

Divorce

What Everyone
Should Know



**Divorce is a racket! If you can't avoid it,
here's how to beat it.**

Introduction

NOTE: the following is not legal advice, nor is it intended to be. IF YOU WANT LEGAL ADVICE, CONTACT AN ATTORNEY.

Divorce is occurring at an ever-increasing rate. Presently one out of two marriages ends in divorce. Some claim it is more than that. The emotional, financial and sociological repercussions of this worldwide growing problem are staggering.

Don't let the humble appearance of this little booklet (formerly an MDA publication) fool you. It can save you many thousands of dollars and much heartache. If you are looking for easy answers to problems associated with divorce, look elsewhere. There are none, and we will not pretend otherwise.

Some aspects of divorce, like the unfairness, are predictable. Others are totally unpredictable. Law controls in theory only. In actual fact, judicial whim is the deciding factor and takes precedent over law, morality and common sense. Therefore no one can say with absolute certainty which procedure is best to follow in each instance. But generalizations can be made which will be accurate for most cases. That is the purpose of this section.

Divorce is a racket; make no mistake about that — a racket perpetrated by lawyers, judges, and gold-diggers. This is a guide to avoid the racket as much as possible, but it is more than that. It also attempts to encourage avoidance of divorce if possible.

This guide contains generic information, not tailored to your state laws or judicial foibles. We suggest contacting an attorney, preferably one referred by a local fathers help organization (See *Save the Males*) for listings.

Long ago many of us were where you are now, enmeshed in “Divorce American Style.” It can be a shattering experience. Publication of this guide is one of many steps we have taken to help correct the problems and to guide other victims through the legal tangles. We hope the information herein will be of assistance to you. It sure would have helped us. You are dealing with perhaps the most difficult situation you will ever face in your life. The decisions you reach now will be of long-lasting importance. Please accept our sincere best wishes and support in your efforts.

MDA staff

An Overview

What is Divorce?

When one talks of divorce, one must define it in terms of marriage. Simply put, marriage is the social institution by which a man and a woman are legally united and establish a new family unit. It is, in a sense, a contract that binds both parties to certain legal obligations until that contract is broken (indeed often long afterward). The legal termination of that contract is divorce, or the legally preferred term, “dissolution.”

To define marriage or divorce in legal terms is important, but not all-encompassing. So much more is implied by the word marriage – love, companionship, children, and responsibility. And divorce implies the loss of these. Both words are usually fraught with emotion; it can be no other way.

Too often however, emotions (negative ones) are what lead to divorce, what control the divorce, and what remain as the aftermath of divorce. These are, no doubt, largely unavoidable. One or both of the principals may feel lost, betrayed, cheated, or worse. The circumstances leading to divorce are often volatile and saddening, especially if the marriage was very good at one time. There are some emotional losses that perhaps can never be regained. When faced with a divorce, it is important, however, not to be controlled by self-pity or anger. This can only make things worse.

Usually both persons involved know that a divorce may be coming. Occasionally, however, one of the spouses may surprise the other with divorce papers. Shock, bewilderment, and anger

then are the usual responses, coupled with other feelings. What is a bad situation usually becomes worse.

Legalisms

Often when a divorce is being sought, one of the partners blames the other for the breakdown. When laws embodied the concept of fault this blame was transferred into “grounds” for divorce. Some of the common grounds for divorce were: adultery, desertion, cruel and inhuman treatment, various forms of drug dependency (including alcoholism), separation for a certain period (usually a year), insanity, impotency, failure of the husband to provide for the wife, conviction for a felony, etc.

Now most states have adopted “no fault” divorce laws, or have added a “no fault” ground to the existing grounds for divorce. The term “dissolution” is usually substituted for “divorce.” A divorce is a divorce, no matter what language is used, and when children are involved, marriage dissolution is more correctly called family dissolution.

The no-fault grounds usually stated are “irreconcilable differences”, or an “irretrievable breakdown” in the marriage. The petitioner (plaintiff) generally does not have such a clear cut advantage as he or she had under the fault concept. There is some advantage in the initial legal maneuvering that takes place, but since the petitioner is usually attempting to prove the marriage at fault, and not the respondent, the respondent is theoretically less on the defensive. However, what the law says, and how a judge might interpret it are two different things. A judge’s attitude toward grounds and how he thinks the “guilty” party should be punished are often more important than the letter or spirit of the law. A divorce could theoretically be prevented by a judge who felt that a breakdown in the marriage was not proven. Failure to obtain a divorce is unlikely, however. Once the petitioner alleges a breakdown in the marriage, it borders on a contradiction in logic for the respondent to claim there is not. Filing for divorce is practically prima-facie evidence of the breakdown, and usually (depending on the judge) little else is offered in the way of proof. Even a man can usually sue for divorce successfully; but he may have to pay dearly for it.

Why do People Divorce?

The answer to that lies mainly with the reason why they marry. It could be said that divorce is the result of mistake. The mistake might lie in the person chosen as the spouse, the time chosen for the marriage, or with some other, less tangible, reasons. If there is something a marriage once had (love, trust, interdependence), and one or all of those things are subsequently lost, divorce seems, to some people, to be the only answer. It also looms if expectations of one or both are not realized. The chimera then usually arises of having those expectations fulfilled by another, future spouse. Divorce is very often a futile attempt to escape the problem of personal immaturity.

Most divorces are initiated by women, many of whom are “bribed” into it by the historic assurance of being awarded child custody and large financial settlements. While this is often the perception, it is not the reality. Most women as well as men are worse off financially and emotionally after divorce.

In divorces involving children, women file at a ratio of 2:1 over men.

Is Divorce Ever Necessary?

The necessity of divorce is a problem that could be debated ad infinitum with no definite conclusions. The best answer probably is: yes, in some cases. Under certain circumstances, divorce is necessary and can even be a positive step in the lives of a married couple. If a situation becomes intolerable, perhaps the only way to deal with it is by terminating it. But it often solves old problems by creating new ones. Future disappointment rather than future fulfillment may await these people. Is a 50% divorce rate necessary? The answer to that is a very definite NO.

Is Divorce Harmful?

The question of whether divorce is harmful must be qualified. Who does it affect, and how? Those affected are: the divorcing couple, the children, the immediate family and friends, and society as a whole. In most cases it is difficult to determine if the divorcing individuals or their children are more intimately affected.



Harm to Family

For the husband or wife, the rejection inherent in divorce is intensely personal, not really comparable to any other disappointment that life may give. Individuals who have separated or divorced soon find that many of their social activities and expectations must change. Friends that the husband and wife had in common often must choose with which of the two they will associate. Social routines vanish. Activities once done by the couple and their friends must now be done singly or not at all. No doubt sides may be chosen and all sorts of “knowledgeable” advice given, especially if the advisor has been divorced herself or himself. Old friends are lost, new acquaintance may be gained, and the divorced or separated person’s general social pattern changes, sometimes drastically.

There are few winners in a divorce, yet it often appears that some people find themselves losing more than could be considered fair by any standards. Fathers, more often than not, lose much of the intimacy and companionship of their children. Mothers often must drastically change their lifestyle to meet the needs of the new, partial family. Both of the ex-spouses usually discover that the income(s) that formerly barely supported one roof cannot be stretched to support two. Then the welfare empire may take control of the family. Winning and losing in divorce are hardly applicable terms at all.

