

PA12-090

HB5395

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 11
3438 – 3771**

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I rise for purposes of an introduction, please?

SPEAKER DONOVAN:

Please proceed, sir.

REP. JUTILA (37th):

Thank you, Mr. Speaker. We have over here in the well of the House the student advisory council from East Lyme High School. And they're here today for the anti-bullying conference and I'd like to particularly introduce their leader, Sarah Butterfield, and my god-daughter, Jillian Wilson, in the back there, thank you. And could we give them our usual warm welcome.

SPEAKER DONOVAN:

Nice to see you. Thanks for joining us here today. Keep up the good work.

Clerk, please call Calendar 381.

THE CLERK:

On Page 25, Calendar 381, substitute for House Bill Number 5395, AN ACT CONCERNING CUSTODY ORDERS FOR DEPLOYED MEMBERS OF THE ARMED FORCES. Favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Representative Jack Hennessy, you have the floor,
sir.

REP. HENNESSY (127th):

Thank you, Mr. Speaker. Mr. Speaker, I move for
acceptance of the joint committee's favorable report
and passage of the bill.

SPEAKER DONOVAN:

Question is on acceptance of the joint
committee's favorable report and passage of the bill.

Will you remark?

REP. HENNESSY (127th):

Thank you, Mr. Speaker. The Clerk has an
amendment, LCO 3949. I would ask the Clerk to please
call the amendment and that I be given leave of the
chamber to summarize.

SPEAKER DONOVAN:

Will the please call LCO 3949, which will be
designated House "A".

THE CLERK:

LCO 3949, House "A", offered by Representative
Hennessy, Senator Leone and Representative Willis.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to
summarize. Any objection? Any objection? Hearing

none, Representative you may proceed.

REP. HENNESSY (127th):

Thank you, Mr. Speaker. Although this is a strike-all amendment, it's basically just technical changes that are occurring on the underlying bill which is to protect the children of military personnel while on deployment. I'd like to continue to explain the amendment, but first I'd like to move adoption.

SPEAKER DONOVAN:

Question is on adoption. Will you remark further?

REP. HENNESSY (127th):

Thank you, Mr. Speaker. Mr. Speaker a situation came before us last year in which a service member found that she was having her permanent custody orders challenged by her divorced ex. And last year we couldn't -- we didn't have time to do anything about it so, with the help of Representative Roberta Willis, whose constituent this was, we have this bill before us today which would intend that deployed military personnel could not have their permanent custody orders changed while they're on deployment. This protects them and their children from such actions and I ask the chamber support the Bill. Thank you.

SPEAKER DONOVAN:

Remark further on House Amendment "A"? Remark further on House Amendment "A"?

Representative Adinolfi.

REP. ADINOLFE (103rd):

Thank you, Mr. Speaker. This amendment is a very good one. What it does, it protects veterans when they're called to duty and they have custody orders at home and it's very fair to them; it gives them the opportunity to protect the interest in their children and the custody rights of their children while they're deployed. So I highly recommend that we vote yes on this. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Willis.

REP. WILLIS (64th):

Thank you, Mr. Speaker. I rise in support of this proposal and amendment. Early in his administration, President Obama and the first lady committed to an effort to strengthen our military families. The number one priority is enhancing the well-being and the psychological health of the military family. The problem we are attempting to

address with this legislation is ensuring that our state courts are responsive to the needs of the military family and promoting a healthy development of their children. The mobilization and deployment of our armed forces is very stressful due to the disruptive effect on their families. Being separated from their children adds to the incredible pressures that service and deployed members of the military face.

Many of these service members are parents of young children. A soldier should not have to endure the added anxiety of someone challenging the custody of their child or children while they're preparing to leave or go away and are powerless to act. The plight of a female army sergeant who is deployed to Iraq was brought to my attention last year and at the time of her deployment a temporary order was entered into allowing the service woman's child to be in the care of the father. Unfortunately, the father took the opportunity to use the fact of her deployment as the basis to modify the custody of their young child. Many states have taken this action prohibiting a non-employed person from using the fact of deployment as a basis of custody modification. Connecticut is not

among them. The Department of Defense's USA for Military Families Initiative has identified this legislative proposal as one of their top priorities. We are among 12 states who have yet to act.

