
REVIEW ARTICLE

Got your six? Veterans and the family court system

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Abstract

Status as a Veteran or military Servicemember (SM) can negatively impact custody determination in family court. Veterans and Servicemembers (SMs) must contend with unique barriers. The first barrier is a dueling media narrative of extremes, in which they are both idolized and demonized, extremes that shape the view that much of American society takes with respect to Veterans and SMs. The second barrier is the Permanent Change of Station (PCS) system. PCS forces SMs to move frequently and they have no formal mechanism to decline a PCS in order to maintain an existing child custody arrangement. The third barrier is an alarmingly high and incorrect over-association of military service and Post Traumatic Stress Disorder (PTSD) coupled with the incorrect assertion that PTSD manifests itself primarily in a violent manner. The fourth barrier is a unique administrative hearing process within each of the military services known as the Family Advocacy Program (FAP) Incident Determination Committee (IDC) / Case Review Committee (CRC) which reviews claims of spousal or child abuse and is empowered to substantiate abuse claims without affording procedural due process protections. This paper is important because informing the body of professionals who comprise family court matters about these barriers will ideally lead to improved child custody outcomes for Veterans and SMs as well as push for additional research into the subject to understand how and in what

manner SMs and Veterans are negatively impacted in custody determinations.

KEYWORDS

child custody, military, separation and divorce, veteran

Key points for the family court community

- Veterans and SMs must contend with unique barriers which place them at a disadvantage from the outset of a custody matter when seeking what they deem is an equitable child custody or visitation arrangement.
- We offer recommendations to reduce the barriers Veterans and SMs must contend with based on success States have had with specialty courts as well recent legislation passed in California.
- State and Federal agencies must collect and analyze data to understand Veterans and SMs perceptions and the specific manner their status impacted or is impacting their child custody.

Veterans and Servicemembers (hereinafter “SMs”) perceive that they are a discriminated minority in family court. Practitioners of family law, including judges, attorneys, legal educators, and law students will benefit from appreciating the barriers Veterans and SMs face in family court and the unique issues that military service presents Veterans and SMs when seeking child custody. To be clear, the data to support this Veteran and SM perception is anecdotal. The House Armed Services Committee (hereinafter “HASC”) in 2010, during the height of the Global War on Terrorism, called for the Department of Defense (hereinafter “DoD”) to assess how a SMs or Veterans service affiliation plays a contributing role in the final decision as to best interest of the child, but as of today no such analytical report has been provided, thus making it difficult to provide anything other than anecdotal evidence (Burrelli, 2013). The HASC report request was revitalized, and its scope widened with an amendment to the 2025 National Defense Authorization Act, championed by the office of Ohio Congressman Michael Turner and authored in large part by this manuscript's authors (H.R. 8070, 2024). State and Federal agencies best positioned to collect and analyze this data have yet to do so, but hopefully demand and advocacy from the community of family law practitioners reading this article will provide more impetus for action.

In 2023, the active duty military was 1.2 million servicemembers of which nearly fifty percent are married and thirty five percent have children (Dep't of Def. Demographics, 2023) This means there are 420,000 servicemembers divorced or single with children. The annual divorce rate in 2023 was a little over two and a half percent, so a total of 30,000 a year (Dep't of Def. Demographics, 2023). For context the annual U.S. divorce rate is two and a half percent (Bieber, 2024).

It is this paper's premise that SMs and Veterans are a discriminated minority, and that this discrimination impacts SMs and Veterans in the form of court-ordered custody arrangements, which significantly limit or deny physical and legal custody or visitation for no reason other than a prevailing bias against SMs and Veterans in family court. This bias coupled with issues unique to military service, SMs or Veterans must contend with, place them at

distinct disadvantage when the best interest of the child (hereinafter "BIOC") standard is applied to a custody matter in which they are a principal party seeking legal or physical custody or visitation. For reference, this paper defines SM according to [10 U.S.C. Section 101](#), which is one who conducts active service in the Army, Navy, Air Force, Marine Corps, and Space Force), while a Veteran is anyone who has served in these military branches as per [38 U.S.C. Section 101](#).

As a legal community and a society, we have a duty to ensure SM and Veteran parents are not discriminated against in family court on account of a persistent negative stereotype amplified in our ever increasing military and civilian divide. After all, SMs and Veterans have taken an oath to defend and at times have laid down their lives to ensure the constitutional rights of all U.S. citizens to include those traversing the family court system.

FIRST BARRIER: A STEREOTYPE OF EXTREMES

The SMs and Veterans of 2024 suffer from a dueling media narrative of extremes. At the end of World War II, almost eighty (80) years ago, nearly twelve percent (approximately 17 million people) of the United States population served in the military (Crigger and Santhanam, [2015](#)). Today the total military force, which includes the reserves and national guard in addition to active duty, is approximately 2 million personnel (Dep't of Def. Demographics, [2023](#)), which is less than one percent of the current 330 million U.S. population (U.S. Census Bureau, [2025](#)). This is a massive drop and has resulted in a larger gap between the size of the SM/Veteran population and non-SM/Non-Veteran population, including those who are service-connected by family. This significant gap has caused many military leaders and Veterans to express alarm, because this gap "nurtures misunderstanding among the civilian population" concerning the military, SMs and Veterans (Garamore, [2019](#)). The issue is that those with no service background or connection may find it increasingly difficult to identify with those who serve. Any understanding they have will be filled by the media and its propensity to accentuate a stereotype of extremes. As a society we appreciate that stereotypes perpetuate discrimination. In a 2012 Center for New American Security (hereinafter "CNAS") study, negative stereotypes included employers reporting "concerns about the effects of combat stress, including post-traumatic stress issues, anger management and tendencies towards violence" (Harrell & Berglass, [2012](#)).

Over a decade later, the broken or ticking-time bomb Veteran/SM stereotype remains well intact. The Cohen Veterans Network identified in their June 2021 study, that on a broader level, "two thirds of Americans believe that a majority of Veterans experience PTSD...[and] one in four of Americans believe a majority of people with PTSD are violent/dangerous..." (PR Newswire, June 3, [2021](#)) Despite this view being false and discriminatory, it unfortunately remains a persistent stereotype for SMs and Veterans (Haxel, [2021](#)).