Concerning the relatives, it is probably natural to assume that they will divide up along family lines, with one set of grandparents often losing a relationship with their grandchildren. Occasionally a divorce may pit family members against one another. Everyone, friends and relatives of the divorcing couple are affected to some degree or another. Often parents of divorcing individuals become involved, overly involved, to the detriment of everyone concerned.

If a couple has been married for a short time and have no children, a divorce will probably have little, if any, impact, other than sending one or two more disillusioned people into the world. It is perhaps comparable to a high school or college romance, especially if the principals are young. Granted, there are many more technicalities involved in beginning and ending the "legal" romance, but unless it ends in financial ruin for the husband or wife, the repercussions are probably similar to a broken romance. When children are involved, the issues are qualitatively different than if a childless couple divorces.

Because of the children's and the non-custodian's visiting rights, the parents will still have to deal with each other whether they part friends or enemies. If ill feelings remain, no doubt they will color the children's attitudes toward their parents. The non-custodian may eventually find himself losing the affections of his children unless a strong, positive relationship is maintained.

When a couple has children, their implicit commitment is not only to the marriage, but also to the family. The couple is not only husband and wife, but mother and father. Children have a right to a home. Parents have the primary responsibility to provide that home. When children are born to a couple, their "life style" options are greatly reduced. That couple has developed into a family in the true sense of the word, and their primary responsibilities must be with the family. If parents shirk these responsibilities to "fulfill themselves," they are, and should feel, very guilty, "mod-psychology" to the contrary notwithstanding.

Harm to Children

When families break up, usually the children will be largely deprived of a parent. The decisions as to which parent will be lost, like many other decisions, will not necessarily be right or wrong, but they must be the best ones possible in the circumstances. If the children are old enough to understand what is happening, their wishes should be taken into account. The parents may feel such decisions too difficult for them to handle. This may be true in many circumstances. If a child has to choose one parent, he may feel as if he were rejecting the other, and may feel guilt for that.

One of the parents moving out, even involuntarily, might be interpreted by a child as a personal rejection and a loss of love. One of the parents may deliberately or subconsciously vilify the other to the children, sometimes truthfully so. Confusion and pain is sharply felt, but little understood. Breakup of a family is a situation children undoubtedly do not want, but can do little about. The emotional hurt is compounded, in large part due to the helplessness of the children to directly prevent a divorce. Constant fighting hurts children; usually breakup of the family hurts worse. Children can do nothing but lose during the course of marital problems or a family breakup.

Children need security, stability, love and both maternal and paternal qualities. Marital breakdowns and divorces usually deprive them of many of these necessities, sometimes only briefly, more often for an extended length of time. The scars of a divorce may stay with a child for the rest of its life, and may affect his attitudes towards marriage and family when he becomes an adult.

Divorce is the greatest cause of fatherlessness.¹ Twenty four million children lived without their real fathers in 1993.² Divorce semi-orphans 1,000,000 children a year.³ These figures are undoubtedly higher now.

Children of divorce become delinquent in a ratio of 3 to 1 over children from complete homes. If they are with their mothers after nurturing years (probably about 7 with boys and puberty with girls), they are almost certain to become delinquent.⁴ So obviously, kids need fathers, an anchor to windward, which keeps them from blowing with the immoral wind. As a wealth of recent studies unarguably proves, most mothers don't, probably can't, provide this. Again, see *Save the Males*).

The late professor Emeritus Daniel Amneus, of California State University – Los Angeles, says: Children from single-mother households, compared to children of two-parent households, are more likely to go to prison by 8 times, to commit suicide by 5 times, to have behavioral problems by 20 times, to become rapists by 20 times, to run away by 32 times, to abuse chemical substances by 10 times, to drop out of high school by 9 times, to be seriously abused by 33 times, to be fatally abused by 73 times, and to have a 72% lower standard of living. This is – CHILD ABUSE.

When a couple is contemplating divorce, they must take into account its effects on the children involved.

Harm to Society

As previously stated, the juvenile delinquency rate among children from broken homes is substantially higher than that of children from whole homes, and once set upon that path, they often grow up to be criminals or exhibit other maladjustments (“The child is father to the man”). It is an obvious truism that the more stable and secure the home environment, the more stable and secure the products of that environment — the children.

When there are children involved, a divorce truly becomes socially significant. The nuclear family is one of the building blocks of our society. When those building blocks crumble, society inexorably does likewise. Our society is increasingly becoming one of alienated, fragmented individuals, and the rising divorce rate is both a cause and a result of that.

For a complete, fully documented rundown on the destruction to civilization of mother custody, read *The Case for Father Custody*.⁵

Legal and Financial Pitfalls

Due to the often volatile circumstances, there is a tendency for one or both of the partners to proceed in an emotional or irrational manner, often to the burden of the court and the financial satisfaction of the lawyers involved. The negative emotions inherent in most divorce situations should not control the important decisions that must be made.

Practically speaking, a man is but a guest in his own home, evictable at the merest whim of his wife with very little, if any, practical recourse.

“No fault” divorce and the leftist imperative of income redistribution have introduced such considerations as women’s “needs” (not their deservedness), palimony, pension-sharing, even disability pay-sharing, interest in the value of (men’s) medical degrees, automatic head of household tax status for custodial parents (read mothers) even though non-custodial parents (read fathers) may be the sole support, new tax treatments of alimony, etc. These anti-male divorce laws and practices are no longer attributable simply to a perversion of chivalry; amoral, “mod/lib.” attitudes seem to have become factors as well.

No fault laws have two harmful aspects – they imply rejection of morality and legal, contractual rights of the rejected party. Furthermore, divorce rates increase dramatically when states pass no fault laws.⁶ As divorce becomes easier, more people take advantage of it, hence family units are not as stable as they once were.

Probably the most significant aspect of divorce legalities is the fact that written “law” has almost nothing to do with it. In fact, few judges are even aware of all relevant law. Decisions are based almost solely on judicial “discretion.” This legal curiosity carries so much weight it is widely honored by appeal courts, leaving very little recourse. Unless a law states otherwise, indeed often even then, a court can use its discretion to divide the assets of the parties in any way that it deems equitable. An “equitable” division of property may very well give the wife most of the current assets of a couple if a court can justify it by citing a husband’s earnings, potential, separate holdings, pensions, etc. Yes, even pensions and military retired pay are divisible nowadays. The Men’s Defense Association had on file the story of a Viet Nam pilot veteran who spent years in a Communist prison while his wife drew his salary and lived with another man. When he was released and divorced, she got half his retired pay (a good example of the no fault philosophy. Military personnel, especially career types, should join the American Retirees Association, a group set up to oppose the raid on retired pay by ex-wives).

With that in mind, if you still are curious about what divorce law says, ask your local librarian, preferably at a law library, to see the divorce statutes. Members with access to the Internet may check divorce statutes in all states at www.dadsdivorce.com. Be aware that attorneys listed at many such sites are evidently gleaned from Bar Assoc. lists, and not checked out by reliable sources.

