



# Today's Dads

NEWSLETTER OF WISCONSIN FATHERS FOR CHILDREN AND FAMILIES  
( <http://www.wisconsinfathers.org> )

Volume 26, Number 1

## Hello WFCF Members and Organization Followers:

By Mike Landwehr, WFCF President

As a Board member over the past several years, I've witnessed much organizational resource and effort get consumed by our attempts at legislative change. Unfortunately little progress has been realized. At the same time our organizational infrastructure has not kept pace with technological evolution, yet the need for our help by fathers stuck in the family court process has not diminished. We routinely get dozens of calls and emails each week from guys whose role in their kids' lives has been minimized, and they're not sure where else to turn.

We won't give up on working for changes to the way fathers are treated (mistreated) in the family court system; however, we do need to remodel the organization's infrastructure. Efforts are underway to migrate our ancient membership database to a modern platform. We'll be updating the website and keeping it fresh with what's going on as well as adding useful information for those looking for assistance. We're working to get back to more frequent communication via electronic and hard copy newsletters. Last year's Board redefined our membership which will more accurately reflect the number of people we work with and now we are implementing that change.

Under our new membership structure, nearly all of our revenue will come via donations as opposed to dues. And people who had previously been members are again considered to be members. So, it's really important that you send in your tax deductible donation and be generous as we continue help numerous dads who have been "drained" by the system. Please send them to: WFCF, PO Box 1742, Madison, WI 53701-1742. Upon receiving

your donation, we'll send you a receipt which identifies WFCF as a registered 501(c)(3) organization. I believe that restructuring the foundation and systems of WFCF will enable us to grow our membership numbers and therefore our resources. This is critical not only for our ability to help educate and maintain father/child relationships, but also to increase our strength and influence as we find our cause at odds with groups who want us to remain "in the rear-view mirror".

If you have skills (e.g. website maintenance, fundraising experience, database management, article writing, newsletter preparation, or leadership) that can benefit us, please come forward. Veterans- the issues haven't changed much. Please share your experiences with us so we can republish and circulate them to our younger members. We also need help running Fathers' Night Out (FNOs) in areas outside of Milwaukee and Madison (e.g. Northwest WI and the Fox Valley/Green Bay).

Many of us would like to put this fight behind us as our kids have grown into adults and we just want to get on with our lives. But the thousands of younger men who are now experiencing the same biases for the first time find themselves in tremendous need of our help. We can make major progress toward erasing the biases against fathers, but we need to significantly increase the volume of our collective "voice". Please consider offering your help by volunteering and/or contributing financially.

Thanks for your support!

Mike

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## An Open Letter from Your Divorce Lawyer

*(This letter was written by one of the most recognized and prominent divorce attorneys in Baltimore. It was meant to be a humorous expose about his professional life and the realities of being a divorce lawyer. The irony this letter is that the contents of it are sarcastically true and factual. It was reprinted with his permission.)*

From Richard Cohen of Owings Mills Mediation

Dear Client:

I am pleased that you have hired me to represent you in your divorce. I'm pleased because I need the money you and others like you pay me. In reality, I am tired of working with people like you who are always fighting and never happy, and often unhappy with me. But I feel trapped now. I don't know how I could change my practice at this point in my career without a huge financial setback. So I hang on and do the best job I can, the best way I know, for clients like you.

If you're like most people going through divorce, you've heard a chorus of voices -- from your mother to your neighbor to the person who cuts your hair -- warning you to better get a mean "junkyard dog" lawyer. I don't like being a "junkyard dog" lawyer, and I don't think it would be in your best interest for me to be one...but I have to give you the impression early on that I am so that you will hire me. I don't like doing it but you demand it. So I do it.

That means that when we met in our first consultation, I talked about how experienced I am. I gave you an optimistic, over exaggerated assessment of what you get if you decided to hire with me to represent you. If your spouse had come the same day (instead of you) and presented the very same facts, I would have given your spouse an equally optimistic assessment. I learned long ago not to lose any sleep about doing this. You demand it, and I'm going to give it to you - so you'll hire me.

You can see what happened now, can't you? I gave you an optimistic assessment of your case from your perspective, then one of my colleagues gave your spouse an equally optimistic assessment of the case from your spouse's perspective. Together, we worked knowingly or unknowingly to convince both of you that the other is being unreasonable and that you each needed us to win you a better deal.