How those with no connection to the military are conditioned to view, perceive, or judge SMs and Veterans is determined in large part by the type of exposure they have had in the media or by a previous experience with a SM or Veteran (Parrott et al., [2021](#)). The 2021 Parrott et al. study, presented study participants with either stereotype-affirming or stereotype-challenging news articles associated with Veterans to determine how this type of conditioning upfront influences their subsequent views of Veterans. Results from the study suggest that when a reader or audience is exposed to a story of a Veteran or SM associated with mental trauma or other types of negative outcomes, their subsequent views of Veterans or SMs are negative, while the opposite is true when the reader or audience is exposed first to a story in which a Veteran or SM challenges a negative Veteran or SM stereotype.

Phillips and Lincoln ([2017](#)) in their article in the *International Journal of Qualitative Studies in Education*, defined the term Veteran Critical Theory (hereinafter "VCT"). Most notable among the VCTs tenants are: (1) Structures, policies and processes privilege civilians over veterans and (2) Veterans experience various forms of oppression and marginalization, including microaggressions. The theory, which is based on other critical theories, identifies that our society is primarily composed of civilians and there is an "innate privilege" associated with being part of the dominant group and how this works against a marginalized group, in this case Veterans. The study goes on to recognize that "the most detrimental microaggressions are usually delivered by well-intentioned individuals who are unaware

they have engaged in harmful conduct to the socially devalued group.” VCT is helpful because it provides a framework to better determine if policies, laws, and practices are actually benefiting Veterans and SMs or are formed by deficient tenets and beliefs surrounding Veterans and SMs, thereby harming them. VCT represents an effort by SMs and Veterans to reclaim their narrative and ideally shape a fuller and more nuanced understanding of who they are.

Veterans and SMs are a diverse group, who are limited by a stereotype that portrays them as failing to adapt to a non-military setting and representing an emotionally or physically damaged group whose behavior is unpredictable and likely aggressive. Far too often stories about psychologically and or physically injured military members are reported, because those stories sell. Stories about SMs and Veterans that have successfully reintegrated themselves into society – for example a Veteran from “Davenport who went to Afghanistan three times, got out of the military, went to college, and now works as an account manager for American Eagle” – don’t usually get printed (Schmidt, 2019). Such stories, although much more representative of reality, are not shocking enough to report on.

SECOND BARRIER: THE PERMANENT CHANGE OF STATION (PCS)

SMs are forced to move far too often and have no means to decline a PCS if it impacts an existing child custody arrangement or child custody hearing

During a PCS, an active-duty SM is reassigned to another installation within the United States or abroad. According to the Pew Research Center, the largest overseas postings for the active-duty SM are Japan (38,818), Germany (34,602), South Korea (24,189), and Italy (12,088) (Bialik, 2017). Internal to the United States, there are upwards of 500 military bases (Mathieson, 2021). According to the DoD, one-third of the active-duty military population experiences a PCS each year and it is a critical feature of the military’s manning process (Tong et. al., 2018). The Government Accountability Office determined that 650,000 SMs PCS annually, at a cost of \$4.3 Billion (Government Accountability Office, 2015). Each move is for either a two or three-year assignment to a new posting at another base within the United States or abroad. Both the mandate to physically change duty stations and the required frequency work against a SM’s prospects for maintaining access to their children in today’s family courts. The DoD does not consider how frequent PCS impacts a child custody arrangement or custody merits hearing in which a SM is involved. This is a big problem.

During the Global War on Terrorism (hereinafter “GWOT”), which began immediately following the September 11, 2001 terrorist attacks and ended with the U.S. withdrawal from Afghanistan in August 2021, the DoD ramped up its efforts to support its military families through repeated and extended deployments leveraging an initiative now called the Military Family Readiness System (hereinafter “MFRS”), which “promotes positive outcomes for service members and their families across the domains of military family readiness, including career, social, financial, health and community engagement” (Mil. One Source, 2025).

A quick study of the MFRS model reveals that the DoD is primarily focused on supporting families unaffected by divorce – though according to the DoD 2022 demographics survey, over 50,000 of DoD’s SMs are divorced or single with children. The DoD has played a role in fostering the dynamics like frequent and extended deployments, which led to a spike in divorce among SMs, especially during the GWOT (RAND, 2013). Unfortunately, the DoD has no plans or policies of substance for supporting the family dynamics borne out of the divorces that occurred during, after, and due to the effects of the GWOT. These divorces are forcing to the forefront the issue of a SM’s PCS and its impact on child custody matters. This issue is being left to family courts to decide, while the DoD remains silent on an issue for which they undoubtedly played a role. In the absence of a proactive DoD demonstrating its support for SMs retaining time with their children, the reality and frequency of the military PCS has been allowed to become a perception problem for those SMs seeking child custody while in uniform. The perception in family courts is that children of SMs are viewed to be disadvantaged by frequent military moves.

An active-duty SM, for the duration of their service contract, must PCS when the military tells them to. SMs are disadvantaged in child custody hearings by PCS, because family law courts place strong emphasis on both a parent's presence in a child's day to day life as well as the child's stability with respect to specific location. Civilian employers cannot force an employee to move, but the military can and does force SMs to move. As a civilian, if one is reassigned to another location, they can simply decline to move or quit their employment. A SM cannot do this. As a result, many SMs unfortunately become Veterans with fractured child–parent relationships as a result of the PCS construct. Family courts like to see stability in a location. Given the general lack of understanding associated with PCS, courts unfortunately and incorrectly attribute PCS as something left to the discretion of the SM. A SM has no formal mechanism by which to avoid a PCS move if dealing with a custody matter, though the Air Force in 2020 initiated a program in which, “when possible, it will station airmen and space professionals with court-ordered child custody decrees near their children” (Losey, 2020)

Frequent PCS presents challenges for the military families that remain intact, but it is unforgiving for divorced and single SMs seeking child custody

Active-duty military families including the SM, the spouse, and the children, are negatively impacted by the PCS process. In 2018, a RAND study described what it termed as first and second order disruptions to a military family as a result of a PCS (Tong, et al., 2018). Disruptions associated with each PCS include first-order effects like finding new housing, enrolling children in new schools, and finding similar activities to include sports and other extracurriculars, which replicate what was present for the family in the previously stationed location (Tong et al., 2018). Second-order disruptions are those that follow on from the first-order effects (Tong et al., 2018). These second-order disruptions may manifest as psychosocial outcomes within the family including, but not limited to, mental health difficulties, substance abuse, and troubles with social integration in the new locality in which the SM and their family find themselves (Tong et al., 2018). Whether a family remains intact or deals with divorce, the frequency of the DoD PCS cycle takes a serious toll on all involved.

