</tr>
<tr>
<td>PA</td>
<td>964,100</td>
<td>32,297</td>
<td>5,215</td>
<td>1,001,612</td>
<td>4</td>
<td>12,604,767</td>
<td>5</td>
<td>12.58</td>
<td>8</td>
</tr>
<tr>
<td>OH</td>
<td>890,300</td>
<td>28,523</td>
<td>8,261</td>
<td>927,084</td>
<td>5</td>
<td>11,542,646</td>
<td>6</td>
<td>12.45</td>
<td>7</td>
</tr>
<tr>
<td>VA</td>
<td>822,300</td>
<td>25,109</td>
<td>63,130</td>
<td>910,569</td>
<td>6</td>
<td>7,882,590</td>
<td>10</td>
<td>8.66</td>
<td>1</td>
</tr>
<tr>
<td>NC</td>
<td>765,900</td>
<td>22,542</td>
<td>116,073</td>
<td>904,515</td>
<td>7</td>
<td>9,380,884</td>
<td>9</td>
<td>10.37</td>
<td>3</td>
</tr>
<tr>
<td>GA</td>
<td>773,900</td>
<td>29,358</td>
<td>73,988</td>
<td>877,246</td>
<td>8</td>
<td>9,829,211</td>
<td>8</td>
<td>11.20</td>
<td>6</td>
</tr>
<tr>
<td>IL</td>
<td>782,700</td>
<td>25,084</td>
<td>10,111</td>
<td>817,895</td>
<td>9</td>
<td>12,910,409</td>
<td>4</td>
<td>15.78</td>
<td>10</td>
</tr>
<tr>
<td>MI</td>
<td>704,600</td>
<td>17,618</td>
<td>2,838</td>
<td>724,476</td>
<td>10</td>
<td>9,969,727</td>
<td>7</td>
<td>13.76</td>
<td>9</td>
</tr>
<tr>
<td>WA</td>
<td>632,200</td>
<td>19,470</td>
<td>46,161</td>
<td>697,831</td>
<td>11</td>
<td>6,664,195</td>
<td>11</td>
<td>9.55</td>
<td>2</td>
</tr>
<tr>
<td>AZ</td>
<td>556,700</td>
<td>13,728</td>
<td>21,343</td>
<td>591,771</td>
<td>12</td>
<td>6,595,778</td>
<td>12</td>
<td>11.15</td>
<td>5</td>
</tr>
</tbody>
</table>

http://www.census.gov/compendia/satab/2012/tables/12s0509.pdf (2010 data based on 2009 Census data)

The ranking of each state is determined by the Military/Veteran population and not by general population across the nation.
8. See, e.g., INST. OF MED., COMM’N ON THE INITIAL ASSESSMENT OF READJUSTMENT NEEDS OF MIL. PERSONNEL, VETERANS AND THEIR FAMILIES, RETURNING HOME FROM IRAQ AND AFGHANISTAN: PRELIMINARY ASSESSMENT OF READJUSTMENT NEEDS OF VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES 44 (2010) (noting that 15.2% of male and 8.5% of female Vietnam veterans had current PTSD and a respective 30.9% and 26.9% lifetime prevalence rate for the condition).


10. This article adopts the term OSIs to describe “any persistent psychological injury resulting from operational duties performed by a member of [the armed forces].” Nat’l Def., Canada’s A.F., Operational Stress Injuries, http://www.airforce .forces.gc.ca/DSC/ColdLakeDSC/DIS/OSI_e.asp (last visted Feb. 21, 2013).

The term is intentionally broad, permitting consideration of PTSD, major depression, and traumatic brain injury (TBI), but also other conditions which were incurred during service but do not constitute signature injuries of the wars in Iraq and Afghanistan.

Id. (“The term OSI describes a host of problems, including anxiety, major depression, alcohol, substance abuse and [PTSD].”).

11. RICHARD A. KULKA ET AL., TRAUMA AND THE VIET-NAM WAR GENERATION: REPORT OF FINDINGS FROM THE NATIONAL VIETNAM VETERANS READJUSTMENT STUDY 173 (1990) (“69.9 percent of [male Vietnam theater veterans] with PTSD had been divorced, 22.4 percent two or more times, compared with only 34.9 percent and 8.1 percent respectively, among those not suffering from this disorder.”).


13. Stephen J. Cozza, Meeting the Wartime Needs of Military Children and Adolescents, in CARING FOR VETERANS WITH DEPLOYMENT-RELATED STRESS DISORDERS: IRAQ, AFGHANISTAN, AND BEYOND 171, 172 (Josef I. Ruzek et al. eds, 2011) (“The concept of a military family is relatively new due to the changing face of the military since the Vietnam War . . . [since, prior to the draft,] the vast majority of junior enlisted soldiers were single.”).


15. See generally MATSAKIS, supra note 9.

16. Id. at 49–81.

17. Id. at 185–221.

18. Id. at 277–311.


In the early 1990s it looked like a period of sustained peace might be at hand. . . . Thinking that the threat had been greatly reduced, our active duty force was downsized by more than 800,000. . . . Military bases across the country were closed and turned into parks, housing, and commercial enterprises.

21. See, e.g., MATSAKIS, supra note 9, at introductory pg. (defining as “forgotten warriors” the “wives, children and other family members of Vietnam veterans afflicted with Post-Traumatic Stress Disorder”); MICHAEL J. R. SCHINDLER, OPERATION MILITARY FAMILY: HOW TO STRENGTHEN YOUR MARRIAGE AND SAVE YOUR FAMILY 16 (2007) (“There is a whole new war that truly has been forgotten . . . or maybe just ignored . . . the fight to keep military families together, both during and after the war.”).

22. Cathryn J. Prince, Veterans Day is Also Their Children’s Day, CHRISTIAN SCI. MONITOR, Nov. 10, 2004, at 9 (noting how “[c]hildren of veterans carry their parents’ war” and “I’ve come to think that we children of Vietnam veterans suffer our own brand of survivor’s guilt.”).


24. Marsh, supra note 4, at 1 (“Juvenile and family courts are reporting an increase in complex cases involving military service members and their families.”).


26. Judges have been the conduit for creating at least fourteen variations of problem-solving courts, mainly to prevent the revolving door syndrome and its effect on communities, particularly families. See Evan R. Seamone, Reclaiming the Rehabilitation Ethic in Military Justice: The Suspended Punitive Discharge as a Method to Treat Military Offenders with PTSD and TBI and Reduce Recidivism, 208 MIL. L. REV. 1, 28–29 (2011) (describing the evolution of the problem-solving court movement).

27. Steven Berenson, Homeless Veterans and Child Support, 45 FAM. L.Q. 173, 181, 189 (2011) (observing how “judges and other court personnel are reimagining their traditional roles and are reconsidering ways to make the justice system more accessible to self-represented litigants” and noting how such innovations have and can touch upon veterans in light of their special concerns).
28. See, e.g., LYNN K. HALL, COUNSELING MILITARY FAMILIES: WHAT MENTAL HEALTH PROFESSIONALS NEED TO KNOW 16–17 (2008) (“Certainly the unique culture of the military is definitely one that is indeed foreign to most civilian mental health professionals.”).

