Twenty-five states consider shared-parenting bills in 2017

Half the state houses across the United States are considering a move to shared parenting as lawmakers have filed bills in 25 states.

Support for a rebuttable presumption of shared parenting has been growing in recent years.

After Arizona's successful move to shared parenting in 2012 – attorneys now tell fathers they have a 90 percent chance their children will be awarded equal time with both parents, and judges feel the new statute is working well – additional states have followed suit.

As expected, language varies between bills, with some calling for 50/50 equal parenting and others calling for a minimum of 35 percent of the child's time to be awarded to both parents with the remainder to be crafted according to family circumstances.

While bills have not yet been filed in Massachusetts, Michigan or Wisconsin, the legislative calendar in these states is unusual and the legislative calendar in these states is unusual and leading women for shared parenting is confident bills are forthcoming.

Despite shared parenting being equally supported by liberals and conservatives in the populace, in continuation of the trend of 2016, a partisan divide emerges when shared parenting enters the political realm.

Republicans are sponsoring 22 bills and Democrats are sponsoring four. (There are 26 bills in the 25 states as Connecticut filed two bills in the House).

The North Dakota bill sponsored by Republican Tom Kading, passed last month on a 71-21 vote.

Molly Olson, president of LWSP, stated: "I am not comfortable what to say to me (did you ever hear a 7-year-old respond 'I'm not comfortable'?)."

To reverse decline of marriage we need to fix divorce

By Leslie Loftis
Contributing Editor

Marriage is in decline, shocking decline according to a recent article published here by Brad Wilcox and Nicholas Wolfinger. In roughly 35 years, or about two generations depending on the age of marriage, the percentage of married men aged 20-39 has halved.

This statistic might not cause us pause if the range was men aged 20-29. We could dismiss a decrease in twenty-somethings marriage as a marriage delay. But men aren't even marrying through their thirties! Something else is at play.

Men do not want to get married so Wilcox and Wolfinger set out to convince them of the obvious benefits for men in marriage, better health, more sex, etc. They titled the piece with their takeaway advice, "Hey Guys, Put a Ring on It." I doubt that they intended to insult anyone with glib advice, but that is likely how many men received the advice.

Wilcox and Wolfinger’s analysis assumes that the question for men is a binary single vs married choice. In truth, men are weighing three outcomes: single vs. married vs. divorced—and men’s perception of divorce’s risks far outweighs the benefits of marriage.

While Wilcox and Wolfinger do acknowledge that the risk of divorce exists, and even recognize that women are more likely to file for divorce, they still assume it is in men’s control to prevent divorce. That is not men’s experience.

Men see other men enduring divorce, losing their children and sometimes their livelihoods in pursuit of their children soon after they lose their spouse. From their point of view, telling men to get married and do what they can to appease their spouse to keep the marriage together sounds like victim blaming. That it was done by alluding to a decade old Beyoncé power anthem is salt in their wounds.

Wilcox and Wolfinger gave us the example of “six-pack Craig” who prefers the single life and sowing his wild oats. But Emma Johnson at Wealthy Single Mommy published a wealthy man’s perception of divorce. From a letter from “John G.”:

From my own experiences, I believe it’s widespread for women to use children as a weapon to exact revenge against the ex during, and after, divorce proceedings.

During my lengthy divorce, my ex-wife claimed I was abusive, that she was ‘afraid for her safety,’ and tried to get ‘supervised visitation.’ None of it worked, because it wasn’t true, and because, as an educated professional I had enough money to spend six figures on an attorney. However, it was still a waste of time and money. Even after the divorce, the games continued. My son was being tutored on what to say to me (did you ever hear a 7-year-old respond I’m not comfortable)?

Continued on Page 6
The editorial board of the Liberator is generally responsible for the content of the publication, but not for individual opinions of its contributors. Submissions are heartily encouraged.

We also welcome letters to the editor and we use book reviews and essays.

We welcome suggestions about strong articles from other sources that are worth being reprinted.

Contact us at: info@acfc.org

Back from hiatus, The Liberator returns to mission of informing on shared parenting

Welcome to the latest edition of The Liberator. After several years hiatus we are pleased to bring America’s Shared Parenting Quarterly back into circulation. Famed abolitionist William Garrison began publishing The Liberator in 1831 as part of the movement to end slavery. We are honored to carry on that tradition in the effort to end the tyranny of family courts in America.

Our goal is straightforward: to provide children an opportunity to experience a full relationship with each of their parents, regardless of their parents’ present marital status. Shared Parenting benefits our children, their parents and extended families. Societies do not survive without strong families. We should be far past the time when the end of a relationship between adults also spells the end of the relationship between children and one of their parents.

Our intent is to provide a publication which educates and informs while providing very “real” and thought provoking insights and observations into the various spheres comprising the world of family law. We will provide regular legislative summaries and updates. We will take an unvarnished look at government policies which have brought us to a point where a near majority of children in the United States can expect to spend a good part of their childhood absent one of their biological parents.

We will examine those professions and industries that profit at the expense on our nation’s families. There is now no question: The practice of routinely separating children from one of their parent’s in the event of divorce or unwed parenthood has been an unmitigated public policy disaster. We will offer constructive, relevant solutions to address these concerns.

With these thoughts in mind, this Liberator issue focuses on current shared parenting legislative efforts. Over the past twenty years Shared Parenting has steadily gained traction around the nation. The addition of two words, “substantial and “meaningful,” to Arizona’s custody statutes in 2010, paved the way for significant changes to Arizona’s custody laws in 2012.

Now, parents in Arizona are routinely awarded equal residential time sharing with their children. Utah and Missouri, along with Arkansas have updated their statutes over the past several years to give children and parents more equitable time sharing arrangements.

There is additional legislation in Missouri this year designed to further strengthen child/parent relationship protections.

All the news however has not been positive. Twice in the past five years equal time sharing measures have passed overwhelmingly in the Florida legislature only to be vetoed by the governor. Additionally, a 35 percent baseline timesharing measure passed Minnesota’s House and Senate only to again be vetoed by the governor. These measures were defeated as a result of lobbying by members of the bar and their associations.

A 2014 equal parenting ballot initiative in North Dakota was defeated (after leading in polls just 3 weeks before the vote) as a result of a massive false advertising effort funded by the state bar association. A 2017 shared parenting bill is now pending in the North Dakota Senate, having passed the House on a 71-21 vote. The bar association is lobbying hard to water the bill down through amendments.

If any theme has become repetitively annoying over last 20 years it is that of bar associations and their family law sections continuously opposing shared parenting legislation. They do this despite overwhelming social science evidence demonstrating shared parenting is in the best interest of children. Despite overwhelming popular support for shared parenting. And perhaps most importantly, despite kids stated desire for more shared parenting. Is there any remaining question the legal profession is putting its interest in fee generation ahead of the welfare of those families unfortunate enough to find themselves before the court?

Regardless of bar association and other special interest efforts to derail shared parenting, the march toward this great civil rights reform continues.

Be uplifted as you read about the 25-plus states where shared parenting bills have been introduced.

Be encouraged as you read about public interest law firms willing to sue bar associations for violating laws by using member dues to lobby against children and their parents.

Be heartened as you see the ever growing body of solid social science research supporting shared parenting.

And ultimately, become engaged.

– Michael McCormick

Editor-in-Chief

Also in this issue:

• NORTH DAKOTA: FOIA request reveals bar association motives. PAGE 8

• NEBRASKA: Landmark study shows need for family law reform. PAGE 12

• BOSTON: Don’t miss the International Conference on Shared Parenting. Page 3
WEST VIRGINIA

Letter requests support for bill that supports equal parenting after divorce

The purpose of this letter is to request readers support Senate Bill 189, a bill to push a more balanced child custody law that would lead to more equal parenting time after divorce.

Children raised by single parents account for 90 percent of homeless and runaway youth and 71 percent of high school drop outs, according to research by the Children's Rights Council using data provided by the U.S. Centers for Disease Control.

Shared parenting improves children’s grades, decreases their use of drugs and alcohol, and reduces rates of teen pregnancy. Divorce cases in West Virginia that presume sole custody create an environment in which one parent is the winner and one is the loser.

Over the past three years, nearly 35 states have considered measures that would change laws that govern which parent receives legal custody of a child following divorce or separation.

While this progress is encouraging, unfortunately there is much ground to make up. Recently the National Parents Organization Shared Parenting Report Card revealed the custody laws in the U.S. do a poor job of promoting shared parenting. These developments coincide with the publication of a study in Sweden that shows the benefits of shared parenting. Last month, researchers found children that spend time living with both separated parents are less stressed than those who live with just one.

In the study, which was published in the Journal of Epidemiology & Community Health, researchers examined national data from nearly 150,000 12- and 15-year-old students in either sixth or ninth grade and studied their psychosomatic health problems, including sleep problems, difficulty concentrating, loss of appetite, headaches and stomach aches, feeling tense, sad or dizzy. They found kids living with both parents reported significantly fewer problems than children in sole-custody arrangements.

Senate Bill 189 makes an important step forward to correcting the state laws regarding custody. I applaud senators Craig Blair, Ed Gaunch and Patricia Rucker for their leadership, and I hope we can count on other elected officials supporting this bill.

Michael Torreyson
Scott Depot

FOLLOW SENATE BILL 189: legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=sb189%20intr.htm&yr=2017&sesstype=RS&i=189

HEADLINERS INCLUDE

- Malin Bergstrom – Sweden
- Sanford Braver – USA
- Edward Kruk – Canada
- Michael Lamb – UK
- Linda Nielsen – USA
- Patrick Parkinson – Australia
- Irwin Sandler – USA
- Hildegund Sünderhauf – Germany
- Richard Warshak – USA
- Jean Zermatten – Switzerland
- Plus about 35 other eminent scholars from 18 countries.
family is by far the most important influence on a child’s life. Yet family policy is a relatively modern invention: 30 years ago, the state played a very limited role beyond the financial in directly supporting
families. There have been many positive developments since then, but family policy continues to place too little emphasis on
fatherhood.

Neglectful and abusive fathers aside, research shows that better behavioral, emotional and academic outcomes for children are linked to greater quality and quantity of contact with their fathers. That is reinforced by reports from charities
working with children from low-income backgrounds, who argue that boys in particular can suffer from the lack of a father figure in their

Many children raised by a single parent enjoy happy, rich childhoods. But, given the stresses and strains involved with parenting, it should be common sense that there might be advantages in having two responsible, loving parents bringing up a child, even if they themselves are living separate lives.

Having two parents actively involved in their lives should be the aim for all children. A small but significant minority of
dependent children do not have a relationship with
their father. Just under one in five fathers
have no contact at all.

As a society, we have never adequately recognized paternal responsibility. Non-resident fathers were not obliged to contribute financially until as late as 1991. Until 2003, a father who was unmarried at the time of their child’s birth needed the consent of the mother to get legal paternal responsibility without going to court.