Child support and alimony have been traditional obligations that a husband has after a divorce. The term alimony is on the way out; “Spousal support” is in. The trend in many states is that it is awarded less often and for a shorter period of time. The concept is that a younger woman who has depended upon her husband financially during a marriage should be able to eventually support herself if given some initial financial help.

A mistake many men make in negotiated situations is to be overly generous, i.e., give the house and inordinate amounts of money to their departing wives. These attacks of nobility are soon regretted. But once done, they are nearly impossible to retract.

Non-custodial fathers are almost always ordered to pay child support, usually in amounts far more than the real cost of raising children. The few non-custodial mothers are seldom ordered to pay, and then only in small amounts which are, like mothers’ other obligations, seldom enforced.

Inflated child support constitutes de facto alimony, which is especially bad for fathers because it doesn't terminate upon mothers' remarriage, as real alimony does, but continues until the children are emancipated.

Because of widely varying child support awards, most states adopted guidelines. But the child costs used in determining those guidelines are unrealistically high, sometimes based on USDA figures for *intact* families. To use them in the new circumstances of divorce is either illogical, or an ill-motivated scheme to perpetuate married living standards for mothers and children, while denying them to fathers. It is elementary that the income which comfortably supported one household cannot be stretched to support two in that manner. Sometimes the income of new husbands or wives of custodial and/or non-custodial parents are factored into the equation⁷.

Incalculable personal tragedies and ridiculous costs have evolved from what commenced as quiet separations on reasonable terms. What happened? One or both parties (usually the initiator) turned the matter over to an attorney who would "protect her (or his) interests." Next the Defendant hires a gun "to protect his (or hers)" and the attorney-staged war is on. Any possibility of agreement is lost.

Remember, divorce is a racket from which lawyers rake in tens of billions of dollars annually.⁸ They're not about to reform such a money tree or really protect the financial interests of clients. We must look after our own interests.

Divorce law and especially divorce procedures are extremely prejudiced against men. To wit, hear a famous judge: "There is no substantive right to 'so tenuous a relationship' as visitation by a non-custodial parent. ...I cannot agree that the Constitution of its own force establishes any such right for a non-custodial parent."⁹

Despite their blatant unconstitutionality, routine evictions of the male party are common in divorce proceedings. Besides setting the stage for property and custody divisions this practice provides a "continuity" excuse for the custody decisions. The logic is similar to that of a criminal court judge telling a theft victim, "Maybe the thief shouldn't have stolen your property, but he did therefore it's his."

Successful Approaches

Explore the Alternatives

If one or both of the spouses believe that their marriage was a mistake, should they immediately decide to divorce? Not necessarily. There are alternatives that should be considered before action is started that may subsequently be regretted.

Marriage counseling is the first option that deserves exploration. The decision to see a marriage counselor is not an admission of failure. It is the recognition of a joint problem that a third party, experienced in such matters, may be able to help solve.

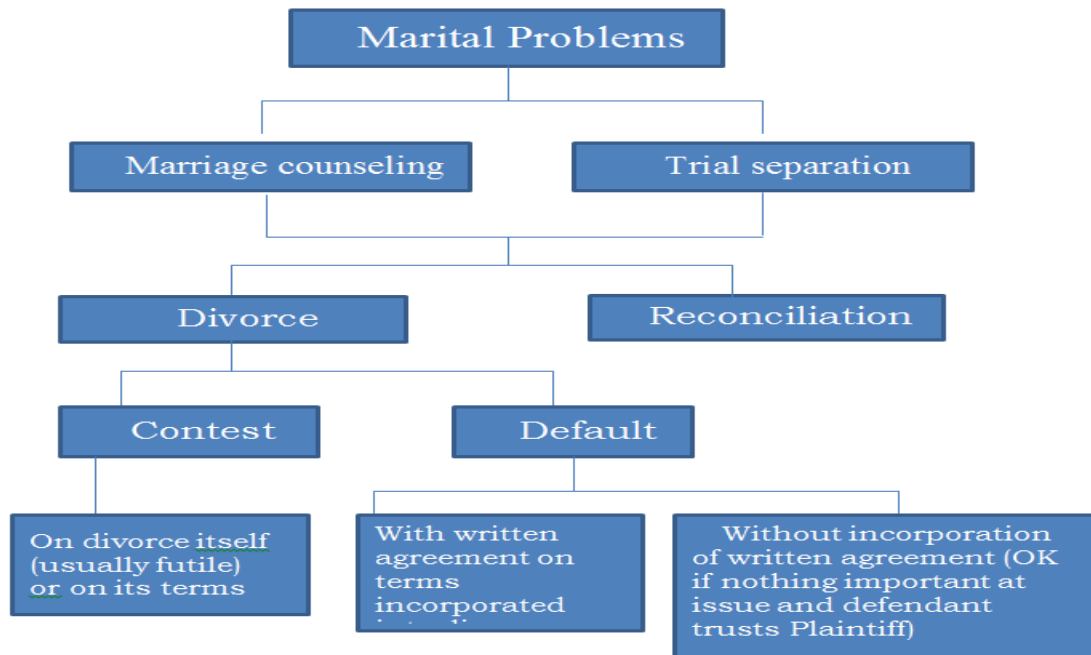
A married couple should not set out on a fault-finding mission when utilizing marriage counseling. The goal is not to place the blame on one or the other, but to discover if the marriage can be strengthened and how to go about doing that. There are some "mod" counselors who profess to help people "fulfill" themselves. There may be a time when that type of counseling is important; but that time is usually not during a period of marital problems.

The marriage is what should be fulfilled and strengthened. This does not mean that it has to be strengthened at the expense of the individuals, but rather strengthened through and by the individuals. Once a marriage is entered, people should try to fulfill themselves through the marriage; that is important. If a person finds that he is compelled to express his individuality and freedom outside the marriage, then the obvious question is why was the marriage entered in the first place? The underlying goal must be to keep the marriage enduring and permanent. All other marital objectives are contingent upon this fundamental assumption.

If counseling is found to be unsuccessful or is rejected, the next alternative may be a trial separation. The purpose of a trial separation is to experience the realities of divorce before actually proceeding with it. Perhaps a husband and wife experiencing marriage problems need to be away from each other for a while to subdue volatile feelings and gain a bit of objectivity and insight into their problems. Separation for a period of time may open a couple's eyes to the actual ramifications.

A trial separation is essentially a simulated divorce, which should include an explicit agreement regarding the terms. The agreement should be consistent with what would be expected or desired in an actual divorce. Who will the children be staying with? Who will remain in the home? How will the family income be divided? How much money will be needed for the support of the children? How will it be paid? If support arrangements are made, the separated status presents no more legal dangers than does cohabitation. This approach does not require the approval of a court or of lawyers.

A Counselor's Perspective



After living apart for a while, a couple may decide that the marriage is worth putting back together. The separation has accomplished its most positive goal without legalistic rigmarole. If, however, living apart seems to be the best solution to the marital problems, the trial

separation has realistically prepared the couple for divorce. By the time a couple has lived apart for some time, divorce may seem to be nothing more than a legal formality. Not pleasant, perhaps, but at least something that can be pursued rationally, with foreknowledge of its effects. Much of the emotional trauma cannot be avoided, but much of the financial trauma and victimization will have been.