The central element of this legislation is to ensure that a court cannot enter into a final agreement modifying the parental rights due to the deployment. The courts can order a temporary modification if necessary. Upon the return, a deployed parent may then apply to change the order. Parents who serve in the military face many challenges and one of them should not be worrying about the well-being of their children while they are away. As the American military commitments in Afghanistan and around the world persist, it is important that we address the family issues which military families and parents face.

To Representative Hennessy and Senator Leone, I thank you and the members of the select committee on Veterans Affairs. I also want to thank Judge Linda Monroe with the family courts, Attorney Sharon Dorfield with the Connecticut Bar Association and Colonel Harold Cooney, the northeast liaison with the US Department of Defense, and a special thanks to our

legislative commissioner attorney, Aelo Wastrom-Welch who put in countless hours to make sure we got this piece of legislation correct. I want to thank all of them for protecting the best interests of our armed forces and insuring that we act in the best interest of military families.

Thank you very much, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Frank Nicastro.

REP. NICASTRO (79th):

Thank you, Mr. Speaker. Good afternoon to you, sir.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. NICASTRO (79th):

Mr. Speaker, I stand in strong support of this Bill. This Bill is a long time coming. You know, when you think about it, if we went back to 30 or 40 years ago, it was just men that were going over in the line of duty like this. Now we have men and women who are serving in combat areas, carrying weapons. They got to go over there, they've got their mind on trying to stay safe, the last thing they need is to have to

worry about losing their children while they're over there. That's a sad state and anybody that would do that to a serviceman or servicewoman who's over there, shame on them. But, sad to say it happens and that's the last thing these people need. They're over there, they're defending our country, they're defending our rights and they're losing their children in the meantime? This Bill is a long time coming. I want to thank Representative Willis for bringing it to our attention and we need something like this. They got to do more than -- it's you know, we say, you know, they dodged bullets, they step on land mines -- well, let's stop them from losing their children. And, I urge my colleagues support on this. Thank you very much, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Alberts

REP. ALBERTS (50th):

Thank you, Mr. Speaker. A question to the proponent of the amendment, please?

SPEAKER DONOVAN:

Please proceed, sir.

REP. ALBERTS (50th):

In lines 19 through 22, there's reference to mobilization of the National Guard or the Reserve Units of the state and for the purposes of definition, when we make reference to extended active duty in line 20, is there a time period that's associated with that? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. So, anything that would be a day or two or three of extended active duty would qualify for that? I know there are a lot of references here to typical duty that a National Guardsman might serve or a reserve person might serve. I was just wondering if, again, if there was a specific timing of perhaps 60 days or 90 days that might qualify for that extended active duty. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, no. The term of deployment is the length of the temporary custody orders and then once returned there's a 90 day stay in which the deployed person gets reallocated. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker and I thank John for his answer. I guess I was looking for something more definitive in terms of extended active duty in line 20. I understand the deployment period, but this mobilization is vague in terms of what extended active duty it makes reference to and I didn't see anything else in the amendment. I do agree with the proponent that this is a good amendment and then once this amendment passes, the Bill should be passed. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from Bethel, Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. A few

questions through you to the proponent of the amendment which will become the Bill.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. CARTER (2nd):

The way I see this now, they do a -- through you, Mr. Speaker, when they do a temporary custody order, is the temporary custody, does that expire at a certain time or does that expire upon return of the service member? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

I'm sorry, Mr. Speaker, could you ask the proponent of the question to rephrase?

DEPUTY SPEAKER GODFREY:

Representative Carter, could you please repeat the question?