Policy makers have been too quick to buy into the lazy stereotype of deadbeat dads, focusing on single mothers to the exclusion of non-resident fathers.

Policy lags behind shifting social attitudes: nearly half of working fathers say they would like to downshift to a less stressful job in order to achieve a better work-life balance. Yet from the very first antenatal appointment to parenting orders for troubled teenagers, the state often fails to recognize sufficiently the importance of fatherhood. Fathers are only legally entitled to two weeks of paternity leave, paid at a rate so low many struggle to take it.

This discrimination is most acutely felt by young fathers from poor backgrounds; often seen as a risk by professionals, the system can end up pushing them away from their children. The benefits system caters poorly for separated parents sharing caring responsibilities.

This reflects an overly polarized political debate about families. The right, driven by an unhealthy obsession with marriage as an institution, rather than the stable relationships that really matter for child outcomes, has historically taken an overly alarmist, morally superior tone.

David Cameron’s family policy had a homeopathic flavor: ineffective marriage tax allowances; ill-conceived and poorly
targeted flops such as vouchers for parenting classes and relationship support; and a £1 billion Troubled Families programme, deemed a complete failure. All this was rolled out by a government that loaded the burden of austerity on to low-income families with children.

In contrast, the left, with the notable exception of David Lammy, has too often shunned talking about fatherhood and relationship stability out of a fear of stigmatizing single mothers. In doing so, it has ceded the ground to the right, which has done exactly that. Instead, Labour governments have emphasized the more comfortable territory of women’s rights rather than parents’ rights and done too little to push state services to become more father-friendly. This has not just been to the detriment of children, but to mothers, for whom the gender gap will never be eliminated without fathers doing more.

It is easy to succumb to the fatalist attitude that fatherhood is shaped by cultural norms the state can do little to affect. But there is much it can do: from improving paternity leave, to signalling a stronger stance against discrimination based on paternity, to introducing compulsory sex and relationship education that sets expectations about the responsible parents we want our children to grow up to be. The government must use its forthcoming green paper to put parenthood – not marriage or motherhood – at the heart of its family policy.
Angered child-custody combatants unite to fight judges’ reappointments

Michael Nowacki, a retired CBS television executive, emailed the alert back in January. It went to a loose network of litigants aggrieved by epic child-custody battles and united in their disdain of Connecticut’s family courts: Some of their least favorite judges were coming up before the legislature’s Judiciary Committee for reappointment.

The email was enough to bring Michael and Maureen Martowska to Hartford from their home near Cape Cod. The judges seeking reappointment included Jose A. Suarez and Gerard I. Adelman, two of the 10 jurists who played roles in their son’s custody battle, now entering its 12th year.

Nowacki’s custody fight lasted a decade. His son and daughter are in college now, young adults free to decide the time, place and circumstances of parental visits without judicial review. Their father is still fighting, a man willing to wait 10 hours to speak for three minutes to legislators about judges he wants off the bench.

On Wednesday, Nowacki was one of about two dozen family court litigants who settled in for a long day in Room 2C of the Legislative Office Building. Based on past experience, they can expect to see the Judiciary Committee vote Friday to recommend most, if not all, the jurists for another eight-year term on the bench.

They know that some of the judges think they are crazy.

Their champion on the Judiciary Committee is Rep. Minnie Gonzalez, D-Hartford. One of the non-lawyers on the committee, she takes their suggestions about lines of questioning she can pose to judges.

“We know one person who is willing to ask tough questions,” Nowacki said.

“It’s a role Gonzalez has been playing for at least five years, one that puzzles judges and fellow legislators.”

Gonzalez, 66, who migrated from Puerto Rico to Hartford 35 years ago and quickly jumped into politics, represents one of Connecticut’s poorest legislative districts, a place where she says no one has the money for 12-year custody battles.

SOURCE: Connecticut Mirror
ctmirror.org/2017/01/13/one-legislators-lonely-campaign-against-family-court-judges/

“People say, ‘You’re Latina, why do you care? I care because I don’t think it’s fair,’” Gonzalez said.

She has taken to visiting family courts, watching the judges. She says she makes the trips twice a week, not entirely giving up the visits while temporarily confined to a wheelchair after breaking a leg.

“I go all over,” she said.

Her 33-year-old son died in 2014 in the midst of her emotional lobbying of colleagues for a bill to limit the use of court-appointed guardians in custody cases. After a 10-hour hearing this week, Gonzalez said the loss helps her identify with the litigants.

“I lost my son. I don’t have any hope to get him back. It’s not going to happen. I’m not going to get him back,” she said. “These people, they’re involved in the judicial system, they have some hope that’s still out there.”

Gonzalez accuses the court system of bankrupting litigants who cannot resolve custody fights. Judges, she said, pick from a “clicque of lawyers” for work as guardians ad litem, lawyers who represent the interest of minor children. Their bills are paid by one or both parents.

“Elizabeth Bozzuto, the chief administrative judge of the family court system, told legislators that the court resolved 92 percent of custody cases within a year in fiscal 2016 — and the average case was resolved in 4.7 months, down from 6.3 months in 2014.

Reforms passed by the legislature in 2014 — a compromise version of Gonzalez’s still passed unanimously in the House — have reduced the use of guardians ad litem.

“The number of guardians appointed dropped from 1,594 in 2013 to 889 in 2016, and 83 percent of the appointments were by the agreement of the litigants. The court system has increased the use of family relations counselors, court employees whose services are provided without cost, Bozzuto said.

Only 2 percent of the custody cases are so contentious that visits by a non-custodial parent are made under court-ordered supervision. They are the outliers, as are the cases that drag on until the children reach age 18 and no longer are minors.

“No one gains or wins,” Bozzuto said. Sen. John Kissel, R-Enfield, a co-chair of Judiciary, said the system itself becomes the enemy for a small but passionate group of litigants.

“I think that sometimes people get caught up in the system as opposed to the more fundamental issue as to how they can either win back custody of their children or resolve matters with their spouse,” Kissel said.

“I’m not saying that’s necessarily wrong all the time. People, if they feel they’ve been wronged, want to feel vindication. But then the battle with the institution becomes bigger than ‘How can I resolve these family issues?’”

Bozzuto, who is up for reappointment, has an unhappy distinction in the Judicial Branch:

She appeared in another judge’s court a year ago as the victim of a crime. Bozzuto spoke at the sentencing of Ted Taupier, a family-court litigant convicted of threatening Bozzuto.

Taupier was found guilty of writing an email in which he discussed the logistics of firing on Bozzuto’s home with a rifle and warned that the court system will change only when court officials “figure out that they are not protected from bad things and their families are taken from them.”

The email was circulated among a half-dozen associates and not sent to the judge. Norm Pattis, who is representing Taupier on appeal, said the language was irresponsible bluster among friends, not a threat.

“There is no doubt that family court is the most challenging assignment in the Judicial Branch,” Bozzuto told the legislators.

A half-dozen people later would urge lawmakers to reject her reappointment.

Cheryl Martone told legislators to reject Bozzuto and Adelman.

“They hand the children to abusive parents, the way most judges do,” Martone said.

Watching was Judge Patrick L. Carroll III, the chief court administrator who gave Bozzuto her assignment. He said social media attacks on family court judges are on the rise.

In one recent case, a fake Twitter account was established in the name of a lawyer who practices family law.

Twitter suspended the account in days, but not before a series of tweets defamed the lawyer and two family court judges as delivering children to pedophiles.

Carrol says such harassment on Twitter and Facebook is routine.

On Wednesday, two Capitol police officers were stationed in the hearing room. One witness who signed up to speak against a judge was ejected after yelling at the committee.

Nowacki, who was arrested five years ago and removed from a judicial confirmation hearing for refusing to stop speaking after his allotted three minutes expired, was the final witness Wednesday night.

He stepped to the microphone with a small handheld bearing three boxes of documents. He began piling documents on the witness table.

Sen. Paul Doyle, D-Wethersfield, warned him the three-minute clock was running.

Nowacki replied, “My three minutes doesn’t start until I start speaking.”

He urged them to block the reappointment of Judge Bruce P. Hudock, whom he says botched the handling of a criminal case arising from his divorce. Nowacki’s conviction was overturned by the state Appellate Court, and Nowacki is now seeking damages.

Nowacki told them he knows they’ll do nothing. He told the legislators the boxes contained 3,850 pages of transcripts he had amassed in his various court proceedings. He called them “the detritus of deceit.”

“It’s the title, he said, of a book he is writing.
Shared parenting deserves renewed attention as it is receiving being reduced, requiring the elimination of staff, subleasing of office space and cutbacks in travel and elimination of events. In 2014, the State Bar Association of North Dakota was sued over its actions in opposition to shared parenting, involving the misuse of $50,000 in mandatory Bar Association dues. Its spokesperson argued they were spending money to oppose shared parenting so its members could be in court less and make less money. SBAND later admitted to the violations and was forced to make significant changes to its operations.

In 2016, the Florida Bar Association spent $105,000 on “emergency lobbyists” to obtain Gov. Scott’s veto of a shared parenting bill.

A freedom of information act request exposed the Florida Bar discussing how to approach Gov. Scott, “the best will be non-lawyers reaching out to him. We could also send emails from our personal email addresses.”

**Shared Parenting bills are necessary as:**

- Fatherlessness is a top social issue in America and is linked to every major social pathology in children.
- Using the low estimate, United States family courts create a fatherless child every 60 seconds.
- Shared parenting is continually supported by 70 percent of the population with no difference in the opinion of men and women.
- Shared parenting is supported by 43 peer reviewed papers as best for children
- Shared parenting is supported by 110 world experts as producing the best outcome for children.

• Shared parenting improves children’s relationships with both their mothers and their fathers.
• Shared parenting was the recommendation of the largest study of children post separation or divorce, which reviewed 150,000 kids.
• Americans believe the top groups discriminated against in United States courts are: the poor, African-Americans, and divorced fathers

Leading Women for Shared Parenting is thrilled to see shared parenting receiving such attention across the United States and will work diligently to ensure the voices of the world’s top researchers on child custody, child development, child attachment, conflict and domestic violence are heard over the typical opponents to reform state bar associations whose membership benefits from induced conflict.

**States lag on solutions evidence showing need for change**

For instance, the labor market has made it difficult for men to find, much less keep a job, which impacts women’s willingness to marry them. Economic reform is rarely quick or uncomplicated. Even when men do marry, if women are more likely to file for divorce and use divorce proceedings to attack their erstwhile spouse, then where are the articles in national publications telling women to stick with it? Those do not get written and if they do, then they aren’t likely published because the outcry of sexist offense would be impossible to ignore. The foundations of this double standard lay in cultural problems that are not easily or quickly solved.

