



# PACE

Parents And Children for Equality

## Newsletter



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Columbus, Ohio Chapter

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The "Best Parent" is *Both* Parents

November 2002

### Parents Converge on State House with a Message:

#### The "Best Parent" is *Both* Parents

On November 2, over 100 concerned Ohio citizens rallied in front of the Ohio State House to promote equal shared parenting of children after divorce. The group included divorced fathers and mothers, as well as the parents and children of divorce parents. While the members of the group were diverse, they spoke with a single voice. They said, "In order for the laws of the state of Ohio to be constitutional, as well as to be in the best interest of the children, the state must presume that divorced parents have equal parental rights and responsibilities; it must deviate from this result only when there is clear and convincing evidence that one parent is unfit, unable or unwilling to function in this capacity."

True shared parenting means that both parents are legal custodians of the children and physical custody is divided equally between the parents. Currently every divorce court in Ohio has the power to order true shared parenting even if one parent objects. In practice, though, it is very rare that a court will order true shared parenting over the objections of one parent. This effectively gives one parent veto power over a true shared parenting outcome. That is wrong—it is bad for children and it is unconstitutional.

The parents who gathered on the State House want to change Ohio's laws and court practices. True shared parenting should be the norm—the presumed outcome of every case. The burden of proof—and it should be a heavy burden—should be on the parent who wants to deprive the other parent of parental rights.

The rally was spurred by the federal case of long-time PACE member Mike Galluzzo. Mike is challenging the constitutionality of Ohio's custody laws. And the federal court is listening. Mike's case is the first one we know of that where a federal court will decide whether a state's custody laws violate the federal constitution because they fail to presume equal custody of children when the parents divorce.

### DECEMBER MEETING

Speaker: TBA

Location and Time:

December 16, 2002, 7:00 p.m.

Worthington Presbyterian Church  
(Northwest corner of High St. and SR 161)

#### Director's Corner

##### Equal Parents Rally

On Saturday, November 2, about 100 people from around Ohio met on the State House steps to protest against a family law system that routinely turns one parent into a visitor in his or her children's lives. The rally in support of equal parenting was spurred by Mike Galluzzo's federal court case that appears to be going forward on its merits. (Read on for more about this landmark case.)

It was good to get to meet people from around the state who have been active on the e-mail discussions. Many thanks to those who worked hard to arrange this rally: Dennis Caron, Mike Galluzzo, Marcia Winfield, and so many others.

##### Developments in the Galluzzo Case

As most of you know, Mike Galluzzo has challenged the constitutionality of Ohio's laws that regulate the custody of children after divorce. In fact, he made a federal case of it (and, yes, there was a need to make a federal case out of it since the state courts have consistently refused to review the issue seriously).

There are many ways for a federal court to avoid hearing a case such as Mike's. Many divorced parents who have tried to challenge the constitutionality of the laws that took their children away from them have been unceremoniously booted out of court. Mike's case has gotten further than any other similar case we know of in the country, ever.

On August 12, the 6<sup>th</sup> District Federal

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**Director's Corner continued**

certified to Ohio Attorney General Betty Montgomery the existence of a federal question raised by this case. On September 24, the Court joined the state of Ohio as a party to the action. After receiving a motion from the attorney for Betty Montgomery asking the court to dismiss the case, the Court, on its own initiative, dropped the state of Ohio from the case and allowed the case to

proceed as one between Mike Galluzzo and his ex-wife Theresa Cook. Since the state is no longer a party to the case, its motion to dismiss the case is rendered moot. In effect, the state of Ohio has left it to Ms. Cook to defend the constitutionality of the state's laws concerning the custody of children after divorce.

The Court's decision might even be read to suggest irritation with the Attorney General's stance on this issue. Magistrate Judge Michael Merz writes in his decision, "the state, through the action of the Attorney General, has made it abundantly clear that it does not desire to defend the constitutionality of this statute and rule, at least in this case." Merz goes on to say, "Although the court has not yet decided the question, it appears the plaintiff has sustained a sufficient injury in fact to have standing to raise the claim."