REP. CARTER (2nd):

Not a problem. Through you, Mr. Speaker, when a temporary custody order is put in place, what is the nature of that order that makes it temporary? Is it the fact that it expires at a certain time or does it automatically expire on the return of the service

member? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Thank you, Mr. Speaker. Through you, it expires on the return of the service member. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. On line 84, through you, Mr. Speaker, when the service member comes back for leave, in the Bill on line 84, it talks about having access to the child as long as it's in the best interest of the child. Through you, Mr. Speaker, who makes that determination?

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, the court does.

DEPUTY SPEAKER GODFREY:

So, through you, Mr. Speaker, if the court makes a determination, is that done -- does the non-deployed parent make a motion to the court that they would not

want the deployed parent to talk to the child?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, I'm sure that the non-deployed parent could make communication to the judge -- he's not disallowed to do that, it's the judge's decision.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

And, through you, Mr. Speaker, currently the way that this is done in our state, when a service member deploys, does the service member give the custody to somebody, the non-deployed on their own or how is it done currently in statute? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, currently there is no procedures to lock that into place. This amendment will do that, if that answers your question. Through you.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you and I'll thank the good gentleman for his answers. You know, being a former service member myself, I should say being a reservist myself, although I rarely deploy, there are some things in this that sound very good. I do have some concerns, however. You know, the way this looks is -- I guess my concern is if a service member goes overseas and now the child is in custody of the non-deployed parent, it would seem very easy for the non-deployed parent to make a case for the reason that the child should stay with them over coming back to the deployed parent. It seems as if as we look at this Bill, the intent is to do the right thing, but at the same time it seems like it kind of creates a hole there because when that person comes back, they can basically hold on to that child and make a petition to the court then it becomes best interest of the child again. And, when I heard about this bill being done that was always my worry. I just had this idea of a parent deploying and then even though we're trying to make it so the child won't go with the -- won't have to stay

with the non-deployed parent permanently, in fact we may be setting that up. I'm going to -- I am going to support this as we move along and look at it, but I think it's something that we all need to be aware of and make sure as we put this in practice, that it's not doing an unintended consequence as we move forward. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker a question to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. ACKERT (8th):

Just a clarification. I do support this effort and I commend the people that are working on this Bill. The question that I have pertained to the section, lines 53 through approximately 59 and I just want to make sure that consideration has been put into those that have been deployed that are then coming back -- they have a two week time frame for their -- return time frame -- that let's say the court order

was for them to have the child every other weekend and that when they get back, it only falls in that they get that one weekend maybe falls in the middle of their time home that there is time that's considered for the time that they're only home for those two weeks. Through you, Mr. Speaker, if any clarification on that.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, I'm not sure what the question is on that. Could you rephrase it, please.

DEPUTY SPEAKER GODFREY:

Representative Ackert, could you rephrase the question?

REP. ACKERT (8th):

And I apologize let's see if I can make it a little bit easier. It says and I can't find the line really quickly here, but the -- whenever the deploying parent is granting leave from such deployment or mobilization, the nondeploying parent may make the child available to the deploying parent, to the extent requested by the deploying parent, as long as it is not inconsistent with what was provided in the final

orders. So if a parent has been -- prior to leaving, has two weekends a month that they're allowed to visit their child by court order, that when they do come back on leave, it may not fit into specifically those two weekend. Does this bill address, you know, some extra time? They've been away for six months, they come home for essentially a couple of weeks and they only get that one weekend?

Through you, Mr. Speaker. Hopefully I helped a little bit.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, the temporary orders are in place for the entire duration until 90 days after the cessation of the deployment.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ackert.

Thank you, Mr. Speaker and thank you to the proponent of the amendment and to all those that worked on this good legislation. I rise in strong support. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on House Amendment Schedule "A"? Will you remark further on House Amendment Schedule "A"?

If not, let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed Nay.

The Ayes have it. The amendment is adopted.

Representative Hennessy.

REP. HENNESSY (127th):

Thank you, Mr. Speaker. The Clerk has amendment LCO 3788. I would ask the Clerk to please call the amendment and that I be granted leave of the chamber to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO 3788, which will be designated House Amendment Schedule "B". Mr. Clerk, kindly call the amendment.