Some of the realities of divorce, however, are simple to address through legal reform. As it happens, state government agencies have begun addressing them. State budgets and agencies see the real and horrible impact of fractured families, and state lawmakers have heard the outcry of their constituents. They are highly motivated to solve some of the practical problems of divorce, and if successful, these state reforms will have a greater impact on marriage rates than the put a ring on it advice.

As state legislative sessions opened for 2017, I met with or interviewed a number of state representatives on a class of divorce law reforms, shared parenting. The details vary from state to state—but design of federalism, of course—but shared parenting reforms are essentially rebuttable presumptions for kids to have equal time with both parents post divorce or parent breakup.

Half of the states – have a pending shared parenting bill. This is up from 22 states with bills last year.

From Rep. James White in my home state of Texas, to Sen. Laura Ekke in Nebraska, to Rep. Jim Runested in Michigan, and Rep. Tom Kading in North Dakota, they each and all described shared parenting as a classic grassroots concern in which constituents who are caught in the system seek relief from their local lawmakers—and in which members of the public without divorce experience tend to mistakenly assume shared parenting is the norm.

Missouri State Senator Wayne Wallingford has served in Missouri’s legislature since 2010 and has submitted many bills. He says that he received the most feedback, almost all of it positive, from the shared parenting reformsthat went into effect in Missouri last summer. “Fathers are tired of walking into court as a parent, and walking out as a visitor in their kids lives. Divorce ends a marriage. It shouldn’t end a family.”

Despite that success, Missouri is again one of many states with a shared parenting bill this year. Missouri State Rep. Kathy Swan has sponsored a bill that gives more guidance to judges. We have many studies disproving old assumptions about child custody but courts are creatures of habit. When in doubt, Missouri courts were defaulting to the old assumptions, thus, Missouri needed a clarification bill.

Arizona is the high standard of shared parenting reform because it coupled changes with education about the underlying research – meta-studies, 43 peer reviewed studies, 110 world experts, and the largest study of children post separation – that overwhelmingly supports shared parenting.

Educating the bench and the portion of the public that hasn’t experienced divorce about the research that challenges what we thought we knew is the hard part of practical divorce reform. State reformers could use help raising awareness.

Shared parenting is in the best interests of the children, and it could change a story like John G.’s. Men would see a change from their brothers losing everything in a divorce to just losing the marriage. If we reduce that risk then perhaps some men will reconsider putting a ring on it and society will realize the benefits of a return to marriage.

— Leslie Loftis is an attorney, freelance writer, and member of Leading Women for Shared Parenting. Visit their website, lw4sp.org.
Bring up the fatherless epidemic in the United States, and the arguments are as diametric and unrelenting as bipartisan politics. It is either:

- Men are irresponsible douchbags who abandon their children to mothers, who are left to raise the children with few resources, or …

- Women are conniving, malicious, entitled nut-jobs who alienate fathers from their children while taking all said fathers’ money – all of which is supported by the family court system.

According to Terry Brennan, of Leading Women for Shared Parenting, there are obvious reasons for both points of view, outlined above.

The real reason many ex-husbands don’t see the kids is much more culturally intricate than blaming “checked-out dad.”

According to Brennan, there are obvious reasons for fathers to be absent. In cases where ‘standard’ visitation is awarded – every-other-weekend – fathers become depressed and non-involved, and within three years, one study found, 40 percent of children in an unequal visitation arrangement had lost complete touch with their non-custodial parents, which are nearly always the father.

What I haven’t reported much is the point of view from the checked-out dads, many of whom have shared with me articulate, thoughtful, and often heart-breaking accounts of why they are not part of their children’s lives. These stories resonate with me, as they have challenged my earlier, blind admonishments that every parent has a moral obligation to fight for their children, no matter what. I still believe this, but I also believe in empathy, and for recognizing each other’s humanity. Here is one story from a commenter on the above posts:

From John G:

From my own experiences, I believe it’s widespread for women to use children as a weapon to exact revenge against the ex during, and after, divorce proceedings. During my lengthy divorce, my ex-wife claimed I was abusive, that she was ‘afraid for her safety,’ and tried to get ‘supervised visitation.’ None of it worked, because it wasn’t true, and because, as an educated professional I had enough money to spend six figures on an attorney. However, it was still a waste of time and money. Even after the divorce, the games continued. My son was being tutored on what to say to me (did you ever hear a 7-year-old respond ‘I’m not comfortable talking about that’ when asked a question?) and being instructed to call me by my first name and not ‘dad.’ I grew tired of making phone calls that weren’t answered, or of being put on hold and the child not coming to the phone, and of cancelled visits. It was heartbreaking seeing the child slip away from me, little by little.

I went to court on several occasions. There is the assumption that the man will just sit there and take the abuse because he does not want to lose the child. She stuck by the letter of the law, and was able to severely limit my contact with my son by way of orders of protection and maintaining to the courts that he was in ‘danger.’ Of the divorced, professional men that I know, all of them had orders of protection against them by their wives. This is even a problem that is recognized by the courts. Some attorneys go so far as to admit that the ‘afraid for my safety’ issue is part of the ‘gamesmanship of divorce.’

I went from the mindset of being a father to the child, to being reduced to the status of a ‘visiting uncle’ or a ‘Disneyland dad’ allied with thinking all the time like an attorney. I was often worried what would happen if she started to make untrue claims that I had (for example) abused the child. When he fell over and scraped his arm when he was with me, I was advised by my attorney to go to all the trouble of going to the doctor, having the scrape bandaged and so on, just to legally cover myself in case she would claim that it had in fact been intentionally caused.

While on the lookout for anything that could be used against me, all the while constantly being told I was a bad person, a bad father, and all my involvement with my son was systematically stripped away. The whole process became a painful sham.

I eventually reached a crossroads with four paths. Some men commit suicide because they can’t handle the anguish. Others resort to violence and anger against the ex-wife. The third set take the difficult road, and sacrifice years of their happiness, battling on a hopeless battle with the ex, just to maintain some sort of contact with the kids. The fourth way is to simply give up, and decide that the cost to the child through seeing the conflict, and to oneself, is too high.

I considered all the above paths for a long time and was tempted by more than a few of them. In the end, I walked away from all contact with my child more than two years ago.

After I had calmed down, I tried again and contacted the ex. I had hoped she would have calmed down and would be willing to work with me. But no, she is still the same bitter and vengeful person that she always was. Rather than attempting to discuss things and put things on the right track, she is willing to communicate in writing only. She refuses point blank to let me contact our child. Everything has to go through her.

Some people will say it would be the noblest thing to carry on fighting regardless. ‘I would do anything for my kids!’ they spout. Frankly, I feel that’s very naive and is almost always a view propagated by women. Any father here who has been generously granted a weekend every two weeks knows the feeling when you say goodbye. You’re just getting used to having them around, and they are gone. It’s like having a wound that never heals. Like a band-aid being ripped off over and over. The pain never really went away.

During those days, I used to recall these lines from Shakespeare’s King John:

“Grief fills the room up of my absent child,
Lies in his bed, walks up and down with me,
Puts on his pretty looks, repeats his words,
Remembers me of all his gracious parts,
Stuffs out his vacant garments with his form.”

Logically, I have to balance the damage to myself, my life and mental health, the possibility of the conflict damaging the child, against the damage done by my absence.

People who don’t know the situation raise their hands in horror, or pass judgement, assume that this is a choice that is taken lightly and easily. It is not.

There isn’t a day that goes by that I don’t think about it. Sometimes I see children in shops that look like my child and find it hard not to break down. Sometimes I can’t take my eyes away. Even the shoes are the same. I don’t like to watch movies with children of that age in them. I had to remove all the photographs that I had of my child and every other item and put them in a box. And that’s where all those emotions are now. In a box, held tightly under control, so that I can try and enjoy some semblance of a normal life. It usually works.

In far too many cases, the father is merely viewed as a source of income. The mother is viewed as the ‘real parent’ who almost always gets physical custody of the child. And once she has the child, she is then almost entirely free of the threat of any consequences. This is a great shame for the children involved who will probably be involved in divorces of their own or be afraid of marriage because they have seen the consequences when they fail.

I shouldn’t be surprised if more and more men eschew marriage and traditional family values over the next century.”
In 2014, multiple attorneys and advocacy groups reported on the improper actions of the State Bar Association of North Dakota (SBAND) regarding their unlawful use of mandatory bar dues to oppose a ballot measure.

Despite repeated outreach to the North Dakota media, only Chris Berg at 6:30 Point of View (KVLY – owned by Grey Television) reported on these unlawful actions. In part of that reporting, SBAND Family Law spokesperson, Jason McLean, implied the status quo leads to less litigation and that attorneys don’t make significant money off the current process. Both implications are dubious as depicted by the video.

The rest of the North Dakota media, including Inforum Communications, remained silent on SBAND’s questionable connections with the opposition effort. They did not report on an SBAND subcommittee creating a front group, Keeping Kids First, much less the level of financial support SBAND gave to the group, or how SBAND allowed the group to use its IT infrastructure.

Only after the election was over, and after SBAND was sued by the out of state, Goldwater Institute, did articles appear in local media.

As we all know, SBAND’s opposition to the referendum prevailed. Now, just a few years later, multiple legislators have sponsored another reform bill, which is even better for kids. Yet again, Jason McLean, now head of the Family Law SBAND committee, has taken up the opposition mantle.

It is happening again

An “Open Records Request” to SBAND has exposed additional irregular activity by SBAND and its member attorneys against the new reform bill, which passed the House Committee (15 to 0), the House of Representatives (71 to 21), and is now being reviewed in the Senate Judiciary Committee.

The communications suggest that the SBAND players hope to kill the bill in this committee.

Newly exposed documents contradict that story. Attorney Jackie Stebbins, who in a private email (see screenshot of email at top of next column) to SBAND Executive Director, Tony Weiler, attorney Mclean himself, and others, stated:

CLAIM:
“Our law is gender-neutral. There is not a presumption that allows the award of a child to the mother over the father. Each parent comes in on equal footing.”

CONTRADICTION:
“I know Kelly [Senator Armstrong] likes the “idea” and “concept” of starting with joint, but he absolutely understands that it has to be workable. While we may disagree with him about “starting at joint” – maybe even informally and surely with a presumption, it’s nice for us all to know where he’s coming from.”

Apart from the open records request, Attorney Stebbins was also interviewed by Real World Divorce and made a similar statement that gender issues play a strong role in North Dakota courts:
“Gender issues are alive and well and young moms can do pretty well at shutting dads out.”

The gendered trend was further substantiated in another recent article:
“Typically, child custody arrangements give one parent sole custody (usually the mother) and the other parent (usually the father) visitation rights.”

As for Mr. McLean, he has backtracked on his 2014 statement by blaming the lack of shared parenting awards on Judicial ignorance:
“He said many judges don’t understand that shared parenting is an alternative and resort to standard arrangements, like every other weekend.”

