



Today's Dads

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

Volume 26, Number 2

Hello to All Those Concerned about Fatherhood in Wisconsin:

By Mike Landwehr, WFCF President

The WFCF board has been busy this year reaching out and supporting fathers in need of help in Wisconsin.

There are many!

A couple of the highlights include:

Fathers' Night Out - In addition to the ongoing FNOs in Madison and Milwaukee, we've added monthly gatherings in Eau Claire and the Fox Valley. Please see the website for the time and location details. These informal meetings provide an excellent opportunity for our experienced members to share their experiences with the guys (and gals) who are at the beginning of their struggle to remain involved with the upbringing of their children.

If you've been through the process and wonder what you can do to change it, please consider attending your local FNO. There you can assist the newcomers who don't yet understand what is happening to their relationship with their kids. If you're just starting to deal with separation from your kids, you'll receive a lot of free support from the veterans by attending. Because we're a completely volunteer-based organization with very limited resources, this is our best method of helping those in need.

Fathers' Rights Rally - WFCF and Dads of Wisconsin co-sponsored a rally at the state Capitol back in June. There were several speakers, including state legislators, helping to raise awareness of the plight of so many fathers in this state.

Dozens of people attended to help make our presence known and we made the evening news. Such events are really important because we need our lawmakers and the general public to understand that there is a significant number of families affected

Wisconsin Fathers for Children and Families Annual Meeting

Wednesday 21st January 2015 7:00pm at

The Coliseum Bar and Restaurant
 232 E. Olin Avenue, Madison, WI 53713
 ph: 608-251-2434

Election of WFCF Board Members Food and Refreshments provided

by this problem, and we are not just a handful of "angry dads."

Bias in the "system" continues to be a huge problem for fathers. I urge you all to read the article about how Jim Wendt is being ignored by the Outagamie County Child Support office. When Jim had a lot of money, they were very interested in him and supported his ex-wife's efforts to destroy him. Suddenly not so concerned with the placement of their teenage daughter, Jim's ex-wife has left the country for a high-paying job while leaving their daughter in Jim's care. Meanwhile, the Outagamie child support office is turning a blind eye at Jim's repeated requests to collect from mom. Isn't it ironic how aggressive CS can be when chasing down fathers but becomes apparently uninterested when the roles are reversed?

The WFCF board has adopted the phrase "sunlight is a disinfectant". We're planning to use the collective voice of this organization to put some "sunlight" on various examples, like that of Jim Wendt, in an effort to "disinfect" the anti-father bias from the system. If you believe your own story is a clear example of pro-mother/anti-father bias in the system, please send it to us in an email. We'll highlight the ones with the most appalling examples of injustice and shed some "sunlight" on them by publishing them and specifically calling

(continued, page 2)

out those guilty of treating fathers differently than mothers.

Finally, this is a friendly reminder that our organization needs members to volunteer their time as well as funding in order to continue our quest to level the playing field for fathers. Several months ago we replaced our membership dues with an all-donation strategy. To-date this year we've collected very little in donations and it is affecting our treasury. Please consider sending us a donation check to:

WFCF
PO Box 1742
Madison, WI 53701

WFCF is a 501 (c) 3 organization and your donation will likely be tax deductible. After receiving your check we will promptly send you a receipt for your tax records.

Thanks for your support!

Mike

Local View: The Myth of the Primary Parent

January 12, 2013 BY DR. LES VESKRNA

It's often said divorce brings out the worst in people. This is undoubtedly true, but in many cases well-meaning judges often inadvertently make a bad situation worse.

Two recent cases illustrate this problem. In the first case, a stay-at-home mother in a small town had an extra-marital affair, which led her husband to file for divorce. Their neighbors ostracized the mother to such an extent she decided to move 150 miles away and take the kids with her.

The father, who had been an active part of the kids' lives, understandably didn't want this to happen since he would now see his children only infrequently. While the judge was very troubled by the facts before the court, the mother was allowed to move and take the kids with her. Not only will the kids now see their father only infrequently, they also were uprooted from the only home they had known as well as from their

schools, friends and extended family. The judge's decision relied heavily on the fact that the mother had been a stay-at-home mother and, in the judge's eyes, had historically been the "primary" parent.

In the second case, a military father deployed overseas returned home to discover his wife engaged in an extra-marital affair. He filed for divorce and, even though he had been an active parent, the court awarded sole custody of his children to his ex-wife. He now sees his children only every-other-weekend. The judge in this case also based his decision on the notion that the mother had historically been the "primary" parent.

