

# TODAY'S DADS

2017 Edition, Issue 4

December 21, 2017



## WISCONSIN LEGISLATORS WORKING FOR CHILDREN OF DIVIDED HOMES

Wisconsin's 103rd Legislative Session has been busy and as the end of this session rapidly approaches with the 2018 Elections in the distant but visible horizon there are 4 bills at different stages of the Legislative process that will in the opinion of WFCF have significant beneficial effects on children of divided homes.

The most crucial piece is Representative Kathleen Bernier's (Assembly District 68 (R - Lake Hallie)) bill. This bill will create a presumption that equalizing physical placement to the highest degree is in the

child's best interest. A presumption of this nature provides a clear, consistent guideline for judicial decision-making, it decreases



parental conflict and litigation, and it provides an incentive for inter-parental negotiation, mediation and

the development of parenting plans, furthermore it discourages legal abuse, where perjury and false claims at times can be used to gain the upper hand in family court, parents, now as equals, are leveraged to work together. It will be the starting point not a mandate for all placement decisions after which the sixteen (16) best interest factors outlined in Wisconsin Statute 767.41 (5) will continue to be evaluated prior to making the final decision. These sixteen factors have been developed over time to ensure that the Court System is protecting  
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## 2018 Annual Meeting Invite Inside

### CHILI BOWL 2017 IS IN THE BOOKS

It was an overcast Saturday afternoon in the upper 30's. Attendance was significantly less than anticipated never the less Chili Bowl 2017 went off without a hitch. We had 4 different chili recipes, and some bowlers enjoy the

event. This was the first major fundraising effort for WFCF. In the end we raised just over \$1,000. The event's silent auction and bucket raffle sent our supporters home with some great



prizes donated by nearly 50 different businesses primarily in Wisconsin. More details and 2018 Fundraising Information will be published in our next newsletter.

We are Wisconsin's Oldest "Father's Organization" having been formed in 1988. We have been hosting our Monthly Support and Network Father's Night Out Meetings since 2000 and are a 100% volunteer organization that has always and will always believe that

**Kids NEED BOTH Parents**

# A MESSAGE FROM THE PRESIDENT *Tommy Bickel*

WFCF's activity level remains very high, and that is a good problem to have. On the heels of adding our 10th Fathers Night Out (FNO) monthly meet-



ing, we also found a new moderator for the Beloit FNO Josh Upham. Rick Frazer also has initiated periodic FNO conference calls that provide a forum for all our FNO managers to share information and discuss improving our abilities to help people. Rick has also begun the process of administering a monthly remote area FNO conference call capability to serve areas that are outside of the range of the 10 FNO locations currently. There are two bills that have been released that positively affect children in separated homes. One to decrease the move away distance, and one to allow for a future contingency allowed in placement orders. We are very much for both these legislative changes and on November 15th testified in favor of both changes. These are ex-

*More people who step up with time, energy, and idea's is the fuel that makes WFCF move things forward*

plained in further detail in this edition's Feature Article "Wisconsin Legislators Working for Children of Divided Homes". We also initiated a bill to create a mandate for both parents in any placement order, that requires co-parenting classes be completed by both parents. The intent is that through the information learned in these classes, it should decrease some of the co-parenting problems that very often occur. It should be out in December. And the most important bill coming out (hopefully it's already out when this is published) soon, LRB-1624/1- the equal placement presumption as the best interest of children. We have visited three times the capitol in anticipation of this bills release and have met with 77 out of the 132 legislators offices to explain the reasons why this is a very good idea. Once the bill is released we will return to work toward inviting senators to co-sponsor, to move this legislation forward.

We also have attended with information on WFCF, the Community Resource Fair in Appleton and the 2017 Children Come First Conference. We had a tabletop at each of these, to increase the awareness of WFCF and its resources for fathers and families. WFCF also sponsored our Racine FNO manager Jim Pease in attending the AFCC conference in Milwaukee. Jim came away with a wealth of information that will help us serve people with trouble, more effectively. We successfully pulled off our first fundraising event to help cover the costs of all the things we are doing and will continue to do. The Chili-Bowl was Kevin

Monahan's idea and was not only a fun event to gather at, it also was tasty (many different chillies were brought). The amount of work that Kevin and his wife Jennie put into this was incredible. And it all paid off raising over \$1,000 to be used to fund WFCF's activities and outreach. This should turn out to be an annual event for WFCF, and will be even more successful (and fun and tasty) in the future. In summation, things are certainly poised to get better for children and families. Thanks to all the people who continue to put effort and energy into making these things possible. I extend a request to all our members and contacts to please consider joining us in working toward making WFCF more effective. More people who step up with time, energy, and idea's is the fuel that makes WFCF move things forward.