I told you in our initial consultation that you should avoid communicating directly with your spouse about anything other than parenting your children. I did this because nothing is so important to me as client control. I want to be the gatekeeper of all communication between you and your spouse, so that I can decide how much information to provide you and what "spin" to put on it. This will make you and your spouse more suspicious of each other, and it will make you more dependent on me. I like that, at least in the early stages of divorce negotiations.

I required you to pay a large retainer when you hired me. I told you that I have a fixed retainer for all divorce clients. Or I may have told you that I set your retainer after carefully considering the complexity of your case, the time I expect to put in, and the risk that my estimates might be too low. In reality, though, my technique for setting your retainer was far simpler. I charged the highest retainer I thought I could get. The reason I did this is that the retainer is often the only money I see for representing someone in a divorce case. I may try to bill you and get paid later, but most of my

clients don't pay me anything after the initial retainer, even though they owe me a great deal of money. And I hesitate to sue them for fear they will counterclaim for malpractice and drive up my insurance premiums. The fact that I have so much trouble getting clients like you to pay me what they owe me is another reason my work is so unpleasant.

Another reason I charge a high retainer is that I have trouble justifying my hours to my clients. Realistically...how can I expect to get paid if I say that I spent 6 ½ hours negotiating who should get custody of your dog? Whether or not I really spent the time is irrelevant. Practically 90% of the time I say I spent working for you can't be proven anyway. And if you really knew how little time I actually spent on your case, there's no doubt that you would sue me for return of your unused retainer.

I also will do everything I can to appear successful... incredibly successful. I drive a luxury car and maintain a sumptuous office because I want you and my colleagues -- especially my colleagues -- to believe that I am earning lots of money. In one sense, I am earning lots of money. I charge a high

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hourly rate, and I have a great deal of business, so I have high billings. I also have high overhead (most of it just for show). And I have trouble getting paid. In reality I have financial struggles just like you do.

There's more than a 93% chance that your case will settle before trial. Nevertheless, I will prepare your case as if it were going to trial. This will be wasteful and expensive. I will conduct lengthy discovery, including interrogatories (thicker than an encyclopedia), requests of the production of documents, and depositions. And I will charge you a great deal of money to prepare these documents that I simply have printed from my word processor with minor changes.

I will do this not because it's in your best interest but because I'm afraid of being embarrassed in front of other lawyers and judges and I'm afraid that you will sue me. The result is that you and/or your spouse will spend a great deal of money preparing for a trial we know will most certainly not occur.

I live my professional life in and around the courthouse. I gauge my schedule and my priorities to make sure cases that have an imminent court date are ready to present. This means that if your case doesn't have any imminent court date, it will be hard for me to focus much attention on it. Your case will move much more slowly than you would like.

When we are at the courthouse, there will be huge blocks of time when I will leave you alone while I negotiate or just swap stories with your spouse's lawyer. Every now and then, I'll report back to you on progress and tell you how negotiations are going. You probably will find it jarring that I'm so friendly with your spouse's attorney. Remember you and I have a temporary relationship. Your spouse's lawyer and I have seen each other several times a week for years, and our relationship will continue long after you've gone from my life. It's not surprising then, that I'm more attentive to that relationship than I am to the one with you.

Although at the outset I stated an optimistic assessment of your case, over the term of our relationship I will become increasingly pessimistic with you about your chances. I will do this because, by then, I will become tired of you and your

case. I will want you to become more flexible in negotiations so that I can reach agreement with your spouse and your spouse's lawyer. By then I will have spent enough time on your case to justify keeping all of the retainer. And I will be afraid that I may never see any more money, so I will press you to reach agreement with your spouse.

Also, as our relationship continues, I will be increasingly harder to reach. I may fail to return your phone calls, or I may call you back but be evasive about giving you useful information. Often an agreement will happen because you and your spouse meet over the kitchen table or on the phone and work it out. This agreement may be remarkably similar to what the two of you could have agreed had you been willing to cooperate with each other at the beginning or through mediation. But you won't think about that by then, because to do so would be to admit to yourself that you've wasted several thousand dollars of legal fees. Even though I told you at the outset not to talk to your spouse, I will then be secretly glad that you did and will work to help your agreement succeed (if I can avoid spending too much time on it).

