

## **Court Decision May Imperil Servicemembers' Custody Rights**

A Jan. 3 ruling by the Appellate Division of the New York State Supreme Court in a child custody case could have a wide-ranging impact, undermining the rights of parents enlisted in the reserves. In the case, *Diffin v. Towne*, Richard S. Diffin petitioned his former wife Tanya Towne for custody of their son after learning that Towne—a member of the Army National Guard—would be deployed to Iraq in May 2004 for at least a year. After being awarded temporary custody for the duration of her deployment, the father petitioned to modify the temporary custody order to award himself primary physical custody. The court ruled in favor of the father. Gregory T. Rinckey, a former Army attorney who practices military and family law at the firm Tully Rinckey PLLC, said the decision “marks a serious attack” on the civil rights of military members. Rinckey’s firm noted that legislation introduced by Sen. Judd Gregg, R-N.H., would amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for deployed military parents. To see more, go to:  
[http://tullylegal.com/PressRelease/Court\\_Decision\\_Strips\\_Iraq\\_Veteran\\_of\\_Child\\_Custody.htm](http://tullylegal.com/PressRelease/Court_Decision_Strips_Iraq_Veteran_of_Child_Custody.htm).