29. See generally Rosa Memorandum, supra note 3 (describing the creation of a docket devoted to military family cases in Buffalo, New York); Berenson, supra note 27, at 186–87 (describing how the Family Support Division of the San Diego County Superior Court held a mobile session at a Stand Down event targeting a population of homeless veterans with legal concerns).


32. See, e.g., Douglas Dotterweich & Michael McKinney, National Attitudes Regarding Gender Bias in Child Custody Cases, 38 FAM. & CONCILIATION CTS. REV. 208, 208 (2000) (electing to “analyze the results of several of the existing state task force reports to provide a national perspective regarding attitudes toward [judicial] gender bias in child custody cases”).

33. NCJFCI, supra note 31, at 3.

34. Marsh, supra note 4, at 2.

35. Id. at 3.


37. Infra Part II.C.3 (describing dilemmas of the wives of junior enlisted personnel).


40. Id.

41. Id.

42. Id.

43. INS’T OF MED., supra note 8, at 22 (reporting that Virginia contains 11.4% of the Nation’s active duty force, the second most populous state).


45. Telephonic Interview with Hawaii Family Court Judge in High-Density Military Community, Name Redacted (Nov. 27, 2012) (notes on file with author) [hereinafter Hawaii Judicial Interview]; Telephonic Interview with Georgia Family Court Judge in High-Density Military Community, Name Redacted (Jan. 29, 2013) (notes on file with author) [hereinafter Georgia Judicial Interview]; Telephonic Interview with North Carolina Family Court Judge in High-Density Military Community, Name Redacted (Dec. 13, 15, 18, 2012) (notes on file with author) [hereinafter North Carolina Judicial Interview].

46. BAKER, supra note 36, at 70–71 (observing how “[s]ome bases boast populations similar to those of medium-sized cities” and how Fort Bliss, Texas, “stretches over 1.1 million acres,” making it “larger than the state of Rhode Island”).

47. Seamone & Deutsch, supra note 23.


49. NCJFCI, supra note 31, at 4.

50. Marsh, supra note 4, at 4.

51. Id. at 4.

52. NCJFCI, supra note 31, at 39.

53. Id

54. Id. at 40.

55. Marsh, supra note 4, at 4. All answers are reproduced in Appendix A with permission of the NCJFCJ.

56. Infra app. A.

57. Id.

58. Id.

59. Fleming Comments, supra note 38.

60. See, e.g., Carl Castro, Impact of Combat on the Mental Health and Well-Being of Soldiers and Marines, 79 SMITH COLL. STUD. IN SOC. WORK 247, 250 (2009) (“There is no specific neat category that you can use to discern and place [a service member or veteran] to figure out if they are at risk or not. Instead, you really have to get to know who the individual is and what they have done in combat.”); Judith A. Cohen et al., Military Children: The Sometimes Orphans of War, in LIVING AND SURVIVING IN HARM’S WAY: A PSYCHOLOGICAL TREATMENT HANDBOOK FOR PRE- AND POST-DEPLOYMENT OF MILITARY PERSONNEL 395, 400 (Sharon Morgillo Freeman et al. eds., 2009) (“No one-to-one cause-and-effect relationship exists between a specific child or military family situation and a resulting stress or trauma reaction.”); Beth Ellen Davis et al., Military Children, Families, and Communities: Supporting Those who Serve, 129 PEDIATRICS S1, S5 (2012) (“To assume either widespread pathology or uniform resilience to the stresses of wartime deployments would be superficial and harmful to children and their families.”) (internal citation omitted).


62. See, e.g., Molly Clever & David R. Segal, The Demographics of Military Children and Families, 23 FUTURE OF CHILDREN 13, 13 (2013) (“[M]ilitary families cannot be neatly pigeonholed. Instead, they are a strikingly diverse population
with diverse needs.”); MATSAKIS, supra note 9, at 320 (opposing any “simplistic or stereotypic thinking about . . . veterans and their families” because “each [war] veteran, wife, and child is unique”).


65. Rosa Memorandum, supra note 3, at 6 (describing judicial involvement in the initiative) (accompanying article).


67. Fleming Comments, supra note 38.

68. See generally Marsh, supra note 4.

69. Elaine Willerton et al., Introduction: Military Families Under Stress: What We Need to Know, in RISK AND RESILIENCE IN U.S. MILITARY FAMILIES 1, 1–2 (Shelley MacDermid Wadsworth & David Riggs eds., 2011) (describing how “understanding the needs of military families and how to best help them is a complex challenge” that can only be addressed from an interdisciplinary perspective).

70. Id. at 18 (Shelley MacDermid Wadsworth & David Riggs eds., 2011).


72. Willerton et al., supra note 69.

73. Infra app. A.

74. See. e.g., Fleming Comments, supra note 38.


76. See. e.g., id., § 3.03, at 121 (providing a template for language in an initial custody order or separation agreement “to designate the military parent as the one with custody and the nonmilitary parent as the alternate or successor custodian” and an additional “clause to accomplish [a] third-party designation”).

77. Thad Q. Strom et al., Cultural and Ethical Considerations When Working with Military Personnel and Veterans: A Primer for VA Training Programs, 6 TRAINING & EDUC. IN PROF. PSYCHOL. 67, 67 (2012). See also Am. Psychological Ass’n, Ethical Principles of Psychologists and Code of Conduct, 57 AM. PSYCHOLOGIST 1060 (2002).

78. Strom et al., supra note 77, at 67.

79. Id. at 69 (describing how schizophrenia could appear to be depression if a provider failed to appreciate the context of the patient’s comments). See also id. at 70 (“Rank also plays a fundamental role in the effective assessment and treatment of veterans and is an essential piece of information that needs to be gathered upon intake.”).


81. Id.

82. CTR. FOR DEPLOYMENT PSYCHOL., MILITARY CULTURE COMPETENCE (2011).


86. See generally Strom et al., supra note 77, at 67.


90. Brown et al., supra note 87.


92. APHRODITE MATSAKIS, BACK FROM THE FRONT: COMBAT TRAUMA, LOVE, AND THE FAMILY 230–40 (2007) (addressing this and other factors that help distinguish between “combat-related” and “noncombat-related battering”).

93. Moore et al., supra note 88, at 318–25 (also addressing the management of aggressive risk).

95. Ridenour, supra note 5, at 1, 2.

96. See Davis et al., supra note 60, at S7 (describing various benefits of military life that reflect on children in military families).

97. Kaslow & Ridenour, supra note 94, at xiii (“Women who choose to marry [military men] have been taught to agree, implicitly or explicitly, knowledgeably or naively, to become part of the service way of life that revolves around and flows from the man’s military obligations and relationships.”).


101. KATHIE HIGHTOWER & HOLLY SCHERER, HELP! I’m A MILITARY SPOUSE. I GET A LIFE TOO! HOW TO CRAFT A LIFE AS YOU MOVE WITH THE MILITARY (2d ed. 2007).