THE CLERK:

LCO 3788 House "B", offered by Representative Hennessy.

DEPUTY SPEAKER GODFREY:

The gentleman has asked to leave the chamber to summarize. Is there objection?

Hearing none, Representative Hennessy.

REP. HENNESSY (127th):

Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is apply privileged communication for military sexual assault counselors testifying in court. This will protect members of the armed forces who are victims of sexual assault when seeking help from counselors. This legislation was vetted by the Judicial Department and was proffered by the military department. I move adoption

DEPUTY SPEAKER GODFREY:

Question is on adoption. Will you remark on House Amendment Schedule "B"?

Representative Adinolfi.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker. This amendment is very appropriate, it's late coming and I think we should all approve it. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you very much, sir.

Will you remark further on House Amendment Schedule "B"? Will you remark further on House Amendment Schedule "B"?

If not, let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed Nay.

The Ayes have it. The amendment is adopted.

Will you remark further on the Bill as amended?

Will you remark further on the Bill as amended?

If not -- Representative Carter.

REP. CARTER (2nd):

One more question, through you, Mr. Speaker, to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker. I think I just overheard this part. When somebody comes back from a deployment, through you, Mr. Speaker, the temporary order is still in effect for 90 days?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, that's the standard protocol now. When deploying and when coming back there's so much things that deployed service members have to do that the 90 days after returning is just kind of a process cool-down phase of the deployment. So it's in conjunction with what's already standard procedure. Things have to be assessed as far as, you know, conditions and situations.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

And, through you, Mr. Speaker, within that 90 days, can the deploying service member who's upon their return petition for that 90-day period to end sooner?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, no. That 90 days is

part of the military procedure that this Bill doesn't address.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you and thank you to the good gentleman for his comments. Well, I mean, having done numerous deployments -- long term, you know, four, five, six months at a time, you know, I know very well it doesn't take three months to get my act together when I come back. So, you know, again, I'm going to press forward with this but I urge us all to pay attention as this comes through because this could easily be a loophole where those deploying parents could actually be deprived of their rights to be able to see their children. Just as we were speaking about a minute ago, when somebody comes back on leave, I think it really needs to be clear that that priority goes to that returning service member to be able to see their children. We can't by giving a temporary custody order create a loophole that will allow somebody to take advantage of them, if right now that's our intention. Our intention is to help out the service

member. So, I think the good gentleman may make some comments to that next.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark on the bill as amended.

REP. HENNESSY (127th):

Yes, Mr. Speaker. Thank you.

DEPUTY SPEAKER GODFREY:

Representative Hennessy.

REP. HENNESSY (127th):

Through you, Mr. Speaker, I misspoke. Once the deployed person comes back, the temporary orders are relinquished. Ninety days is the time period before a permanent order can be considered.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Hennessy. Does that answer your question, Representative Carter? Thank you. Thank you, sir.

Will you remark further on the bill as amended?
Will you remark further on the bill as amended?

If not, staff and guest please come to the well of the House. Members take your seats. The machine

will be open.

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted?

If so, the machine will be locked.

The Clerk will please take a tally.

And, Mr. Clerk, if you could kindly announce the tally?

THE CLERK:

House Bill 5395, as amended by House "A" and "B".

Total number voting	143
Necessary for adoption	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER GODFREY:

The bill as amended is passed.

Will the Clerk please call Calendar 300.

THE CLERK:

On Page 43, Calendar 300, substitute for House Bill Number 5347, AN ACT CONCERNING THE REPORTING OF

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

A second item on calendar page 16 is Calendar 446, House Bill 5395. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 16, Calendar 448, House Bill 5414. Move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 17, Calendar 451, House Bill 5548. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 18, Calendar 456, House Bill 5285. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

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On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

Immediate roll call has been ordered in the Senate. Will senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