Many people are troubled by these cases because it appears the guilty party was rewarded and the innocent parties wronged. The initial outcomes certainly seem unfair. However, this isn't the worst part of these decisions. Not only are the initial outcomes unfair, these decisions put the children at risk for very negative long-term consequences.

Children affected by divorce fare worse, on average, on nearly every measure of health and emotional well-being including a greater risk of academic problems, alcohol and drug use, poor social skills, depression and suicide, delinquency and incarceration, and poorer physical health and early mortality. The reason for all this has much to do with the fact that one of the two most important people in a child's life is often relegated to the role of an infrequent visitor, as the above examples illustrate.

This problem may have far-reaching repercussions for all of us. Adam Lanza, the Sandy Hook school shooter, is reported to have gone downhill when divorce separated him from his father. One leading researcher calls this issue "a serious public health problem."

These cases are based on the myth that one parent is the primary parent. Judges often decide cases this way even though there is no legal or mental health basis for it. More than three dozen studies over the past 20 years have found that when both parents are loving and competent, which is the

Today's Dads

case most of the time, a shared parenting arrangement -- with joint decision making and near-equal parenting time -- provide the best outcomes for their children.

This myth seems to have arisen from a legal presumption called the "approximation rule," which was proposed more than 20 years ago and eventually rejected. Nonetheless, many lawyers, psychologists and judges still follow it because of its superficial neutrality and simplicity. Like many simplistic solutions, however, it's simply wrong.

Besides creating bad outcomes for children, the approximation rule also encourages the very thing it originally hoped to prevent -- parental conflict. This pernicious myth is so destructive that many states have now moved away from it.

In Arizona, for example, that state's custody law previously allowed judges to consider "whether one parent, both parents or neither parent has provided primary care of the child" when making custody decisions. The Arizona legislature has repealed this language and now directs courts to maximize the parenting time of both parents whenever possible.

In Nebraska, unfortunately, sole custody is still the norm. Mothers are awarded sole physical custody in 62 percent of cases and fathers in 10 percent of cases. Joint custody is awarded in only 25 percent of Nebraska divorces.

There is no legal or medical basis for the primary parent myth. Scientific research shows that every-other-weekend parenting time arrangements are harmful to children, yet they still are ordered routinely in many cases.

The Legislature should stop this public health crisis and make shared parenting the norm in Nebraska as it has become in other states.

Dr. Les Veskna is a family physician and executive director of the Children's Rights Council of Nebraska.

Grandmother: My Granddaughters are Used as Pawns by the Courts to Punish Their Dads

September 24, 2014 by Robert Franklin, Esq.

Below is an email sent by Shauna Thompson, a mother of three sons, who are now men and fathers. She details their experiences with the family court system in Nebraska. I write daily about the trials and tribulations faced by parents in family court, but nothing quite conveys the message like one who's been there and seen the scandal at first hand.

I'm writing you to let you know what our experience in Nebraska (specifically Lincoln County) family courts has been.

Firstly I have to tell you that I have no experience in court, with lawyers etc. My life revolves around medicine, emergency medicine, emergency services so the world of the courts, lawyers and judges is a foreign land as I believe that it is for most of the population of this state. Spending time in courts isn't something that we do on a normal basis, so perhaps I had a idealized vision of what would happen in court, I'm sure I thought that it would be more fair than it has turned out to be.

I'm a nurse, a mother of three sons, all of whom are firefighters, two of whom are former Marines, wife of the local fire chief and grandmother of three of the most adorable little girls that have ever been born. (perhaps a little biased).

My oldest son lived in Omaha when he was offered a job as a firefighter here in North Platte, he was thrilled, we were thrilled he would be coming home with his wife and daughter after being in the Marines for five years. His wife on the other hand felt differently, moving back to North Platte for her seemed to be a failure. She was very vocal about this and even though he was told she and the baby would soon be following him home instead he received divorce papers stuck to the door of his home in Omaha and the locks changed. The divorce proceeded fairly quickly. More than one lawyer laughed in his face when he went to them requesting 50/50 custody of his young daughter, even though he had been the primary care giver no one at that time would even consider going into Douglas

(continued, page 4)

county court with him to help him receive custody, money was tight and he decided that the courts and his ex wife would be "fair".