102. The most common variation of the myth involves a wife who has two children and doesn’t work outside the home; or if she does, she cheerfully puts her spouse’s career first. She keeps a perfect house with seasonal decorations, moves and settles into new quarters with curtains up in three weeks flat, easily keeps things going at home during deployments, and makes all food from scratch for unit gatherings. Id. at 1. There was an inking that some military wives had begun to eschew these traditional roles in the late 1970s in conjunction with larger national debates about women’s roles and independence in making their own life decisions. Elwyn R. Stoddard, Changing Spouse Roles: An Analytical Commentary, in MILITARY FAMILIES: ADAPTATION TO CHANGE 157, 166–67 (Edna J. Hunter & D. Stephen Nice eds., 1978) (describing the rejection of “prescribed roles” for military spouses). Problematically, many spouses still try to “fit themselves into some aspect of the myth,” thereby perpetuating it. HIGHTOWER & SCHERER, supra note 101, at 1.

103. HIGHTOWER & SCHERER, supra note 101, at xix (lamenting how “many of us as military spouses feel that we’ve had to give up on our own dreams as we follow our military spouse around the world—in fact, we feel like we have lost ourselves in the process. We often hear people say, ‘When my spouse retires, then it will be my turn.’”).

104. See, e.g., SUMMER WILSON, WHAT EVERY MILITARY SPOUSE SHOULD KNOW TO SURVIVE AT THE GRASSROOTS LEVEL 7 (2007) (“No one was there to prevent me from hitting the brick walls I hit.”); SHELLIE VANDEVOORDE, SEPARATED BY DUTY, UNITED BY LOVE: A GUIDE TO LONG-DISTANCE RELATIONSHIPS FOR MILITARY COUPLES, at ix (2010 rev. ed) (describing her motivation to write the book because she “didn’t see one book dealing with relationship issues for the military couple”).


106. MEREDITH LEYVA, MARRIED TO THE MILITARY: A SURVIVAL GUIDE FOR MILITARY WIVES, GIRLFRIENDS, AND WOMEN IN UNIFORM (2009 rev. ed.).


108. SHERYL GARRETT & SUE HOPPIN, FAMILIES’ GUIDE TO THE MILITARY FOR DUMMIES (2009).


110. Id., app. 1, at 451–82.

111. Id., app. 2, at 483–541.

112. Id., app. 3, at 542–625.

113. LEYVA, supra note 106, at 4.

114. INST. OF MED., supra note 8, at 21 (observing that “[a] higher percentage of female military personnel is in dual-military marriages than males” and noting that this accounts for just over 26% of females in the Marine Corps and 30% of females in the Air Force).


116. Id.


118. Davis et al., supra note 60, at S4 (“There is a ratio of 5 enlisted service members to every 1 officer. Thus, 80% to 85% of military personnel are enlisted and [roughly] 15% are officers.”); BAKER, supra note 36, at xiv (noting the eighty-five percent statistic for both active and reserve components).

119. BAKER, supra note 36, at xv.

120. While forty-seven percent of the active enlisted service members in the Department of Defense are between ages twenty to twenty-four, the average obscures the Marine Corps’ respective statistic of 65.6%. INS’T OF MED., supra note 8, at 19 tbl.2.2 (“Percentage of Active Component Members by Age and Service Branch”). In fact, about seventy-five percent of
active-duty troops are between ages eighteen and thirty, compared to forty-five percent of civilian workers, with fifty-five percent of the civilian workforce aged between thirty-one and forty-five. Clever & Segal, supra note 62, at 16.

121. SEGAL, supra note 115, at 15 (noting that the “[a]verage length of service [is] approximately 7 years”). See also Clever & Segal, supra note 62, at 16 (“Active-duty service members stay in the military for fewer than 10 years on average.”).

122. DEFENSE BUSINESS BOARD, REPORT TO THE SECRETARY OF DEFENSE: MODERNIZING THE MILITARY RETIREMENT SYSTEM REPORT FY 11–05, at 2 (2011) (“[T]hose who serve for 20 years earn a lifetime benefit of 50 percent of base pay and those who serve for 35 years earn a lifetime benefit of 87.5% of base pay, all of which is regularly adjusted for inflation.”). In fact, only seventeen percent of all service members stay twenty or more years. Id. at 3.

123. Davis et al., supra note 60, at 53, 54.

124. BAKER, supra note 36, at 117.

125. See, e.g., Benjamin R. Karney & John S. Crown, Does Deployment Keep Military Marriages Together or Break Them Apart? Evidence From Afghanistan and Iraq, in RISK AND RESILIENCE IN U.S. MILITARY FAMILIES 23, 35 (Shelley MacDermid Wadsworth & David Riggs eds., 2011) (observing that “age at marriage had the most consistent associations with marital dissolution” and that “[s]ervice members who were older when they entered marriage were at lower risk of dissolving the marriage”). Chaplain Gene Thomas Gomulka describes a number of common reasons why military marriages end:

There are a number of reasons including financial insecurity, particularly among junior enlisted personnel; loneliness and stress caused by frequent deployments and separations; immaturity on the part of service men and women who tend to marry much younger than their civilian counterparts; and the challenge of raising children from a previous relationship that predisposes some families toward divorce.


126. LORI HOLYFIELD, VETERANS’ JOURNEYS HOME: LIFE AFTER AFGHANISTAN AND IRAQ 15 (2011) (observing how the military represents more than double the number of seventeen- to twenty-four-year-olds than the “civilian cohort of prime working age”).

127. BAKER, supra note 36, at 117. See also MIL. FAM. NETWORK, supra note 109, at 1 (“When recruiting is over . . . our new service members and families face a reality for which they are not well prepared. Basic training helps equip them for war, but not for the sociological demands of managing military life.”).

128. David S. Wolpert et al., The Special Case of the Young Enlisted Family, in THE MILITARY FAMILY: A PRACTICE GUIDE FOR HUMAN SERVICE PROVIDERS 43, 43 (James A. Martin et al. eds., 2000).

129. BAKER, supra note 36, at 129.


132. BAKER, supra note 36, at 126 (attributing this dilemma to loss of seniority and part-time childcare obligations). Recent publications have sought to address these unique employment challenges. See, e.g., JANET I. FARLEY, THE MILITARY SPOUSE’S EMPLOYMENT GUIDE: SMART JOB CHOICES FOR MOBILE LIFESTYLES (2012).

133. HARRELL, supra note 131, at 106–07 (noting additionally how “wives of enlisted soldiers are more likely to be isolated from both unit and post activities and resources”). See also LAURIE B. SLONE & MATTHEW J. FRIEDMAN, AFTER THE WAR ZONE: A PRACTICAL GUIDE FOR RETURNING TROOPS AND THEIR FAMILIES 36 (2008) (observing that more than forty percent of active duty families live away from the military installation in the civilian community).

134. See, e.g., Wolpert et al., supra note 128, at 43, 45 (discussing various financial management challenges and naming them as second in a list of common challenges including housing, spouse employment, and child care).