When formal steps are initiated the situation often becomes irreversible. By then, alternate plans such as a new husband or wife are often well laid. By all means, try to save the marriage if it is worth saving. Divorce is always available as a last resort.

The Sample Agreement

There are guidelines which can help minimize the problems. Essentially, this requires controlling your own situation. The most sensible and least expensive manner is for the principal parties themselves to reach mutual agreement on the divorce and its terms. There is a certain degree of satisfaction connected with retaining control of this highly important and personal aspect of one's life. If the parties are both mature, they can do it. If either is intransigent, they cannot. Agreement may be difficult to achieve, but it is extremely important. It has been our experience that there are about eight general areas in which a couple should agree.

Divorcing parties who can reach an agreement would be well advised to put it in writing before approaching an attorney. It might read something like the following:

1. Mary will divorce Ted (Therefore the attorney chosen will theoretically represent Mary). Ted will acknowledge service of the papers (saving the cost and embarrassment of being served by a sheriff). Grounds: Usually "Irretrievable breakdown in marriage". (You should check your state divorce statute, or better yet let the attorney decide).
2. Mary and Ted shall retain joint legal custody of the minor children, Sue and Billy. Mary shall retain physical custody of Sue until she reaches age 13 and of Billy until he reaches age 7. Ted shall obtain physical custody of said children when they reach said birthdays. Access shall be "reasonable" and liberal to the parent not having physical custody. 24 hour notice of intention to visit shall be given.
3. While both children are in the physical custody of Mary, Ted shall pay to Mary the sum of \$550 per month as child support. While both children are in the physical custody of Ted, Mary shall pay to Ted the sum of \$430 per month as child support. While custody is split, there shall be no child support paid. Mary's obligation shall be reduced by one half when the oldest child reaches age 18, marries, deceases, or becomes otherwise emancipated. It shall terminate when the remaining child meets one of these criteria. (You may wish to check your state support guidelines for guidance in support matters. But you better be sitting down.) Ted will maintain present health insurance for Sue and Billy.
4. There will be a mutual waiver of alimony.
5. Assets and liabilities will be divided as follows: (List all assets, liabilities, and their disposition. The form below will be helpful in this division).

6. Agree to a debt cutoff date (normally the date of implementation of this agreement).

Date and sign the agreement. It has little legal validity until it is put into proper form, incorporated into a decree of separation or divorce, and signed by a judge; but it has a great deal of practical value.

Agreeable Situations: Sample Guidelines for Controlling Your Own Divorce
and Equitable Financial Arrangements

TERMS to be agreed to (or contested)

1. Roles: Plaintiff (Or Petitioner)
2. Custody, support, visitation
3. Alimony (Specify to whom, amount, duration, or if waived by both)
4. Disposition of assets and liabilities (House equity, unsecured debts, etc.)

FACTORS to consider

1. Culpability
2. Needs of parties
3. Custodial preference of children (Usually considered by court if over 13 or so)
4. Ownership of assets prior to marriage or inherited separately during marriage.

	Ted		Mary
Auto	<u>\$8,000</u>		House equity
Garden tractor	<u>950</u>		Furniture
Boat, motor, trailer	<u>7,200</u>		China
Guns	<u>400</u>		Jewelry
Tools	<u>95</u>		Savings account
Stocks & bonds Etc.	<u>650</u>		Etc.
Unsecured debts (include attorney fees)	<u>3,700</u>		Subtotal
Subtotal	<u>\$13,595</u>		Lien (minus)
Lien (plus)	<u>19,077</u>		Total
Total	<u>\$32,672</u>		

This simplified table is for illustration only. Use actual second-hand value of possessions, not cost when new. If not paid for, use equity only, not full value.

The bottom line totals above should reflect the desired ratio of distribution, be it 50/50, 60/40, or whatever, after net worth/s at beginning of marriage and inheritances and gifts individually received have been deducted (i.e., not included above). Debts, secured by listed assets if desired (using "lien" line above), can be incurred from one to another to achieve the desired totals. In the above example, Ted took a lien for \$19,077 (half the difference between the sub totals) against Mary's (formerly their) house, resulting in a 50/50 split of net worth.

Separate assets and liabilities normally are identified as such and not divided. However, the fact that a husband's paycheck was used to buy a house or other valuable items does not remove the wife's claim to half the house, nor to half their total net worth (or debts). She is considered, and usually rightly so, as having contributed an equal amount

of effort in the acquisition of that net worth. Of course this isn't a hard and fast rule, or even a law.

Before hiring one or more attorneys to formalize the agreement, shop for a package price. Most any lawyer can take it from there, so consider the cost.

Two attorneys, each representing the interests of one of the parties could be used to arrive at the agreement in the conventional manner; but it is quite possible and fairly common that a divorcing couple deal with the legalities of their divorce by utilizing just one attorney. These are feasible only when there is agreement between the parties on the divorce and its terms, or if an agreement is well within reach. The couple must be firm in their desire to stick together on the agreement and not let any attorney talk either out of it. The fees should be nominal because of the comparatively little amount of work left to be put into it. One would probably be surprised, however, at what most attorneys consider nominal.

Where there are children, real estate, possible financial entanglements, or a lack of mutual trust, the terms should be put in writing, often called a "stipulation," and signed by both before going into default. This provides some degree of protection that the final decree will conform to the understanding. If both partners agree to terms it would be damned arrogant of a court to overrule them, but courts are damned arrogant.

Doing your own divorce entirely yourself from start to finish is seldom advisable, but some information on this is provided later herein (See the Pro Se chapter).

Disputed Situations

Do's and Don'ts

It is beyond the scope of this article to cover all potential and disputed situations. Some good books on this subject are shown in the RECOMMENDED READING section of *Save the Males*. A few guidelines follow. They are not intended to tell you what to do (That could be considered practicing law on our part). Rather, they are meant to satisfy any curiosity you might have regarding what we would do in given situations:

- We'd keep a clear head, and not let shock numb our thinking.
- We'd overcome all chivalrous conditioning and not surrender kids, property, or anything by word or signature in an initial compulsion of chivalry or guilt.
- We wouldn't move out.
- We'd get counseling by a good men's rights/divorce reform group (See *Save the Males* for a listing), and hire a good attorney, not necessarily the 1st one we interviewed.
- We'd respond within the prescribed time limits, and not let matters slide to the point of damaging our case.
- We'd try to maintain as good a relationship with our defecting wives as possible, realizing the angrier she is the harder it will be to reach any agreement on terms

and the less likely she will be to comply with them. However, if there is no chance of agreement or compliance by her, we'd go for the jugular.

- We'd control our behavior. Realizing that our wives and their attorneys would love to prove us "bad guys." We'd not give them the chance.
- We'd not drink heavily or openly cohabit with women during the pendency of the divorce or even afterwards, if we sought to obtain custody.
- Realizing that money is what our wives and their attorneys are after and what we need to live on and defend our interests, We'd go to great lengths to keep it for ourselves and deny it to them.
- We'd objectively determine which of us had the best chance of winning in court. If it were us, we'd be quite uncompromising in negotiations. If it were the wives, we'd be quite compromising.
- If our chances for custody at the time of divorce were poor, we'd plan a long term strategy and save our money for later battles. Alternatively, we'd consider "bicycle custody."
- If our chances were good, we'd develop good supporting relationships, learn how to care for kids properly and keep a diary of our activities together.
- We'd not use the kids as weapons, or permit our erstwhile wives to do so.