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## 2018 Annual Meeting

Thursday January 25, 2018

Social Hour: 6:00 p.m. – 7:00 p.m.

Meeting and 2018 Board Elections: 7:00 p.m. – 8:30 p.m.

*The Coliseum Bar and Restaurant*

232 E Olin Avenue, Madison WI 53713

RSVP to [wfcftreasurer@outlook.com](mailto:wfcftreasurer@outlook.com) by January 16, 2018

## WISCONSIN LEGISLATORS WORKING FOR CHILDREN OF DIVIDED HOMES

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the best interest of our children. Opposition has already been voiced by the judicial branch, state bar and some special interest groups. The opposition seems to be based primarily on misconceptions as to the effect of the bill. Currently the Wisconsin State Statute 767.41(4)2 states in part "...that maximizes the amount of time the child may spend with each parent ...". This very ambiguous language has been the center of debate in a number of Appeals and WI Supreme Court cases. In fact in a Supreme Court Opinion filed June 6, 2006 in a Review of a Decision of the Court of Appeals in the Landwehr v. Landwehr case (Disclosure: Michael J. Landwehr is a previous Board President for WFCF serving from 2012-2015) the Supreme Court stated "... reveals that the legislature did not intend the term "maximizing" to mean equal placement or equal time."

One example being the belief that the new standards would apply to modifications of prior court orders, causing an immediate increase in litigation to revisit previous physical placement orders. When in fact a litigant cannot petition a Wisconsin Circuit Court for a revision of a physical placement order without first showing there has been a substantial change of circumstances (which the passage of this legislation would NOT satisfy) since the entry of the last order substantially affecting physical placement and more importantly the modification is in the best interest of the child (determined based on 16 factors outlined in 767.41(5)). Furthermore, there is already a statutory rebuttable presumption that continuing the child's physical placement

with the parent with whom the child resides for the greater period of time is in the best interest of the child. Yes, if the court grants a hearing for a Change of Physical Placement this new standard would apply, and as with new cases would need to be rebutted with a preponderance of the evidence (a standard that is met if the proposition is more likely to be true

*The opposition seems to be based primarily on misconceptions as to the effect of the bill.*

than not true. The standard is satisfied if there is greater than fifty percent chance that the proposition is true) that modifying the Physical Placement Order based on the substantial change in circumstances to one which equalizes placement to the highest degree possible is not in the best interest of the child, keeping in mind the other rebuttable presumption referenced regarding continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. Another example is the belief that this will result in 50/50 placements in cases where parents are not interested, this would not happen as the first of the sixteen factors is "The wishes of the child's parent or parents, as shown by any stipulation between the parties, any proposed parenting plan or any legal custody or physical placement proposal submitted to the court at trial." this already existing factor would clearly prevent this.

Two other pieces of legislation have passed out of the Assembly Committee for Children and Families with the recommendation of passage as of December 6, 2017. Both pieces of legislation were authored by Representative Jessie Rodriguez, Assembly District 21 (R - Oak Creek).

The first Assembly Bill 586 is an Act to amend 767.461; and to create 767.34 (3), 767.41 (5m) and 767.451 (3r) of the statutes; Relating to: modifications to legal custody or physical placement contingent upon a future event. This bill authorizes a court to approve a stipulation for modifications to legal custody or physical placement that are contingent upon the occurrence of a specified future event. Currently the courts do not possess the authority to include a contingency in a final order of physical placement orders, this seems to exacerbate the adverse effects associated with divided homes. Situations that result in a divided home are probably one of the most transitional periods in one's life and often require adjustments not all of which are immediate. In fact, part of Wis Stats 767.41(5)4 states "... any necessary changes to the parents' custodial roles and any reasonable life-style changes that a parent proposes to make to be able to spend time with the child in the future" yet the court lacks the authority to include future contingencies for these "changes". Final passage and adoption of this would change that by allowing the court to approve a stipulated agreement between the parties for modifications to legal custody or physical placement upon the occurrence of a specified future event that is reasonably certain to occur within two