Divorcing SMs must make the heart-wrenching choice of either continuing to serve in the military thereby paying the “PCS Penalty” and risking connection to their children, or leaving the military to try and maintain a relationship with their children following a divorce (Kearney, 2021). Single SMs with children must also contend with many of the same issues associated with a PCS as divorcing SM. A move to another jurisdiction, state, or country significantly alters their visitation schedule. Many times, a divorced or single SM may want to return immediately back to the same location where their children reside, but the military services have no formal personnel policy that mandates this type of relocation or stationing. Even if a move back is possible, there is a good chance their child or children have moved to a different location with the custodial parent and to a place where there is no nearby assignable military installation.

SMs love their children, but also realize that their employment in the military often comprises the majority of the income that supports the entire family, especially during and following a divorce. Transitioning out of military service, while at the same time undergoing a divorce, is often a financial risk and jeopardizes the financial well-being of the children. A decision by a SM to voluntarily leave service, amidst divorce and/or custody proceedings may even be viewed by a court as voluntary impoverishment and thus work negatively against the SM when determining custody (Parvis, 2017). It is well known that a SM transitioning from active -duty service to a civilian profession requires anywhere from six to twelve months to find suitable employment (Eckhart, 2023). SMs are well aware of the risk calculus of how long they may have to go without income during a transition to a civilian career. Often the SM decides to remain in uniform, not because they do not love their children and are okay with being separated from them, but because they truly live for their children and the thought of not being able to provide for them is more painful than having to leave them when they must PCS. It is essential that the DoD make significant changes to its PCS cycle, for example reducing their frequency by lengthening assignments from the average 24–36 months to 60–72 months.

This would halve the number of moves in a twenty-year career from 6 to 3, and also reduce the financial burden on the DoD and the American taxpayer.

Currently there is no program focused on divorced military families or, more specifically, stabilizing the divorcing or divorced SM at their request, so as to enable the final resolution of a divorce and specifically better enable child custody. Equally impacted are single SMs, the unwed, who are in a co-parenting agreement and forced to leave due to a PCS. This is an area that the DoD or our legislators can focus on and is an important point for those involved with family law practice to take into consideration.

PCS, if better understood by practitioners of family law, including judges, attorneys, legal educators, and law students, also presents positive life enriching experiences that align well with the best interest of a child

The discussion surrounding the PCS is not solely negative. Military families note positive aspects such as, “increasing family member resilience” (Tong et al., 2018). Subject matter experts also mention, “increased readiness and resilience, particularly among children” (Tong et al., 2018). Internet blogs are filled with testimonials of military families, who, on account of military moves with their military member, highlight their unique experience, especially cultural and travel experiences garnered during overseas assignments (McDonald, 2022). Military children in their own voice testify to the “bright side” of moving as a military child, specifically that the difficulties faced during frequent military moves, promotes resilience as they get older, in addition to exposure to and respect of different cultures (Teichert, 2018). Research suggests military kids are adaptable, foster quick connections, learn positive coping strategies to deal with change or hardship, and develop strong social awareness based on meeting children from diverse backgrounds (Military Child Education Coalition, 2022).

Given that a SM is PCSing every two to three years, this factor presents a significant challenge when a SM makes a case that it is in the best interest of the child that they are awarded primary physical custody of their child. Family courts look at the stability of the home, school, and overall connection the child has to the community. Depending on the child's age and involvement in school and extracurricular activities, it is easy to see that a family court judge or custody evaluator will look more favorably upon the parent who is not subject to moving out of the jurisdiction in which the child currently resides. A family court judge determining custody may even look unfavorably at the SM for the fact that they will move, not realizing the SM is beholden to the PCS construct. In cases where both parents, military and non-military, do plan to move to a new location, again it is likely that the non-military parent will be perceived as the one who can generate better adjustment to a home, school, and community through increased stability. The unfortunate part of this deference to a non-military parent is that it negates the fact a military member, if awarded primary physical custody, can also generate strong attachment to home, school, and community.

Children in military families have their own unique culture and community and can draw on this to generate a great deal of stability. There are significant resources on military installations ranging from schools, pre- and after-school care, as well as sports, arts, and extracurricular activities to ensure a child is connected to their military community. Moving from installation to installation introduces the child to a community of like-situated children and families, and from this comes a great deal of support and stability. Across the military, there are 1,602,261 military children, both youth and teens, alongside their SM parents (Dep. of Def., Month of Military Child, 2023). Military affiliated children have consistently outperformed the national average in all tested grades and subjects, as well as high school graduation rates and college attendance rates surpassing the national average (Hansen, 2016). It is in many ways an antiquated model to think that adjustment to home, school, and community comes significantly from time associated in a specific area. The Brookings Institution admitted it is “not clear exactly why military students are doing as well as they are, in spite of the unique challenges military life gives them (Hansen, 2016). This counter-intuitive fact has caused some to speculate about the secret sauce in military communities,” including

ingredients like military culture of discipline and hard work, a strong sense of community that develops based on the hardship associated with SM deployments, and significant resources the DoD is able to provide families and students (Hansen, 2016). Even as recent as 2022, DoD run schools “led the country...with reading and math scores ranging anywhere from 15 to 23 points higher than corresponding national average scores” (Will, 2022). Yes, persistent PCS has significant drawbacks which have been discussed, and those drawbacks should serve as motivation for the DoD to revamp how often a SM must PCS or stabilize a SM in the midst of a custody matter and for a period following the determination of custody. There are, however, situations in which it is in the best interest of the child to PCS with their military parent. By making the extra effort to allow for a more detailed line of questioning of and by the SM we increase the potential for that SM (and their front-line managers) to articulate to the court what is or is not possible with regards to the unit’s work/deployment schedule. Though counterintuitive to many civilians, it is very possible that the SM’s access to the amenities and services associated with a military installation may in fact exceed the options otherwise available to the child. Below are a series of questions with supporting context that a family court judge may consider to better evaluate awarding child custody to a SM where a PCS is pending:

1. Has the child/ren already experienced a PCS? Is the child/ren of school age, and if so, have they moved schools previously as a result of PCS? How was their academic performance from school to school? Will pursuit of specific academic pursuits be impacted negatively or positively as a result of the PCS?
 - *If YES to any part of questions (1) and/or (2) then benefits of being a part of the military community and culture may already be a part of the child/ren’s ongoing success or potential for future success.*
2. Is the child/ren involved in extracurricular activities? What are the activities, and will they continue at the next PCS location?
 - *Military bases are known for providing a wide-ranging number of extracurricular and recreational opportunities/activities to its communities even when the surrounding nonmilitary communities do not (Mil. One Source, Youth and Teens, 2024).*
3. Does the child/ren have unique medical or educational requirements? If so, can these requirements be met at the PCS location?
 - *Military bases are known for providing well in these two areas. Children of DoD schools consistently score above the national averages, and the military is well known for making unique accommodations for families of dependents (to include children) with unique medical needs (Mil. One Source, EFMP, 2025).*
4. Has the child expressed a preference to remain with their SM parent over the non-SM parent.
 - *Many children actually excel in a military community. The sense of pride that comes with being a part of a community with a national level purpose is undoubtedly an attractive and unique aspect of the military – even for children (Mil. One Source, Youth and Teens, 2024).*
5. What is the anticipated work schedule for the SM at the next PCS location? What is the SM’s child care plan for the child while the SM is at work during the military workday at the next PCS location? Who will take the child to school or daycare, pick up the child from school or daycare at the next PCS location?
 - *This may be the biggest concern by those who are not versed in the nuanced realities of military life. Even when a military unit is scheduled to participate in a deployment rotation, such deployments are typically known about and published years and months in advance. The DoD’s management of military unit deployment cycles was greatly refined over the course of the twenty plus year GWOT.*
 - *It would be rare for a unit to deploy with little to no notice. If a SM is in a unit that operates in a short to no notice capacity, then it would also be typical that those rotations would be shorter in duration, and a specific child care plan could be drawn up and executed based on what a deployment cycle could be.*
 - *A childcare plan could be developed that takes the potential for deployments into consideration, and the court could assign simple event-based triggers for when a SM must initiate a discussion and/or review of their existing child custody/parenting plan for possible revision or foreaction of previously agreed upon event based child care plans.*

- *These event-based child care plans could easily be written into a custody agreement and parenting plan and made ready. The following questions 6 through 10 below and other similar questions could be useful in such a discussion.*
6. Does the SM anticipate a scheduled deployment or training event over 30 days while at the next PCS location? If so, when? Does the SM's management team confirm this schedule?
 7. What is the SM's childcare plan in the event the SM is deployed while at the next PCS location (for training or a real-world mission) requiring they be away from home for an overnight, a deployment between 1 and 30 days, and anything over 30 days?
 8. Has the SM cared for the child during a period of work-related separation from their child/ren before? If so, please describe that experience.
 9. How quickly would (max number of days) a SM have to disclose an update or change to their deployment schedule?
 10. How quickly would (max number of days) a SM have to schedule a custody Hearing (with the court or an assigned mediator) to address a needed change to their schedule if not currently accounted for in their current child custody/parenting plan?

THIRD BARRIER: AN ALARMINGLY HIGH AND INCORRECT OVER-ASSOCIATION OF MILITARY SERVICE WITH POST TRAUMATIC STRESS DISORDER (HEREINAFTER “PTSD”) AND THE INCORRECT ASSUMPTION THAT PTSD EQUATES TO A PROPENSITY FOR VIOLENT BEHAVIOR

The American Psychiatric Association estimates that “one in 11 people will be diagnosed in their lifetime” with PTSD (Am. Psychiatric Ass'n, 2022). The National Center for PTSD estimates that “at some point in their life, seven out of every hundred Veterans (or seven percent) will have PTSD, while in the general population, six out of every hundred adults (or six percent) will have PTSD in their lifetime” (Dep. of Veterans Aff., 2025). The numbers between the Veteran and non-Veteran communities are nearly the same. However, a 2021 survey conducted by a leading Veteran mental health provider, the Cohen Veterans Network, highlights that two-thirds of the non-veteran population believe that most veterans suffer from PTSD (Sullivan, 2021). From this data, it is clear there is a significantly high misattribution between military service and PTSD drawn by the non-military or non-veteran population. Ultimately, what is of specific concern is not the diagnosis itself, but the nexus between any mental health concern and how it impacts the parent-child relationship as well as the co-parenting relationship. The family court is concerned about this and should not be swayed by the presentation of a SM or Veteran PTSD diagnosis alone as impacting the best interest of the child standard at all.

It is PTSD within the civilian population, not the SM or Veteran population, that accounts for over eighty percent of the economic burden and societal impact associated with the diagnosis. Studies are now shifting from focusing solely on the military population because it is becoming better understood that PTSD remains underdiagnosed and treated in the civilian population (Davis et al., 2022). The benefit of this shifting focus is to appreciate that PTSD is far more common among all segments of society and by no means an issue specific to SMs and Veterans. Recently in the *Journal of Clinical Psychology*, authors highlighted the following:

Much of the research and legislative purpose on PTSD has focused on combat-exposed populations due to the high prevalence of the condition among the military population. However, the military population composed a small proportion of the overall U.S. population with PTSD (14%), leaving 86% of the PTSD population within civilian groups. With the increasing occurrence of natural and societal traumatic events around the world, including COVID-19, civil unrest, and climate change, there is mounting concern of an increase in PTSD and burden in the civilian population. As such, the current cost estimate is likely an underestimation given these recent global traumas....Therefore, further research on PTSD among the civilian population is instrumental to address this rapidly accumulating societal burden (Davis et al., 2022).

Veterans and SMs with PTSD, or dealing with an accusation in family court that they have PTSD, have the most significant barrier in seeking custody or parenting time of their children (Seamone, 2012). A judge or custody evaluator, uninformed about PTSD, will view any association of the Veteran or SM with PTSD as a risk, which they must factor into their best interest of the child's analysis. In assessing any of the BIOC standards, the premier Harvard law professor and scholar Robert Mnookin, acknowledges issues and limitations of the BIOC standard, but it remains the primary method by which child custody is determined (Scott & Emory, 2014). Child custody is "the remaining 'fault' battlefield" (Strauss et al., 1974) This "fault" battlefield now seeks the routine employment of a tactic in which a Veteran or SM is forced to defend their fitness to parent because it is asserted that they, by virtue of their service, likely suffer from PTSD, and this means that they present a risk to their children (Dana, 2017).

PTSD or the assertion that a Veteran or SM has PTSD presents a type of fault instrument by which the BIOC calculation can be turned against the SM or Veteran and can become an insurmountable barrier (Davis et al., 2022). There is an unfortunate leap being made that a SM or Veteran with a PTSD diagnosis presents risk to their child or is somehow a predictor that the SM or Veteran will likely engage in future violent behavior against their child, though there is no history of such behavior. These falsehoods remain unchecked and perpetuated by a predominantly non-veteran majority. Custody evaluators and judges, who are informed by custody evaluations, use their discretion in a manner where they view a Veteran or SM with PTSD as a risk to their child, while no evidence supports such a finding (Moore, 2023). PTSD is not a key factor that contributes to violent behavior (Bedestani, 2022). A predictor of violent behavior in a SM is a history of violence (domestic, child abuse, criminal), an alcohol or drug abuse disorder, and/or anything other than honorable discharge, which is the most severe type of military discharge (Bedestani, 2022).