135. MICHAEL J. R. SCHINDLER, OPERATION MILITARY FAMILY: HOW TO STRENGTHEN YOUR MILITARY MARRIAGE AND SAVE YOUR FAMILY 15 (2007). Others state the stereotype in an even harsher manner, characterizing the junior enlisted spouse as “a lower class—and thus uneducated and unintelligent, out of control both sexually and reproductively, in unstable relationships and lacking morals, financially irresponsible, poorly groomed, inappropriately dressed, and lacking both proper manners and housekeeping skills.” HARRELL, supra note 131, at 99.

136. See generally HARRELL, supra note 131.

137. Wolpert et al., supra note 128, at 43, 51–52 tbl.3.1.

138. Dennis K. Orthner & Richard J. Brown, III, Single-Parent Fathers: Implications for the Military Family, in MILITARY FAMILIES: ADAPTATION TO CHANGE 88, 89 (Edna J. Hunter & D. Stephen Nice eds., 1978) (“It would not be untypical for a military commander to suspect that a man interested in caring for his children probably would not be able to function as a ‘good soldier.’ ”).


141. Clever & Segal, supra note 62, at 25.
AND TREATMENT217, 225 (Florence W. Kaslow & Richard I. Ridenour eds., 1984) (“[M]ilitary retirement is a family event and requires major readjustment for all family members.”).

147. See supra notes 121–22 and accompanying discussion (describing military pension entitlements and how many service members actually serve until retirement).


150. The period is recognized as time of “drastic,” even “cataclysmic” change. Strange, supra note 134, at 217, 218–19.

151. Frank, supra note 149, at 214, 232.

152. Strange, supra note 146, at 217, 221.


156. Monica Christina Esqueda et al., A Call to Duty: Educational Policy and School Reform Addressing the Needs of Children from Military Families, 41 EDUC. RESEARCHER 65, 65 (2012) (“[C]ivilian public school personnel may not be adequately equipped to handle parental deployment issues . . . And/or multiple school transitions”).

157. Id. at 66 (noting that military educational specialists “tend to invest greater effort into the development and maintenance of school supports because they understand military culture and the effect of transition and deployment on the student’s academic performance and overall success.”).

158. Id.


161. Esqueda et al., supra note 156, at 65 (“More than 90% of the nation’s 1.2 million military children attend civilian-operated public schools.”).

162. Id. at 66.

163. Id.

164. Id., at 67.

165. Id. at 66 (discussing developments in 2010 and 2011).


167. Esqueda et al., supra note 156, at 67.

168. Id.

169. Id. at 66.

170. See, e.g., SULLIVAN, supra note 75, at 365 (explaining how “[d]omestic violence cases . . . often are the beginning stages of the family law case for the family law practitioner” in both civilian and military family cases).

171. Tom Philpott, Army, Marines to Shield Quality in 80,000-force Drawdown, JACKSONVILLE DAILY NEWS (N.C.), Oct. 12, 2012, http://www.jdnews.com/news/military/army-marines-to-shield-quality-in-80-000-force-drawdown-1.28195 (“The Army plans to shed 60,000 troops, or 11 percent of its active force, to reach 490,000 by fiscal 2017. The Marine Corps will cut 20,000—5,000 a year over the next four years—to reach an end-strength of 182,100.”).


174. See, e.g., SULLIVAN, supra note 75, at 371 (discussing “potentially severe military consequences” based on criminal conduct).

175. Infra app. A.
176. Marsh, supra note 4, at 6.
182. See, e.g., Telephone Interview with Tennessee Family Court Judge in High-Density Military Community, Name Redacted (Nov. 20, 2012) (notes on file with author) [hereinafter Tennessee Judicial Interview]; (highlighting the importance of instruction in Article 134 of the Uniform Code of Military Justice as it relates to the crime of adultery in any standardized education for family court judges).
183. See, e.g., Memorandum from John M. McHugh, Sec. of the Army to Principal Officials of Headquarters, Dep’t of the Army et al., subject: Army Directive 2012-07 (Administrative Processing for Separation of Soldiers for Alcohol or Other Drug Abuse) (Mar. 13, 2012) (directing “needed revisions” to existing separation policies on the basis that “policies for alcohol and drug abuse rehabilitation are not ideally suited to respond to the Army’s emerging drug use, high-risk behavior and death trends”).
184. Infra Part VD (sharing judicial observations).
186. Willerton et al., supra note 69, at 1, 4. See also Joy D. Osolsky & Molinda M. Chartrand, Military Children from Birth to Five Years, 23 THE FUTURE OF CHILDREN 61, 61 (2013) (“Because most research on military families has focused on children who are old enough to go to school, we know the least about the youngest and perhaps most vulnerable children in these families.”).
187. CHANDRA ET AL., supra note 185, at 4.
188. Id., fig. 1.1, at 5.
191. Hoda Badr et al., Couples’ Psychosocial Adaptation to Combat Wounds and Injuries, in RISK AND RESILIENCE IN U.S. MILITARY FAMILIES 213, 213 (Shelley MacDermid Wadsworth & David Riggs eds., 2011) (noting varying estimates of service members “wounded or injured” as part of the Global War on Terror).
193. INS’T OF MED., supra note 8, at 32 (citing the report of The President’s Commission on Care for America’s Wounded Warriors, which reported on a “random sample of 1,730 OEF and OIF veterans”). While it is noteworthy that various programs have emerged to compensate such family caregivers, the frequency of this experience has independent value. See, e.g., Michelle D. Sherman et al., Adapting the Multifamily Group Model for Treating Veterans with Posttraumatic Stress Disorder, 9 PSYCHOL. SERVS. 349, 350 (2012) (discussing aspects of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Pub. L. 111–63), which compensates family members for “leaving paid employment outside the home” in order to provide care for military-related injuries).
194. Badr et al., supra note 191, at 213–14 (also describing “spinal cord injuries . . . , and damage to their limbs resulting in amputation”).
197. Mazur, supra note 195, at 235, 253 (“Compared to disabilities caused by illness and accidental injuries among civilian parents, the physical consequences of war injuries may be as or even more demanding.”).
199. INS’T OF MED., supra note 8, at 62.
200. Allison K. Holmes et al., When a Parent is Injured or Killed in Combat, 23 THE FUTURE OF CHILDREN 143 (2013).

202. Badr et al., supra note 191, at 213 (addressing special considerations regarding PTSD, spinal cord injuries, amputations, and burns as well as coping models for couples facing these injuries).


204. STEPHEN J. COZZA, PROCEEDINGS: WORKGROUP ON INTERVENTION WITH COMBAT INJURED FAMILIES (2009).


208. INS’T OF MED., supra note 8, at 117–54.

209. INS’T OF MED., A 21ST CENTURY SYSTEM FOR EVALUATING VETERANS FOR DISABILITY BENEFITS 44 (Michael McGeary et al. eds., 2007) (noting that PTSD has been the major diagnosis for the largest number of veterans seeking benefits).

210. Id. at 40 (further acknowledging that “recent veterans tend to apply at higher rates, and . . . the percentage of veterans service connected for disability compensation has been increasing accordingly”).