Pressure on the press

The documents also show attorney Jason McLean’s ability to impact Inforum Communications. On Feb. 9, he sent an email stating (See screenshot of actual email below):

“When (Reporter Mike McFeely) mentioned the motivation behind the bill I tried to steer him away from the child support aspect…”

Only three days later, Mr. McFeely published an article at Inforum Communications.
FOIA request reveals practices of State Bar Association of North Dakota

Pressure on the Bar

McLean also pushed SBAND to take an official position opposing Shared Parenting Legislation despite SBAND's one-year-old policy against such positions and despite the fact that similar actions two years earlier resulted in SBAND being sued in Federal court.

That lawsuit confirmed SBAND was violating its members' Constitutional rights and forced SBAND to make fundamental changes to its governance practices.

SBAND officials must have balked originally, thinking of the Goldwater suit and settlement. McLean noted he understands the "trepidation" which would accompany SBAND taking a position:

“Our section needs to be backed by SBAND as a whole. We need to have a united front.

I understand the trepidation that comes with that step, but this is the type of legislation that needs the BOG's (Board of Governors) position on. I ask that the BOG reconsider its current stance and oppose this bill.”

SBAND leadership set aside their “trepidation” and acquiesced to Mr. McLean’s request despite their year-old policy against such action and despite the significant risk their action would result in more litigation against SBAND.

Other lobbying rule-breaking

Janelle Moos, the Executive Director of the domestic violence group CAWS, was also involved in the communications with SBAND and assorted members. In one communication, Ms. Moos confidently stated:

“If we have to amend the bill that’s fine Senator Armstrong will kill it in the Senate but I think if we can get enough committee members to support a do not pass in Judiciary that would be my preference.”

Federal law prohibits groups that receive funding under the Violence Against Women Act, such as CAWS, from using any portion of their federal grants to lobby.

There are substantial penalties for violations, which range from a minimum of $10,000 to $100,000 per occurrence.

Finally, while there is ongoing and repeated evidence of texting, dinner invitations, calls, and other communications from members of SBAND with Senator Armstrong, the chair of the Judiciary committee, in a thorough review of all the documents, there is absolutely no evidence whatsoever of any wrong doing by Senator Armstrong.

On the contrary, North Dakota advocates have both consistently and continually communicated their belief that Senator Armstrong is "judging the bill on its merits" and feel, despite the onslaught of communications he's received from SBAND members, they've gotten a fair hearing by Senator Armstrong in particular and the other members of his committee.

ILLINOIS

‘Dads Can Too’ pushes for more equality in child-custody privileges

ILLINOIS – Some fathers are pushing legislation to fight for more child custody privileges. The group, Dads Can Too, wants to change the court system.

Jesse West, and several other fathers, say their goal is to get 50-50 custody time with their children as long as both parties are fit and proper parents.

Many fathers have been battling for years and hope, with lawmakers involved, it can make a big difference.

“He’s my everything. Everything I do is for him. He’s my whole world.”

Jesse West has been battling for time with his son, Jesse, Jr., for more than four years. Right now, he only gets one day a week and every other weekend.

West says, for people in his situation, they deserve more time.

“I’m a fit and proper father. I love my son. My son loves me.”

However, the court gave custody to West’s ex-wife because she has other children. West argues, if single parents like him, have no criminal background and are ruled fit by the court, they deserve joint custody.

“The current system, whether they agree to it, is not, is pro-moms and we’re just, we don’t want pro-dads. We want 50-50.”

Illinois' current law does not assume joint custody is in the child's best interest, but does allow flexibility. West says, all he wants is to be more involved in his son's life and wants joint custody to be considered first.

“We want to start a ground for all parents to be shared 50-50, as long as both parties are fit and proper.”

West's mom, Barbra, says she understands why courts have this law in place.

“You get so many parents that don't care and then, it's so hard for the ones that do care. The struggle that they have to go through.”

However, Barbra says there should be exceptions.

“If you have one parent that's willing to make the drive and to do whatever they possibly can for that time, they should be given that right.”

West says he understands things like this take time, but he's hopeful of continuing the conversation.

“I just keep trying. I just want a good relationship between me and her for our son and to be able to agree on things and each have our son.”

One group which opposes the plan is the Illinois Coalition Against Domestic Violence. Leaders say 50-50 custody is not always in the best interest of the child because each case is different.

Illinois Fathers is for the legislation. Leaders say, once a bill is drafted, it will require parents to show evidence why they shouldn't have time with their children as opposed to a parent providing why they should have time with their children.

Feminist divorce law is what’s keeping ‘working women’ as primary caregivers

The Women’s March on the day after President Trump’s inauguration had an impressive collateral damage radius. Marchers exposed many fractures within the women’s movement – feminist or not, female or not, and many more. One would have to be completely internet-free to have missed the many scabs the march picked.

It also spawned a spinoff, when the following Wednesday, March 8, was “a day without a woman” that, of course, amounted to nothing – most likely because it would have raised even more schisms between feminist propaganda and modern-day reality.

Aging Boomer feminists seem nostalgic for the days when they rallied for housewives to go on strike. But we no longer live in the early 60s. Despite the incessant complaining about women’s disadvantages, women are now all over the economy and have more responsibilities – nay duties – to others beyond identity politics.

Then there is the question of what to do about the nation’s children. For instance, if the teachers across the country strike, what will the school-age kids do? Will striking women of means be able to afford to hire nannies? Or will nannies remain the invisible paving stones of modern professional women’s path to success?

A striker might retort something about father care. I don’t entirely object. If you recall from my previous feminist history explainers, the Second Wave feminists, led by Betty Friedan, worried that ‘60s housewives would not be motivated enough to move into higher education and professional life. (They were depressed in suburbia, but not that depressed.) The women leaders worried that women would not act when the opportunity presented, which is why Friedan called the suburban home a “comfortable concentration camp.”

The Second Wavers felt they had to jolt women into action. Denigrating family and housewifery was one of those jolts. Removal of spousal support was another.

If newly liberated women only jettisoned their husbands but continued living on his paycheck, they wouldn’t enter the workforce.

So feminists led an effort, a largely successful one, to end spousal support. The Uniform Marriage and Divorce Act of 1970 was part of that effort. They also lobbied for state law changes.

As one might imagine, completely eliminating spousal support was a draconian measure for the 40-something woman with children who had not worked in 10-20 years and may not have a bachelor’s degree.

Compassionate courts and regretful feminists started disguising spousal support as child support in the 1980s. Since child support depends greatly on who has physical custody, mothers retaining primary physical custody became essential. And no coincidence, I’m sure, but the 80s supercharged the doofus dad trope.

By the time the law started making provisions for spousal support in long-term marriages — see the Chicago Tribune, 1986, “Feminists Call for Change In Feminist-Backed Alimony Laws” — assumptions about mothers as primary custodians of children were well set.

Thus, as women sought to break out of domestic roles, family law ensured they would stay in those roles, husband or not, for decades to come. (A couple of years ago, I called the “confidence gap” one of feminism’s self-inflicted wounds. The alimony fiasco is another.)

It is past time we let go of our assumptions about maternal care set women as caregivers, but also feminist theory about spousal support made mom-as-primary-caregiver

In truth, the main perpetuator of women as default caregivers is family law, specifically custody law in the case of divorce.

The Truth About Dad Care

Researchers started studying father and child relationships in earnest in the late 80s. Four decades later, researchers at least know the many and significant problems father absence can cause, as well as what level of participation primes the risks.

The litany of heightened risks for kids appear when father time drops below about 33 percent, which is higher than “every other weekend and one weekend” contemporary family law sets as a matter of course.

As the data on how dads matter accumulated, fathers have struggled for their children. Their root struggle has been against assumptions of incompetency, that mothers are better at this caregiving stuff, just like in the “funny” little NYT story.

I know it is not the preferred narrative of paid family leave, but if, in those instances when a marriage dissolves and the ideal partnership is no longer an option, family law addressed parent time according to the best interests of the children, not only would the children benefit — which should be reason enough — but also, women and their careers would benefit. (Oh, and the men left bereft by their broken connections with their children too.)

It is past time we let go of our assumptions about only mother care will do. But a strike symbolically protesting theoretical federal policy won’t do that. Advocate for family law reform in your home state. In fact, 25 states have some form of divorce and custody reforms pending.

In truth, the main perpetuator of women as default caregivers is family law, specifically custody law in the case of divorce.
IOWA

Bill makes family courts ‘presume’ equal custody is best approach

One lawmaker has introduced a bill that he says protects children who have parents who are going through a custody battle.

As of now, courts do not have to explain why they may give primary custody to one parent over another.

But the bill introduced by representative Norlin Momsen proposes that all custody cases must begin presuming that there will be joint custody for the children involved.

“If for some reason one parent must have primary custody those reasons must be spelled out by the court so the other parent knows why they can not have equal custody.

As of now Iowa courts do not require that step but one legal expert says it would be helpful for the parents involved.

Richard Piscopo of Yunek Law in Mason City says, “For years, particularly the father or the man kind of believed that they haven’t got equal say or equal treatment in custody cases so I think what this will do is to do it provides an explanation to the parent who’s not getting 50-50.”

Another point brought up in the proposed bill was the health of the children involved.

According to a study from the American Psychological Association children in joint custody arrangements typically had less behavior and emotional problems, had higher self-esteem and better family relations and school performance than children in sole custody arrangements.

That same study showed parents who had joint custody had less conflict between them than couples who had a parent with sole custody.

LIVE SCIENCE RESEARCH

Studies show overnight time with fathers benefits infants and toddlers

When parents separate or divorce, they often wonder what’s best for their young children: should they spend more time with their mother in order to maintain a strong relationship? Or, should time be split equally?

A new study may offer the answer. Researchers found that children of divorce benefited from spending time, including sleeping over, at both parent’s homes.

And the adult children who went on to have the best relationships with their parents were the ones who spent equal time at both their mother’s home and their father’s home when they were very young, according to the study, published today (Feb. 2) in the journal Psychology, Public Policy and Law. [25 Scientific Tips for Raising Happy (and Healthy) Kids]

Previous research suggested that when a child spends too much time with his or her father early in life, it can damage the mother-child bond, which had been viewed as the more important relationship, the researchers wrote in the study.

However, the researchers found that “not only did overnight parenting time with fathers during infancy and toddlerhood cause no harm to the mother-child relationship, it actually appeared to benefit children’s relationships with both their mothers and their fathers,” lead study author William Fabricius, an associate professor of psychology at Arizona State University, said in a statement.

The researchers included more than 100 college students in the study whose parents had separated or divorced before the student was 3 years old. These students were asked to assess their current relationships with each of their parents.

In addition, the researchers surveyed each student’s parents, asking them to report the amount of time the student spent as a young child with either the mother or the father. The parents also reported the amount of time the child spent with the father from ages 5 to 10 and from ages 10 to 15, according to the study. Finally, the parents noted whether they were separated or divorced for one, two or three of their child’s first three years, the researchers wrote.