A telephone pretrial conference is scheduled for December 16. Magistrate Judge Merz says in his decision, "At that time, the Court intends to set a schedule to obtain briefing on the constitutional questions which will enable a prompt decision." We look forward to that decision.

**If You're Not Part of the Solution...**

Ever since the 1960s, I've heard the phrase, usually attributed to Eldridge Cleaver: "If you're not part of the solution, you're part of the problem." Lately, I've had some occasion to

reflect on how those of us trying to effect social change should interpret this claim. I think there are two very different ways to understand it—one positive and one that will point us in the direction of self destruction.

I don't think we should understand the phrase to be saying, "if you're not with us, you're against us." That puts everyone who is not already involved in the movement in the camp of our enemy. If we approach people with this attitude, we immediately put them on the defensive.

But think back to before you were involved with the family law system. Did you understand what was going on? We're you part of the solution? Most of us weren't. From talking to hundreds of people, I can assure you that people are shocked when they become involved in the family law system. The most common reaction I hear is, "I can't believe this is happening; I had no idea."

So, those who aren't already with us aren't necessarily against us. But it's still true that those who are not part of the solution are part of the problem. The way we should interpret this is that one of *our* problems is that so few people understand what is happening and what must be done to change it. The majority of people who don't know anything about the divorce system *are* part of the problem. They are part of *our* problem. We need to find ways to make them part of the solution.

**Closing Thought**

The developments in the Galluzzo case are heartening. We look forward to the prompt decision Magistrate Judge Merz promises. In the meantime, members of PACE and other groups with similar interests are meeting with legislators to try to effect legislative changes that will bring our laws and court practices into compliance with the constitution and, at the same time, ensure every child's right to a full parent/child relationship with both parents.

To do this, we must solve the problem of those who are not yet a part of the solution. But that solution requires that we carry a positive message of change that will benefit the children and parents of Ohio.

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## '100-mile rule' in divorce cases called restrictive

By Chad Halcom, Macomb Daily Staff Writer  
November 04, 2002

**It's a law intended to keep both parents involved with the children of broken homes, and to prevent ex-spouses from punishing each other by moving the kids too far away.**

But occasionally, some officials claim, parents move to southeast Michigan for the sake of a marriage only to find themselves later divorced and isolated from career or family, unable to leave for fear of losing custodial rights of their children.

One such woman, say her mother and her attorney, is Susan Klecot of Eastpointe. Recently divorced from Lamont Klecot, her husband of many years, she claims Michigan's "100-mile rule" bars her from moving and claiming a family inheritance in California.

But Mr. Klecot counters in court that the inheritance is a thinly masked effort to leave Michigan and an awkward family situation.

"Susan's father died, and he has left her \$50,000 to help her purchase a new home back in California. That's where she lived — where they lived, before," explained Jacob Femminineo Jr., Susan Klecot's attorney. "At first he (Lamont Klecot) was very lackadaisical about where she lived with them, but then all of a sudden he's interested in asserting his visitation rights."

But so far, court officials don't see the case that way. At least once previously, Mrs. Klecot has lost bids in court to change the legal residence of the couple's four children because her basis for the move didn't have sufficient legal validity.

"She just has her mom writing a letter saying there's money for her. There's no will, no estate, no trust, nothing legally binding about her moving to California," said Jennifer Lujan, Mr. Klecot's attorney. "And she's already lived here several years, and has the marital home. It's not like she just arrived and has no means to support herself."

The Klecots, who are still listed in court records as sharing a home in Eastpointe, could not be reached for comment. Court officials have an evidence hearing scheduled Nov. 26 about her reasons for the move.

The case turns in part on the so-called 100-mile rule, a custody and visitation law adopted two years ago by the Legislature. The rule restricts the ability of a parent living within 100 miles of the noncustodial parent to move the children farther away.

The Klecots divorced in 2000, and have four children ranging in ages from 6 to 12. She apparently has held jobs as a crossing guard and dog groomer, while he works at a Saturn dealership in Southfield.

Mrs. Klecot, who has physical custody of the children, still lived within 100 miles of Lamont during the divorce. So any move farther away must be reviewed by the court, which judges a move on several criteria including domestic violence, improvement of a parent or child's quality of life, or a mere desire to "defeat" a custody or visitation order.