Judge Eileen Moore, a Vietnam Veteran Nurse, who is an Associate Justice on the California Courts of Appeal, described the military bias in family courts, highlighting "service-linked mental health issues come with their own unique barriers, stigma, and complications. Left unchecked, biases against military families can lead to incorrect conclusions. Unless recognized, courts, and evaluators may unwittingly base decisions on biases and not consider seriously enough the child-raising abilities of the military veteran with PTSD" (Moore, 2023) Below are a series of questions a family court judge and/or custody evaluator may consider to better evaluate the risk, if any.

1. Does the SM or Veteran have a diagnosis of PTSD? Does the diagnosis speak to the SM or Veterans ability to effectively parent? Does the diagnosis identify the SM or Veteran as being at risk for abuse by others? Does the diagnosis report that the SM or Veteran poses a risk to themselves or others?
2. How many years has the SM and Veteran parented and/or co-parented while diagnosed with PTSD?
3. Is there a history of illegal or controlled substance abuse by the SM or Veteran parent? If so, has the SM or Veteran parent completed treatment programs? Is the Veteran or SM currently sober and if so for how long? What controls are in place to maintain that sobriety?
4. Is there any history of physical abuse by the SM or Veteran parent towards another adult or child? If so, when? Was there treatment or services completed by the SM or Veteran parent?
5. Is there currently a protective order in place against the SM or Veteran Parent with respect to the child or other parent? If so, with whom specifically and is the protective order a temporary or final order?
6. What is the nature of the SM or Veterans service record? What were their service performance evaluations like? Any indications in these reports that present risk with regards to parenting ability?
7. What is the type of military service they rendered? What is their educational background both from military and non-military schooling?
8. Does the SM or Veteran currently have physical and/or legal custody of any other children not associated with the custody merits hearing at hand. What is the nature of that custody arrangement? Are any of the same issues present in that custody arrangement?

FOURTH BARRIER: THE DEPARTMENT OF DEFENSE SHADOW FAMILY COURT

Each of the military branches has its own version of a Family Advocacy Program (FAP) (Mil. One Source, Family Advocacy Program, 2024). The FAP, run by each of the military branches, helps with treating the trauma SMs, along with spouses and children of SMs who may suffer in the form of emotional and/or physical abuse within a family or intimate partner dynamic. FAP was designed to reduce incidences of child abuse and domestic violence in military families (Curto, 2010). A specific component of FAP is the Case Review Committee (CRC), which has recently been redesignated the Incident Determination Committee (IDC). The CRC or IDC is an administrative hearing that makes a determination as to whether or not there has been an incident of emotional or physical abuse in a martial or interpersonal relationship involving a SM (Dep. of the Army, Reg. 608-18, 2011). The FAP CRC/IDC exposes SMs to a unique and distinct set of issues in that allegations of abuse can be substantiated through an administrative hearing, a hearing which exhibits no due process protections and little scrutiny of the allegation. There is no equivalent to this in the civilian sector. Very little is known about the CRC/IDC process outside of the military services, but there are accounts of SMs who insist that they are innocent of any wrongdoing and have fallen victim to false accusations of child abuse or domestic violence lodged through FAP, and then these substantiated accusations are then factored into child custody determinations by family courts during custody merits hearings (King Military Law, 2024). For all the good that the DoD FAP program does, there are significant numbers of SMs who have been negatively impacted by the FAP CRC/IDC decisions, decisions whose validity are questionable because of lacking procedural due process protections. There is no analysis of how often the CDC/IDC comes to an incorrect determination, and such an analysis would be difficult to make. A key aspect of procedural due process protections is to minimize the risk of an incorrect determination, and so the absence of due process leads one to assume that there is a higher risk for an errant ruling. What we do know about the CDC/IDC and valid assumptions which can be made is this: as erroneous FAP decisions are occurring and these decisions make their way into family court they are impacting parenting plans and custody determinations.

A specific Department of Defense Task Force on Domestic Violence (DTFDV), which met between 2001 and 2003, focused on making a number of recommendations to the FAP CRC/IDC because, The Task Force concluded, the “lines between clinical intervention and command judicial action” were blurred...and the role of the CRC “as a strictly clinical body has been compromised (Second Ann. Rep., Dep. of Def. Task Force on Domestic Violence, 2002)”

Key procedural due process issues present in the CRC and now rebranded IDC are summarized below from a review of the key regulations regarding how the program is run in the Army, which is similar to how it is run in each of the military branches (Dep. of Army Dir. 2021-26; Dep. of Army Reg. 608-18, 2011).

- Lack of Neutrality: A single case manager gathers information. This same case manager meets with the alleged victim and alleged offender, then presents their findings to IDC panel members.
- Preponderance of Information Standard: This is similar to a preponderance of the evidence standard, which is a low burden of proof.
- Key parties prohibited from attending: The alleged victim and alleged offender are prohibited from attending the CRC.
- Counsel prohibited from attending: Counsel for the alleged victim and/or alleged offender are prohibited from attending the CRC/IDC. Even the most skilled attorney will find it difficult to impossible to work with the CRC/IDC in a manner consistent with standard American jurisprudence.
- No cross examination: Counsel is prohibited from attending. The alleged victim and alleged offender are prohibited from attending. There is no opportunity for any cross examination of the parties.
- Lack of Transparency: The proceedings are not public, and only limited meeting notes were created to account for basic administrative data and the final CRC/IDC determination. No full record/transcript of the committee meeting is created or provided.

- Majority vote required: A substantiated finding requires a majority vote as opposed to unanimous or two thirds of the seven voting members.
- No rules of evidence: The 2001 DTFDV stated, “the current (CRC) system does not insist on evidence” when determining if there was an act of abuse or not (Second Ann. Rep., Dep. of Def. Task Force on Domestic Violence, 2002).

SMs and law firms report that false claims of emotional and/or physical abuse made to FAP are substantiated during a CRC/IDC as a result of its failure to provide due process. Due process rights, which had they been afforded, would have absolved the alleged offenders. Any legal practitioner can easily see the risk a false FAP claim, substantiated or even unsubstantiated, poses for a Veteran or SM who is party to a custody matter. Equally as dangerous is when the CDC/IDC fails to substantiate a valid FAP claim, a failure which could have been alleviated with increased procedural due process. Though a CRC/IDC finding is supposed to be a clinical finding and not to be permitted for use outside of the military, anecdotal evidence suggests CRC/IDC findings and their precursor FAP accusations routinely make their way into custody merits hearings in jurisdictions across the United States.