The scientists found that the more overnight parenting time that the students had as infants and toddlers, up to and including equal time spent with the mother and father, the better their current relationships with their parents were.

The time spent with both parents at age 2 was particularly important, the researchers wrote. If a 2-year-old missed out on spending the night at both parents’ houses, the parents couldn’t compensate later with more overnight time, according to the study. The researchers noted that these particular overnight visits had a positive effect on the parent-child relationship regardless of any conflicts or disagreements between the mother and father about the overnights.

In other words, the findings were the same whether the parents agreed on equal time or not.

The researchers offered several reasons for why equal time with both parents is beneficial.

For the fathers, “having to care for their infants and toddlers for the whole cycle of evening, bedtime, nighttime and morning helps dads learn to parent their children from the beginning,” Fabricius said. “It helps dads and babies learn about each other, and provides a foundation for their future relationship,” he said.

For the mothers, letting the child spend the night with his or her father could offer a break from the stress of being a single mother, the researchers wrote.

“Originally published on Live Science."
Landmark study shows need for reform in family law system

By Chris Johnson and Amy Sherman

In January, the Nebraska Administrative Office of the Courts published a landmark study on child custody awards in Nebraska from 2002 to 2012. This is the first time the Nebraska judicial branch has performed a systematic review of its custody and parenting time decisions.

According to the study, mothers were awarded sole or primary custody in 72 percent of cases, while fathers were awarded sole or primary custody in 13.8 percent. Joint custody with shared residence — essentially equal parenting time — was awarded in only 12.3 percent of cases.

The study also found that the average parenting time for non-custodial parents in Nebraska is only 5.5 days per month, while median summer parenting time is 14 days. Combined, this means most non-custodial parents have access to their children less than 20 percent of the time, a shockingly low number.

These figures are important because mental health research shows children have significantly poorer outcomes when they have insufficient parenting time with either parent.

Children are less likely to finish school, more likely to engage in high-risk activities and more likely to be involved in criminal behavior than if they have two parents actively involved in their lives, regardless of whether their parents are living together.

What is sufficient parenting time? Mental health research shows that equal 50-50 parenting time provides the best outcomes, while less than 33 percent parenting time with either parent provides the worst outcomes.

As the new custody study shows, the average parenting time for non-custodial parents in Nebraska is substantially below 33 percent. Every year, more than 9,000 additional children are subjected to these types of arrangements.

The study also found significant variation in custody awards among Nebraska's judicial districts.

For example, joint custody with shared residence ranges from 26.3 percent of cases in District 1 to zero in Districts 9 and 12. Sole custody to mothers ranges from 30.8 percent of cases (District 8) to 75 percent (District 12). Sole custody to fathers ranges from 2.6 percent of cases (District 4) to 23.1 percent (District 8).

This variation demonstrates the need for uniform, research-based standards, like those that already exist for child support.

Four of the 12 state judicial districts have adopted parenting time presumptions, called guidelines, all of which are different and none of which are research-based. In those districts that have not adopted guidelines, cases are often decided based on presumptions used by individual judges, which vary greatly and are rarely research-based.

Despite these troubling findings, there was some good news in the new study. Even using a very broad definition of the term “verified,” the study found verified instances of domestic violence in only 5.9 percent of custody cases. While any domestic violence is too much, many people believed domestic violence was much more common than found by this study.

The study also examined how many cases were so-called “high conflict” cases. There is no commonly accepted definition of “high conflict,” so the study’s authors created their own, very broad, definition. Even using this broad definition, the study found only 12 percent of cases could be classified as “high conflict.”

The study confirms the well-known defects of the current child custody system. Most people have firsthand knowledge of good, involved parents who, through no fault of their own, were suddenly removed from their children’s lives because our current system says there has to be winners and losers, and the losers don’t get to remain involved with their children.

A truly sad — and completely unnecessary — state of affairs.

These findings make the case for immediate family law reform even more clear. Changes are needed to provide uniform, research-based standards to judges and to protect children from harmful parenting time awards. In too many instances, the amount of parenting time divorced parents receive is based not on their fitness to parent but, rather, on where they live or the judge who is assigned to their case.

Bills like Legislative Bill 22 would put all Nebraska parents on more equal footing and improve outcomes for thousands of Nebraska children every year.

— Chris Johnson and Amy Sherman are family law attorneys.
Experts agree: Infants, toddlers need overnight care from both parents

By Dr. Richard Warshak
Clinical Professor of Psychiatry

When parents are married, they generally share the care of their babies—diapering, feeding, bathing, putting to bed, soothing in the middle of the night, cuddling in the morning. But if parents separate or divorce, should children 4 and younger spend every night in one home? Or will infants and toddlers benefit from spending overnight time in the care of each parent?

To answer these questions, Dr. Richard Warshak, Clinical Professor of Psychiatry at the University of Texas Southwestern Medical Center in Dallas, spent two years reviewing and analyzing the relevant scientific literature. His conclusions garnered the endorsement of 110 of the world’s top experts.

“Just as we encourage shared parenting in two-parent homes,” Warshak said, “the evidence shows that shared parenting should be the norm for children of all ages, including sharing the overnight care for very young children.” To maximize children’s chances of having long lasting relationships and secure attachments to each parent, Warshak’s consensus report encourages both parents after their separation to maximize the time they spend with their children, including the sharing of overnight parenting time.

The consensus report is available Feb. 4 in the online advance edition of Psychology, Public Policy, and Law, available online here [http://psycnet.apa.org/journals/law/20/1/46/].

Warshak notes that shared parenting is not for all families. Regardless of their children's ages parents should always consider a range of factors when creating the best parenting plan. “What works for one child in one family, may not be best for another child in different circumstances,” says Warshak. “Among other factors, the parents’ work schedules and their capabilities to provide good care must be taken into account.”

But Warshak, referencing accepted research of the past 45 years, objects to the idea that children under four, and some say under six, need to spend nearly all their time with only one parent and cannot handle being apart from that parent even if they receive loving and attentive care from the other parent.

Prohibitions or warnings against infants and toddlers spending overnight time in their father's care are inconsistent with our current understanding of child development, says Warshak. Babies and toddlers need parents who respond consistently, affectionately, and sensitively to their needs. They do not need, and most do not have, one parent’s full-time, round-the-clock presence. Many married mothers, such as flight attendants, doctors, and nurses, work night shifts that keep them away from their infants and toddlers at night.

Like these married mothers, single mothers do not need to worry about leaving their children in the care of their fathers or grandparents during the day or overnight. Warshak and his colleagues believe that society should encourage fathers to engage in the daytime and overnight care of their infants and toddlers after separation.

When asked why he wrote this report, and published it with his colleagues’ endorsements, Warshak said, “Judges and lawmakers hear competing versions of which parenting plans are best for very young children. We want to clarify where science stands on these issues by presenting a consensus of opinion from prominent researchers and practitioners.”

For this consensus report, Warshak assembled an international group of top experts in early child development, parent-child relationships, and divorce. They reviewed his analyses, offered comments to improve the report, and endorsed its conclusions and recommendations. The experts are united in their concern that flawed science is leading to parenting plans and custody decisions that harm children and their parents. “This report should provide strong direction for policy guidelines and decision-making,” said Warshak.

Contact Dr. Richard Warshak at media@warshak.com
This new year is off to a remarkable start. With hundreds of rallies across the country, we know there are a variety of reasons people are tired of injustice, inequality, imbalance, and discrimination.

In our work to reform Virginia’s family courts, we certainly empathize with the emotions and goals of the marchers. Sadly, our family courts remain unchanged from a 1950s dynamic of “women stay home, men stay at work.”

This mindset has led to the status quo of sole child custody after divorce or separation versus shared parenting — a flexible arrangement where a child spends as close to equal time as possible with each parent.

This traditional view in Virginia courts discourages balance at home, limits equality between mothers and fathers, and ultimately puts families on a path of continuous conflict after divorce.

Divorce is stressful enough, and increasing that stress on children and their parents is unnecessary. As a result of all of this, January has been labeled “divorce month” because of the increase in divorce filings after the holidays.

Fortunately, court reform that supports parental equality and shared parenting is a solution to combating divorce.

As the report “These Boots Are Made For Walking: Why Most Divorce Filers Are Women,” details, the current “winner–take–all” dynamic favored by Virginia’s family courts incentivizes divorce, while the two-parent solution of shared parenting works to prevent the very reason for January’s unfortunate title.

What’s more, we now have reams of empirical, peer-reviewed research that all encourage and support shared parenting after divorce or separation:

- The Journal of Epidemiology & Community Health published a 150,000-person study titled “Fifty moves a year: Is there an association between joint physical custody and psychosomatic problems in children?” in May 2015. Its findings conclude that shared parenting is in the best interest of children’s health because the arrangement lowers their stress levels.
- The Journal of the American Psychological Association published a paper, “Social Science and Parenting Plans for Young Children: A Consensus Report,” in 2014, and the conclusions were endorsed by 110 authorities around the world. Authored by Dr. Richard Warshak at the University of Texas, the paper concluded that “shared parenting should be the norm for parenting plans for children of all ages, including very young children.”
- The Association of Family and Conciliation Courts published the recommendations of 32 family law experts in 2014, and the group concluded that “children’s best interests are furthered by parenting plans that provide for continuing and shared parenting relationships that are safe, secure, and developmentally responsive and that also avoid a template calling for a specific division of time imposed on all families.”
- Virginia’s family law community argues that family courts already order custody arrangements that are best for children and that these arrangements are not “templates” or “cookie cutter.” The truth is that Virginia falls right in line with the national average of family courts awarding sole custody to one parent more than 80 percent of the time, according to the U.S. Census.

The challenges facing single-parent homes are daunting and well-documented. According to federal statistics from sources including the U.S. Centers for Disease Control, the U.S. Department of Justice and the U.S. Census Bureau, children raised by single parents account for:

- Sixty-three percent of teen suicides.
- Seventy percent of juveniles in state-operated institutions.
- Seventy-one percent of high school dropouts.
- Seventy-five percent of children in chemical abuse centers.
- Eighty-five percent of prison inmates.
- Eighty-five percent of children who exhibit behavioral disorders.
- Ninety percent of homeless and runaway children.

Virginia’s status quo system maximizes conflict and encourages combative behavior toxic to the family.

According to the National Survey of Family Growth, 48 percent of marriages ultimately end in divorce. Given that number, we must push for legislation that accounts for all families — regardless of whether they are intact or split. The better solution to curbing the divorce rate is shared parenting.

– Christian Paasch and Kristen Paasch are co-chairs of the National Parents Organization in Virginia. They live in Alexandria and are parents to two children. Christian was appointed to Virginia’s Child Support Guidelines Review Panel.
IRELAND

Irish father, advocate cites ‘abominable prejudice and abuse’ in custody laws

THE PROUDEST DAYS of my life were, without doubt, the days my three children were born. I was a natural at being a father. I embraced each and every moment and gave my all. I was an involved, hands-on dad from day one.