"Basically, it's evaluated in terms of the best interests of the children," said Macomb County Friend of the Court Director Lynn Davidson, whose staff reviews those standards when asked by a judge. "And a lot of times the parents are able to reach a resolution on their own, before we do".


Originally, the only law Michigan had about residence after a divorce prohibited the custodial parent from leaving the state; but the new law modified that to create a 100-mile radius.

Court records in the Klecot case suggest Susan's mother, Janice Chalmers of Orange, Calif., is holding money her late father intended her to have for a new life in the family's home state after Susan's divorce.

"We were well aware of Susan's unhappy marriage and her divorce was in the works at that time (the father died)," Chalmers states in those records. "It was my husband's wish that Susan receive \$50,000 for a new house, but the stipulation was that it had to be in California."

But Lujan claims Mrs. Klecot has the Eastpointe house now, and the cost of living is much higher near her family.

"Also, this began to be a source of trouble when he (Lamont) got engaged to someone else, and there was that added element," said Lujan, an attorney with the American Divorce Association for Men. "This may have something to do with that."



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## HOLIDAYS: Traditions and Transitions



We all want the holiday season to be a time of hope and renewal. Perhaps this is your first holiday as a parent, a single parent, or a step parent— families are in constant transition and/or in search of new traditions. An article entitled “The Importance of Rituals” discusses why rituals are important to babies, what type of rituals are important, establishing family rituals, and also links to a variety of other sites on family traditions. Also read the articles Family Holiday Traditions or Develop Holiday Traditions Your Kids Will Enjoy which offer ideas on new traditions your family can established.

But often as not, the holiday weeks also bring with them an unwelcome visitor: stress. Stress can come from a variety of directions — emotional stress, financial stress, physical stress. The stress is not just felt by adults - the children are also very much affected.

Schedules may become irregular, particularly if you are traveling during the holidays. Families can cope better if they can keep routines as normal as possible and concentrate on important activities to reduce holiday stress. Routines are important for children, so try to maintain normal meal and bedtime schedules even during holiday vacations. Children may feel upset, grouchy or anxious during this busy time. Don't expect children to always be happy and appreciative. Having a quiet time is also a good idea during the holidays. Play soft music, read stories or take a stroll to bring down your child's activity level. Setting a “whisper hour,” a time when everyone in the house must whisper, is a way to reduce noise and add mystery to the season.

Schedule shopping outings when the children are rested and not at the end of a busy work day. Better yet, trade babysitting with family or friends so you can go without the children, or look for local community “drop in” programs to entertain and care for the children while you shop.

The following are additional tips which may help make your holidays more relaxed:

1. Be realistic
2. Use humor
3. Do less instead of more - be selective in your activities
4. Don't try to meet everyone's standards
5. Concentrate on people instead of objects
6. Eat regular meals and focus on good nutrition
7. Let your children help you
8. Make a list of details that make the holiday easier and rely on it in following years
9. Holiday meals and entertaining - serve foods that can be prepared ahead of time and allow your guests to help themselves
10. Get regular exercise
11. Set a budget and stick to it
12. Make grandparents part of the holiday celebrations. This is an important way of sharing ideas and traditions between the generations
13. Select only the activities MOST important to the family. By letting go of the less important ones, the festive mood won't be hindered, but stress may be eased
14. Schedule activities over several days so the excitement isn't overwhelming — for the children or for the adults
15. Be good to yourself - soak in a hot tub or get a foot massage

Perhaps there have been changes in your family composition during the year - this may be your first holiday alone, your first holiday as a single parent , or your first holiday as a divorced dad and you're trying to establish or make new traditions with your children. Be patient and realistic during this time of transition.

Last, be prepared for the post-holiday blahs - it is not unusual for children to seem moody or let down after the holidays. They may suffer from having expectations that did not match well with reality; others seem bored and demand amusement. Perhaps these children have become used to overstimulation and cannot find ways to busy themselves. Parents can help by not overreacting, and by allowing a little more leeway in their expectations. Almost everyone needs a little time to adjust to the post-holiday change of pace.