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## WISCONSIN LEGISLATORS WORKING FOR CHILDREN OF DIVIDED HOMES

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years of the date of the parties' stipulation. This would prevent parents from having to go back to court to make a change they are already in agreement on, lessening the burden on the Court System and allowing both parents to focus on their children and not litigation that can often be costly and time consuming. This legislative change will have a very big positive effect on unmarried fathers with newborns. Care of a newborn is an ominous task and many unmarried fathers elect to agree to have the mother during this time be the primary or sole caregiver. By default in unmarried births, the mother is awarded sole legal custody and placement. Fathers certainly step up and establish paternity immediately, but in most cases they do not establish custody or placement with a newborn. This bill will make it possible for an unmarried father to immediately after establishing paternity, also file for custody and future significant placement. Potentially after the newborn becomes a toddler (say 18 months) automatically

have the placement order change to overnights in the fathers care or even 50/50 placement. Without needing to go to court and try to overcome the afore mentioned rebuttable presumption that continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. Truly a win-win scenario for the child(ren) and both parents. Other reasonable life-style changes could include but are not limited to establishment of a new residence capable of accommodating the child(ren) or employment related changes such as schedule changes, decrease in business travel, etc. The current statutes appear to recognize that continued involvement of both parents in their child (ren)'s lives has the propensity to be in the best interest of the child, which makes complete sense that a child

would naturally fair best being raised by both of their parents, particularly since equal parenting most closely reflects the child's caregiving and living arrangements before separation or divorce while simultaneously acknowledging that one or both parents may have to make "reasonable life-style changes" to facilitate this and this proposed legislation brings this concept full circle. In fact, it instills accountability and can encourage personal growth and improvement that results in a parent being involved in their child's life which benefits the child(ren).

*This legislative change will have a very big positive effect on unmarried fathers with newborns.*

The second is Assembly Bill 551 an Act to repeal 767.41 (4) (d); to amend 767.001 (1) (k), 767.117 (1) (c), 767.215 (2) (j) 1., 767.225 (1) (bm) and 767.89 (6); to repeal and recreate 767.481; and to create 767.14, 767.41 (6) (h), 767.805 (4) (am) and 767.89 (3) (bm) of the statutes; Relating to: relocating with a child who is the subject of a legal custody or physical placement order. This bill changes the procedures for relocating a child's residence when a court grants any periods of physical placement with a child to both parents and one parent intends to relocate and reside with the child 100 miles or more from the other parent. Currently one parent can move as far as 150 miles away from the other parent without notification. This bill will lower the threshold from 150 miles to 100 miles, and removes the restriction on crossing state lines (as long as the move is under 100 miles). The bill also shifts the burden of proof from the objecting party to the moving party in accordance with all other placement modifications in family cases. Certainly, either parent moving farther away from the other

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WFCF Informational Booth at 2017 Children Come First Conference held November 13-14, 2017 at Glacier Canyon Lodge at Wilderness Resort, Wisconsin Dells, WI. Our booth was staffed by Board President Tony Bickel and Member Jennie Monahan.

## 2018 WFCF ANNUAL MEETING 01/25/2018

On Thursday January 25th, 2018 WFCF will host its annual meeting. 2018 will mark the 30th Anniversary of WFCF and will include more growth, development and positive changes to invoke greater involvement from our membership.

The Annual Meeting this year looks to be the last that will be hosted in January on a weeknight. The statewide growth of our organization has dictated exploration of alternative options to maximize participation which will be discussed further in 2018. Please submit any ideas you may have to [initiatives@wisconsininfathers.org](mailto:initiatives@wisconsininfathers.org), one idea floated is a picnic in late summer

on a Saturday afternoon. This year's Annual Meeting will feature speakers:

### **Kay Johnson**

National Alliance for Targeted Parents

### **Bob Moore**

AFCC Conference Report

Resistance, Refusal, Alienation

We will also be discussing what was accomplished in 2017 and goals and objectives for 2018.

We will be having our Annual Board Elections, nominations for WFCF board

positions in 2018 are open. Contact Tony Bickel at [wfcftreasurer@outlook.com](mailto:wfcftreasurer@outlook.com) if you are interested in joining the WFCF board by JAN 5th, 2018.

As it stands now, the nominees are as follows:

### **Tony Bickel**

President /Treasurer /

Database Mgr./ Helpline Administrator

### **Rick Frazer**

Exec VP/ Remote FNO Administrator

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## SURVIVING THE HOLIDAYS AS A DIVORCED DAD

By Shawn Garrison  
Online Editor  
Cordell Practice Management Group

The holidays are often the most difficult time of the year for divorced parents, especially if the divorce or separation is fairly recent.

There are a number of logistical hurdles involved in dividing holidays between both holidays in addition to reconciling potential feelings of anger or loneliness that can wreck what is traditionally a joyous time of year. That can be particularly challenging for fathers who are often designated as the non-custodial parent.

As tough as it is, advanced planning and a good attitude can go a long way towards reducing the stress of the holidays for yourself and children while also starting some new traditions that you all grow to cherish.

### **Holiday Custody Schedule**

Communication is one of the most essential parts of co-parenting and its importance is magnified during the holiday season.