211. Castro, supra note 60, at 252.


213. See, e.g., Sherman et al., supra note 193, at 349 (“Approximately 20% of veterans of the prolonged conflicts in Iraq and Afghanistan experience symptoms of PTSD”).


215. BARRY R. SCHALLER, VETERANS ON TRIAL: THE COMING COURT BATTLES OVER PTSD 49 (2012) (describing difficulties if the DSM-5 further complicates the diagnostic criteria with additional “causative criterion”).

216. Infra Part IV.D & VB (discussing the experiences of family court judges in high-density military communities).

217. SCHALLER, supra note 215, at 208, 200; cf. also Todd Brewster, Foreword, in BARRY R. SCHALLER, VETERANS ON TRIAL: THE COMING COURT BATTLES OVER PTSD, at xii (2012) (“Courts, after all, don’t see the evidence of such trauma until a crime is committed, when it may already be too late.”).

218. SCHALLER, supra note 197, at 27–51 (explaining several reasons why the PTSD diagnosis is a “moving target,” at best).


220. See, e.g., B. Kathleen Jordan, Problems of Male Vietnam Veterans with Posttraumatic Stress Disorder, 60 J. CONSULTING & CLINICAL PSYCHOL. 916, 925 (1992) (“Early treatment of those suffering the effects of a traumatic event may be important to prevent symptoms of PTSD and co-occurring disorders from wreaking havoc on marital and family relationships of those individuals.”).


226. INS’T OF MED., supra note 8, at 32 (further observing that “[c]hildren of US troops deployed to Iraq and Afghanistan reportedly sought outpatient mental health services 2 million times in 2008,” alone).


229. Mac McClelland, Hearts and Minds: PTSD is Already at Epidemic Levels Among Returning Vets; and Now it’s Spreading to Their Families, MOTHER JONES, Jan./Feb. 2013, at 17, 21 (relating a mother’s experience watching as her daughter “‘mirrors . . . just mirrors’ her dad’s [PTSD-related] behavior,” when both react to stress triggers).

230. For poignant examples, see the sources cited in the previous three notes and note 196.

231. Dekel & Monson, supra note 228, at 304.

232. MATSUKI, supra note 9, at 191.


234. MATSUKI, supra note 9, at 192 (“Many of the psychological patterns found among children of traumatized veterans are similar to those found among children of World War II veterans with PTSD and among children of the survivors of the Nazi concentration camps.”).

235. Id. at 185–200.


238. Dekel & Monson, supra note 228, at 303.


240. Darwin, supra note 233, at 440 (observing that children “whose parents have untreated PTSD are more at risk to develop PTSD,” and that “[w]e have to treat trauma to stop it from passing to the next generation”).

241. Id. (“A parent who has metabolized the trauma, will not pass the trauma unconsciously to the children in the family.”).

242. Seamone, supra note 224, at 327.

243. Leiner, supra note 196, at 375.

244. Id. at 378–86.

245. MATSUKI, supra note 9, at 320 (“[E]ach . . . veteran, wife, and child is unique.”); Dekel & Monson, supra note 228, at 304 (“[N]ot all children in the same family are affected in the same manner and with the same severity.”); Jordan, supra note 220, at 924 (“[T]he pervasiveness and severity of problems vary substantially among the families of . . . veterans with PTSD.”).

246. Leiner, supra note 196, at 389 (“An effective plan of care includes a multidisciplinary approach and an ongoing interface, as needed, across the continuum of military, family, community, and educational systems.”).

247. Sharon Morgillo Freeman et al., Myths and Realities of Pharmacotherapy in the Military, in LIVING AND SURVIVING IN HARM’S WAY: A PSYCHOLOGICAL TREATMENT HANDBOOK FOR PRE-AND POST-DEPLOYMENT OF MILITARY PERSONNEL 329 (Sharon Morgillo Freeman et al. eds., 2009).


249. Sherman et al., supra note 193, at 350.

250. Candice M. Monson et al., Couple and Family Issues and Interventions for Veterans of the Iraq and Afghanistan Wars, in CARING FOR VETERANS WITH DEPLOYMENT-RELATED STRESS DISORDERS: IRAQ, AFGHANISTAN, AND BEYOND 151, 161 (Josef I. Ruzek et al. eds., 2011) (“[T]here may be a need to delay the family therapy to ensure safety and increase the likelihood of treatment success.”).

251. Id. (“Integrating significant others in veterans treatment and addressing veterans’ family problems require careful consideration at the outset of the treatment process.”).

252. Id. at 165–66 (“The ‘family’ portion of the ‘couple-family’ label applied to research and treatment [for veterans and their families] is often lost in translation to practice.”).

253. Cozza, supra note 13, at 171 (“Children are often the unseen and unheard individuals in the family, and their emotional reactions and needs may go unrecognized or misunderstood by the adult health care community.”).


255. Id.

256. Seamone, supra note 224, at 327–29 (describing the value of recovery-based psychoeducational interventions in family settings for combat veterans undergoing treatment).

257. Id. at 352 (discussing the ability to modify existing treatments to meet individual family needs for veterans’ families).


259. Sherman et al., supra note 193, at 352; Kerry Makin-Byrd et al., Family and Couples Treatment for Newly Returning Veterans, 42 PROF. PSYCHOL.: RES. & PRAC. 47, 50–52 (2011); Dekel & Monson, supra note 228, at 306–07; cf. Michael J. Roy
et al., Web-Based Post-Traumatic Stress Disorder Education for Military Family Members, 177 MIL. MED. 284 (2012) (discussing the promise of Web-based psychoeducational interventions).


265. See generally Monson et al., supra note 250, at 151.

266. See generally Cozza, supra note 13, at 171.

267. John W. Klocek et al., Injuries and Symptoms, in RETURNING WAR’S WOUNDED, INJURED, AND ILL: A REFERENCE HANDBOOK 30, 33–42 tbl.1 (Nathan D. Ainspan & Walter E. Penk eds., 2008) (discussing symptoms, the veteran’s experience of them, and how family and friends can help).


269. Makin-Byrd et al., supra note 259, at 50 tbl.1 & 52 tbl.2 (offering various references, including Web-based self-assessment tools for families).


271. Williams & Williams, supra note 14, at 195 (further explaining how, without inclusive family therapy, “[f]amily members do not understand how their own behavior can perpetuate dysfunctional patterns in family relationship”).

272. Davis et al., supra note 60, at S5.

273. Id. (discussing the Army National Guard, the Air National Guard, the Air Force Reserve, the Marine Corps Reserve, the Navy Reserve, the Coast Guard Reserve, and the Army Reserve).


275. Park, supra note 260, at 70.

276. Darwin, supra note 274, at 160.

277. Id. (describing how reservists suffer PTSD at ten percent higher rates than active component soldiers and nineteen percent higher rates than active component Marines).

278. Park, supra note 260, at 70.

279. Strategic Outreach to Families of All Reservists, SOFAR: Strategic Outreach to Families of All Reservists, http://www.sofarusa.org (last visited Feb. 21, 2013) (describing the aims of the organization “to provide a flexible and diverse range of psychological services to military families to: foster stabilization, help prevent crises, and help manage acute problems”).

