# No Way To Treat Our Soldiers

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Gallant Americans are risking life and limb in Iraq to defend Home and Country. But they never dreamed they might lose their children, too.

When Army National Guard Spc. Joe McNeilly of Grand Ledge, Michigan came home after 15 months in Iraq, he found that a family court "referee" had taken away his joint custody of his 10-year-old son and given full custody and control to the boy's mother.

For five years, McNeilly had had a 50-50 no-problem custody arrangement with his ex-girlfriend Holly Erb. When called up to go to Iraq, he gave her temporary full custody while he was overseas.

While he was gone, Erb persuaded a family court to make her full custody permanent. When McNeilly protested, he was told that his year-long absence constituted abandonment and produced custody "points" against him.

"You want to make a soldier cry, you take his son away," McNeilly said. "It's devastating."

Michigan State Representative Rick Jones became interested in this outrageous injustice. When he contacted the Judge Advocate General's office, he discovered that there are 15 to 20 similar cases in Michigan and it is a common problem all over the country.

Rep. Jones has introduced legislation (H.B.5100) providing that absences for military service cannot be used against a parent and that a permanent custody arrangement cannot be established while a parent is on active duty. He is hearing from legislators in other states who want to sponsor similar bills.

Since McNeilly's case was reported in the local press, Erb's lawyer and the court's spokesmen are trying to claim that depriving him of his father's rights wasn't because he was serving in Iraq, but because of his poor parenting skills.

The proof? McNeilly sent a couple of postcards to his son that showed soldiers training with a gun. Horrors! How un-P.C. to tell a son that our soldiers in Iraq carry guns!

Erb's lawyer asserted that the postcards frightened the boy and showed that McNeilly is not a fit parent. But surely the boy had a right to know about his father's career and that soldiers who use guns are pursuing an honorable vocation.

The referee's report also justified deciding for mother custody because she was the "day-to-day caretaker and decision maker in the child's life" while McNeilly was deployed. But that's what mothers have always done when their men go off to war and it's no argument for taking the child away from his father upon return.

Day-to-day caretaker is feminist jargon to promote their ideology that the mother should have full custody and control because the father is not around to change diapers and do household chores. He is merely working a job, or sometimes two jobs, to support his family.

Follow the money to explain some of the motivation. When the mother was given full custody, the court ordered McNeilly to pay her $525 a month, which she would lose if they return to joint custody.

The real problem in this case is the arrogance of family courts which claim the right to decide child custody based on their subjective personal opinions about the "best interest of the child." Family court judges, and the psychologists and referees they hire, routinely violate the fundamental right of parents to make their own decisions about the best interest of their own children.

Family courts are subjective and arbitrary, so unlucky divorced parents could get a judge or a referee who is anti-gun, or anti-military, or anti-spanking, or anti-homeschooling, or anti-religious, or a feminist who wants to transform the middle class into a matriarchal society as has already been done to the welfare class, with tragic results.

The notion that family court judges, psychologists and referees can impose their personal views about what is "the best interest of the child" rather than a child's own parents is just another way of saying "it takes a village to raise a child." Thousands of good fathers have been deprived of their fundamental rights in the care and upbringing of their children by courts that treat the father as good for nothing except a paycheck.

The large number of fathers who have been the victims of family-court fatherphobia is no doubt the reason that one of the most popular songs on country music stations this year is Tim McGraw's "Do You Want Fries with That?" The lyrics are the cry of a father who is working a minimum-wage second job in a fast-food restaurant, living alone in a tent, after being ordered by a judge to support his children living in his house with his ex-wife and her boyfriend.

The father laments, "You took my wife, and you took my kids, and you stole the life that I used to live; my pride, the pool, the boat, my tools, my dreams, the dog, the cat."