(Portions of this article were adapted from articles provided by the Children Youth and Family Consortium Electronic Clearinghouse. Phone (612) 626-1212 Email: cyfcec@maroon.tc.umn.edu.)

### Dad Blood

#### ***If DNA tests prove that you're not your children's father, do you still owe child support?***

November 6, 2002 by Cathy Young

Imagine raising a family for years, only to find out one day that your children are not really yours.

Imagine, after the divorce, being told by the courts that you have to continue paying financial support for these children.

Is this a Kafkaesque nightmare, or an unfortunate necessity to protect the children's interests?

No one knows exactly how many men — and children — around the United States are confronting this question in their own lives, but the individual cases that have made it into the spotlight are wrenching.

One such story, told recently on NBC's *Dateline*, is that of Morgan Wise, an engineer in Big Springs, Texas. Wise's fateful discovery, several years after his divorce, was prompted by the desire to help treat his 6-year-old son for cystic fibrosis: When he took a blood test to find out which cystic fibrosis gene he carried, it turned out that he didn't have the gene at all. Both parents have to be carriers for a child to inherit the gene.

Subsequent genetic tests showed that of the four children born to Wise's former wife during their 13-year marriage, only the eldest was his. "I never experienced a heart attack, and I can tell you, I had one that day," Wise told *Dateline*. "I mean...a part of me died."

When Wise went to court asking to be relieved of the child support payments that consumed a third of his take-home pay, he was turned down. Wise was later barred from contact with all four children because he had discussed the issue of their parentage with them in violation of the judge's order, but he still had to keep the checks coming. In January the U.S. Supreme Court declined to hear Wise's appeal.

To some extent, Wise and others in his position are victims of a gap between law and technology. The law basically presumes, as in ancient Rome, that a woman's husband is the father of any child born during the marriage. While a court may rule in favor of the cuckolded husband, what legal precedent exists is not on his side.

Rulings in Pennsylvania, New Hampshire, Rhode Island, and California have also held that if the husband acknowledged the children as his for the duration of the marriage, he cannot deny paternity afterward.

When it comes to unmarried fathers, the law is more flexible, but a man who did not initially dispute a paternity claim may also find it tough to do anything about it later, particularly if he at some point acted as a father to the child. In Georgia, Carnell Smith, now 41, voluntarily assumed responsibility for a child his former girlfriend told him was his, paying more than \$40,000 in child support during an 11-year period. In 1999, when the mother went to court to seek more money, Smith, by then married with two children, sought genetic testing and learned that he wasn't the girl's father. The courts were not swayed, and by now Smith's total child support bill has reached \$120,000.

The 1996 federal welfare reform law directs that voluntary acknowledgment of paternity by an unwed father should be treated as a conclusive and binding establishment of paternity, although it allows for a 60-day rescission period; a 2000 Department of Health and Human Services report on paternity establishment strongly urged state child support collection agencies to follow these guidelines and to encourage the courts to do so as well. Interestingly, the report also noted that over 40 percent of local child support agency staffers surveyed supported genetic testing for putative fathers. Many of these employees felt that affidavits acknowledging paternity were often signed in the flush of excitement over the birth of a child, and some even expressed concerns that a mother's new boyfriend might acknowledge paternity knowing that he was not the father, "out of kindness, pity or foolishness."

At present, four states — Louisiana, Colorado, Iowa, and Ohio — allow men to use DNA tests to disprove previously acknowledged paternity. Similar "paternity fraud" legislation is pending in California and in Georgia, where the initiative has been spearheaded by none other than Carnell Smith.

It might seem like a matter of simple justice. Why should a man support a child who isn't his? If DNA testing can be used to exonerate people accused of rape or murder, why not use it to exonerate men accused of fathering children?

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Nevertheless, such proposals remain controversial. Earlier this year, an editorial in *The Atlanta Journal-Constitution* noted that the Georgia bill dealing with DNA and paternity was “moving forward at an alarming pace” and warned, “Somebody in the General Assembly needs to apply the brakes to it quickly.”