FUTURE DIRECTION

Based on the success states have had with specialty courts, such as drug courts and the sub-specialty of Veterans drug courts, it makes sense to recommend circuit courts develop, at minimum, a docket focused on SM and/or Veteran child custody cases (Dep. of Justice, Veterans Treatment Court Program, 2021). The specialty docket could take the form of one day a week where custody merits hearings are heard in which a SM or Veteran is a participant. If the custody merits are part of a divorce matter, the specialty docket would also include a divorce merits hearing. This would develop familiarity and eventually expertise among the attorneys, custody evaluators, and judges with the service specific issues presented earlier in this paper.

A recent successful legislative effort in California, Senate Bill 1182, is a model for States in taking a more holistic view of Veterans and SM when determining their child custody (SB 1182 Executive Summary, 2022). The bill was a focused legislative effort to get at the issue of how PTSD is evaluated in a custody determination and requires that a family court judge provide a fulsome analysis when a mental health diagnosis is the reason for limiting the child custody of a Veteran or SM (SB 1182, 2022). California State Senator Susan Eggman, of the 5th Senate District, introduced the bill in Spring 2022. The bill requires California courts to state reasons for their finding and the evidence relied upon in writing or on the record if mental health illness of a parent is a factor when determining the best interest of the child. Senator Eggman, a veteran herself, wanted to address “a concern that family courts are improperly discriminating against parents, legal guardians, or relatives who suffer from mental illnesses when determining the best interest of the child in making a custody determination” (SB 1182, 2022). SB 1182 was signed in to California state law by Governor Gavin Newsom on September 17, 2022 (SB 1182, 2022). Section 3040 of Senate Bill 1182 is an effort to address the problem by better defining the parameters in which one's mental health condition can be factored when evaluating the best interest of the child, and furthermore, requiring family court judges to state on the record as to how the mental health illness factored into their ruling.

LIMITATIONS

One of the limitations in advocating for change regarding the issue of Veteran and SM discrimination in family court is that the evidence is anecdotal. Without substantive data in a quantitative form, it is difficult for Veterans and SM advocates to push for change. It is essential to determine the size of the problem. Circuit courts, for instance, keep data regarding criminal cases, where sentences handed down by judges are collected and analyzed to determine to

what extent race influences sentences (Maryland State Commission on Criminal Sentencing Policy, 2023). Systems like this ensure trust in the judiciary and allow for the court to review differences in outcomes, better address what drives different outcomes, and implement necessary training such as implicit bias courses for all judiciary employees and attorneys (Maryland State Commission on Criminal Sentencing Policy, 2023). Such a system could be as simple as assessing what the Veteran and/or SM requested for legal (joint or sole) and percentage of physical custody $(((\text{number of overnights}) \div (365 \text{ days})) \times 100)$ and compare it to the court's final decision.

Veterans Administrations (VA), both at the state and federal level, play an important role in collecting data on their Veteran communities. They are well positioned to gather information from Veterans, who interact with a variety of VA resources. They provide a robust set of services, including medical and health services, employment and job training, as well as legal services. The legal support that exists for Veterans, the Veterans Justice Outreach Program (VJOP), supports Veterans already incarcerated through the criminal justice system or involved in Veteran Drug Treatment Court, not those seeking assistance with civil matters (Dep. of Veterans Aff., Veterans Justice Outreach Program Fact Sheet, 2022). When a Veteran enters the VA system, this is an ideal time to query if the Veteran is dealing or has dealt with a child custody matter and if they perceive that their military service is factoring or factored to their detriment in the custody determination. This will help drive focused legal support for Veterans and SMs at the state level for civil matters, specifically child custody, as well as visitation and access, for which there is a dearth. This type of Veteran legal support remains a black hole, so ideally when VAs, state and federal, recognize the scale of the problem, they will be willing to act in the form of funding legal support.

CONCLUSION

Veterans and SMs are a discriminated minority in family court, facing four barriers which present an insurmountable obstacle when they are seeking equitable legal and physical child custody determinations or visitation. In short, solutions are present. First, Education is the best way to overcome the misinformation bias of our Veterans, a bias which has led Veterans and SMs to feel marginalized in child custody matters. Second, PCS is a necessary evil in the current military construct, however the frequency of PCS could be reduced. This is a policy decision for DoD to make and for family law professionals to advocate that DoD make. Third, PTSD should not be used to turn a SM or Veteran into the boogeyman. PTSD is leveraged against them, but by educating courts and motivating courts to ask the extra questions or follow California's legislative lead, our legal community can help limit the extent to which Veterans and SMs are exploited by unknowing and knowing family court stakeholders. Finally, the military service FAP programs should implement improved procedural due process protections at the CDC/IDC, or as recommended two decades ago, divest from the CDC/IDC.

As a legal community we can and must do better by first framing the problem, creating a system to collect data on the scale of the problem, and properly aligning resources and training to combat the discrimination SM and Veterans face in family court as well as orienting legal support towards family court matters, specifically child custody determinations. The stakes are high, because Veterans and SMs are paying a terrible price for their Service in the form of child custody arrangements, visitation, and access shaped by discrimination and bias. The question is, are we as a legal community brave enough to admit this and begin collectively to address it.

REFERENCES

- 10 U.S.C. § 101, 2025 (Servicemember for the purpose of this comment is a member of the "armed forces" which encompasses the Army, Navy, Air Force, Marine Corps, and Space Force and 38 U.S.C. § 101(a)(2), 2025 (Veteran for the purpose of this comment is "a person who served in the active military, naval, air, or space service...").
- Bedestani, E. (2022). The Negative Impact of Service member and Veteran Post Traumatic Stress Disorder Rating or Specter of PTSD on Child Custody Arrangements. *Catholic University Journal of Law and Technology*, 31(1), 113-144. <https://scholarship.law.edu/cgi/viewcontent.cgi?article=1131&context=jlt>