My family was complete. I was so happy. We led a normal, happy, busy life. I worked hard and we had a decent enough lifestyle. The children were happy. They did the normal activities and they did well at school. However, my world fell apart when I started to notice personality changes in my wife.

Relationship breaking down

On a daily basis, I began to see serious bouts of paranoia, false allegations, pathological jealousy and impulsive decision-making. I was desperately worried for my kids, my wife, my family unit. Everything I had was slipping away. It was frightening.

It started with little things and progressed to more sinister accusations. The more I tried to appease her, the more she started to accuse me. It seemed to be a vicious circle. She was “seeing” my car, where I knew I had the support of kind, caring individuals. I looked forward to going into work. I was truly inspirational. It kept me going. I kept going back to court for more support. I needed someone to confide in. I needed advice, help, guidance and most of all someone to listen.

I began to notice that my family members were pulling away from me. My work colleagues were amazing and still are though. My workplace has always been my sanctuary, my oasis of calm where I have functional relationships with adults. My personal life was in tatters but the support I got from my work colleagues was truly inspirational. It kept me going. I looked forward to going into work where I knew I had the support of kind, caring individuals.

Sought social workers’ help

I believed they would help to bring normality back. How wrong I was. They spoke to my wife and reported back. I had to run from the family home as I couldn’t take it. I was devastated.

It felt like I was in some kind of twilight zone, a parallel universe. My children were distraught. My wife brought it through the courts. I became an instant “visitor” to my children. I lost all I had. I was literally reduced to the shirt on my back.

The courts exacerbated the situation by siding with my ex-wife. I tried and tried to have more access to my children. I was denied at every juncture. I witnessed abominable prejudice, bias and downright abuse in the family courts. I decided I had to keep fighting.

Many other men in similar circumstances were giving up on their children or giving up on life itself. I decided to sack my solicitor and represent myself. It couldn’t be anymore. I refused to play the game and fund an abusive, biased system that was designed to heap abuse on men or fathers and, indirectly, innocent children.

I was engaging with other men in similar situations. Their stories bore remarkable similarities: supervised visits with their children (no overnights), assessments, loss of assets and practically kangaroo courts. There seemed to be a pattern. Most of these fathers were experiencing the same thing.

Negotiating the system’s hoops

I had been made jump through several hoops by the system: psychiatric and psychological assessment, attending a men’s domestic violence group and supervised visits with my children. All my assessments were clear. The men’s domestic violence group refused to see me, having heard my story. They were shocked that I had been sent along by social workers. It wasn’t enough. The social workers, my ex-wife and, consequently, the family courts kept the pressure on. It was like they wanted me to break or relinquish all rights to my children.

I kept going back to court for more access to my children, only to be met with more and more false allegations. The nightmare was relentless. My children were suffering. I could see it. I could feel it. I was completely powerless. It was killing me inside.

I was financially ruined but it was only money. Emotionally, I was running on empty. I pined for access to my children. My children pined for access to a good, decent, loving, caring dad.

I stayed the course

I’m proud of how far I’ve come. I now see my children regularly. We have a great relationship. But we still have a long way to go.

The system is stacked against any father who dares to challenge the status quo. The system cares little for the children involved. They are merely pawns in a broken, money-hungry, biased and desperately corrupt kangaroo family court system.

What was the turning point? How did I manage to stem the tide? I took on my own case and began to show how my children were paramount and central in all of this. I was able to show that the chaos all around me was manufactured.

My assessments came back as normal. Professionals were seeing that the stories didn’t stack up and were reporting back. I challenged social worker reports that were replete with lies and false allegations and appealed a Section 47 report (regarding extended access) to the High Court.

I won my case

I won my case and was awarded more extended access. I took a successful case against a biased family court judge that resulted in them stepping down from my case.

I remained steadfast in telling the truth and, always, kept the best interests of the children at heart. I also took the sound advice of the professionals in the men’s domestic violence group who saw me for that initial assessment. They advised me to seek immediate trauma counselling for emotional abuse. I did. It really made a difference.

I still have a long way to go. Daily life is a struggle. I am doing my best to pick up the pieces of my shattered life. I am learning about the system. I am trying to help my children, however, I’m aware of the emotional impact it all has on them. That weighs heavily on me.

I am one of the lucky ones. I now realise that I am one of the lucky ones. I survived the onslaught that is the Irish family law system. I will continue to seek justice for myself and my children in a broken, dysfunctional and abusive system.

I am now helping other fathers who are caught in the same inescapable trap. I know how hard and unjust the system is and I am aware that many, many fathers succumb to it.

— The writer of this piece has requested to remain anonymous. He is a helper in Mens Human Rights Ireland – an advocacy group for men’s rights.
Paper lays out case that custody gender bias leads to increase in divorce rates

**ABSTRACT**

This paper compares divorce rate trends in the United States in states that encourage joint physical custody (shared parenting) with those in states that favor sole custody. States with high levels of joint physical custody awards (over 30%) in 1989 and 1990 have shown significantly greater declines in divorce rates in following years through 1995, compared with other states. Divorce rates declined nearly four times faster in high joint custody states, compared with states where joint physical custody is rare. As a result, the states with high levels of joint custody now have significantly lower divorce rates on average than other states. States that favored sole custody also had more divorces involving children. These findings indicate that public policies promoting sole custody may be contributing to the high divorce rate. Both social and economic factors are considered to explain these results.

**INTRODUCTION**

Empirical evidence shows that children raised by a divorced single parent are significantly more likely than average to have problems in school, run away from home, develop drug dependency, or experience other serious problems (e.g., Amato and Keith, 1991; Guidubaldi, Cleminshaw, Perry, and McLoughlin, 1983; Hetherington and Cox, 1982). Although many single parent families are created as a result of unwed motherhood, far more are the result of divorce. Of 18.6 million children in the United States living with only one parent, approximately two thirds are with divorced or separated parents ( Census, 1994). This paper investigates the relationship between child custody policies and changes in the U.S. divorce rate, using data from a 19 state sample collected by the National Center for Health Statistics of the Centers for Disease Control.

**CUSTODY POLICIES**

States differ widely in their policies toward joint custody. Many states routinely grant joint legal custody, which gives the non-residential parent the right to participate in major decisions about the children’s upbringing and to view certain records. Joint legal custody does not affect the child’s living arrangements. Often it is granted with the traditional residence arrangement, in which the child lives with one parent but visits the other parent four days per month. Less commonly, joint physical custody is awarded. With joint physical custody (also called shared parenting), the child lives with both parents, often on an alternating week basis. Joint physical custody is usually defined as a schedule where the child has at least a 30/70 time share between parents, although 50/50 arrangements are a common form of shared parenting (Ricci, 1981). Some form of joint custody is a preference or presumption in a few states, while in some other states with no preferred custody option, judges have favorable attitudes toward joint custody and frequently grant it. For the 19 states in the NCHS sample, the average rate of joint physical custody awards in 1990 was 15.7%, and in two states joint physical custody was awarded in nearly half of the cases.

**CUSTODY POLICIES AND THE DIVORCE RATE**

It might be argued that joint custody could encourage divorce, by making divorce “easier.” On the other hand, widespread acceptance of joint physical custody might be expected to reduce the divorce rate, because joint custody makes it difficult for an angry parent to hurt the other by taking away the children, or to relocate and thereby eliminate interaction with the other parent. In addition, an economic argument has been advanced that high levels of child support associated with sole custody may encourage divorce, because custody of children represents an asset for the custodial parent to the extent that child support payments exceed the cost of raising a child (Muhtaseb, 1995). Because joint physical custody results in a more equal division of parenting time, child support payments may be lower, although there are still payments unless both parents have the same income. States that more frequently award joint physical custody may thus see a decline in the divorce rate. To date, no study has provided empirical evidence to support either hypothesis about the effect of joint custody policies on the divorce rate.

**DATA**

State divorce rates and other vital statistics are maintained by the National Center for Health Statistics, a division of the Centers for Disease Control, U.S. Department of Health and Human Services. The divorce rate

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**Table 1: Physical Custody Awarded (percent), 1989/1990**

<table>
<thead>
<tr>
<th>State</th>
<th>Sole custody</th>
<th>Joint custody</th>
<th>Joint custody</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>8.1/8.4</td>
<td>47.8/46.4</td>
<td>43.3/44.0</td>
<td>High</td>
</tr>
<tr>
<td>Kansas</td>
<td>7.8/6.8</td>
<td>50.1/47.2</td>
<td>39.5/43.6</td>
<td></td>
</tr>
<tr>
<td>Connecticut</td>
<td>5.3/5.3</td>
<td>58.7/58.1</td>
<td>35.8/36.4</td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>9.8/10.4</td>
<td>57.9/55.3</td>
<td>31.9/33.2</td>
<td></td>
</tr>
<tr>
<td>Rhode Island</td>
<td>NA/5.4</td>
<td>NA/62.2</td>
<td>NA/31.7</td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td>NA/14.2</td>
<td>NA/63.1</td>
<td>NA/19.5</td>
<td></td>
</tr>
<tr>
<td>Vermont</td>
<td>NA/10.6</td>
<td>NA/71.4</td>
<td>NA/17.1</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>8.7/9.2</td>
<td>77.4/75.4</td>
<td>13.7/15.1</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>11.0/9.5</td>
<td>73.0/74.4</td>
<td>14.1/15.1</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>10.4/11.0</td>
<td>74.4/73.1</td>
<td>14.0/14.8</td>
<td></td>
</tr>
<tr>
<td>Oregon</td>
<td>10.7/12.6</td>
<td>74.1/71.7</td>
<td>14.9/14.0</td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>9.5/11.2</td>
<td>76.4/73.9</td>
<td>12.5/14.2</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>NA/11.6</td>
<td>NA/70.9</td>
<td>NA/13.8</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>10.5/10.0</td>
<td>78.6/76.7</td>
<td>9.4/10.1</td>
<td>Low</td>
</tr>
<tr>
<td>Utah</td>
<td>10.5/9.7</td>
<td>73.9/81.1</td>
<td>10.1/9.0</td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td>11.1/11.3</td>
<td>78.9/78.9</td>
<td>8.1/8.6</td>
<td></td>
</tr>
<tr>
<td>Alabama</td>
<td>9.7/10.7</td>
<td>79.5/80.2</td>
<td>9.3/8.6</td>
<td></td>
</tr>
<tr>
<td>New Hampshire</td>
<td>12.2/11.0</td>
<td>79.3/80.4</td>
<td>6.6/7.1</td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td>NA/12.2</td>
<td>NA/81.3</td>
<td>NA/4.1</td>
<td></td>
</tr>
</tbody>
</table>
measure used is the number of divorces per thousand population. A 1995 NCHS report (Clarke, 1995) gives data on physical custody awards for 19 participating states for the years 1989 and 1990. This NCHS report is the first of its kind to report figures for physical custody of children. Values given are percentages of sole custody father, sole custody mother, and joint custody awards. Figures for 1989 and 1990 are given. In some cases the total may be slightly less than 100 percent because awards to persons other than mother or father (generally from 0 to 2 percent in the NCHS report) are not included in Table 1. More recent data are not yet available. Table 1 shows the physical custody awards for these states. The definition of joint physical custody used in the NCHS study is a minimum of 30 percent time share with each parent (Clarke, 1996). Figures for 1989 and 1990 are similar, although the percentages for joint custody are slightly higher in 1990 for those states reporting both years. For five states, 1989 figures were not available; these are indicated as “NA.” States were divided into categories of High (above 30 percent), Medium (10 percent to 30 percent), or Low (below 10 percent) levels of joint physical custody awards, as shown in Table 1.