Becoming a visitor in his daughter's life was his punishment for not fighting. That's been four years ago and the battle still goes on. Most recently his ex wife lost her job, chose not to get another one and the courts decided she didn't need to, Ryan's four days a month got reduced to three days a month and his child support went up. So he's now working, going to school and trying to finance her household.

Confusing to me as she is now living with her boyfriend, is on government assistance and receives over 50% of Ryan's income. While Ryan doesn't begrudge his daughter anything since his ex wife is now living in NP again it would seem that 50/50 custody would be indicated since a child needs both her parents. Not so according to the judges in this county "daycare is a more stable environment, less disruptive to the child" How so? I didn't realize that people had children to pay strangers (for the most part teenagers) to raise them.

Assuming that this was some sort of aberration of the courts since the case had started in Omaha when my second son's wife decided that being married to a firefighter was "too hard" and her boyfriend had a "regular job" and divorce proceedings were initiated I was still starry eyed regarding the court system. My son, Justin as a firefighter works ten 24 hour shifts, this schedule had allowed him to be home with his 2 1/2 year old daughter the majority of the time, indeed he was her primary care giver since the time of her birth. The ten days he worked, Kamryn came to "coconuts" my home and I had her. She had never gone to daycare, my work schedule was organized around when she would be here and I saw her on a daily basis even if daddy was home with her. She is a precious adorable child who was firmly attached to her daddy and her coconut (her name for me). Imagine my shock when my ex daughter in law not only basically disappeared over night with my granddaughter but the courts allowed her to enroll Kamryn in daycare, Kam not only lost her home, her pets, but her daddy and her coconut over night. The battle has been raging now for over

a year. Affadavits were given to the courts and even though Justin had over 50 people who would vouch for him and his relationship with his daughter the court ignored all of them, instead focusing on the affidavit of his ex wife, her mother and her best friend all of which basically stated "well Nicole told me he isn't nice". I assured him that it couldn't possibly be a problem because everybody we knew had seen he and Kam or me and Kam and knew that we were her primary care givers and the courts would be sure to do what was in the child's best interest. Oh how wrong I was. Judge Rowlands immediately sided with "mommy" and Kam was enrolled in a day care that she hates, daddy was deemed to be a visitor and coconut was to become a stranger. Her mother violated court ordered visitation time and time again and nothing was done. When summer visitation finally came around we had to take her back to court to get something done. And finally our baby came home for 8 days at a time. It's amazing to me that a 3 year old can put all the things that grown ups can't into perspective. She walked in and screamed "daddy I'm HOME!!!!" After months of being told daddy didn't want to see her, of having his phone calls ignored or ended when Kamryn asked to come home, she was home and knew it was home. For some reason the courts in this county don't seem to grasp that daddy's can kiss boo boos, that daddy's can fix lunch, do hair and love just as good as mommy's.

Now the kicker, my youngest son's wife (who has seriously mental problems) filed for divorce the same month my second son's wife did. She had been leaving their one year old daughter at home with my son from the time he returned from the Marines. He was the baby's primary care giver as Mommy was busy going to parties and her boyfriends homes. She had been gone for several days at a time and then would just show up and want the baby. Needless to say it was a relief when she filed for divorce because we again assumed wrongly the courts would see what was right and give the baby to Derek and this would be over quickly. Oh how wrong we were. She received ex parte custody of a child that was with Derek on a Friday and on Monday was arrested for domestic violence for breaking Derek's nose. Now I thought that would be enough to get the custody changed. if she had been a man it sure would have. Again I

Today's Dads

was wrong. She has charges pending on her now for DWI, domestic assault, third degree assault and felony theft by deception. She still has our granddaughter. Visitation has been sporadic, court orders seem to not matter to her and the court won't do anything against her. Our son was surviving on his VA disability pension and the GI bill while he waited for a job. Amazingly enough the court ordered him to give her over 50% of his disability income. Again, he doesn't begrudge his daughter anything but since he had been the primary caregiver and his ex wife had a job, a new boyfriend (she's living in his home and pregnant with his child) it seems a bit ridiculous. Had the situation been reversed and my son had beat her and broken her nose and she had to lock herself in the bathroom to get away from him he would have been tossed in jail and the key thrown away. Instead the courts of Lincoln county (Judge Rowlands) overlooked her behavior and placed Gracynn in an unsafe environment. If my 6'3" son can be beaten by this woman I'm quite sure my 20# 19 month old granddaughter could and would be.