What exactly is the peril opponents of such legislation are trying to avert? One common response is that one has to consider the best interest of the children. Yet the exoneration of a falsely accused “father” does not mean that no child support will be paid; the real “culprit” can be pursued instead. Morgan Wise, for instance, has unsuccessfully tried to argue that his former wife’s lover or lovers who fathered the three boys he once believed to be his should be the person or persons paying child support.

Moreover, paternity fraud often ends up robbing its victims’ real children. Bert Riddick, a California father of three, has spent the last 11 years paying child support for a girl he has never met, a girl whom DNA tests have shown to be someone else’s daughter. As a result, he and his family have had to move in with his brother-in-law, in whose house the three children are crammed into one room. His wife has had to go on welfare.

Critics of paternity fraud legislation also emphasize the social, emotional, and psychological damage children are likely to suffer when Daddy suddenly discards them. And there is no doubt that children get badly hurt. Morgan Wise may have been shafted by the system, but it’s difficult to view him with unalloyed sympathy when one learns that, after losing his claim for relief from child support payments, he took his battle public — with the inevitable result that the rumors reached the boys’ school, and he ended up telling them he wasn’t their real father.

“Regardless of the circumstances of conception, for the child this is the only father he or she has known,” Los Angeles attorney Jenny Skoble, director of the Child Support Project at the Harriett Buhai Center for Family Law, wrote recently in *Insight* magazine. “If this man disappears from the child’s life, the child not only loses his financial support, but suffers the well-known emotional effects of being abandoned by a parent.”

That’s often true, and it’s unfortunate (though it is worth noting that the women’s advocates typically making these arguments rarely show much concern about divorced fathers’ complaints that their ex-wives intentionally disrupt visitation). Yet the reality is that no court can force a parent to be emotionally involved with his children and to participate actively in raising them. A court can only force him to pay up. It’s true that courts sometimes bar the alleged father not only from using DNA test results in a paternity challenge but from having the children tested, so as to avoid potentially traumatizing them. Even so, a father who is unsure of his paternity may well withdraw from the children.

It is sad, of course, when a man who has been a de facto father to a child for years suddenly and abruptly abandons him or her. (Conversely, there is something self-serving and opportunistic about the position of some fathers’ advocates that a man who has learned that his child is not biologically his should be able to continue contact and visitation but shouldn’t pay child support.) But surely a good portion of the blame for such tragic situations rests with mothers who cheat and lie. The men who fight back don’t necessarily believe, as some critics claim, that biology alone makes you a father; often, they are reacting to being deceived and used.

“What you’re saying is that all a man is, in terms of a father to a child, is a sperm donor,” Paula Roberts of the Center for Law and Social Policy in Washington, D.C., told the *Los Angeles Times*. “We think that’s really bad social policy.” Agreed. But our current social policy all too often reduces a man to a cash machine.

Cathy Young

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## A Shared Epiphany

By Bill E. Branscum ©2002

Being a single parent can be depressing; sometimes, it's hard to appreciate how fortunate we really are. I have been raising my children for a few years now; the divorce is history, emotions have subsided, the hurt has pretty much faded away and I think the worst part is over.

For those who may be just starting down this road, I would like to share a little episode from my life with you; this is taken from a letter I wrote to a friend. Back when this "Mr. Mom" odyssey began, I was pretty miserable (words like despair and depression come to mind) but I took the kids fishing, to Busch Gardens, to the beach . . . and did everything else I was supposed to do. I took them because I'm their Dad and it's part of my job, but my heart wasn't in it - it was an "autopilot" kind of thing. I was so miserable and dejected; all I could see was the fact that my family was split up. All I could think about was the fact that my wife, and their mom, wasn't with us.

The mind is peculiar - more people commit suicide during the Christmas Holidays than any other time of the year. Lord knows I can understand that. Being surrounded by happy doesn't make you happy - when you're depressed, everyone else's happiness just makes despair that much worse.

On this particular occasion, we went to Busch Gardens, a nasty, depressing place full of offensively happy people. Days can be really long there - especially when it's a struggle to ignore the loving couples holding hands and resist resenting all the happy little families having fun together. I bet I'm not the only single parent who can relate to that.