Child Custody

In a divorce, a father has to think of children in terms of money. If he thinks emotionally, he will be even more likely to lose custody, money, or both, usually both. The man who originated the concept of divorce counseling, Charlie Metz —God bless him, taught us that.

If the mother and father cannot decide with whom the children will stay, the court will. *After about 12-14 years of age, courts usually give children the choice of custodial parent.* So it's important to know their preference. Millions of dollars have been wasted on unnecessary and impossible custody fights by parents who were unaware of these elementary facts.

Then there's "bicycle custody." Kids who are mature enough to know where they want to live, but ordered elsewhere by courts, can live where they darn well please despite the machinations of the entire legal system. After all, what can they do with a kid who keeps jumping on his bicycle and pedaling off to Dad's pad? Darn little! One caution — informing children of this right must be done very carefully, lest the court find out and charge the person doing so with "contempt" or some such crime.

With younger children, it is a different story. The theory of most divorce laws is that no preference be given to either the mother or father. In practice, however, the tradition of the mother gaining custody prevails. Despite protestations to the contrary, the courts almost universally resort to the "tender years" or "primary nurturer" presumptions. That is the supposition that any children of "tender years" (usually meaning any time before adolescence) should remain with the primary nurturer. How do courts determine the primary nurturer? That depends on the judge. Most simply

assume it to be the mother. Some sensible ones will seriously entertain evidence to make a rational determination.

Richard Hutter, former chief judge of the New York County [Manhattan] Family Court voices the evident attitude of most divorce court judges thusly: "You have never seen a bigger pain in the ass than the father who wants to get involved; he can be repulsive. He wants to meet the kid after school at three o'clock, take the kid out to dinner during the week, have the kid on his own birthday, talk to the kid on the phone every evening, go to every open school night, and take the kid away for a whole weekend so they can be alone together. This type of involved father is pathological."

The odds of a father winning custody of children without a greatly superior case and without an excellent lawyer are almost infinitesimal. It isn't just, but it is a fact. Divorce courts are seldom just. We would be remiss to pretend otherwise.

Justification for mother custody is based more on tradition than on reality. The traditional role for the father has been to work and be away from home much of the time, hence it is assumed he is not as close to the children as the mother, traditionally the homemaker. Often the argument is reduced to, "Mothers know best how to take care of kids. Father's don't; they're for paying bills," and it is left at that. These stereotypes, of course, are long outmoded: Most single women with children work outside the home.

Theoretically, if the mother can be proven unfit, the father may gain custody, but in reality mothers can be guilty of things that would put a man in prison and still not be unfit in the eyes of many judges.

Custody fights are expensive, emotionally and financially. Attorney's fees usually run into many thousands of dollars. These cases drag on for months. Personal attacks can become vicious, sending any hope the parents have for parting amicably down the drain. If the parents part enemies after a bitter custody struggle, the ones hurt most are the children.

To enhance their prospects for child custody and/or to deny visitation, many vindictive mothers falsely accuse fathers of child abuse. Indeed, it has become almost routine.¹⁰

Joint custody is rapidly gaining popularity. This solution could be superior to sole custody, but the concept has been subverted by its detractors who have been successful in emasculating the intent of these statutes, rendering them practically meaningless, e.g. awarding joint "legal" custody to both parents, but "physical custody" to the usually favored parent – the mother (meaning "visitation" rights only to the other). Equally bad, some states give parents or courts the option of refusing joint custody without very good cause.

Some studies have found the few joint custody laws with real teeth to be worse for fathers than sole custody, because they are applied mostly in those few cases where otherwise fathers would have gotten sole custody. Consequently, children may be deprived of paternal influence even more than before.

Custody Newspeak

by Brian O'Brien, Esq.

The terms joint legal custody, joint physical custody, shared custody, sole custody, split custody, visitation and other terms have very different legal and financial consequences than they might seem to have from their ordinary meanings. This is a dangerous trap for fathers. The word “newspeak” was devised by George Orwell in his famous novel titled “1984”, written in 1949. He described how the new “Big Brother” government created a newspeak vocabulary, with new, often contradictory, meanings for many words, in an effort to change how people think, and to disguise the truth. Nowhere is this truer than in the divorce system. Also, in “1984,” the government had replaced family life autonomy with government control of such family life as still existed. Today, the common phrase, “joint legal custody, physical custody to the mother” is a disaster for the father, the children and their relationship. Yet, many fathers agree to this without resistance, until they wake up too late and discover what it really means.

“Joint legal custody” is a phrase that has little real value. Joint legal custody is often urged to an ignorant father as an important concession from his wife or ex-wife in order to get him to agree to give her, “sole physical custody.” This is a ruse. In some states, even a non-custodial parent has legal rights to all educational, medical, and similar records of his child. In theory, joint legal custody gives both parents rights to participate in important decisions regarding the child. In practice, the parent with sole physical custody has almost all of the real power. The other parent with joint legal custody can do little without suing. In addition, the parent with sole physical custody, gets nearly total control of what the child does and nearly total financial control of how the funds for the child are spent, with little, if any accountability of where the money went. The parent without physical custody will almost automatically have wages seized at the source, even if never in default, and will pay all taxes on child support, and receive no credit for support supplied directly to the child, nor credit for support spent for “visitation” expenses, nor credit for taxes paid on child support. The support usually will be called all child support, not alimony; and the recipient will owe no taxes on child support. Alimony is tax deductible by the payer, while child support is not. If the parent with sole physical custody does not spend much of the child support actually for the child, there will be little the other parent can do, except to buy what the child needs, and therefore pay twice, or sue.

Custody Evaluators

Most government custody evaluators, being subject to that great bureaucratic imperative that government must take over families, are prejudiced against paternal custody. They know that fathers seldom need, or will tolerate, such outside interference.

There are some private firms that are well respected by courts, and aren't afraid to recommend paternal custody.

Don't Underestimate the Action Needed

by Brian O'Brien, Esq.

Hopefully, a future ex-wife will agree to joint legal and physical custody, and an even split in other matters. However, when her lawyer tells her how much money she might get if she presses for sole physical custody, she will be faced with a temptation that is hard to resist. If she cares nothing for you, she probably will try for sole physical custody. This kind of bias encourages divorce, and is a seriously damaging social policy. A father faced with a custody dispute has the legal equivalent of cancer. A reasonably good outcome for fathers and their children is often possible, but it is essential to act promptly and to take a firm stand and to stick to it from the beginning. Often fathers fail to vigorously litigate for at least joint physical custody, because of the expense. A father should spend no less to save his children from loss of a full relationship with him than he would spend to save them or himself from cancer. Failure to deal firmly and fully with this problem is foolish economy. It may take thousands of dollars to litigate the case, but this may be much less money than will be lost over future years by failure to do so; and the loss of a full relationship with your children cannot be measured in money. You may get your visitation with your children later, by going to visit them *in jail* as juveniles or adults, because they were deprived of a strong father's influence as teenagers.