280. STRATEGIC OUTREACH TO FAMILIES OF ALL RESERVISTS, SOFAR GUIDE TO HELP CHILDREN AND YOUTH COPE WITH THE DEPLOYMENT AND RETURN OF A PARENT IN THE NATIONAL GUARD OR OTHER MILITARY RESERVES (2008).


290. MOLLY DUNIGAN, VICTORY FOR HIRE: PRIVATE SECURITY COMPANIES’ IMPACT ON MILITARY EFFECTIVENESS 1 (2011) (reporting that, “[a]s of December 31, 2007, at least 1,123 private contractors working for the U.S. government or U.S. companies in Iraq had been killed.”).
291. Id. at 1 (observing how “[p]rivate contractors constituted the largest occupying force in Iraq . . . outnumbering even U.S. forces, with roughly 155,000 contractors employed there as of February 2008” and noting how the number of Department of Defense contractors alone “was substantially higher than the number of U.S. troops as of March 2009, with 68,197 contractors compared to 52,300 uniformed personnel”).

292. Park, supra note 260, at 70.

293. Dunigan, supra note 290, at 1.

294. See, e.g., Hawaii Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; North Carolina Judicial Interview, supra note 45. To varying degrees, the judges were still able to determine military affiliation from Leave and Earnings Statements or other routine filings submitted during the course of litigation. Georgia Judicial Interview, supra note 45. The Georgia high-density family court judge was the only one who regularly was able to approximate a percentage of veterans, versus actively serving litigants, who appeared in his court. Id. (reporting fifty percent of the total population of military-affiliated parties in his court were veterans who had separated from the Service).


297. Id.

298. Fleming Comments, supra note 38; Comments of Kathleen M. West, Webinar: Bridging the Needs of Military Family Courts (Jun. 19, 2012) [hereinafter West Comments].


300. Marsh, supra note 4, at 6.

301. Fleming Comments, supra note 38.

302. West Comments, supra note 298.

303. These comments echoed the observations of the Georgia High-Density Judge, who estimated that addiction, especially to pain medication, accounts for a third of his cases involving military members with mental health conditions. Georgia Judicial Interview, supra note 45. See also Inst. of Med., supra note 8, at 65 (describing the prevalence of “chronic pain” medication as a major concern among veterans in treatment).

304. West Comments, supra note 298.

305. Fleming Comments, supra note 38.


307. NCJFCI WEBINAR, supra note 299 (slide entitled “Recognition of Issues in Military Cases”).

308. Historically, individual commanders had responsibility for the welfare of military families before the military adopted specific policy priorities aimed at family life, and their responsibility continues even today, in less formalized ways as a supplement to policy directives. See, e.g., Ruth Ann O’Keefe et al., Military Family Service Centers, in The Military Family: Dynamics and Treatment 254, 260 (Florence W. Kaslow & Richard I. Ridenour eds., 1984) (observing that “[c]ommanding officers have always been charged with responsibility for providing assistance to servicemembers and their families”).

309. NCJFCI WEBINAR, supra note 299.

310. The instructors referenced the Military Divorce Handbook and other military publications, such as the Army Surgeon General’s Textbook, Combat Operational Behavioral Health. They additionally provided the addresses for key websites. Id.

311. Fleming Comments, supra note 38.


313. NCJFCI, Attendees: Meeting of the National Council of Juvenile and Family Court Judges and the United States Military (Dec. 6, 2012) (on file with author) (listing 19 participants in total).


318. Id. at 6–16.

319. Clever & Segal, supra note 62, at 31.


323. Seamone, supra note 224, at 329–30 (considering “the Department of Veterans Affairs as a Renewable Resource for Child Custody Courts”).

324. Hon. Robert T. Russell, Jr., Veterans Treatment Court: A Proactive Approach, 35 NEW ENG. J. ON CRIM. & CIV. CONFINEMENT 357, 369 (2009) (describing “numerous reasons” for including the VA Health Network, including “availability of
of resources and coverage” and “the unique care and understanding the facility has for veterans’ experiences and needs”); Katherine Mikkelson, Veterans Courts Offer Hope and Treatment, PUB. LAW., Winter 2010, at 2, 4 (describing the benefit of having VA benefit specialists at court sessions who “often help to determine eligibility for services on the spot”).

325. Rosa Memorandum, supra note 3, at 7.

326. Id. at 2–3.


329. See Mark Trumbull, Veterans Day Highlights New Efforts to Help Homeless Vets, CHRISTIAN SCI. MONITOR, Nov. 11, 2009, at 90 (describing Secretary Shinseki’s “multipronged five-year plan” to end veteran homelessness “that encompasses jobs, education, and efforts to treat depression and drug abuse”).

330. Infra notes 351–52 (describing VA policies and objectives involving families); supra Part II.E.4 (discussing family-inclusive therapies that are used within the VA).

331. North Carolina Judicial Interview, supra note 45; Hawaii Judicial Interview, supra note 45; Georgia Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182.

332. Hawaii Judicial Interview, supra note 45 (describing the perceived difficulty of obtaining VA records in any case based on instances where the VA had denied such requests); North Carolina Judicial Interview, supra note 45 (explaining that the judge “rarely” requested such records but noting that a “well-litigated child custody case will involve VA records” if those records were probative on an important issue).

333. North Carolina Judicial Interview, supra note 45.

334. Georgia Judicial Interview, supra note 45.

335. Infra app. A.

336. See, e.g., James McGuire, Closing a Front Door to Homelessness Among Veterans, 28 J. PRIMARY PREVENTION 389, 397 (2007) (describing how VA services, especially ones that are sensitive to veterans’ needs and combat-related conditions, “outperformed all other sectors of American health care”).

337. See, e.g., Ira R. Katz & Bradley Karlin, A Veteran’s Guide to Mental Health Services in the VA, in HIDDEN BATTLES ON UNSEEN FRONTS: STORIES OF AMERICAN SOLDIERS WITH TRAUMATIC BRAIN INJURY AND PTSD 119, 122 (Patricia P. Driscoll & Celia Strauss eds., 2009) (discussing the VA’s uniform approach to individualized treatment planning for all veterans receiving care).

338. See, e.g., INS’T OF MED., supra note 209, at 1 (discussing VA disability rating hierarchies and corresponding entitlements).

339. McGuire, supra note 336, at 397 (observing how “the quality of VA services across a spectrum of 294 measures of quality in disease prevention and treatment outperformed all other sectors of American health care”); Sean E. Duggan, Administrative Barriers to Accessing VA Health Care and Benefits, in SERVING AMERICA’S VETERANS: A REFERENCE HANDBOOK 113, 113 (Laurence K. Korb et al., eds., 2009) (“[T]he majority of veterans who are able to access VA health care in a timely fashion receive excellent care.”); BAKER, supra note 36, at 152 (noting how “some VA services such as medical care have become models for the rest of the nation”). These facts remain unchanged even despite recent reports of deadly waits for medical care at some facilities.

340. McClelland, supra note 229, at 17, 25 (noting the VA’s sponsorship of “130 PTSD related studies, from testing whether hypertension drugs might help to examining the effectiveness of meditation therapy, or providing veterans with trauma sensitive service dogs”).