It was late in the day and we were back at the Stanley Falls Flume where they have little tables set up so you can sit and eat. As the kids ate, I looked across the little courtyard and saw a mom with a child in a wheelchair.

It wasn't a park wheelchair; it was one of those big, cumbersome contraptions made for seriously handicapped people who rarely get out of them. The mother was just sitting there staring at us.

From where I sat, I could see that her child was twisted up and deformed, breathing through a tube in her throat. I guess it was Cerebral Palsy or something like that, but I don't know. The mother just sat there, staring at these kids, completely lost in thought. I don't think she was even aware of me at all.

There are things we think about, things we worry about, but put out of our minds entirely when the time for fear is gone. That unspoken dread, that terrible possibility that we never really acknowledge, the nightmare that plagues all women during pregnancy had become her reality - and her life.

It was weird, it was like I could read her mind. She was looking at what could have been, dreaming of what it would be like to have what I have, or what you have, a Megan or a Lily.

That woman was looking at these lovely little blonde children, and seeing all those magic, mental images she had carried with her for nine months. Lost in the reverie of abandoned plans and forgotten promises, she sat there dreaming about health and happiness that no money can buy.

As I watched her, I remembered our joy in the gift of perfection. With us, it was . . . it was *just absolutely wonderful, time after time.*

As she sat there, "What I wouldn't give . . ." was written all over her face. I knew there was nothing on earth she wouldn't give, and no price she wouldn't pay.

We sat there like that for a really long time, I don't think she blinked or moved for fifteen minutes; I don't think she ever even saw me at all.

Finally, her face changed as reality reclaimed her mind and washed over her. Her look changed to resignation, her jaw set and her lips thinned with grim determination as she went back to dealing with her child. She wasn't happy, but she didn't really look unhappy either. You could see the love and commitment as she went on trying to make something pleasant happen in the life of her child.

That poor lonely woman didn't make that child by herself, but there was no man there with her, and something told me that he'd bailed on her years ago. I sat there wondering what kind of man could have told that woman he loved her, shared her dreams and intimate moments and made that baby only to turn his back on his child, abandoning her to deal with the tragedy alone.

When you get that feeling that you're going to have to die to get better, when you just want to shoot yourself, chew broken glass or set yourself on fire and run around screaming, step back and take a look.

You may find you're living somebody else's dream.

Found at [www.mrmoms.org](http://www.mrmoms.org)

washingtonpost.com

## More Child Support Paid Promptly, Study Finds

The number of mothers receiving all the child support they were due increased by more than 25 percent during the late 1990s, the Census Bureau reported yesterday.

A strong economy and stricter enforcement prompted more fathers to pay in full, analysts said. More than 2.8 million women collected all the child support they were owed, representing nearly 46 percent of all custodial mothers due payments in 1999. That was up from nearly 2.2 million, or almost 37 percent of the mothers owed support in 1993.

The report included other upbeat statistics for mothers raising children without a father at home. More custodial mothers worked, fewer lived in poverty and fewer collected public assistance during the six-year period. The welfare overhaul of 1996, which is up for renewal in Congress, nudged more single mothers off assistance rolls and into jobs.

Critics noted the report failed to paint an updated picture of life for single parents since the economy started to sour in 2000. "The problem we are seeing now is that so many people are struggling again," said Geraldine Jensen, president of the Association for Children for Enforcement of Support. "In a lot of ways it makes child support more important than ever."

The percentage of custodial mothers who received none of the child support due to them remained relatively unchanged at 25 percent between 1993 and 1999, though tougher enforcement measures were installed midway through that period.

Among custodial fathers, about 248,000 received the full amount of child support from an absentee mother. That was more than 37 percent of the total number of 2 million custodial fathers due money, relatively unchanged since 1993. More than 35 percent of custodial fathers in 1999 received none of the child support due, up from about 26 percent six years earlier, though the Census Bureau did not consider that change to be statistically significant.