I have learned that most of my business comes by referral from other professionals. So it's more important to me that referral sources feel good about me than my clients feel good about me. I devote lots of attention to my relationships with judges, other lawyers, and other professionals. On the other hand, I have over the years become quite comfortable with unhappy clients. The bar association knows, as I do, that clients of divorce lawyers are often unhappy. I know that the bar association is accustomed to receiving these complaints and taking them with several grains of salt.

So it doesn't worry me much that you might complain about me. Like most businessmen, I am concerned about the future of my profession. Our legal system really does work extremely well... except in the area of domestic law (my specialty). Statistics clearly show that our court system is not a good place to resolve the differences needed in order for married couples to obtain their divorce. I know that if I were getting divorced, I would do

*(continued on page 4 under Letter)*

*(continued from page 3, Letter)*

everything in my power to avoid lawyers and our court system entirely. Divorce stinks under any circumstances. But the sad reality is (and I've known this for years, but I'm just beginning to face it) that our legal system is simply not equipped to deal with the problems that divorcing couples have to resolve in a reasonable, fair and equitable manner. So here I am, working in an area of the law that I don't sincerely believe in. And I'm stuck here. I've been a practicing divorce attorney for over 20 years. How can I change now after I've spent so much time developing and building a practice that is so very lucrative? You think you've got problems?

While I may be earning a lot of money being a divorce attorney, I know that my future income is going to be significantly reduced because of the growth of mediation. I'm thankful everyday that our Great State of Maryland is so far behind the times when it comes to changing the status quo. If I practiced in Virginia, or Missouri or California, the size of my practice would be reduced substantially already. And there are 15 or 20 states that are also making significant changes in divorce law. Mediation is growing faster every day. The reality is that mediation is a much more reasonable way to resolve the issues needed in order to get divorced than our legal system can provide. The results are more equitable and the process is infinitely more humane. And more people are turning to mediation all the time. Probably within the next five years or so, more than half of my potential clients will use mediation, rather than use lawyers like me. I know I would.

There's no such thing as an amicable divorce. But as much as you and your spouse hate each other now, the reality is that you and your spouse will have an ongoing relationship in the future... parties, weddings, graduations, funerals, mutual friends, etc. If you're smart, you'll take all of this into consideration when deciding on how to get divorced. My livelihood depends on the degree of animosity you have for each other. And the amount of your bank accounts. From my perspective, stay as angry at each other as you possibly can. If you do, you'll stay with me.

I like you, and I'm a caring professional who wants to do a good job for you. I've learned over the years not to trust you though. I wish I could trust you, but I've been burned too many times by clients just like you. So I'm going to keep my guard up.

I'm going to try to do the best job I can for you, knowing very well that if I were advising you from my heart and not my pocketbook, I would suggest that you find the best divorce mediator in the area and work out your problems in a sensible, reasonable and cooperative manner. Trust me. You'll be much happier with the results, you'll preserve a much more reasonable relationship with your ex-spouse, your children won't become victims of your mistakes, and you'll save many thousands of dollars. Sounds like a "no brainer" to me.

But as long as you're here and you know the way it works, let's get started.

Sincerely Yours,

Your Divorce Lawyer

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**March 17, 2014**

You have my permission to use my "open letter".

***Richard E Cohen***

***Owings Mills Mediation***

***410-581-3595***

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- ◆ **93 percent and 91 percent of moms and dads, respectively, agree that a father absence crisis exists.**
  - ◆ **There were approximately 158,000 stay-at-home dads in 2009.**

## Divorce For This Century - Proposal

Walter Zimmerman, divorced father and lawyer (but not a divorce lawyer)

You didn't have to go to court to get married. You don't have to go to court to dissolve a corporation/business organization. Why should you have to go to court to dissolve a marriage?

Divorce is not the time, divorce court is not the place and divorce lawyers are not the people for family social work. Divorce as it is today profits only divorce lawyers and incentivizes the conflict that every person who has been involved with a divorce knows is harmful to the divorcing parties and devastating to children of the divorcing household.