**From previous page**

**Link demonstrated between higher joint-custody rate and lower divorce rate**

**FINDINGS AND DISCUSSION**

Divorce rates for 1989, 1990 and 1991 were compared with 1993, 1994 and 1995 levels, as shown in Table 2. Comparisons between basal values of 1989/1990/1991 and values for 1993/1994/1995 are used rather than absolute values in order to factor out differences that may be unrelated to custody policies. For example, states differ in their ethnic, religious and racial compositions, factors that can affect the divorce rate. The effect of custody policies can be more precisely isolated by using differences across time, just as the effect of a medication is isolated by comparing before and after treatment values for subjects whose initial (and final) values for blood pressure, heart rate, or other measures may be significantly different. Initial values and values four years later for the state groups are shown in Table 3. Table 3 also shows 1980 divorce rate averages for the three groups. Joint custody had begun to emerge as a custody option in 1980, although its adoption into state policies occurred at different points. Rate changes between 1980 and 1990, therefore, are likely to contain some effects of policies regarding joint custody. Note that the High and Medium joint custody groups had very similar divorce rate declines between 1980 and 1994 (by approximately 1.1 and 1.2 percent respectively), while the states with low levels of joint custody had a decline of only 0.4 percent between 1980 and 1994.

As can be seen from Table 2 and Table 3, the states with high levels of joint custody had significantly lower divorce rates four years later. States with higher levels of joint custody had an average four-year decline in the divorce rate approximately double that for states with medium levels of joint custody. On a percentage basis, between 1989 and 1994 the rate in the High joint custody group declined by 8 percent, in the Medium group by 4 percent, and in the Low group by less than 1 percent.

Figure 1 shows joint custody awards and divorce rate changes for the 19-state NCHS sample. States are ordered by level of joint custody awards in 1990. As joint custody awards increase, states in general have greater declines in divorce rates. Figure 2 summarizes the changes in divorce rates for states in the three joint custody categories. Statistical analysis shows that the correlation between joint physical custody and reduced divorce is almost certainly not due to chance fluctuation. The statistical measure used is a correlation of the average of joint custody awards per state in 1989 and 1990 with the average decline in divorce rate from 1989 through 1991 to 1993 through 1995 (i.e., difference between the average of 1993, 1994, and 1995 rates and the average of 1989, 1990, and 1991 rates.) This is the average of the “Joint” column of Table 1 correlated with the difference between the average of 1993 to 1995 rates and 1989 to 1991 rates in the “Divorce Rate by Year” column of Table 2. There is less than a five percent probability that this correlation is due to chance (correlation coefficient r = .47, p < .05). (Note: Wisconsin reported numbers in 1989 but not in 1990, so it was not included in this analysis. However, separate calculations show that inclusion of the Wisconsin data does not affect the statistical significance of the results.)

One possible explanation to consider is that if divorce rates between high and low joint custody states is an effect resulting from changes in marriage rates. If marriage rates per thousand population increase, then divorce rates per thousand population in following years can increase. Whether this is marriage fail at the same rate.
CHILDREN'S RIGHTS COUNCIL

Conclusion: Higher focus on joint custody reduces incentives for, number of divorces

From previous page

Similarly, divorce rates can decrease during a particular period if marriage rates decreased in previous years, because fewer marriages were created. Thus it is important to look at whether the greater decline in divorce rates in high joint custody states during the early 1990s results from a decrease in marriage rates during the early 1980s. Table 4 shows the change in marriage rates between 1980 and 1985, a decade before the period under study.

If the greater decline in divorce rates for high joint custody states results from declining marriage rates in previous years, then we would expect marriage rates for these states to show larger decreases in the early 1980s than the low joint custody states. As can be seen from Table 4, the reverse is true. The low joint custody states actually had greater declines in marriage rates during the early 1980s. If marriages continued to fail at the same rate during the decade, then these states should also show greater declines in divorce rates during the early 1990s. The fact that they did not suggests that other factors may be at work. It is not reasonable to conclude that the decrease in divorce rates associated with joint custody is simply a result of declines in marriage rates. A second explanation proposed here considers both social and economic factors.

Before the 1960s, social pressures and legal requirements made divorce relatively uncommon in the U.S. Divorce typically required grounds severe enough that a reasonable person could not expect the marriage to continue: adultery, desertion, abuse, insanity or imprisonment of a spouse. With a few exceptions, states adopted unilateral “no-fault” divorce laws in the 1960s and 1970s, which allowed a spouse to abandon a marriage without traditional grounds. Divorce was actually encouraged by some as an antidote to boredom, or for other reasons that might have been considered frivolous a generation before. About 80% of U.S. divorces today result from the unilateral decision of one spouse, rather than the joint decision of both (Gallagher, 1996), with the spouse who files for divorce first often having an advantage.

Table 4 shows the change in marriage rates during the early 1990s.

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Table 4: Percent of Divorces Involving Children, 1989/1990

<table>
<thead>
<tr>
<th>State</th>
<th>1989</th>
<th>1990</th>
<th>1989 Average</th>
<th>1990 Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>55.1</td>
<td>55.3</td>
<td>54.9</td>
<td>54.4</td>
</tr>
<tr>
<td>Kansas</td>
<td>55.5</td>
<td>55.2</td>
<td>55.0</td>
<td>55.0</td>
</tr>
<tr>
<td>Connecticut</td>
<td>49.1</td>
<td>49.5</td>
<td>49.3</td>
<td>49.3</td>
</tr>
<tr>
<td>Idaho</td>
<td>55.4</td>
<td>54.8</td>
<td>55.1</td>
<td>54.6</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>59.5</td>
<td>57.3</td>
<td>58.4</td>
<td>57.0</td>
</tr>
<tr>
<td>Alaska</td>
<td>52.4</td>
<td>49.1</td>
<td>51.2</td>
<td>49.8</td>
</tr>
<tr>
<td>Vermont</td>
<td>60.2</td>
<td>57.4</td>
<td>58.8</td>
<td>56.5</td>
</tr>
<tr>
<td>Illinois</td>
<td>55.6</td>
<td>55.5</td>
<td>55.6</td>
<td>55.5</td>
</tr>
<tr>
<td>Wyoming</td>
<td>58.0</td>
<td>56.8</td>
<td>57.4</td>
<td>56.4</td>
</tr>
<tr>
<td>Missouri</td>
<td>52.0</td>
<td>54.2</td>
<td>53.1</td>
<td>53.8</td>
</tr>
<tr>
<td>Oregon</td>
<td>52.4</td>
<td>51.8</td>
<td>52.1</td>
<td>51.5</td>
</tr>
<tr>
<td>Michigan</td>
<td>55.9</td>
<td>53.7</td>
<td>54.8</td>
<td>53.4</td>
</tr>
<tr>
<td>Virginia</td>
<td>49.3</td>
<td>48.7</td>
<td>49.0</td>
<td>48.4</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>57.3</td>
<td>56.8</td>
<td>57.0</td>
<td>56.5</td>
</tr>
<tr>
<td>Utah</td>
<td>62.2</td>
<td>63.2</td>
<td>62.7</td>
<td>63.0</td>
</tr>
<tr>
<td>Tennessee</td>
<td>49.9</td>
<td>49.9</td>
<td>49.9</td>
<td>49.9</td>
</tr>
<tr>
<td>Alabama</td>
<td>51.8</td>
<td>51.1</td>
<td>51.5</td>
<td>51.2</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>57.7</td>
<td>59.4</td>
<td>58.5</td>
<td>59.2</td>
</tr>
<tr>
<td>Nebraska</td>
<td>62.9</td>
<td>63.6</td>
<td>63.1</td>
<td>63.3</td>
</tr>
</tbody>
</table>

Put simply, when divorce becomes a less attractive alternative to marriage, we should expect less divorce. As can be seen from the findings, this appears to be happening in states with higher levels of joint custody. If sole custody reduces incentives to continue marriage, then we should also expect states that favor sole custody to have more divorces involving children. As can be seen from Table 5, the low joint/high sole custody states also had more divorces involving children, although the difference is not statistically significant.

SUMMARY AND CONCLUSIONS

The evidence reported in this paper indicates that widespread acceptance of joint physical custody will not increase the divorce rate, and may in fact reduce divorce. States whose family law policies, either by statute or through judicial practice – encourage joint custody have shown a much greater decline in their divorce rates than those that favor sole custody.

Both social and economic factors may explain the differences between divorce rates.

Sole custody allows one spouse to relocate easily and to hurt the other by taking away the children. Potentially higher child support payments with sole custody may provide an economic motive for divorce as well.

With joint physical custody, both social and economic motives for divorce are reduced, so parents considering divorce may simply decide it is easier to remain married. States whose policies result in more joint custody and less sole custody should thus see a reduction in divorce rates. The findings reported in this paper indicate that this is in fact happening.

About the Authors

Richard Kuhn is a research evaluator for the Children's Rights Council.

John Guidubaldi is professor of psychology at John Carroll University and Kent State University, Ohio. He served as commissioner on the U.S. Commission on Child and Family Welfare, is past president of the National Association of School Psychologists, and is a research evaluator for the Children's Rights Council.
Family court system actually works against sound parenting

Far too many times fit and able parents lose time at the hands of family courts – lawyers – third party beneficiaries – sold out ethics and weaponized money.

Erased parents

A far-too-familiar scenario that plays out for many parents comes in the form of scorched-earth tactics, subjecting them to a litany of unethical actions and stunts, designed to minimize – and in many cases erase – parenting time while targeting a parents resources. This in way disagreements in custody turn into battles, whereby nobody wins and the child in the middle loses every time.

Countless delays, hurdles, barriers, allegations and temporary custody and protective orders often greet parents at the initial outset of their court experience – many times laced with ulterior motives. The strategy against the targeted parent is simple – maximize time between the child and one parent – at the expense of the other. In doing so the targeted parent not only becomes at risk for losing time with their child but also exposed and subjected to archaic laws and formulas often used as financial weapons to dismantle and deplete any remaining resources a parent has left to provide for themselves and their child – or maintain any prolonged legal challenge to safeguard their parental rights – that at this stage have often been trampled upon.