From News Services

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## Excerpts from "Fathers' Rights" by Jeffery M. Leving

### FATHERS' RIGHTS

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Until truth, justice, compassion and common sense prevail more broadly and more consistently, a father facing exclusion from his children's lives must plan carefully, negotiate skillfully, and fight fiercely to assert and preserve natural rights and constitutionally guaranteed freedoms that most Americans take for granted.

Often, the obstacles of gender bias, judicial inconsistency, and public apathy separating a father and his children may seem insurmountable. Believe me when I tell you that they are not. Ten years ago, fathers routinely walked away from custody disputes. They felt they had no chance of winning. Since then thousands of men have stayed the course and built new lives for themselves and their children. And every time a disenfranchised father is able to reconnect with his children, it quickly becomes evident — to the father, to the children, and to our society — that the ultimate rewards of the father's quest far outweigh the heartaches and hardships endured along the way.

### THE SOCIAL CONSEQUENCES OF FATHERLESSNESS

- Pages 46-47 -

...the average visitation order gives a father fifty days a year with his children. Because 20 percent of custodial mothers see no value in maintaining the father-child relationship, visitation interference is common. That fifty-day allotment quickly evaporates. Only one in six divorced fathers sees his children once a week or more. Almost 40 percent of children who live with their mothers haven't seen their fathers in at least a year. The bottom line is, fathers are vanishing from the social landscape, and as the following facts compiled by the National Fatherhood Initiative demonstrate, father absence has dramatic and extremely serious effects on us all:

### THE ULTIMATE OLD WIVES' TALE

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The ingrained presumption that femininity and parental ability are "naturally" intertwined is a hardy, durable myth, apparently immune to the forces of science, social reality, political pressure, and public opinion.

Numerous studies of single-parent households have reached similar conclusions: There is no correlation between gender and child rearing competence. While several differences in parenting styles were noted by researchers, both mothers and fathers were found to be equally capable as caregivers. (Parental competence, in all the studies cited, was measured through comprehensive evaluation of children's behavior, attitudes, school performance, and social skills.)

**Families and the War**  
**By Dianna Thompson and Glenn Sacks**

As the United States prepares for war against Iraq, tens of thousands of fathers who serve as reservists are preparing to say goodbye to their families and serve their country overseas. Yet, America's enemies abroad are not the only danger these dedicated men will face. Upon return, those with child support orders will face a threat here at home — the war that is being waged against "deadbeat dads."

Bobby Sherrill, a divorced father of two from Parkton, N.C., was a casualty of that war. Mr. Sherrill, who worked for Lockheed in Kuwait before being captured and held hostage by Iraq for nearly five harrowing months, was arrested the night he returned from the Persian Gulf War. Why? For failing to pay \$1,425 in child support while he was a captive.

If laws are not changed, thousands of today's reservists could face a similar threat. Reservists' child-support obligations are based upon their civilian pay, which is generally higher than their active-duty armed forces pay. When a child-support obligor's pay decreases, the remedy is to go to court and get a downward modification. However, since reservists are often mobilized with as little as 24-hours notice, few are able to get these modifications before they leave. As a result, many reservists fall hopelessly behind while serving, and can be subject to arrest for nonpayment of child support upon their return.

For example, a naval reservist who has three children and who takes home \$4,000 a month in his civilian job could have a child support obligation of about \$1,600 a month. If this father is a petty officer second class (E5) who has been

in the reserves for six or seven years — a middle-ranked reservist — his active-duty pay would only be \$1,912 before taxes, in addition to a housing allowance.

States assess interest on arrearages as well as penalties on past-due child support. Because the federal Bradley amendment prevents judges from retroactively modifying or forgiving support, obligors who fall behind for legitimate reasons cannot have these arrearages wiped out. And even those returning servicemen who avoid jail or other sanctions may still spend years trying to pay off their child support debt — a debt created entirely by their willingness to serve their country.

Though the Family Support Act of 1988 allows noncustodial parents who have had a reduction in income to request a decrease in their child support by getting downward modifications, few state agencies honor such requests.

According to Elaine Sorensen of the Urban Institute, even among fathers who experience income drops of 15 percent or more, less than one in 20 are able to get courts to reduce their child-support payments. Because state agencies are federally reimbursed for every child-support dollar they collect, states have a powerful incentive to grab and hold on to every dollar they can.