The proposal is to structure divorce as an administrative process run like an on-going mediation:

1. The filing fee for a divorce is \$3,500. The fee is intended to cover the expenses incurred in the administrative process. (In addition, the fee for a marriage license will be increased to \$1,500; at the time of marriage, parties will be required to file personal financial statements.) Fees also indicate the seriousness of the undertaking. Fee discounts are available to the indigent.
2. An administrator/mediator trained in conflict resolution is assigned at the start to manage the case/process. The administrator doesn't have to be a lawyer or administrative law judge but will have special training. The administrative process is not a legal case but the administrator may issue and enforce orders. The administrator will assign to the case (a) a staff accountant and (b) a parenting coordinator (if there are minor children). The administrator may also assign a counselor. Divorce lawyers are not permitted to appear in the administrative proceedings. Parties may retain a divorce lawyer at their own request but the divorce lawyer will not participate directly in the proceedings.
3. The parties are required to exchange standard information disclosures (e.g., asset statements from dates of marriage and divorce filing) and proposals for settlement (e.g. for division of existing assets).

The administrator may request additional information. The administrator will have the staff accountant to review financial records of the parties. The administrator may order that the parties meet with the staff accountant. At the start of the case, each party will be ordered to set up their own individual financial accounts.

4. If there are dependent children, the parents are required to meet with the parenting coordinator and submit a joint parenting plan. If the parents cannot agree on a joint parenting plan, the administrator and parenting coordinator will address that issue first. If the parents cannot reach an agreement, the initial order is that the parents will share equal parenting time during the proceeding and for two years after the divorce is final. Persons who were formerly employed as custody evaluators can be retrained to instead serve as parenting coordinators (facilitators) tasked to help the divorcing parents reorganize their respective lives and households for the benefit of the children; parenting coordinators will remain assigned to the case and available to the parties/parents until the children reach the age of adulthood.
5. Parties are able to make all submissions using standard fill-in forms (simple and understandable). Parties can revise their submissions during the initial months of the process. At certain points in the process certain disclosures will be required under penalty of perjury.
6. Starting presumptions: (a) equal shared custody/placement of children is best for the children and that each parent is entitled to equal parenting time; (b) equal division of property obtained during marriage is equitable; (c) the return of divisible/documented pre-marital property to each spouse is equitable; (d) no alimony/maintenance is required to either party. Evidence/proof is required to overcome presumptions.
7. The administrator initially sets up a case resolution plan. The case resolution plan requires monthly mediation sessions with the parties and the administrator; no postponements or rescheduling. The administrator will meet/mediate with parties once a month every month  
*(continued on page 6 under Divorce)*

*(continued from page 5, Divorce)*

until case is fully resolved. The staff accountant assisting the administrator will provide a recommendation for asset division and support obligations (if any) as a starting point. Parenting plans will be reviewed and refined. The parties can submit issue lists to the administrator to be addressed in the mediation. The parties are obligated to attend monthly mediation sessions; failure to attend will result in a ticket and fine and possible contempt orders (in egregious cases).

8. If parties do not resolve all issues by mediation within 18-24 meetings/months, the administrator will decide any remaining unresolved issues. The parties can seek review/determination of the issues by an appeals panel within the administrative agency. The appeals panel consists of three senior-level administrators; the appeals panel will conduct a hearing for the appeal and then issue a written decision.

9. Child support payment obligations are not part of the negotiation. The parents are each required to submit a proposed budget for their respective households. The parents are required to attempt to prepare a joint budget for child support expenses that are to be shared, such as for activities, special medical care, orthodontia, college savings.

Budgets will be reviewed by the accountant as against records of actual expenses; final budgets will be based on actual expenses of child support. Both parents will be required to pay child support into a fund based on their income and their parenting time and the budget. Each parent is entitled to withdraw a specified amount from the fund each month (e.g. by debit card); if the parents share equal parenting time, each parent is presumptively entitled to withdraw the same amount from the fund. Parents are required to submit an annual statement providing a report/accounting of the use of amounts withdrawn from the fund and on actual child support costs/expenses. Each parent will be under an order to pay child support to the fund and subject to enforcement if payment is not made.

10. The administrator has authority to issue and enforce orders. The administrator may issue tickets imposing fines/sanctions for non-compliance with orders and rules/regulations. The administrator may also issue tickets and impose fines if parties make false/misleading statements and omissions.