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Total Number Voting	35	
Necessary for passage	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or announcements? Are there any points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or points of personal privilege, we will, of course, be in session tomorrow -- or actually it's later today but -- but not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will have a -- announce the Democratic caucus at eleven followed by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at 12:32 a.m. adjourned subject to the call of the chair.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**SELECT
COMMITTEE
ON VETERANS'
AFFAIRS
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**2012
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lxe/gbr March 8, 2012
 SELECT COMMITTEE ON VETERANS' 12:00 P.M.
 AFFAIRS

CHAIRMEN: Senator Leone
 Representative Hennessey

MEMBERS PRESENT:

SENATORS: Welch

REPRESENTATIVES: Adinolfi, Yaccarino,
 Guerrera, Rose, Nicastro

SENATOR LEONE: -- meeting for the Select Committee on Veterans' Affairs will begin. Before we start, I just want to welcome everyone and give my cochair and ranking members a chance to say any comments.

REP. HENNESSEY: I'd just like to welcome Representative Willis and thank you for your testimony and this bill that's before us. Thank you.

A VOICE: All set?

SENATOR LEONE: With that we are going to go into our committee bills for review and we have eight bills on the agenda and we have some elected officials and the public sign up and since it's short I don't think we have to worry too much about time.

So first on the -- on the list is Representative Willis and we welcome you to the committee so please begin.

REP. WILLIS: Thank you. Thank you so much for having me here. I'm here to speak on House Bill 5395, AN ACT CONCERNING CUSTODY ORDERS FOR DEPLOYED MEMBERS OF THE ARMED FORCES.

Representative Hennessey and Senator Leone, I want to thank you and the members of the Select

March 8, 2012

lxe/gbr SELECT COMMITTEE ON VETERANS' AFFAIRS 12:00 P.M.

Committee on Veterans' Affairs for your interest in protecting the best interest of our armed forces and their children.

Last year in the final days of the Legislative Session the problem that this bill seeks to address was brought to my attention. Unfortunately, there was not sufficient time to act. Although it was difficult to wait on such a critical issue, you kindly offered to address this problem in this Legislative Session and I want to thank you for that and thank you for your willingness to help out last year although we didn't really have the time to -- to do this.

The mobilization and deployment of our armed forces, sometimes with little advance notice is very stressful due to the disruptive effect it has on their families. Being separated from their children adds to the incredible pressure our deployed troops face. Many of the service members are parents to young children. The last thing a soldier needs is added anxiety of someone trying to take custody of their child or children while they're away and powerless to act.

The plight of a female army sergeant who is deployed in Iraq was brought to my attention. At the time of her deployment, a temporary order was entered into allowing the servicewoman's child to be in the care of her father. Unfortunately, the father took the opportunity to use the fact of her deployment as a basis to modify the custody of their five-year-old child.

Many states have acted on legislation prohibiting non-deployed persons from using the fact of deployment as a basis for custody modification. Connecticut unfortunately is not

lxe/gbr SELECT COMMITTEE ON VETERANS' AFFAIRS 12:00 P.M.

one of them. The central element of this legislation is to ensure that a court cannot enter into a final order modifying parental rights due to deployment. The courts can order a temporary modification if necessary and upon the return of a deployed parent, then they may apply to change that order.

It is also in the best interest of the child for there to be as much contact as feasible when the parent who is absent -- who is absent due to military orders that -- has resulted due to extended active service, especially outside of the state due to employ -- deployment. This legislation also ensures continuing contact by either phone or e-mail, mail, et cetera, when feasible.

Parents who serve in the military face many challenges. One of them should not be worrying about their relationships with their children. As military -- as America's military commitments in Afghanistan and around the world persist, it is important that we had addressed the family issues which military families face.

I want to thank you for considering this very important legislation and I hope we can do something this Session to rectify this situation. Thank you. If you have questions I'd be glad to take them.

SENATOR LEONE: Thank you, Representative Willis.
Are there any question?

If not, just one quick question.

REP. WILLIS: Sure.

SENATOR LEONE: It seems straight forward enough and of course we want to help anything to help our military veteran families. If we're able to

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move this Bill forward, would this also help the person that was affected or was there a court ruling already?