Another problem is that the child support money that the armed forces are supposed to take out of reservists' paychecks and send to their families sometimes does not arrive. This was an issue for many Gulf War veterans, and reservists are having similar difficulties today. For example, Diane Keary, a custodial mother from Monsey, N.Y., has not received a child-support check since Joseph Keary Sr., her ex-husband, was called to active duty five months ago.

Computer glitches such as this, as well as billing errors, can leave reservists subject to government sanctions upon their return.

What is needed to solve the problem is legislation like that passed by the Missouri legislature in the days leading up to the Gulf War. The Missouri statute, which is unique in the

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## PACE Mission Statement

The mission of Parents And Children for Equality is to provide education, advocacy and support to parents and children experiencing loss of traditional parent-child relationship due to separation or divorce and to promote for children equitable access to both parents, and for parents reasonable sharing of rights and responsibilities.

## PACE Columbus Meetings

Normally Meetings: **3<sup>rd</sup> MONDAY of the month, 7:00 p.m.**  
at the Worthington Presbyterian Church, 773 N High St.  
(NW Corner of State Route 161 and N. High Street)  
Phone: (614) 885-5355

Our meetings typically consist of:

- Tips for newcomers
- Legislative updates
- Guest speaker such as attorney, legislator or psychologist
- Attorney to answer legal questions at **no charge**.

Membership in P.A.C.E.-Columbus is open to men and women: single, married or divorced.

Dues are **\$20 per year**, the cost of a 5-min phone call to an attorney.

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Please be sure your check includes your telephone number.

### Candy Cane Reindeer



**You'll Need:**

- 6 inch wrapped Candy Cane
- Ribbon
- 2 wiggle eyes
- Red or Brown pom pom
- 2 pipe cleaners
- Craft glue or glue gun

Leave the wrapping on the candy cane. Glue eyes on rounded face of the candy cane. Glue red pompom on the face for a nose. Tie ribbon into a bow on the straight part of the candy cane. Cut one of the pipe cleaners in half. Wrap the full pipe cleaner around the crook of the candy cane to begin the antlers. Use the cut pipe cleaners to manipulate into antlers.

### From the June 1989 issue of Fathers' Journal

A secretary will have to pay child support from \$50,000 she recently won on the Michigan television lottery show "Fame and Fortune", an Oakland [MI] Circuit judge ordered.

Regina Baker won the top prize on the show on March 11, 1989. Her ex-husband, Curtis Young, was awarded \$58 a month in child-support by Oakland Judge Hilda Gage. Young, a groundskeeper at the Pontiac Country Club golf course, has custody of their 11-year old son.

Am I the only one who's thinking, "Isn't \$58 just a little bit, er, low?" Let's assume she's making \$10,000 a year as a secretary, although it's probably considerably more. Add the \$50,000; that's \$60,000 total gross income for 1989.

Someone mentioned a 17% of gross income for non-custodial parent figure, if there was only one child. \$60,000 x .17, divided by 12, comes out to \$850 a month.

One can only speculate on Judge Gage's award had the genders been reversed...but the \$58 a month award is historically right in line with other paltry amounts asked of non-custodial mothers.

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nation, requires an automatic adjustment of support for reservists called up for active duty.

During the Gulf War, more than 250,000 reservists were called up, and today more than 75,000 reservists and National Guard troops are on active duty as a result of the events of September 11. Many are now being notified that they will be expected to serve another year, and a total of 1.3 million reservists could be called into service for indefinite periods in the event of war.

James, a 16-year veteran of the Navy and the commander of a 177-member Naval Reserve Unit on the West Coast, is concerned about the effect that the current child-support policies could have upon his sailors when they are called to active duty. He says: "My people are sacrificing a lot to serve. I want them focused on our assigned mission. I don't want them worrying that their own government might come after them.

This column first appeared in the *Washington Times* (11/21/02).

**Dedicated to the idea that the "rebuttable presumption of equal shared parenting" is a basic human right for all parents, and should be passed into law everywhere.**

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