The results can be devastating and often constrict a parents ability to protect a child who very well may be at real risk of becoming alienated and isolated from the targeted parent not only becomes a devastating strike against the unfavored parent. In doing so the targeted parent not only becomes at risk for losing time with their child but also exposed and subjected to archaic laws and formulas often used as financial weapons to dismantle and deplete any remaining resources a parent has left to provide for themselves and their child – or maintain any prolonged legal challenge to safeguard their parental rights – that at this stage have often been trampled upon.

Kristi Beck, host of the Mommy Interrupted Radio Show, has tirelessly advocated on behalf of the many parents caught up in family court systems nationwide. Her show provides a strong voice and compassionate ear in covering topics focused on parental alienation and the need for shared parenting and court reforms.

The show features interviews with non-profit leaders, documentary filmakers, authors, psychologists and others offering insight into the topics covered. Kristi is not only the host of the show, but also a target of the system – erased from her own child’s life.

Commenting on what drives her on these issues Kristi said the following,

“As a targeted and erased mom, I am here to help people understand that it happens to moms too, at an increasingly alarming rate. There is a stigma attached with being an alienated mother, because our society is set up to believe that it’s OK for fathers to play second fiddle and for mothers to get full custody. I disagree. I believe that equal and shared parenting is essential to the development and growth of healthy and well balanced children. BOTH mothers and fathers are important. So, one of my goals is to bridge the gender gap between mothers and fathers. There are feminists who believe fathers are merely sperm donors and should not be entitled to equal custody – and there are also men, (like my ex husband) who believe their children would be better off without their mothers. Add into that equation, a family law system set up to divide families for profit, and you have a recipe for disaster. I want NOTHING more than to have a relationship with my daughter. But until then, the best thing I can do is to be a voice and to provide the platform to help others have a voice about the need for reform within family law, as well as the utter importance of the need to HEAL ourselves.”

Supervised Visitation

On the books the reasoning often involves a danger or threat posed to the child’s safety by a parent that necessitates the need for a third party overseeing parenting. While in some extreme situations such a set-up is warranted and makes sense – a good number of these “therapeutic” or “supervised” visitations are often antithetical to the best interests of a child and parent.

Oftentimes the idea of a supervised visitation is introduced by one side in a case and done as part of a series of tactics in the pursuit of custody for purposes of leverage as opposed to genuine need. Evidence exposing this type of transgression can be hard to find amidst the hearsay and allegations that are often before a court – sometimes these disingenuous motives are illustrated clearly when on one hand you have a party requesting the court to order such supervision as stated in filings before the court – while on the other hand that same party concurrently makes gestures to settle custody issues with the targeted parent via hallway discussions and informal correspondence offering to drop demands for these visitations if the targeted parent agrees to certain conditions – beneficial to the parent doing the leveraging. As these communications are “off the record” and transpire many times in the hallways prior to hearings – they aren’t brought to the attention of the court.

Monica Szymonik, a constitutional and civil rights activist and autism advocate from Connecticut, commented on these types of visitations in saying, “Supervised visitation is often routinely ordered by some courts as a ‘precaution’ to make sure everything is okay. They order it for ‘only’ a few months to a year, but often much longer. Attorneys push their clients to accept this (mainly to avoid an exhausting trial) and encourage their disadvantaged client build up a good series of reports to look good to the judge. Many times, SV is totally unnecessary. When it is necessary, it’s already done in a formal setting in a prison, or through a case plan via Child Protective Services. Having a hodgepodge supervised visitation arrangement done through the Family Court is frequently a tactic engineered to destabilize the parent-child relationship and/or to create ‘status quo’, which becomes a devastating strike against the unfavored parent.”

Having a hodgepodge supervised visitation arrangement done through the Family Court is frequently a tactic engineered to destabilize the parent-child relationship and/or to create status quo, which becomes a devastating strike against the unfavored parent.

SOURCE: The Virtual Roundtable – http://www.huffingtonpost.com/entry/a-broken-system-timed-out-custody_us_5b509f2e4b0fa1a4999ac18c

“Parents who have one hour a week of supervised visitation have lost 167 out of 168 hours a week with their child – which amounts to more than 99% of their physical custodial rights. Further, they almost never have any legal rights whatsoever to make decisions for their child. In addition to most legal holidays (facilities aren’t open) and have no vacation time. A parent who parents in the confines of a facility will never take their child to the beach, or run through the park, or go to the movies. And if you are stuck with this arrangement, you can kiss your First Amendment rights goodbye, for a person with a clipboard will be watching and monitoring what you say. You won’t be able to educate your child in religion, which has been an iron-clad fundamental right enjoyed by parents for centuries. As I’m facing this myself (click here to access video), I wonder if every parent refused this arrangement, what would happen to these entities? Think of Economics 101 – the supply and demand curve. If there is no demand, what would happen to the supply?”

National Conversation

As parents and children are often vulnerable in being exposed to those individuals and institutions that would take advantage of them in family court environments — many of the dysfunctional issues that transpire are coming to light and being discussed out in the open — where once such conversations were few and far between.

Over the past many years with the advent of technology and social media people are sharing stories and information from behind the closed doors of family courts — whereby people are connecting the dots of common struggles and encounters as they share experiences and discover they are not alone in their trials and tribulations.

– Zena Crenshaw-Legal, J.D., Executive Director of The National Judicial Conduct and Disability Law Project, Inc., organizes weekly podcasts under the name The Virtual Round Table. Now included in the lineup of programs, that airs monthly, is one focusing on family court related issues.
When Matt Dunlop realized in May of 2007 his wages were being over garnished for child support, he never realized 10 years later he would still be in court trying to get his money returned.

He also hadn't realized that he’d stumbled into what has turned into an apparent scheme by the Ohio Department of Jobs and Families Services to knowingly and deliberately over-collect on child support cases.

Just how much over collected money and from how many people? Try more than $175 million from more than 114,000 people. To put that in perspective, Ohio Child Support Enforcement has snatched more money than it is legally entitled to from more than 20 percent of the state’s total caseload.

You’d think Ohio would want to get to the bottom of this situation and clear it up as quickly as possible, but that hasn’t been the case so far.

As you can see from the articles and releases below, rather than fix the problem the state has simply been trying to silence Dunlop and get his case thrown out of court.

The state won a dismissal of the suit six years ago by claiming Dunlop brought his action in the wrong court. Fair enough, so Dunlop refiled the case in Ohio’s Court of Common Pleas.

He almost made it to trial in 2014 when the state asked for a stay of the proceedings pending the outcome of a case before the Court of Appeals which the state alleged would settle the issues in Dunlop’s case as well.

Fast-forwarding to 2017, after the state won the appeal in the other case, it immediately motioned for dismissal of Dunlop’s case, which was granted.

The problem, which takes Dunlop back into the Court of Appeals again, is that the case the state won earlier has a completely different set of facts than Dunlop’s case.

The other case involved a father that was VOLUNTARILY sending extra payments through the support collection office, which were being forwarded to the child’s mother. He wanted those extra payments returned and the state said no, go get them from the mother. The state prevailed.

In Dunlop’s case, all the money sent through the state collection unit came from employer wage withholding, based on the court’s child support order. Dunlop never mailed in extra payments.

What Dunlop discovered was that the child support bureaucracy had ordered his employer to send in more money than was authorized by the court order.

So Dunlop has had thousands of extra dollars taken from his paycheck based on ODJFS error.

It turns out Dunlop wasn’t the only person where the state made this error. It turns out the state has erred in more than 114,000 cases.

It’s hard to imagine that’s an accident. It appears more like the state knew exactly what it was doing and now is trying to cover up its actions.

Dunlop has uncovered serious improprieties in Ohio’s child support program. On April 4, 2017 the Ohio Court of Appeals will hear arguments and determine whether the case will proceed.

If the state has nothing to hide, why does it continue to work so hard to deny Dunlop his day in court? We can think of about 175 million reasons.

Original press release from ACFC after 2011 suit filed

After the initial filing in 2011 (which is at the link provided at the top of the second column), American Coalition for Fathers and Children Executive Director Mickael McCormick said state’s practices weren’t harming just child-support payers.

“Overzealous and erroneous child support collection efforts affect all citizens. This case is not about parents who don’t, or can’t, pay child support. ODJFS is literally taking money it is not entitled to from tens of thousands of good support paying mothers and fathers who could use those funds for food, shelter, and education for their children when they are with them.”

McCormick adds: “The state should not be misleading parents that their child support balance is zero when they are, in fact, overpaid and should have an account credit.

Parents are told they cannot recover the overpayment until the child support case is finished. For many parents that’s 10, 12 or 15 years down the road.”

“Ohio regularly incarcerates poor parents who fall behind on their support obligations sentencing them to what are in effect ‘debtor prisons.’ Now it’s alleged the state has, for years, been pilfering from parents who have fully paid their obligations. There’s more going on than can be justified by the typically forthcoming ‘computer glitch’ excuse. It appears there are problems in the agency across the spectrum of payers,” said McCormick.

This is not the first time Ohio has been sued regarding child support payments. A decade ago Ohio was sued for wrongly withholding collected child support money from custodial parents. Millions of dollars were paid to affected children and parents.

In 2010 The Columbus Dispatch reported the story of a young father from whom the state collected $200 per month for his 5-year-old son while the child lived with him.

Ohio deprived this child of much-needed support for more than a year (dispatch.com/live/content/local_news/stories/2010/09/27/child-support-orders-dont-always-follow-child.htm#id=101).

Reports list Ohio as having more than $26 million dollars in net collected, undistributed child support, also known as UDC. Most states have millions that have not been timely distributed to families (acfc.hhs.gov/programs/cse/pubs/2010/reports/preliminary_report_fy2009/table_32.html).

These problems are not unique to Ohio. National dialogue, increased scrutiny and Congressional oversight hearings probing the numerous errors and questionable practices of child support collection agencies are necessary.

Incarcerating indigent parents unable to pay support is bad enough. For states to knowingly and unlawfully take excess money is unconscionable.

In Mr. Dunlop’s case the state has deliberately concealed the overcharge of approximately $3,500 in child support. In a separate case filed in late September 2011 before the same court another individual has claimed over $82,000 in concealed child support overcharges.

Actions like those taken by state of Ohio result in the loss of confidence of citizens in their government. The overreach of government into the private sphere of family life cannot be over emphasized.

Of far greater concern to most of these loving parents than the theft of their money, is the loss of the relationships they experienced with their children as a result of a heavy handed divorce and child custody system.

Destroying kids relationships with one of their parents so state agencies and various associated industries can turn a buck (or billions of bucks) is one of the greatest crimes against humanity perpetrated over the past 50 years.