The administrator may apply to a court to obtain a contempt order (in egregious cases of non-compliance); the administrator may refer a party for criminal prosecution for making false statements. The administrator may also order the parties to meet with other outside experts if needed; the parties will be obligated to pay the expenses of outside experts.

11. If the administrator determines that the case is a high-conflict case (according to criteria), each of the parties will be required to pay a surcharge of \$2,500. The first goal in any case will be to reduce conflict by removing any incentive for the conflict; the administrator has the discretion to return a portion of the surcharge to the parties if the conflict in the case is resolved appropriately. If a credible allegation of abuse is made, the administrator assign an investigator. The administrator will structure the case to maintain proper distance between the parties during the investigation. The investigator will report on findings from the investigation. (Abuse will be referred for criminal prosecution; false allegations of abuse will be ticketed/fined.)

12. Issues relating to "quality of parenting" are not addressed in the proceeding. The goal of the parenting coordinator is to help each parent establish a suitable household for the children. If one party/parent has objections to the parenting of the other party/parent, the objections are to be presented to an appropriate/different agency in a separate proceedings – e.g. to the child protective services agency. If the parenting coordinator sees a substantial risk to the child, the parenting coordinator may refer the case to the child protective services agency.

13. Judicial review in the trial court is available for issues determined by the administrative appeals panel (with due deference to the administrator/panel). The initial determination of the court will be whether both parties participated in the administrative process in good faith; if the court determines that there was not good faith, the parties will be ordered back to the administrative process for up to one year under court supervision (monthly reports from the administrator). Otherwise the trial court can conduct a hearing or other proceedings to resolve the case.

14. After the case is concluded, in cases where there are minor children, the parents will be required to submit an annual report to the administrator in the

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status of the case (form questionnaire) which will remain in the file; the annual filing will be due on or before the anniversary date of the dissolution. If any issues arise after the dissolution, the issues will be presented by filing a request for relief with the agency; the request will be assigned to an administrator (the same administrator if available). The parenting coordinator will be available for handling informal issues between the parents. Fees will be according to a fee schedule.

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## The Greed for Newspaper Circulation, Damages Children.

By Steve Blake President - Dads of Wisconsin

The recent media frenzy concerning State Representative Joel Kleefisch's bill to reform child support was breathtaking in its vehemence and vitriol. While the basic facts reported were accurate there is a difference between that and telling the whole story.

For example, the headline in the WSJ read "Wealthy divorced donor helped write controversial child-support bill".

In the No Quarter column in the MJS it was even more provocative, "[No Quarter | GOP donor gets lawmaker to write bill to cut his child support](#)".

While the headline in the WSJ was more true than the MJS's piece, what was left unsaid was, that is how most legislation is written. Legislators do not sit around all day trying to think up new laws that will benefit the people of Wisconsin. They respond to constituent concerns by performing their job, which is making and changing the law.

If you have a problem with your plumbing, you call a plumber. If your car stops running, you call a mechanic. If you are having problems with a law or lack of one, you call your legislator. Ever heard the expression "There oughta be a law"?

Well some people actually act upon that sentiment and try to do it, often because it involves something that affects them personally. If you have a problem with zoning, taxes, regulation or yes even child support should you tell your doctor about it?

The clear implication of all the articles was that Rep. Kleefisch was bought by this wealthy republican donor. Otherwise why mention either the fact that

he was a Republican or wealthy? It would have been just as accurate to say "Constituent helps Rep write bill." A careful or even careless reading of the articles shows that he had been a donor to Rep. Kleefisch and other Republicans for a long time, including years before any divorce.

The donations to Kleefisch were modest and over the course of years. Does donating to a political candidate bar one from ever asking that person for help with a problem?

There is no indication that he slipped an envelope stuffed with cash under the desk (the preferred method in Illinois where I come from) or wrote the campaign a large check and suddenly a bill appeared. Wisconsin has some of the toughest campaign finance laws in the country yet no laws were reported to have been broken.

The reports did not mention any concerns by the Government Accountability Board nor any indication that the GAB was even consulted by any reporter.