REP. WILLIS: I have not spoken to them, you know, where they are in this situation, but I think it will because I think the case is still pending. I have received recent communication, so it sounds as though this continues to be an issue.

And obviously we have more and more parents, particularly now mothers who are -- are a lot more women in the military. So I would assume that this is going to become a much more prevalent issue that we need to address here in Connecticut.

I didn't mention in my testimony that, I think it's over 30 states have already done something like this to ensure that this doesn't happen. So I'm hopeful that we can -- we can step up to the plate here in Connecticut to do the right thing.

SENATOR LEONE: And -- and considering that we have a -- already 30 states out there doing this, have you had any indication if -- if there's going to be any federal legislation so that we don't have to do it as a state-by-state basis?

REP. WILLIS: No, because I think this really is a state matter because -- because --

SENATOR LEONE: Via the courts?

REP. WILLIS: Correct and that it is -- it is, you know, divorce, child custody and our issues that -- that are really state matters, not -- not necessarily federal.

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SENATOR LEONE: Well, thank you bringing it to our attention and we'll continue to proceed with the bill. Thank you very much.

REP. WILLIS: Thank you. Thank you.

SENATOR LEONE: Next on the list, Commissioner Schwartz.

Hi, Commissioner. If you could just state your name and begin. Thank you.

COMM. SCHWARTZ: Commissioner Linda Schwartz from the Connecticut Department of Veterans' Affairs. And I wanted to offer my comments today basically on the S.B. 314, AN ACT CONCERNING ISSUES AFFECTING THE VETERANS' COMMUNITY.

I know that we've discussed this and it was to -- to look at the requirement for the State Agent Orange Commission and the Department Veterans' Affairs be a -- a place for people to report any symptoms the* physicians or the veterans, the treatments and so forth.

As the committee may know, I personally spent more than 12 years of my life studying the health effects of Agent Orange and other herbicides used in Vietnam on men and women who served there as well as their offspring. From that experience I learned that the subject is both controversial and compelling. Having been in the forefront of the battle for recognition of the suffering of our veterans and their families, it is an -- it is indeed formidable.

I can personally attest that the slow insidious and devastating health problems that emerge from these exposure and the hesitancy of the



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Testimony
March 8, 2012

HB 5395: AN ACT CONCERNING CUSTODY ORDERS FOR
DEPLOYED MEMBERS OF THE ARMED FORCES

Representative Hennessy and Senator Leone, I want to thank you and the members of the Select Committee on Veterans' Affairs for your interest in protecting the best interests of our armed forces and their children.

Last year, in the final days of the legislative session, the problem that this bill seeks to address was brought to my attention. Unfortunately, there was not sufficient time to act. Although, it was difficult to wait on this critical issue, you kindly offered to address the problem this session.

The mobilization and deployment of our armed forces, sometimes with little advance notice, is very stressful due to the disruptive effect on their families. Being separated from their children adds to the incredible pressure our deployed troops face. Many of these service members are parents to young children. The last thing a soldier needs is added anxiety of someone trying to take custody of their child(ren) while they are away and powerless to act.

The plight of female army sergeant who was deployed in Iraq was brought to my attention. At the time of her deployment, a temporary order was entered allowing the service woman's child to be in the care of her father. Unfortunately, the father took the opportunity to use

the fact of her deployment as a basis to modify custody of their five year old child.

Many states have enacted legislation prohibiting a non-deployed person from using the fact of deployment as a basis for custody modification. Connecticut is not among them.

The central element of this legislation is to insure that a court cannot enter into a final order modifying parental rights due to deployment.

The courts can order a temporary modification, if necessary. Upon their return of a deployed parent may then apply to change the order.

It is also in the best interest of the child for there to be as much contact as feasible when the parent is absent due to military orders that results in extended active service, especially outside of the state due to deployment. The legislation provides for insuring contact by phone or email.

Parents who serve in the military face many challenges – one of them should not be worrying about their relationships with their children. As America's military commitments in Afghanistan and around the world persist, it is important that we address the family issues which military parents face.

I want to thank you again for considering this very important issue.