- Bialik, K. U.S. active duty military presence overseas is at its smallest in decades, Pew Research Center (2017, August 22), <https://www.pewresearch.org/short-reads/2017/08/22/u-s-active-duty-military-presence-overseas-is-at-its-smallest-in-decades/>.
- Bieber C. Revealing Divorce Statistics in 2024, Forbes, Jan 8. 2024. <https://www.forbes.com/advisor/legal/divorce/divorce-statistics/>.
- Crigger M. & Santhanam L. (2015, May 24) *How many Americans have died in U.S. wars?* PBS. <https://www.pbs.org/newshour/nation/many-americans-died-u-s-wars>.
- Curto, M. T. N. (2010) The Case Review Committee: Purpose, Players, and Pitfalls. *The Army Lawyer*, 27(50), 45–53. <https://www.jagcnet.army.mil/Sites%5C%5Clegalassistance.nsf/B9E848AD5F380B1A85257B4800526385/%24File/Article%205%20-%20By%20MAJ%20Toby%20N.%20Curto.pdf>.
- Dana, J. (2017, July 25). Can military vet's ptsd records be used against him in child custody dispute? *12news.Com*. Retrieved 2024, from <https://www.12news.com/article/features/can-military-vets-ptsd-records-be-used-against-him-in-child-custody-dispute/75-459535150>.
- Davis L. et al. (2022). The Economic Burden of Posttraumatic Stress Disorder in the United States from a Societal Perspective. *Journal of Clinical Psychology* 83(3).
- Dep. of Def. Family Advocacy Support & Resources. *Military OneSource*. (n.d.), last visited January 7, 2025. <https://www.militaryonesource.mil/preventing-violence-abuse/unhealthy-relationships/family-advocacy-program-support/>.
- Dep. of Def. Exceptional Family Member Program. *Military OneSource*. Department of Defense (last visited January 7, 2025), <https://www.militaryonesource.mil/special-needs/efmp/>.
- Dep. of Def. Military Children, Youth & Teen Programs. *Military OneSource*. Dept of Defense (last visited January 7, 2025), <https://www.militaryonesource.mil/resources/millife-guides/military-youth-teens/>.
- Dep. of Def. Military Family Readiness System. *Military OneSource*. Department of Defense (last visited January 7, 2025), <https://www.militaryonesource.mil/parenting/family-life/military-family-readiness-system/>
- Dep. of Def. (2023). Demographics: Profile of the Military Community, 2023 at 123,139,159.
- Dep. of Def. (2002, February 25). *Second Annual Report Defense Task Force on Domestic Violence*, Department of Defense. 142. <https://www.ncdsv.org/uploads/1/4/2/2/142238266/year2report2002.pdf>.
- Dep. of Def. (2023, July 12), Army Directive 2021–26 *Family Advocacy Incident Determination Committee and Clinical Case Staff Meeting*, 3. Department of Defense.
- Dep. of Justice Office of Justice Programs. (2021, March 10). Veterans Treatment Court Program. Bureau of Justice Assistance. <https://bja.ojp.gov/program/veterans-treatment-court-program/overview>.
- Dep. of Veterans Affairs. (2022, March). Veterans Justice Outreach Program Fact Sheet, March 2022. *VA.gov*. <https://www.va.gov/homeless/vjo.asp>.
- Dep. of Def. (2023, April 3). *Month of the Military Child 2023 – Taking Care of Our Military Children*. <https://www.defense.gov/News/Releases/Release/Article/3349616/month-of-the-military-child-2023-taking-care-of-our-military-children/>.
- Dep't. of the Army. (2011). The Army Family Advocacy Program: *Army Regulation 608-18*, 13.
- Dep't. of Veterans Affairs. (last visited 2025, January 7). *How Common is PTSD in Veterans?* *ptsd.va.gov*. https://www.ptsd.va.gov/understand/common/common_veterans.asp#:~:text=At%20some%20point%20in%20their,of%20100%2C%20or%206%25.
- Dr. Monica Taylor-Desir, American Psychiatric Association. (n.d.). *What Is Posttraumatic Stress Disorder (PTSD)?* *Psychiatry.org* - What is Posttraumatic Stress Disorder (PTSD)? 2022. <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>
- Eckhart, J. (2023, October 12). How long should it take a transitioning military member to get a civilian job? *Military.com*. <https://www.military.com/veteran-jobs/how-long-should-it-take-transitioning-military-member-get-civilian-job.html>
- False accusations at the Incident Determination Committee - King Military Law*. King Military Law - Military Criminal Defense San Diego CA. (2024). <https://kingmilitarylaw.com/false-accusations-at-the-incident-determination-committee/>
- Garamore J. (2019, May). DoD Official Cites Widening Military-Civilian Gap, Dep. of Def. <https://www.defense.gov/News/News-Stories/Article/1850344/dod-official-cites-widening-military-civilian-gap/>
- Glenn A. Phillips & Yvonna S. Lincoln (2017) Introducing Veteran Critical Theory, *International Journal of Qualitative Studies in Education*. vol. 30, 656–668 (April 3, 2017).
- Governmentt Accountability Office. (2015, September). *Military Compensation: DoD Needs More Complete and Consistent Data to Assess the Costs and Policies of Relocating Personnel*. (GOA-15-713). <https://www.gao.gov/assets/d15713.pdf>.
- H.R. 8070, Proposed Amendment to Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, U.S. House of Representatives Document Repository (2024). Bill. Retrieved 2024, from <https://docs.house.gov/meetings/AS/AS00/20240522/117296/BILLS-118-HR8070-B001299-Amdt-MLPEB1.pdf>.
- Hansen, M. (2016 June 1). A Memorial Day Test: Are Military Children Making the Grade?. *Brookings* <https://www.brookings.edu/articles/a-memorial-day-test-are-military-children-making-the-grade/>.