About 90% of divorces result in sole physical custody to the mother. However, this is a distorted figure because so many men do not try for at least joint physical and legal custody, and a 50% time schedule, thinking they can never overcome the discrimination or because they do not understand the consequences. It has been estimated that about 70% of men who litigate for joint or sole physical custody, get at least joint custody. The latter figure is also probably inaccurate, because in some of these cases the wife was alcoholic, drug addicted, or had deserted.

Child Support and Alimony

Most states now have statutory guidelines for "child support" (in quotes because the proper term should be "alimony" or "alimony/support," which are much more accurate terms). You should be able to photocopy them at any law library, the law section of a large library, or get a copy from most attorneys.

The federal government may require a state to abide by these "guidelines," and to impose Draconian enforcement measures including imprisonment for failure or inability to comply. These guidelines often are premised on the non-custodial parent bearing the entire cost of the child(ren) as well as much of the cost of the custodial parent. The ostensible motivation for this, actually unconstitutional, federal intervention into states' affairs is to reduce the welfare burden, but the practical result is to send the divorce rate through the roof.

Federal Bureau of Labor statistics show that it can cost 40 percent more to maintain the 2 households after divorce. Put the pencil to it. If your combined incomes don't at least

cover the costs of maintaining 2 households, you can't afford divorce. Not unless you want "Big Brother" – the welfare empire – running your life.

In determining financial obligations and requirements, bear in mind certain rough minimal costs of living in divorce situations: an adult, \$2,000 to \$4,000 per month, the 1st child with an adult \$500 per month, the 2nd child \$350 per month, each child thereafter \$260 per month. Some families are wealthier than others. Some children require extraordinary, expensive care. Fathers are normally required to pay much more than what the government has determined to be the cost to raise children.

In cases where child support, but not alimony, is to be paid, it is important to distinguish between the costs of children and those of the custodial adult. Otherwise concealed (or de facto) alimony may be incurred. "Child support" is rarely given to custodial fathers at the same level as to mothers. Fathers very seldom get retroactive reduction in liability if circumstances change, such as unemployment.

Generally, child support is not tax-deductible, alimony is; alimony is taxable income for the recipient, child support is not. There is no requirement for a custodian to report actual expenses for children. The tax ramifications should be discussed with experts.

Child Support Guidelines

by Brian O'Brien, Esq.

In a misguided attempt to control runaway welfare costs, the welfare arm of the federal government has enacted Draconian enforcement laws. These are gradually being implemented by the states, under federal mandate, often by the state income tax collection system. Among the requirements are judicial child support guidelines that are a complete departure from previous practice, and are reducing many fathers to poverty without a hearing of the facts of their particular circumstances. In many cases, child support orders have doubled in amount and more. Support is being seized at the source, such as withholding by the employer, even if there has never been a default in payment. The noncustodial parent is assumed guilty of default in advance. At least two courts in different states have declared these guidelines invalid, illegal, or unconstitutional. More are expected to follow.

The same may be true when tested in the ... federal courts. These punitive guidelines are primarily based on sole physical custody, regardless of the amount of visitation. Consequently, a father who does not get joint physical custody and true joint custody in all other ways is in serious trouble. His ex-wife may get so much child support that he cannot financially afford a relationship with his child or to use ordered visitation. Often he can save nothing for retirement and may later become a public charge. He will not usually be eligible to get welfare himself, as he will be disqualified, since welfare will not consider his income to be adjusted for the child support withheld. He will not be able to control whether his ex-wife conserves any of this support for the children's college, so there is a serious risk that there will not be funds for college if needed. This is a particular problem when a woman who had little experience in managing money is

suddenly in virtually total control of the children's financial future, including most of the father's disposable income, as is the case if she gets sole physical custody.

The amount of time the child spends living with each parent is not determined by sole or joint, legal or physical, custody, but is (usually) determined by a schedule set by the court, often after negotiation or litigation of proposed schedules by the parties.

Access ¹¹ (Visitation) Provisions

It is important to note that access is a 2 way proposition, *a child's right* as much as a visiting parent's right.

Access rights fall into two general categories, specified times and unspecified times. The former, such as from noon Saturday to 8:00 p.m. Sunday and one month in the summer, set up rather artificial standards by which a parent can see his own children, but it does provide for some stability to fall back on in case the parents cannot agree later on access times.

On the other hand, unspecified access, that is "reasonable" or "liberal" access, is a more natural arrangement, but in the event of disagreement between the mother and father, it allows the custodian to determine what is reasonable and what isn't. A rule of thumb is that if the divorce is rather amicable, "reasonable" access should be the method tried; if non-compliance is probable, access times should be specified. If visitation disputes arise later, a judge may have to determine specific times.

Recently, feminists have discovered a new funding scheme, i.e., "pick up locations." On the rationale that violence is endemic in divorces, they have gotten large sums to staff neutral "safe houses" for non-custodians to pick up and return children.

Child Abuse Allegations

These charges are becoming increasingly frequent, especially against fathers by mothers hoping to gain advantage. Accused innocents often tend to take these charges lightly. That's a mistake. A huge industry is developing whose interests lie in creating the fiction that these charges are true. If they are believed, the suspect may be jailed a long time, not to mention loss of reputation. The high percentage of falsity of these charges, especially where divorce is in the picture, doesn't prevent courts from "erring on the side of safety." This means denying custody and visitation "just in case." Of the two sexes, women are usually the most accomplished liars.

If falsely accused, we'd:

- Contact an attorney specializing in such defenses.
- Contact organization formed to help such persons listed in *Save the Males*. They can recommend attorneys.
- Have all interviews with the child (video or audio) taped.
- Have the child examined by a pediatrician and/or psychologist, as appropriate, of our choice.
- Not talk to the press. They are sensation seekers.

- Not take a lie detector test without preparation, even though innocent.
- Not listen to amateur “advice.”
- Send registered letters to any doctors, school officials, or others who may be involved, citing our state’s law and our divorce decree’s provisions regarding parental rights, and production of any evidence or records they may have regarding the situation.
- Not plea bargain or make any admissions without counsel. The implications may be adverse.

Daily Journal

by Brian O’Brien, Esq.

Keep a daily pocket journal. Note significant events with the date, time, names, addresses, phone numbers, and all expenses, including the purpose, the means of payment, the payee and the amount. Note all activities you do with the children. You can also testify from this if necessary. It is important if you are later accused of something on a certain day and you have the facts available in your journal. You can also testify to activities with the children from it, and to obstruction of visitation. Keep in mind that anyone might read it or want it admitted in court, so keep elsewhere your confidential notes for your attorney and personal notes.

Prepare a separate chronological list of all significant events, from the beginning of the marriage, and update it as each new significant event occurs. Include all court dates when any order was sought or given, and any event where there will be a written record, such as if the police were called or a social worker made an interview. Prepare a list of names of all persons involved in your case in any way. With each name, give the address, telephone numbers, date of birth if a family member, employment, relationship to you or your case, and a very few words describing this person’s significance and if they are friendly or hostile, if this is not obvious. Be brief. Use a separate sheet to describe any person in detail. These will help your attorney greatly.