I did the same thing with Rep. Kleefisch while working on another portion of this exact same bill. Just like the wealthy donor, I presented the lawmaker with the language I wanted to see in the bill. We exchanged e-mails with his staff, there were handwritten notes and I talked with a drafter from the LRB on a phone in his office over the course of half a dozen meetings.

I have never given Joel Kleefisch a dime, I'm not even a Republican and Rep. Kleefisch knew it but he still helped draft legislation that will benefit me and others like me.

What no one ever questioned was why a woman would need \$15,000 a *month* to raise 3 small children regardless of whether or not the Father could afford it. Since she apparently has no source of income being a stay at home mom and having waived maintenance in a pre-nuptial agreement, why did no one ask how she was supporting herself.

Child support should not be back door alimony although often it is and that is what this portion of the bill was trying to address.

The two major Wisconsin papers, by killing this bill, have denied children and their parents across the state improvements to family law that would have benefited thousands. *(continued on page 8, Greed)*

*(Continued from page 7, Greed)*

But the merits of the bill were never allowed to be debated. Such as the provision that both parents need to be treated equally in family court or that if a payor loses his job the court must modify his support obligation, so he doesn't run up huge arrearages, which he can never pay off.

Both newspapers deliberately stoked the emotional issue of a rich man apparently buying a rep to avoid his responsibilities. To implicate Rep. Kleefisch in some kind of wrong doing using innuendo and association tarnishes the reputation of both these papers that Wisconsinites depend on to provide the whole story.

### **Did you know...**

- ♦ **24 million** children in America - one out of three - live in biological father-absent homes.
- ♦ **84.7 percent** pay at least some form of child support at a median amount of \$4,250 per year, contradicting the popular "deadbeat dad" image. The vast majority of non-support paying fathers are usually the most poorly educated men with very low or no incomes proving once again that most dads who cannot pay child support are not unwilling to pay, they are simply unable to pay.

## **Former Family Court judge Linda Dessau says pushy lawyers drag out cases**

Victoria Date March 23, 2014

*Jane Lee Legal Affairs Reporter for The Age*

In a speech titled "Everything I've Always Wanted To Say", recently retired Family Court judge Linda Dessau says overly combative family lawyers can give parents misguided advice and put families through unnecessary, drawn-out legal battles.

In a wide-ranging speech on Friday Ms Dessau, who sat on the Family Court for 18 years, also spoke of the need for greater resources for the courts to prevent delay, and the importance of the legal profession becoming more representative of women and different cultures.

Ms Dessau said most family lawyers had a good grasp of the law and often stood "fearlessly between the client and their tormentor. They know when to fight cases, they know when to settle." But a small minority ran "scatter-gun" cases because they did not understand what mattered.

"I felt most impotent as a judge when I couldn't rescue the parties, as I saw it, from unnecessary or obscenely expensive litigation which could easily have been different, in my view, with a different lawyer involved," Ms Dessau said at a Law Institute of Victoria lunch.

"Sometimes they just gave misguided advice, often at the start of the case, like, 'Just nick off with the kids' or, 'Just close all the bank accounts' and that set up unnecessarily bitter and protracted litigation."

Ms Dessau told Fairfax Media that while such lawyers were in the minority, they had a big impact on their clients and the court's resources. She said good judges always tried to intervene, and usually could ensure such cases moved as quickly as possible. "But sometimes the judge just doesn't have that power."

Ms Dessau said the court could order costs against a party and a lawyer if some matters were unreasonably pursued and "if they feel that the lawyer's wrong. That's the only tool really available to the judge in the worst cases."

<http://www.theage.com.au/victoria/former-family-court-judge-linda-dessau-says-pushy-lawyers-drag-out-cases-20140322-35ad7.html>

**Did you know...**

- ♦ **63% of men** who live with their children say they helped their child with homework at least several times a week, and **54%** say they took their child to or from activities several times a week or more. Only **10%** of fathers who live apart from their children are able to help with homework and only **11%** took a child to or from activities.
- ♦ **35 percent** of children whose parents are no longer living together have no contact with their non-custodial parent, usually the father.
- ♦ Men represent **87.1 percent** of [child support](#) payers.
- ♦ **90%** of all homeless and runaway children are from fatherless homes.
- ♦ **85%** of all children that exhibit behavioral disorders come from fatherless homes. (Source: Center for Disease Control).