You and your ex might have disagreements, but coming up with a schedule that works for both sides ahead of time and sticking to it can mitigate one of the

most common issues divorced couples face during the holidays.

If you're already divorced, the holiday parenting time schedule should already be set out in the parenting plan of your settlement agreement. This court order must be upheld or else the offending party could be held in contempt of court.

However, if your separation is recent or you have yet to receive official orders from the court, conflict can quickly



arise since nothing officially designates the parenting agreement. If parents are not officially divorced, they are presumed to have 50/50 custody until the court says otherwise.

This can result in issues since there's little that can be done if one parent decides to refuse visitation.

It's important that you and your ex put your personal disagreements on the backburner to work together on an

agreement that will minimize conflict for your kids. Odds are, they want to see both of you on Christmas, especially if this is the first year that the holidays are different for them.

The first holiday season after divorce will almost certainly be the toughest, but the smoother you make the transition for the children, the better they will cope.

### **New Traditions**

One of the most effective ways to get past the awkwardness that is inevitable during the first holiday season as a divorced family is to start new holiday traditions. This is a great way to make things fun and create new memories while avoiding dwelling on the past.

Your new traditions don't have to be anything elaborate. It could be something as simple as buying a tree and decorating it or coming up with fun ways to stay connected while your part in the days leading up to Christmas.

You could even start new annual events, like driving through town and trying to find the most elaborately decorated house.

Whatever you do will depend on your holiday custody schedule, as well as your ex's flexibility.

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Many courts will implement commonly used custody schedules, such as alternating Christmas Eve and Christmas Day every year. Some courts will also allow parents to share holidays under certain circumstances.

Regardless, you'll still have the chance to come up with new traditions so that your children get the most out of the holidays even though their parents are divorced.

The task of creating a fair parenting arrangement during the holidays is much trickier if the court has yet to issue orders. Keep in mind, even if you and your ex no longer get along, it is still your responsibility

as parents to do what is right for the kids so they have a happy holiday season. That means shielding them from the conflict between you and your wife as that exposure can be psychologically damaging.

Coming up with fun new traditions can help soften the stress and heartache your kids experience and also gives you some peace of mind during this hectic time of year.

The first holiday season after divorce will almost certainly be the toughest...

## Custody Disagreements

Even if you enter the holiday season trying to keep things civil and friendly, many divorced parents inevitably run into issues regarding the custody schedule.

This is especially tough for non-custodial dads since they already get less contact with their children than is ideal, and when problems do come up during the holidays they tend to be the ones who get the short end of the stick.

If you've received court orders outlining a custody schedule and your ex refuses to abide by them for any reason,

you can hold her in contempt of court, although that may come later since courts are typically booked this time of year and it can take quite some time to schedule a hearing.

If you have yet to receive court orders, it could be more difficult to get make-up time ordered, but it's not impossible. Make sure to document everything that happens. Save texts and emails because

they can be used in court as evidence and any excuse your ex makes for going against initial plans could be used to prove to the judge that she is in the wrong.

It's a good idea to get your plans in writing ahead of time, whether that is in an official court order or an unofficial agreement between you and your spouse. That way you have documented a plan you and your ex agreed to and you can show the court that your ex went back on her word.

The first holiday season after divorce is certain to be difficult, but the more advanced planning you do the more likely it will go smoothly and the better off all parties will be.

You should do whatever you can to make the season as happy and joyful as possible for both you and your children.

If you are unclear about how to handle child custody during the holidays or are worried about your ex withholding visitation during this time of year, consult with a family law attorney to figure out what legal options are available to you.

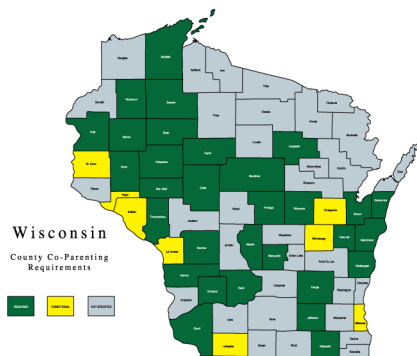
## WISCONSIN LEGISLATORS WORKING FOR CHILDREN OF DIVIDED HOMES

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parent puts a greater travel time burden on their shared children. We believe this bill will minimize the opportunity either parent has to utilize distance to independently force a change to Physical Placement order that otherwise would require either a mutually voluntary stipulation or family court litigation that can be costly and stressful. This is a big win for children.