341. BAGALMAN, supra note 214, at 5 (“Every VA Medical Center has specialists in PTSD treatment.”).


343. Ill. St. Bar Ass’n, supra note 64.

344. Berman, supra note 27, at 189 (“The VA participated by providing training on dealing with the special circumstances of homeless veteran clients.”).

345. Tennessee Judicial Interview, supra note 182.


347. Korb, supra note 6, at 1, 11 (accounting for “over 24 million living veterans and an additional 37 million spouses, children, or other veteran dependents and survivors of deceased veterans”).

348. BAKER, supra note 36, at 151.


350. Libby Perl, VETERANS AND HOMELESSNESS 1 (Feb. 4, 2013) (reviewing “numerous programs to fund services, transitional housing, and permanent housing specifically for homeless veterans”).
351. Seamone, supra note 224, at 330 (discussing the VA’s many family-focused initiatives).
352. Makin-Byrd et al., supra note 259, at 53 (“In response to the challenging needs of [OIF/OEF veterans particularly], family involvement in clinical services is now required throughout the Veterans Healthcare Administration system.”); Sherman et al., supra note 193, at 351 (describing a “marked shift” in VA policy since 2008). The mandate originates in a combination of sources, including a handbook, a directive, and statutes. Makin-Byrd et al., supra, at 49–51; Sherman et al., supra, at 350–51.
353. McGuire, supra note 336, at 397 (describing how the VA system is like no other in providing comprehensive rehabilitation services to veterans).
354. See infra notes 355–61 (citing numerous sources that describe VA benefit eligibility and entitlements).
356. NAT’L VETERANS LEGAL SERV’S PROGRAM, VETERANS BENEFITS MANUAL (Barton F. Stichman et al. eds., 2012).
359. ROD POWERS, VETERANS BENEFITS FOR DUMMIES (2009).
360. JOHN D. ROCHE, THE VETERAN’S SURVIVAL GUIDE: HOW TO FILE AND COLLECT ON VA CLAIMS (2d ed. 2006).
361. INS’T OF MED. & NAT’L RES. COUNCIL, PTSD COMPENSATION AND MILITARY SERVICE (2007). Although some VA procedures and standards have changed since the publication of this book, the material is still helpful in providing an overview of the claims process.
363. Marilyn Marchione, 45% of New Veterans File Claims for Disability: Those Returning from 2 Wars Have Complicated Care Needs, BOSTON GLOBE, May 28, 2012. See also Colin Wood, States Save Millions Helping Veterans Get Federal Aid, GON. TECH., Jan. 24, 2013 (observing figures “that 62 percent of veterans may be eligible for enhanced monthly VA benefits, but only 22 percent of veterans receive those benefits”).
365. Compare Rosa Memorandum, supra note 3, at 7 (describing differences in a family court adaptation of a criminal court Veterans Treatment Court model), with Russell, supra note 324, at 364–70 (describing the key principles of the VTC approach, including a discussion of the role of mentoring by former service members).
366. Hawaii Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182.
367. See generally Marilyn C. Moses, Do Ask, Do Tell: An Examination of Veterans Behind Bars, 34 CORRECTIONS COMPENDIUM 9 (Winter 2009) (discussing the vital importance of inquiring to determine whether inmates have served in the military).
368. Supra note 270 and accompanying discussion (describing judicial practices in this regard).
369. Hawaii Judicial Interview, supra note 45.
370. Georgia Judicial Interview, supra note 45.
371. Compare Katz & Karlin, supra note 337, at 119, 122 (describing the objectives of the treatment plan in the veteran’s treatment), with JOHN HARTSON & BRENDA PAYNE, CREATING EFFECTIVE PARENTING PLANS: A DEVELOPMENTAL APPROACH FOR LAWYERS AND DIVORCE PROFESSIONALS (2006) (describing the objectives of the parenting plan in family court). Importantly, VA treatment plans must necessarily include “family contact and involvement” components when relevant to the veteran’s care. Makin-Byrd et al., supra note 259, at 50.
372. Mikkelson, supra note 324, at 2, 4 (discussing the benefit of real-time eligibility checks performed in VTC courtrooms).
373. Hawaii Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; North Carolina Judicial Interview, supra note 45; Georgia Judicial Interview, supra note 45.
374. See id.
375. Hawaii Judicial Interview, supra note 45.
376. North Carolina Judicial Interview, supra note 45.
377. Id.
378. See, e.g., McGuire, supra note 336, at 390 (sharing VA estimates that twenty percent of criminally involved veterans are ineligible for VA benefits based on their less-than-honorable discharge characterizations). Although there are a number of charts purporting to describe benefits that correspond with each of the less-than-honorable military discharge types, they are largely incomplete. For an article that describes the consequences of these characterizations, see generally Brooker et al., supra note 355.
379. For a listing of congressionally chartered VSOs, with dates of the charter and links to each organization’s respective website, see H. Comm. on Veterans’ Aff., Veterans Service Organizations, http://veterans.house.gov/%20citizens/resources (last visited Feb. 21, 2013).
380. Sayer et al., supra note 349, at 706 (“[O]ne cannot understand PTSD service connection without taking into consideration the instrumental role veteran advocates, in particular VSOs, play in helping veterans pursue disability claims.”).


382. MIL. FAM. NETWORK, supra note 109. See also Part II.E.5 (providing additional citations to comprehensive references).

383. Fleming Comments, supra note 38.

384. Id. This is true of other installations, like Fort Benning, which lies in parts of Alabama and Georgia.

385. Id.

386. LEYVA, supra note 106, at 4.

387. Supra Part IV.

388. The test consists of an analysis of numerous factors that collectively approximate the child’s well-being, generally including:

- the general health, welfare, and social behavior of the children; the moral fitness of the parents or other caretakers; the respective environments that are offered; the emotional relationship, if any, between the parents and their children; the age, sex, and health of both the children and their parents or caretakers; the effect on the children of disrupting existing relationships; the attitudes of the parents and their mental stability; and the relative capacity of each parent to provide the physical and emotional care and the needs of the children.

DONALD T. KRAMER, LEGAL RIGHTS OF CHILDREN § 2:1, at 29 (2d rev. ed. 2005). The specific prompt on the semi-structured survey was an indication of agreement with the following statement: “From your experience and knowledge of military cases, the ‘Best Interest of the Child’ Test is applied and weighted differently for military as opposed to nonmilitary families.”

389. Hawaii Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; North Carolina Judicial Interview, supra note 45; Georgia Judicial Interview, supra note 45.


391. Georgia Judicial Interview, supra note 45.

392. Tennessee Judicial Interview, supra note 182.

393. Id.

394. Hawaii Judicial Interview, supra note 45.

395. Id.; Tennessee Judicial Interview, supra note 182; Georgia Judicial Interview, supra note 45.

396. North Carolina Judicial Interview, supra note 45.

397. Id. Along these lines, studies of Special Operations units have revealed how “the father’s role has, out of necessity, given way, and the mother performs in a single-parent capacity.” Thomas S. Mountz, Special Warriors, Special Families, and Special Concerns, in THE MILITARY FAMILY IN PEACE AND WAR 121, 126 (Florence W. Kaslow ed., 1993). See also Gregg Zoroya, Married Special-Operations Troops Feel Strains of War, USA TODAY, Apr. 24, 2012, http://www.usatoday.com (discussing similar special considerations resulting from heightened strains of the mission).