**Hold Guardians Ad Litem****Accountable**

March 17, 2014

By Judge Thomas W. Weissmuller (Ret.), Chair, Executive Committee, National Parents Organization of Connecticut

Connecticut Chief Justice Chase T. Rogers recently acknowledged in *The Hartford Courant*, there should be established guidelines for appointing guardians ad litem; there must be a mechanism for holding guardians ad litem accountable, including a method to limit their fees or remove them for failing to complete their required tasks in accordance with their orders of appointment; Guardians ad litem should be subject to a published code of conduct.

Connecticut legal pundit, Norm Pattis, has been joined by many members of the bar and the general public in criticizing the Chief Justice. She refuses to acknowledge that the system is broken.

I commend her and thank her for making a public statement to support the initiative National Parents Organization has been furthering for more than a year. If not artfully crafted, Chief Justice Rogers' commentary could have subjected her to attack by any detractors within the family bar. The Connecticut family bar has taken a strong stand against family court reform. It came under attack for sponsoring two full-time Guardians ad litem to chair the legislative Task Force to Review Child Custody Matters. It has been backed into a corner and it is fighting for its life.

My children have suffered at the hands of the Connecticut family court system; so I understand why people are quick to attack Chief Justice Rogers for her statement that the system is "not broken." If the system is actually designed to harm our children, we will be justified in condemning the head of that system. To interpret Chief Justice Rogers' statement in this manner is wholly unfair.

I write to support the Chief Justice because I

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*(continued from page 9, Guardians)*

have served as a chief presiding judge and understand the limitations imposed by the Judicial Code of Conduct. I have presided over more than one thousand family related cases in nearly fifteen years of trial service in a foreign jurisdiction; and I have faced heat when I have publicly criticized obvious shortcomings in the judicial system. The Chief Justice is charged with implementing policy via three basic means. First, as the leader of the judicial branch, she educates the other branches of government about judicial needs, including the impact legislation may have on court operations. Second, she refines judicial policy within the judicial branch itself as she directly oversees the various administrative divisions. Third, she may define and refine specific policy and law within supreme court opinions.

Chief Justice Rogers has chosen to comment publicly. She may do this, provided she does not impugn the integrity of the court system. She must always maintain judicial independence and avoid the appearance of impropriety. She may not pound her shoe on a bully pulpit like a legislator. If she states that the system is broken, she directly impugns the system. Let us not condemn Chief Justice Rogers for her acknowledgment that GALs operate without sufficient regulatory oversight. Let us thank her for joining in our cause to accomplish that end.

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## Parental Alienation: Understanding It – Strategies to Fight It.

April 10, 2014

By Michelle Jones, LCSW, Member, Executive Committee, National Parents Organization of Utah

We have wasted years caught in a distraction of controversy about whether or not parental alienation is a syndrome, or whether it exists at all. It is interesting how although there is a large body of research validating its existence, along with thousands of adults who attest to

having suffered through it as children, and other parents who are currently traumatized, watching helplessly as their relationships with their children are being destroyed, there is still resistance and ignorance about what parental alienation really is and what to do about it. What is parental alienation? It is a pathological family interaction pattern which unjustifiably requires children to align with one parent against a formerly loved parent, putting the children in a destructive loyalty bind. It is usually within the context of a high conflict divorce that parental alienation occurs. It is a horrific form of child abuse.

*“Because it is anti-instinctual to hate and reject a parent, the child must develop an elaborate delusional system consisting of spurious, frivolous, and absurd rationalizations to justify the hatred and rejection. Eventually, the child comes to believe all the absurdity. The double-bind situation of being unable to have, love, and to be loved by both parents can lead to psychosis. Remaining with hatred and anger is not healthy under any circumstances, let alone for a parent.*

*“The process of using a child to serve the emotional needs of the alienating parent and doing that parent’s appalling bidding is abuse in itself. It is also a reversal of a healthy family hierarchy. The child is continually operating under a cloud of anxiety because the fear of a slip of the tongue and or a slip of behavior will reveal the child’s true loving feelings for and longing for the alienated parent. This will inevitably lead to horrific consequences from the alienating parent. The child suffers from depression because having a parent severed from her/his life is a loss...a loss of the most severe kind.” (Joan Kelly, PhD)*

So, if the information and research is available to the public and professionals, why doesn’t the system, meaning the legal, therapeutic, and child protection agencies take a more proactive role and implement strategies and interventions that put a stop to such destructive behavior, especially when it is damaging our children?

