

Washington

Soldier's deployment spurs multistate custody battle

By Karen Jowers
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A court battle in two states over the custody of a 12-year-old Army child highlights the problems military parents can face when they are deployed or reassigned.

The custody case is in limbo while attorneys and judges wage a jurisdictional battle in Maryland and Colorado.

The case of Army Capt. Christine Brandt "highlights an extreme problem in the custody laws for service members on deployment or other duty which removes them from their home state following a divorce in which children are involved," said Stanley Lipkin, Brandt's Colorado attorney.

Retired Army Reserve Col. Mark Sullivan, a former judge advocate general who practices private family law in North Carolina, said troops may indeed be at risk "if

they leave the state where their original custody order was entered and ... the child and the other parent are no longer in that original state."

The Brandts' child custody agreement was completed in 2006 in Montgomery County, Md., where Christine Brandt continued to live with their son, Charles, now 12, until 2009.

She made a permanent change-of-station move to Fort Hood, Texas, in June 2009, where Charles lived with her until she deployed to Iraq in April 2010.

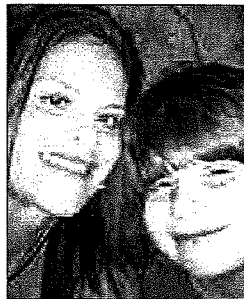
She and her ex-husband, retired Army Col. George Brandt, agreed that Charles would live with his father in Colorado while she was deployed. When she returned to Fort Hood in October 2010, her ex-husband asked her to allow Charles to finish the school year in Colorado, and she agreed.

In May, shortly before he

returned Charles to his mother, George Brandt filed to have the custody agreement moved to Colorado. On May 25, a Colorado district court judge ruled that his court would assume jurisdiction based on his finding that neither parent nor the child still resided in Maryland — even though Christine Brandt was expecting an imminent PCS move back to Maryland and had maintained that state as her legal residence.

When she did PCS in June to Fort Meade, Md., her ex-husband accused her of abducting Charles without consent. George Brandt obtained a court order to allow law enforcement officials to help him forcibly remove the boy and take him back to Colorado.

George Brandt and his attorneys declined to comment directly. But in a Sept. 22 filing in Colorado Supreme Court, Brandt's attorneys said the child was not



COURTESY OF CHRISTINE BRANDT

Army Capt. Christine Brandt is fighting for custody of her son, Charles.

removed from his mother because of anything related to her military assignment or relocation, but rather because she and her relatives had "secreted the child" from his father. George Brandt alleged he did not have contact with his son for days and was concerned for his safety.

His attorneys say Maryland does not have jurisdiction in the case because Christine Brandt did not live in Maryland at the time George Brandt started child-custody proceedings in Colorado, and her return to Maryland failed to re-establish that state's jurisdiction. They argue that Colorado is now the child's home state.

The Maryland judge says his court retains jurisdiction because Christine Brandt remained a legal resident of Maryland during her time in Texas and Iraq. She continued to vote, pay taxes and own property in Maryland, and her nursing license was issued there.

Defense officials have long contended there is no need for a federal law to address custody cases of military personnel affected by deployments or PCS moves, saying the issue is best left to the states. Defense officials declined to comment on this case.

Sullivan also said he does not see a need for a federal law. "But DoD needs to reflect on this," he said. "If word gets around that ... deployment and PCS orders can result in losing custody ... you'll have some retention problems."

Part of the issue in this case is the interpretation of the Uniform Child Custody Jurisdiction Act, said Christine Brandt's Maryland attorney, Paul Reinstein.

"It's a law passed by every state and is supposed to be the same in every state," Reinstein said. "But Maryland and Colorado are arguing over how to define residency. We're stuck. My client is denied custody while this makes its way through the appellate court." □

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New Legion chief: VA still struggling with late claims

By Rick Maze
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The new national commander of the nation's largest veterans group said he knows the Veterans Affairs Department is trying to speed up the processing of claims, but seeing progress is difficult.

Fang Wong, the retired Army chief warrant officer elected in August to head the 2.4 million-member American Legion, said he trusts that VA Secretary Eric Shinseki is "trying hard to get this under control."

Still, the number of pending benefits claims is bigger today than at the start of the year, as is the number of claims pending for more than 125 days.

On Jan. 1, VA had 764,476 pending claims, and 39.4 percent of those had been pending longer than VA's 125-day goal. The Sept. 26 workload report shows 849,709 pending claims, with 59.9 percent pending for 125 days or more.

"Improvement is possible," Wong said. "They are trying a lot

of different things at VA. But I just don't know when we are going to see things get better."

The Legion has been critical of VA's slow progress. In Sept. 21 testimony before a joint meeting of the House and Senate veterans' affairs committees, the Legion said veterans face not only long delays in claims processing but also a risk that the decision will be wrong because there is a 23 percent error rate.

The Legion also has criticized VA for paying bonuses averaging \$14,000 last year to senior executives in the Veterans Benefits Administration who are responsible for claims processing, saying the money was paid despite the claims process becoming "worse for veterans."

Wong said he worries that if VA's efforts to speed claims processing are not done with care, more claims errors may occur.

"We don't need this handled in a quick-reaction, knee-jerk way," he said. □