Surveillance

Back when traditional values interested judges, one could accumulate evidence of spousal immorality or custodial unfitness, present it in court and the outcome would probably be affected. But that’s pretty much in the past. Such evidence tends to offend judges these days. However, if one suspects infidelity or unfitness, it’s a good idea to find out what’s going on, even if only for one’s own satisfaction.

Because detectives are so expensive, members of divorce reform groups in the old days used to volunteer their services to each other, then testify in court to their observations. Surveillance pools, coordinated by the organizations, were formed. A charge was made to get in. This procedure can still be used, even if testimony isn’t given. A few tips: Learn the behavior patterns to avoid many hours of wasted time, for example if the suspect stays out late Friday nights after bowling, that’s the time to watch. Couples are

generally less suspicious-looking than an individual observer. The beneficiary of the surveillance should pay any expenses incurred.

After the Divorce

Modifications of the Decree

If the stipulation and decree are properly worded, alimony normally terminates upon the recipient's remarriage or some other definite time, and child support normally terminates upon emancipation, automatically – without another trip to court. However, it is often desirable or necessary to modify a decree at some time after a divorce becomes final. Custody, child support and visitation (occasionally alimony) are modifiable if circumstances have changed substantially between the time of the divorce and the attempt at modification. If, after a divorce, the father's income is reduced through no fault of his own, it is possible for him to go back into court and make a motion to have his monthly obligations reduced. Or the wife may go back to get them increased if he becomes very wealthy. In some states automatic reviews are conducted periodically.

A motion to change custody is an important one, and must be based on circumstance that have changed since, or were unknown at, the time of divorce. If the custodian's actions are detrimental to the children, and that can be proven, then a custody change might be in order. Those actions which might be considered detrimental are neglect, physical harm to the child, or a severely immoral atmosphere.

Not everything is modifiable. The property division can usually be changed only if the judge did not have all the relevant information or if fraud was involved in disclosure of assets. The appeal time is limited, and should be initiated within a short time after the divorce is final. Appeals are expensive, and there should be a reasonable chance of success before that route is chosen.

Support Arrearage

Frequently a man is unable to meet obligations and falls behind. He may then be subpoenaed into court and severely dealt with. His wages may be attached or, in extreme cases, he may be jailed until he finds a way to pay. Of course it's unconstitutional, but that seldom bothers the court. If he has had a legitimate change of circumstance, he may wish to make a motion, with appropriate prior notice, for support reduction to be heard at the same hearing as scheduled for the arrearages. Or he may wish to personally contact the prosecuting attorney or office named on the subpoena papers and try to negotiate a settlement.

Thanks to a bill sponsored by Sen. Bill Bradley (Dem – NJ), federal law prohibits forgiveness of arrears on alimony/support.

Access Denial

If having trouble with specified access, try taking a copy of your divorce decree to the police department, asking them to enforce the law — as they are sworn to do; threaten a non-feasance suit if (when) they refuse. If that fails, a motion for contempt of court against the custodian may have to be brought.

Attorneys

Dealing with Attorneys

Interview several attorneys before hiring one. Don't hire a silk stocking firm attorney. He'll be a pansy, won't know divorce, but will know how to relieve you of money. Forget the guy who advertises for cheapie \$300 divorces. He's even worse. Find a hard-headed guy who obviously won't take crap, even from you. If he seems too busy, it's probably a sign he's good. If possible, use a divorce reform organization's referral attorney. Have a firm understanding in advance how he plans to proceed and how much he expects the matter to cost.

It is imperative that the client actively cooperates, doing most of the leg work himself. This also helps the client learn his case better.

Some clients sit back and expect their attorney to practically devote his life to their case, to devastate their adversary, and to do so for a pittance. This is not realistic. Lawyers are usually impersonal businessmen doing a job. They're not magicians, capable of changing a bad case into a good one. It's your case. Whether you win or lose is largely up to you, how you have conducted your life in the past and how intelligently you pursue the task at hand. Even though your opponent's attorney may be after your kids, money, home, future, and anything else he can get, it's just a job to him, nothing personal. So don't dissipate rage on him.

If you're faced with imminent, non-agreeable divorce, plan to lose money, a great deal of it unless we can reform the system. Decide if you want to give it to a defecting wife or to a lawyer. Obviously, neither is a good choice, but one or both will probably get it. Perhaps the lesser of two evils is to give it to an attorney who will fight hard for you. Among other advantages, it may discourage future aspiring divorcees.

Schedule of Reasonable Costs

Rates from \$180 to \$320 or higher an hour, depending on location, are reasonable for a good attorney. To determine whether a specific estimate or bill is reasonable, it's important to know how many hours or fractions thereof various tasks should take. Rough estimates for simple divorces are given below:

Initial interview and analysis	½ to 1 ½ hours
Preparation of initial papers	1 to 2 hours

points, and that they are recorded. Say no more, other than brief explanations of your financial condition until the court agrees to appoint an attorney.

When the attorney is appointed, insist on sufficient time for consultation.

Pro Se

If you have little at stake in the way of children or assets, have a lot of time, like to do things on your own, and don't mind being insulted by judges or other petty functionaries, you might wish to undertake the mechanics of preparing your own divorce.

Divorce is initiated when the Petitioner (or Plaintiff) serves papers, usually called Summons and Complaint, upon the Respondent (or Defendant). If the Respondent does not make a formal response within a given time period, usually 30 days, he or she goes into default. When the Petitioner and his or her attorney go to court for the final hearing, what has been asked for in the original papers is normally granted by a court, and the divorce becomes final.

Since the Petitioner has practically full control of the situation after the Respondent goes into default, this type of procedure should be followed only when there is little at stake – like a marriage of short duration, no children involved, little or no property, basic agreement on the entire matter, and trust that the Petitioner will ask no more at the hearing than asked in the complaint.

There are groups and publications that can be of assistance in this endeavor. A good resource is the National Federation of Paralegal Associations:
<http://www.paralegals.org/>

Advice can sometimes be had from attorneys or clerks also; but largely you are on your own. It is advisable to hire an attorney by the hour to assist in preparing the papers and advising you on procedure.

Divorce Reform Solutions

To adequately address this issue would fill a large volume, but there are some major reforms we would like to see implemented. These solutions are not designed to please chivalrous instincts, but to produce the most generally beneficial results. We place a healthy society above vested interests.

Specifics

1. Marriage should include a strong, legally binding written contract to include counseling in the event of marital problems and a waiting period prior to divorce.
2. Where custodial parents are drawing welfare payments for child care, the other parents should automatically and officially be considered as primary (non-paid) caregivers.
3. Mediation is strongly recommended before proceeding to the law and lawyers. See footnote.¹⁴

4. BASIC DIVORCE PHILOSOPHY: Because the exclusively “no fault” concept is even worse than the old fault system, we favor a “fault option” system which would permit the principals themselves to decide whether to proceed in a fault or no fault mode. It would work thusly:
 - A. The no fault mode would allow couples to avoid the butcherous arena of adversary courts, obtaining their divorce from a court clerk on mutually consented terms, much as they got married. This mode would apply if both parties agree to it.
 - B. The fault mode would preserve the constitutional right of injured parties to redress grievances in court. Injury and culpability would be factors in determining financial and property awards. Either party could demand this mode apply.
5. CHILD CUSTODY: In his excellent book, *The Case For Father Custody*,⁵ Professor Daniel Amneus makes a compelling case for automatic father custody, citing our past, more civilized society when such was the case. We do not presume to disagree with the good professor, but, in view of political realities, recommend the following scenario:

Where there is no clear disqualification of either parent, we propose a rebuttable presumption of joint legal custody, with physical custody of boys under 7 and girls under puberty to mothers; above those ages and upon reaching those ages, to fathers. The court would be required to submit written justification for deviation. This concept would also better serve justice in dividing parenting time almost equally between mothers and fathers.