398. Georgia Judicial Interview, supra note 45 (explaining how, if a commander testifies that a 180 day deployment will be occurring shortly and this fact is known, then he would have no reason to grant that parent primary custody for that period and distinguishing how, if there is no deployment on the horizon or the parent is planning to get out of the military, then even nine pastdeployments would not be held against him or her).

399. North Carolina Judicial Interview, supra note 45.

400. Hawaii Judicial Interview, supra note 45.

401. Id.

402. See, e.g., Shoba Sreenivasan et al., Critical Concerns in Iraq/Afghanistan War Veteran-Forensic Interface: Combat-Related Postdeployment Criminal Violence, 41 J. AM. ACAD. PSYCHIATRY & L. 263, 268–70 (2013) (discussing a representative hypothetical scenario involving an Iraq War veteran who suffered severe combat trauma, engaged in family interpersonal violence, received disciplinary notations in his records, and ultimately interfaced with the family court system).

403. See generally STARR ET AL., supra note 19, at 167–80 (describing the nature of discharge characterization and its consequences on veterans after their separation from the service).

404. See generally Brooker et al., supra note 355 (describing several complex distinctions between the varied discharge characterizations and the legal and practical considerations resulting from each category). See also Maxine Waters & Jonathan Shay, Heal the “Bad Paper” Veterans, N.Y. TIMES, July 30, 1994, reprinted in BALT. SUN (Md.), Aug. 2, 1994, at 7B (discussing how common consequences of the stigmatizing discharge are especially harmful to veterans denied health care benefits for continuing mental health disorders based solely on discharge characterization).

405. North Carolina Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; Georgia Judicial Interview, supra note 45; Hawaii Judicial Interview, supra note 45.

406. North Carolina Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; Georgia Judicial Interview, supra note 45; Hawaii Judicial Interview, supra note 45.

407. North Carolina Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; Hawaii Judicial Interview, supra note 45.

408. North Carolina Judicial Interview, supra note 45.

409. Georgia Judicial Interview, supra note 45.

Three acknowledged the possibility of a false claim of PTSD, but had never seen one in their own experience. North Carolina Judicial Interview, supra note 45; Tennessee Judicial Interview, supra note 182; Georgia Judicial Interview, supra note 45.

Hawaii Judicial Interview, supra note 45.

Hawaii Judicial Interview, supra note 45; North Carolina Judicial Interview, supra note 45.

Hawaii Judicial Interview, supra note 45; North Carolina Judicial Interview, supra note 45.

SULLIVAN, supra note 75.

STRATEGIES FOR MILITARY FAMILY LAW: LEADING LAWYERS ON NAVIGATING FAMILY LAW IN THE ARMED FORCES (2012).

North Carolina Judicial Interview, supra note 45.

Georgia Judicial Interview, supra note 45.

North Carolina Judicial Interview, supra note 45. See also Gamulka, supra note 125, at 371, 373 (“Military lawyers offer very little help when it comes to divorce proceedings. While they can provide general advice, and in some cases referral to a civilian attorney, they cannot become involved in the actual divorce process.”).

Hawaii Judicial Interview, supra note 45.

Id.; Tennessee Judicial Interview, supra note 182.

Tennessee Judicial Interview, supra note 182.

The military-connected school is defined as public schools with “average daily attendance [by students with military families] of more than 400, or 10% or more of total school enrollment.” Esqueda et al., supra note 156, at 66.

Id. at 68 (describing the benefits of examining existing programs within the eight military-connected school districts and highlighting the California Department of Education’s effort as “the first state in the nation to develop a survey module to identify the needs of military children”).

Park, supra note 260, at 69 (“When resources are limited and demands are great, it is even more crucial to identify programs that are effective and efficient, and to understand the active ingredients that make programs successful.”).

The information reported in the first, second, and third columns of the Figure are assembled from the Zipatlas Website. See http://zipatlas.com/us/zip-code-comparison/percentage-military-population.htm (listing “Zip Codes with the Highest Percentage of Population in Military in the United States”).

Infra app. D.

Id.

Id.

Id.

Id.

Compare supra fig. 11, with infra app. D.

INS’T OF MED., supra note 8, at 22.


Id. (“These shortcuts, while useful in allowing us efficiently to approximate solutions to difficult problems, sometimes result in errors.”).

See, e.g., Barbara Vitello, Veterans in Cook County Jail Together, A Second Chance, DAILY HERALD (Arlington Heights, Ill.), May 29, 2011, at 1 (describing how Cook County Sheriff Tom Dart developed a “special unit reserved especially for military veterans . . . after noting the many veterans among the inmates”); Sunny Schwartz & Leslie Levitas, Restorative Justice for Veterans: The San Francisco Sheriff’s Department’s Community of Veterans Engaged in Restoration (COVER), 36 WASH. U. J. L. & POL’y 47, 49 (2011) (explaining how the Men’s Central Jail in San Francisco also used a veterans dorm to answer the call “to provide those who have served their country with better alternatives than languishing in a corrections institution and spiraling deeper into criminality, mental illness, and despair”).

Russell, supra note 324, at 363.

Berenson, supra note 27, at 185–89.

Id. at 184.

Supra discussion accompanying notes 63–66 (describing current efforts to educate judges and attorneys about military family law issues).

North Carolina Judicial Interview, supra note 45.

For example, the American Judges Association provides members with secured access to the “AIA WebBoard Conference Rooms and e-Discussions.” Am. Judges Ass’n., Member Only Login, http://aja.ncsc.dni.us/member-login.php (last visited Feb. 21, 2013).

North Carolina Judicial Interview, supra note 45.

Supra fig. 11; infra app. D.
448. Segal, supra note 115, at 3 fig. 1 (documenting the total percentage of the population in the armed forces between 1801 and 2011). Modernly, “[i]n order to obtain one eligible recruit, an Army recruiter must contact approximately 120 young people.” Nat’l Res. Council, Attitudes, Aptitudes, and Aspirations of American Youth: Implications for Military Recruitment 9 (Paul Sackett & Ann Mavor eds., 2003).


450. Park, supra note 260, at 71.

451. Richard W. Bloom, A Reason to Believe: The Sustenance of Military Families, in The Military Family in Peace and War 98, 113 (Florence W. Kaslow ed., 1993) (“[T]he military mission and the welfare of the military family are inextricably intertwined.”); Baker, supra note 36, at 121 (observing the military’s view of family issues as a matter of “force management” signifies “an acknowledgement that family needs and working conditions for the service member cannot be considered separately”); Park, supra note 260, at 65 (“[P]ositive family functioning boosts a service member’s morale, retention, and ability to carry out missions.”).

452. Georgia Judicial Interview, supra note 45.

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