

Woman Refuses to Return to Iraq Until Child-Care Issue Is Resolved

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One of 21,000 single parents serving in Iraq, Army Spc. Lisa Hayes was charged with desertion after she failed to report back to duty because she was embroiled in a custody battle for her daughter.

Hayes drove Humvees while in Iraq with the New Hampshire National Guard.

"She was very excited at the opportunity to be able to serve her country," Karen Jeffries, a family friend, told "Good Morning America." "She has always had a very patriotic view of the military."

But back home, Hayes faced a much different fight: a custody battle over her 7-year-old daughter, Brystal.

Hayes took emergency leave from Iraq in February after learning of possible domestic abuse in her ex-husband's home.

As the court battle over custody dragged on, the Army gave her three extensions, but then ordered her back to Iraq. Hayes refused.

She turned herself in to Army officials in New Jersey after being charged as a deserter.

"This is a mother who loves her child and was put in an untenable position and had to choose between being here for her daughter or her love for her country," said Hayes' attorney, Linda Theroux.

Hayes echoed those sentiments in an interview with Fox News.

"I feel like I'm torn between doing what's right, which is being here for my daughter, and doing what I have to do, which is being in the military," she said.

But the National Guard feels differently.

"It's not fair to every other soldier if we give her special treatment," a National Guard spokesman told The Associated Press. "There are so many other soldiers at war that are single parents who came up with a responsible family care plan to take care of their children."

Long and repeated tours of duty have created a lot of stress for thousands of single military parents.

Divorced parents often give their former spouses temporary custody of their children.

"They're over in Iraq. Six months, a year goes by with a temporary order," said Bruce Clements, a military family lawyer. "They come back and in almost all cases the spouse who was in the states is going to end up with custody. That's the problem. That's the dilemma."

Congress is now considering a law to prevent judges from permanently separating parents from their children while the parents are deployed.

Hayes is still at Fort Dix in New Jersey. If convicted of desertion, she could face up to two years in military prison. It appears that the Army will simply discharge her; the question is whether she will receive an honorable discharge.

Her lawyer said she was asking the Army to do the "compassionate thing."

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