At this point I'm unsure of what to do and how to express how desperate we as a family are. We just want fair and equal treatment by the courts. Our sons are productive, upstanding citizens of this community and rather than being treated as such they are treated as second rate citizens with no rights and no feelings. Our granddaughters are used as pawns by the courts and their mothers to punish their dads. Our ex daughter in laws are treated as precious delicate jewels who would never lie, cheat or use the system. (which they have and continue to do all three) The only thing I'm sure of are the following: A. the family court system in the state needs to be changed. B. 50/50 custody is where custody should start, no loving parent be it mommy or daddy should be designated as the "bad" parent and turned into a visitor in their child's life C. Judges, lawyers, court clerks all need to be educated on the damage that is done to these children that the courts are meant to protecting. Please contact me if you would be interested in seeing the statistics regarding fatherless homes and the damage done to these children.

I appreciate your time in reading this, I know I sound like a crazy desperate grandma and I guess I am. I went from being a "coconut" that saw her

grandbabies every day to someone who gets to see them maybe twice a month and that's if my ex daughter in laws don't violate court orders. I'm confused as to how the courts work and who they are supposed to be protecting. I've spent 20+ years taking care of other people and I don't understand how these judges can continue to allow perjury, false allegations and just basic lies to continue.

Fix the family courts in this state. Protect our babies!!!

I've been contacted by two of Shauna Thompson's sons regarding the above piece. They requested that I make three minor changes to what she wrote. The oldest son told me that the divorce papers were not "stuck to the door," but rather delivered to him by his ex. Also, his visitation expanded from four days per month to six.

The middle son told me that his daughter Kam does not "hate" daycare. But she realizes that her father, being a firefighter with whole days off at a time, is available to care for her. Understandably, she prefers being with her dad, but that doesn't mean she hates daycare.

Thanks to these two men for setting the record straight.

Embarrassing Issues with Outagamie County Child Support Agency

By Jim Wendt

Mike & Peter,

Not sure if you can make any hay with this but my ex-wife left the country in March of this year and has left me 100% responsible for my 16 year-old daughter Hxxxxx.

Hxxxxx has been living with me full-time since October of 2012 and I have never received child support for her because the only way that my ex-wife would agree to allowing her to stay with me was if I agree to not ask for child support.

At the time, I had income and my ex-wife had my other daughter living with her full-time so we mathematically we had a shared placement arrangement and a "no-child-support" agreement actually made sense because each of us had a kid to take care of.

My oldest daughter Rxxxxx, who was living with

(continued, page 6)

her mom, turned 18 in April of this year and her mom split the country in March, 30 days before my oldest daughter's birthday leaving me as the only parent caring for a minor child.

My economic circumstances also changed substantially forcing me to seek aid in the form of Badger Care for medical insurance and FoodShare for food assistance.

Because I am receiving assistance from the state, it is mandated that my case be referred to the child support agency for collecting of child support from the absentee parent.

I had received a letter from Economic Support explaining that unless I specially requested that they do NOT collect child support from the absent parent, they will begin an enforcement action against my ex-wife on my daughter's behalf.

I sent the letter back to them saying "go for it" but after weeks went by, I called and was told that I had to call the Child Support Agency to get an update.

I called the CS agency and they told me that I had to come in to meet with a CS worker.

I scheduled a meeting with a CS worker and was not only treated like total sh.t but was told that my case had never been referred to them and the only way I could collect child support was to hire an attorney and file a motion.

(I was also surprised to see a sign hanging in the office that said "You cannot withhold financial support just because your placement is being denied." Really? Why not put up a sign that says, "You cannot deny placement just because you are not getting child support payments on time." I thought that sign was really crappy)

I called Economic Support the next day and was told that my case had been referred to Child Support for enforcement almost four months earlier in April of this year.

Economic Support suggested that I go back to Child Support and show them "Screen 3" (or some sort of screen) on their computer which apparently has my referral information on it. I have not done this due to the fact that I am assuming the child support agency knows how to find and read "Screen 3".

I have since e-mailed the head of Corporation Counsel for Outagamie County child support three

times and called once politely asking him why agency is not enforcing my case.

I have been met with total silence even though I have a receipt for each e-mail message showing that they were opened.

I don't know if you'd be interested in using this as an opportunity to illustrate how f.cked up things are in the system or not. If you do, let me know.

Thanks.