As the eminent Dr. Sanford Braver of Arizona State University says, “If we adopt a policy of presumption for joint legal custody, we will have better child support payment, we will have more contact with fathers, we will not have more conflicts, we will not have worse parenting on the part of mothers, and most important of all, we will have better adjusted children.”

6. CHILD SUPPORT: The costs of children should not devolve entirely upon the ex-husband, but should be divided in proportion to the earning capacities of both parties. Anything beyond a fair share of the above costs of children is alimony, regardless of what it is called
7. ALIMONY: Because it is usually unfair to men and frequently equates with prostitution, it must be greatly curtailed. It should not be disguised as “child support,” as is so common.

These solutions rely on the elementary behavioral principles of positive and negative motivation. Presently, women initiate over 80% of divorces, positively motivated to do so by assurance of obtaining custody, alimony, support and the lion’s share of property, enforced by all the powers government can muster. Conversely, men are coerced into supporting truant families by negative motivations. Ours is a two track reversal of these motivational factors.

The first track provides negative motivation for women to remain married by removing the positive motivations to divorce.

The second track provides positive motivations for men to carry out their genuine responsibilities. The best positive motivation, prohibition of involuntary alimony and support, would require responsible judges to order paternal custody in most divorces. This presents new opportunity for abuse, but less than does present practice. Too radical, you say? At one time, child custody was as automatic to fathers as it is to mothers today. There were very few divorces then. One of the reasons was that paternal custody motivated both parents against divorce. Mothers didn't want to lose children, and fathers needed a housekeeper. We're not necessarily advocating a return to paternal preference, but are advocating the negation of preference by gender. Even equal rights for men, another innovative approach, meaning equally divided custody, fairly shared responsibility for support, and rights enforced with equal vigor to that of responsibilities, would improve things greatly, as follows:

1st – Many more fathers would have custody, drastically reducing the need for public assistance and support collections.

2nd – Divorce itself would be greatly reduced for reasons previously mentioned.

3rd – These reduced divorce and mother custody rates would reduce juvenile delinquency and other aberrations.

4th – Those men without custody, but who lost fairly, who pay only a fair amount of support, and whose visitation and other rights are enforced would be much more inclined to meet support obligations, reducing even further the need for public assistance.

Epilogue

Children

Divorce is an especially traumatic time for children. They're usually devastated by it. The delinquency statistics prove that. Try to understand their problems, and help them through the damnable thing. There are books and organizations to help, but it's like helping a crab accommodate itself to boiling water. There is no easy way.

Father involvement: Copious research documents indicate that most of the negative consequences of separation and divorce can be alleviated by maintaining and enforcing an ongoing and continuous relationship with both biological parents following separation and/or divorce.

Two notes of caution. Don't overcompensate for children's parental deprivation by spoiling them. This seemingly easy way out can greatly compound their problems in later life. Also, don't brainwash children against an ex-mate or use them as pawns in a vendetta. Poisoned minds are the essence of a sick society.

Emotional Problems

Divorce is a trying time for adults also, emotionally as well as legally. Some people can't take it. They may engage in all sorts of irrational behavior, even murder or suicide. Sometimes it is the individual's fault. Sometimes it is not. If courts could even guess at the traumas their blunders have caused, they would probably try to clean up their act.

A divorce won't help if the problem is within yourself. You can't run away from that.

It is beyond the scope of this section to deal with emotional problems. There are many good books on the subject, and many mutual help groups especially in larger cities. In extreme cases, it may be necessary to seek psychiatric help. Don't be ashamed to do so. You have a life to rebuild, and it may require help. You're worth it.

Examine yourself as objectively as possible. Perhaps you were in some measure responsible for the situation. If so, identify and overcome your faults. Perhaps you wish to, and can, reconcile.

If not, there may be, and probably is, another life partner out there somewhere. Sometimes you have to kiss a lot of frogs before you find your princess. Many of us did.

ENDNOTES:

1 NBC TV news 9/24/96. Fathers, Marriage and Welfare Reform. Wade Horn and Andrew Buss

2 Father Facts. Wade Horn

3 U.S. Dept. of Health and Human Services Advance Report of Final Divorce Statistics 1988, Monthly Vital Statistics Report.

4 The Family In America, April 1989; vol. 3 # 4. A publication of the Rockford Institute 934 No. Main St. Rockford, IL61103-7061. See also Adolescent Personality and Behavior, University of Minnesota Press. Professors Hathaway and Monachesi. For a thorough analysis of the situation see The Garbage Generation (Bibliography).

5 Professor Daniel Amneus. (Go to viaticumpressinternational.com and then click on "books" and go to "Primrose Press" and there you will see all his titles).

6 Journal of Marriage and the Family May '95

7 An extremely biased, discredited and unscientific book, The Divorce Revolution by Lenore Weitzman was published in 1985 purporting to prove that men's financial circumstances greatly improved after divorce at the expense of women's' circumstances. This false information provided, and still does, rationale for many legislatures to implement Draconian alimony/support schemes and for many judges to order unfair amounts of alimony/support. A scholarly rebuttal was published in the Northern Illinois University Law Review Vol. 9. No. 2, 1989. This is available at law libraries.

8 ALR Review, April – June '88 pgs 4,5

9 Excerpts from a dissenting opinion of Robert Bork in *Franz vs. United States*, which involved a child who was secretly relocated with her custodial mother to a new home. Mother's new husband was a "protected witness" in a major criminal investigation, and father was unable to see or even know the whereabouts of his child, yet was expected to pay alimony/support, as is usual in similar cases. Such case law gives new meaning to Shakespeare's quote: "If the law supposes that, the law is a ass, an idiot." (Mr. Bumble, *Oliver Twist*, 1838).

10 Authorities holding this opinion are: Dr. Douglas Besharov, domestic policy expert, American Policy Institute, former director National Center for Child Abuse and Neglect; Rick Teague, Court Psychologist for five-county area of S. W. Virginia; and Melvin Guyer, psychologist and lawyer at the Univ. of Michigan Family Law Program.

11 The term "access" is preferable to "visitation," which is what occurs at a wake.

12 In some states this is illegal.

13 In Minnesota, see *Cox vs. Slama*, 355 N.W. 2nd. 401. Minn. 1984.

14 Academy of Family Mediators. 5 Militia Dr., Lexington, MA 02173 | Phone 800/292-4236 or 781/674-2663. E-mail: afmoffice@mediators.org. www.mediators.org.