- Harrell, M. C., & Berglass, N. (2012, June 11) *Employing America's Veterans: Perspectives from Businesses*. Center for a New American Society) at 6, 21-24, Dept <https://www.cnas.org/publications/reports/employing-americas-veterans-perspectives-from-businesses>.
- Haxel, C. (2021, September 23). A study shows PTSD carries a stigma for veterans - regardless of whether they suffer from it. The American Homefront Project. <https://americanhomefront.wunc.org/news/2021-09-23/a-study-shows-ptsd-carries-a-stigma-for-veterans-regardless-of-whether-they-suffer-from-it>
- Kearney, P. (2021, February 2) *The PCS penalty and the Army family*, Army Times. <https://www.armytimes.com/opinion/commentary/2021/02/02/the-pcs-penalty-and-the-army-family/>.
- Losey, S. (2020, August 5). *Airmen with Child Custody Arrangements Will Now be Stationed Near Their Kids if Possible*. Air Force Times. <https://www.airforcetimes.com/news/your-air-force/2020/08/05/airmen-with-child-custody-arrangements-will-now-be-stationed-near-their-kids-if-possible/>.
- Maryland State Commission on Criminal Sentencing Policy. (2023) An Assessment of Racial Differences in Maryland Guidelines-Eligible Sentencing Events, (July, 2023), Maryland State Commission on Criminal Sentencing Policy https://msccsp.org/Files/Reports/Sentencing_Racial_Differences_Assessment_July2023.pdf.
- Mathieson, M. (2021 September 3). *How Many Military Bases Are in the US?* Omni Military Loans. MIL (last updated Sept. 8, 2022), <https://www.omnimilitaryloans.com/military-life/how-many-military-bases-are-in-the-us/#:~:text=How%20many%20military%20bases%20are%20in%20the%20United%20States%3F,of%20which%20is%20Francis%20E>.
- McDonald, J. (2022, April 20). 12 Lessons I Learned From Living Overseas. *MilitaryByOwner.com*. 2024, <https://blog.militarybyowner.com/12-lessons-i-learned-from-living-overseas>
- Military Child Education Coalition. (2022). *Benefits and Challenges of Being a Military Child* (Well-Being Toolkit). https://www.militarychild.org/upload/images/MGS%202022/WellbeingToolkit/PDFs/2_EI_Benefits-and-Challenges-of-Being-a-Mil-Child-2022.pdf.
- Military parents and child custody: state and federal issues, Burrelli, D. F., & Miller, M. A. [Report], *Military parents and child custody: State and federal issues* (2013). Washington, District of Columbia; Congressional Research Service.
- Moore, E. C. (2023, April 6). Child custody issues when a parent is a military veteran with PTSD. *Daily Journal* <https://www.dailyjournal.com/mcfe/1276-child-custody-issues-when-a-parent-is-a-military-veteran-with-ptsd>
- Parrott, S., Albright, D. L., & Eckhart, N. (2021). Veterans and Media: The Effects of News Exposure on Thoughts, Attitudes, and Support of Military Veterans. *Armed Forces and Society*, 48(3), 1–19. <https://doi.org/10.1177/0095327x20986145>.
- Parvis, L (2017, October 17). *What is Voluntary Impoverishment?* Lindsay Parvis. <https://lindsayparvis.com/what-is-voluntary-impoverishment/>.
- PR Newswire: Cohen Veterans Network (2021, June 3). From Symptoms to Treatment, New Survey Reveals Americans' Strong Misconceptions About PTSD. PR Newswire. <https://www.prnewswire.com/news-releases/from-symptoms-to-treatment-new-survey-reveals-americans-strong-misconceptions-about-ptsd-301304903.html>.
- RAND. (2013, September 3). Lengthy Military Deployments Increase Divorce Risk for U.S. Enlisted Service Members. <https://www.rand.org/news/press/2013/09/03.html>.
- SB 1182 Executive Summary, Senate Judiciary Committee, California (Senate), (2022, April 18) https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb_1182_eggman_sjud_analysis.pdf.
- SB. 1182, 117th, 2022. <https://legiscan.com/CA/text/SB1182/id/2607067>.
- Schmidt H. (2019, December 13). “Hero-Worship” or “Manipulative and Oversimplifying”: How America's Current and Former Military Service Members Perceive Military-Related News Reporting, *Journal of Veterans Studies* Volume 6, Issue 1.
- Scott, E. S., & Emery, R. E. (2014). Gender Politics and Child Custody: The Puzzling Persistence of the Best-Interests Standard. *Law and Contemporary Problems*, 77(1), 69–108. <https://scholarship.law.duke.edu/lcp/vol77/iss1/4>
- Seamone, E. R. (2012). Improved Assessment of Child Custody Cases Involving Veterans with Posttraumatic Stress Disorder. *Family Court Review*, 50(2), 310–343. <https://doi.org/10.1111/j.1744-1617.2012.01439.x>
- Strauss P. et al. (1974, June). Book Review: Beyond he Best Interests of the Child, *74 Columbia Law Review*, 966, 1003–4.
- Sullivan, K. (2021, September). Cohen Veterans Network New Survey Reveals Americans' Misconceptions About Suicide Prevention. *Cohenveteransnetwork.Org*. Retrieved 2024, from https://www.cohenveteransnetwork.org/wp-content/uploads/2023/08/Press-Release-Americas-Mental-Health-Pulse-Survey-Suicide-Prevention_FINAL.pdf.
- Teichert, S. (2018, April 17). Moving as a military child: *Looking on the bright side*. Joint Base Andrews. <https://www.jba.af.mil/News/Commentaries/Display/Article/1495260/moving-as-a-military-child-looking-on-the-bright-side/>.
- Tong, P., Payne, L, Bon, C., Meadows, S., Lewis, J., Friedman, E., & Hernandez, E. (2018). *Enhancing Family Stability During a Permanent Change of Station: A Review of Disruptions and Policies*, RAND Corporation. 5–8.
- U.S. Census Bureau, <https://data.census.gov/profile> (explaining that total population is 330 million as of January 7, 2025.
- Will, M. (2022, November 22). Students in Military Schools Lead the Nation on NAEP Scores. *One Teacher Explains why*. <https://www.edweek.org/leadership/students-in-military-schools-lead-the-nation-on-naep-scores-one-teacher-explains-why/2022/11>.

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Roger Hill is a fourth-generation wartime Veteran and has served in multiple conflicts and locations including Afghanistan, Iraq, and Korea. In 2018 Roger published a highly acclaimed war memoir detailing challenges faced by ground units leading up to the surge in Afghanistan. Roger's book is titled *Dog Company, A True Story of American Soldiers Abandoned By Their High Command* - foreword by Sean Hannity. Roger continues to advocate on behalf of Veterans in a variety of areas. As an advisor to and volunteer for the national nonprofit *Warriors Set Free* Roger works directly with Veterans left picking up the pieces after America's twenty-year conflict in the Middle East. Near and dear to his heart are those Veterans who because of their military service face a growing trend of targeted legal

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Erhan Bedestani retired from the Active Duty Army in 2023 after 21 years of service. Erhan earned his law degree from the Columbus School of Law, Catholic University of America in May 2023. Erhan is the Executive Director of Warrior Family Advocacy (WFA), a non-profit he started in 2022 to conceptualize, define, and generate solutions to the problems Veteran and Servicemember parents face in family court with regards to custody arrangements. While in service and since retiring, Erhan continues to be motivated to help ease the pain and suffering so many Veterans and Servicemembers have faced at the hands of a family court system they feel is predisposed to view them as unfit parents for no reason other than their service affiliation. Erhan's passion project is to research and

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