Jim

GAL Accountability

By Walter Zimmerman October 21, 2014

The topic of Guardian ad Litem (GAL) accountability calls for a bit of attention.

The Chief Justice of the Connecticut Supreme Court earlier this year authored an op-ed piece in the Hartford Courant titled "Reducing Contentious Family Court Cases Vital" in which she acknowledged that changes to the GAL system in her state were warranted and listed recommendations from a task force that "stand ready" to be implemented:

- Adopting advisory guidelines as to when judges should appoint guardians ad litem
- Providing a clearer system of accountability for guardians ad litem including specifying the work that the guardian ad litem is to undertake, ensuring that the parties know the fees that the guardians ad litem will charge, and requiring periodic review of guardian ad litem activities and bills
- Providing a structured process for parents to request the removal of a guardian ad litem
- Implementing a written code of conduct for guardians ad litem

See www.courant.com/news/opinion/ed/hc-op-rogers-connecticut-family-courts-conflict-re-20140307,0,5518157.story or <http://goo.gl/jHDF0v>

There was a prior editorial in the same

Today's Dads

Connecticut paper earlier this year titled "Guardian Ad Litem: Whose Best Interests? Critics charge court appointees are ripping off the system" that noted the positions of critics and proponents of the current GAL system under evaluation by the task force.

See http://articles.courant.com/2014-01-08/news/hc-ed-guardians-ad-litem-20140108_1_guardians-ad-litem-task-force-litigants (or <http://goo.gl/vxLn1C>) and also <http://sharedparentinginc.org/?p=247> (noting that "judges lean heavily on information provided by the GAL" and citing testimony before judiciary committee in Connecticut reporting problems with the GAL system such as poor training, no accountability, excessive pay, and that in some cases "a cozy relationship with an attorney representing one side of the custody case" has a connection to "getting a high paying GAL assignment" and that "the GAL may be more interested in supporting the attorney than in the children").

I am lawyer but I do not practice divorce law. I have no expertise in the practice of divorce law; my only direct experience with a divorce case is singular – with my own case. I have observed experienced divorce lawyers. My divorce case at one point was staffed by three divorce lawyers (including the GAL) who combined had over 100 years of experience. My experience comes from my being a father in a divorce case that lasted nearly three years and in which total legal fees (including GAL fees) have exceeded \$100,000; my experience includes some time as a self-represented father in the divorce system. (Just over two years into my case, with billed legal expenses approaching \$50,000 it became my belief that it would be best for my children for me to represent myself.) My experience as a client/father and then as self-represented father in the divorce system allowed me to observe the divorce system and the practices/tactics of experienced divorce lawyers. As a parent, as a person, I accept that I have been biased by my personal experiences and observations in the divorce system.

My observations on the GAL system are not unbiased by my personal experience: In my case, my children entered the GAL process with an equal-parenting time arrangement and exited the GAL process with an equal-time arrangement – but well over a year later and with total GAL fees of over \$25,000. (I am convinced that the entire case would have ended quickly upon the appointment of the GAL on similar terms as the ultimate settlement and without the added emotional/financial cost if there had been an effort to mediate the case to a conclusion.)

My fundamental observation: Divorce is not the time, divorce court is not the place, and divorce lawyers are not the people to be doing child social work.

Divorce lawyers are not child experts or parenting experts; a divorce lawyer is a lawyer; a GAL is a lawyer (typically a divorce lawyer). What good does it do children of a divorcing household to be the subject of an ostensible "custody battle" or "parenting contest" orchestrated and/or managed by divorce lawyers? Does encouraged distrust/non-cooperation and hostility between divorcing parents as results in a divorce with a "custody battle" accomplish anything other than diverting assets of the divorcing household (that otherwise would be available for the children of the divorcing household) to billed legal fees? No parenting expert would recommend that children be put into the middle of divorce litigation.

One fundamental objective of the divorce system should be to reduce the negative effects of the divorce on the children of the divorcing household – to implement a sound/workable parenting plan at minimal cost/conflict – rather than to put the children at the center of emotionally/financially costly legal proceedings under the management of divorce lawyers.

It is with that fundamental objective in mind that I share personal observations and propose
(continued, page 8)

suggestions for improvements to the divorce system and specifically to the GAL system in Wisconsin:

*** TRANSPARENCY IN GAL SELECTION.** There appears to be little transparency as to how GAL appointments are made – or as to the criteria by which a GAL is selected in a divorce case. There are eligibility requirements for lawyers who seek consideration for a GAL appointment. But I am not aware of any formal documented/published set of criteria or rules that govern the procedure for GAL selection and appointments. There should be documented/published criteria – and divorcing parents should be informed of the criteria – used for selection/appointment of a GAL in a divorce case.