The final piece of legislation is being authored by Representative Jeffrey Mursau, Assembly District 36 (R - Crivitz) will remove the Court's discretion in whether or not to order the parents to attend a co-parenting class and will make completion of such a course a condition of granting of a final judgement. WFCF has had the pleasure and honor of working with Representative

Mursau's office on the drafting of this legislation. As it stands today based on independent research completed by



WFCF 54% of the Counties are already doing this in at least a percentage of their cases, passage of this legislation

will expand this valuable benefit across the state and insure consistency for children of divided homes. This bill will be a major factor in decreasing co-parenting problems and issue's regarding shared children in two households. The classes are available through multiple different entities including UW-Extension Family Living and also via online classes as well (were permitted by the Court hearing the case). Children are always affected by friction between their parents, and this mandate is aimed at decreasing that negative effect on children.

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**Alan Frey**  
 Director of Governmental Affairs  
**Kevin Monahan**  
 Director of Initiatives  
**Mary Ciano**  
 Statewide FNO Director  
**John Rindfleisch and Chuck George**  
 Members at Large

Lastly we will talk about the significant Legislative efforts that have been undertaken and their current status.

Become an active WFCF member. Show support for justice/fairness. Make equal parenting a reality for children and fathers. Share your stories/concerns. Help us make a positive difference for children.

**ANNUAL MEETING**  
 RSVP to wcfctreasurer@outlook.com  
 by JAN 16th

**Thursday 25th of January 2018**  
 6-7pm social hour  
Meeting 7 PM -830 PM  
 The Coliseum Bar and Restaurant  
 232 E. Olin Avenue, Madison, WI  
**Food and Refreshments Provided**

# Join Today ~ \$30 Lifetime Membership

## WFCF Lifetime Membership Application

Name					
Date of Birth		Gender <small>(This data may be used in reporting membership population)</small>		Male Female Prefer Not to Disclose	
Physical Street Address					
City	State		Zip		
Mailing Address <small>(If Different than Physical Address)</small>					
City	State		Zip		
County of Current Residence					
Relationship to Child(ren) Affected					
Phone					
Personal E-Mail Address					
Check Here to be Contacted about Volunteer Opportunities with WFCF					

### Applicant Demographics

### Wisconsin Family Court Case(s) Information (Optional, If Applicable)

County of Court Action	
------------------------	--

### Order

Qty	Description	Unit Price	Extended Cost
1	WFCF Lifetime Membership ★ Includes E-Mail Subscription to "Today's Dad's Newsletter"	\$30.00	
	3 x 11 ½ in. Removable Vinyl WFCF "Kids NEED BOTH Parents" Bumper Sticker	\$3.00	
	1 ¼ in. WFCF Logo Lapel Pin	\$5.00	
1	One Time Donation to WFCF 501(c)(3) Not for Profit Organization		
<i>\$ Membership Fees and Donations are IRS Tax Deductible \$</i>		<b>Total</b>	

**Please detach or copy this page and send with check or money order to:**

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As 2017 comes to a close,  
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**MONTHLY FATHER'S NIGHT OUT MEETINGS**

WFCF IS NOW OFFERING **120 MEETINGS** IN PERSON MEETINGS  
ACROSS THE STATE PER YEAR

**Milwaukee:**

*Second Tuesday of the month*  
7:15 PM at:  
**Bar Louie**  
5750 Bayshore Dr., Glendale, WI

**Madison:**

*Third Monday of the month*  
6:15 PM at:  
**World Buffet at South Town Mall**  
2451 W Broadway, Monona, WI

**Fox Valley:**

*Third Tuesday of the month*  
6:30 PM at:  
**5th Quarter**  
2101 American Dr, Little Chute, WI

**Central WI:**

*Second Monday of the month*  
7:30 PM at:  
**Korner Kitchen**  
4890 Hwy H, Edgar, WI

**NW WI (Eau Claire):**

*Third Thursday of each month*  
6:30 PM at:  
**Taquera La Poblantia**  
2436 London Rd, Eau Claire, WI



**Green Bay/NE WI:**

*First Wednesday of the month*  
6:30 PM at:  
**Townline Pub**  
2544 Lineville Rd, Green Bay, WI

**La Crosse:**

*Second Thursday of the month*  
6:30 PM at:  
**Sheninigans**  
2100 Dawson Ave, La Crosse, WI

**Janesville:**

*Second Thursday of the month*  
6 PM at:  
**Fuddruckers**  
3136 E US Hwy 14, Janesville, WI

**Racine:**

*Third Friday of the month*  
7:30 PM at:  
**Asian Buffet**  
3701 Durand Ave, Racine, WI

**Fond du Lac:**

*Second Monday of the month*  
6:30 PM at:  
**Schmitty's Oar House Bar and Grill**  
N7044 Winnebago Dr, Fond du Lac, WI