We can learn a lot about human nature by

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## Today's Dads

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studying our own history in respect to the resistance to new ideas and implementing change. This is illustrated in the history of surgery. Surgery today is considered a lifesaving procedure, but in the 1800's the death rate from surgery was 50%. In those days this fact was accepted as just the way things went. Joseph Lister, then a prominent surgeon, was disturbed by the death toll and became intrigued by the research of Louis Pasteur. Up until that time germ theory was not known, and Pasteur showed in his research that faulty fermentation of wine was caused by outside germs entering the wine. This was a bold new idea met with a lot of resistance. In those days they believed that infections were caused by bad air or that they just happened spontaneously. In those days surgeons took no responsibility for causing infections because they felt they had no part in it.

Due to lack of understanding of how disease was spread, the surgeons of the 1800's did not wash their hands between patients, and even took pride in wearing the same dirty lab coats they wore while operating on previous patients. The coats were splattered with blood and pus, a breeding ground for infection-causing bacteria. These filthy lab coats were worn as a badge of honor and prestige in the medical community, boasting of their accomplishments and experience. It is horrifying to imagine knowing what we know now.

In discovering Pasteur's research, Lister applied it and developed a sterile technique that was highly successful in reducing infection. He had unheard of success in lowering the rate of infection and saving the lives of hundreds of patients. You would think that his excellent results and breakthroughs would be eagerly accepted. On the contrary, it was met with high resistance, taking another 10 years to adopt his techniques.

In the 1980's there was another scientist/researcher, Richard Gardner, a child psychiatrist

at Columbia University, who through much observation and study described a disturbing, pathological phenomenon which he defined as Parental Alienation Syndrome or PAS. He stated that PAS is *"a disorder that arises primarily in the context of child-custody disputes. Its primary manifestation is the child's campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent's indoctrinations and the child's own contributions to the vilification of the target parent (1998)."*

Much like Lister, when parental alienation was defined by Richard Gardner, there was great resistance to it, although he, again like Lister, was not the first to notice this pathological family dynamic. In the 1950's, the child psychiatrists who later founded the various schools of family therapy, initially identified a cross-generational coalition between a parent and a child to the deprecation of the other parent and which was observed occurring when their hospitalized patients were visiting with their families. Murray Bowen labeled this the pathological triangle.

Empirical evidence for parental alienation has been further supported in a 12-year study of 700 families, published by the American Bar Association section of Florida Family Law. The study concluded that, *"in divorce situations, parental alienation, the programming of a child against the other parent, occurs regularly, 60 percent of the time, and sporadically another 20 percent of the time."* (Clawar & Rivlin, 1991, pp. 174-180)

We are long overdue to put aside the disputes of whether germs or parental alienation exist and start implementing the interventions and strategies needed to stop this insidious child abuse. National Parents Organization seeks to end parental alienation by making shared parenting and gender equality the norm in family law in every state.

# Wisconsin Fathers for Children and Families



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**We're excited to announce that we're launching Fathers' Night Out (FNOs) in the Eau Claire and Fox Valley areas.**

Dates and times for Eau Claire are TBD, but will be posted soon on our website. The next Fox Valley meeting will be held on Monday, May 19<sup>th</sup>, 6:00pm, at the Stone Toad, 1109 S. Oneida St., Menasha, WI 54952.

FNOs are a great way to network with others who have been through the same struggles you're dealing with. This is one of the best sources of helpful information available to you. We hope to see you there!

## Fathers Night Out Support and Social Dinner Meeting

**Milwaukee:** Milwaukee area meetings are held the first Monday of the month at 7:00 PM at **The Chancery Restaurant** 7615 W. State St. - Wauwatosa, WI (*between corner of Harwood and 75th*).  
414-453-2300

**Madison:** Madison area meetings are held the third Monday of the month at 6:15 PM at the **World Buffet, South Town Mall 2451 W. Broadway.** - Monona, WI. 608-273-3038

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