An observation may be that the selection/appointment is based on experience. But the number of years of experience that a divorce lawyer may have in the divorce system is not itself a proxy for capability. (Some divorce lawyers may have many years of experience – but experience engaging in practices reasonably subject to question and/or challenge as harmful to the children whose best interests are supposed to be represented/served by a GAL.)

In the selection/appointment process, parents should be given information about the GAL candidates to allow informed participation by the parents. A divorce lawyer who wishes to be a candidate for a GAL appointment should be required by the court system to provide an information sheet with basic/background information; the parents should have the opportunity to read/review the background information. Perhaps divorce lawyers who want to be on the GAL appointment list of the court should be required to make an annual self-disclosure to the court system, e.g. including a disclosure of any past cases, incidents where questions have been raised, history of fees charged in past GAL cases, etc. Perhaps parents should have the opportunity to meet each of the divorce lawyers candidates before the GAL

appointment is made. If given basic/background information, parents may have valid questions about a candidate; such issues and questions should be considered and if warranted given proper review before the GAL appointment is made.

There also should be some measure of disclosure/transparency as to the GAL-divorce lawyer relationships in a case. For example, a parent may find it notable that in a first case a first divorce lawyer is GAL with a second divorce lawyer representing a client and in a second case the second divorce lawyer is GAL with the first divorce lawyer representing a client. It is not to say that there is anything wrong with divorce lawyers – including divorce lawyers who serve as GALS – having relationships within their community. But for transparency GAL candidates/GALS should disclose their relationship with each divorce lawyer in the case to the parents; this information may be of particular interest when one of the parents is self-represented.

*** GAL ETHICAL STANDARDS OF CONDUCT.** Of course all GALS are lawyers and all lawyers are under an obligation to follow the applicable rules of professional/ethical conduct for lawyers. But it is fair to suggest that a supplement to the standards of conduct – a GAL code of conduct tailored specifically to the responsibilities and issues of a GAL in a divorce case – should be developed.

A GAL is appointed to serve the “best interests of a child” (a legal construct that is nebulous/difficult in itself); as a result there is no “client” and no typical lawyer-client relationship with the typical checks and balances that might otherwise exist. The most talented GALS in this state would I think agree that there is something more to being a GAL in a divorce case, given the nature and importance of the interests to be represented.

A GAL code of conduct could be administered by the court system and would help establish statewide consistent proper practices that GAL

Today's Dads

Of course not every complaint that a parent may have of a GAL is valid. But neither can it be said that any complaint with a GAL is invalid. A GAL who has a concern (valid or invalid) with a parent has no lack of a means to raise the concern. Parents who have valid concerns with GAL conduct should lack no proper means to raise their concerns in a fair manner to the court system for proper consideration and/or investigation.

The court system that administers GAL appointments could establish a fair system to address fairly-raised concerns.

The overall goal is fairness and transparency.

As it now stands, as a practical matter the lack of any formal GAL standards would seem to compound with the position of the GAL as a court-appointed official (and other issues such as the relationships that GALs may have with the divorce lawyers in the case/in the community) to effectively preclude the possibility of meaningful oversight of GALs. Self-represented parties/parents who may have valid concerns with a GAL face great difficulty. A challenge of a GAL is a challenge of a lawyer in the legal system.

Nothing in this proposal should be construed as blanket condemnation of GALs or the GAL system.

The purpose of this proposal is to help improve the quality of GAL performance and of the GAL system. Many fair-minded people who have experience with the GAL process, people who may have encountered GAL concerns in their case or in other cases over time, even divorce lawyers who sometimes serve as GALs, would agree that there is some room for improvement in the GAL system.

Without doubt there are many GALs who serve well the important interests they are appointed to serve in divorce cases; I believe such GALs and many other divorce lawyers would welcome improvement to the GAL system. Parents who are better informed of how the GAL was appointed in their case and what standards the GAL is to follow for purposes of accountability will be more comfortable and cooperative with the process and with the GAL.

The best interests of the affected children will be better served. And that is the ultimate goal. The talented and thoughtful members of the

follow in any divorce case in any county in the state. The code could be applied not only to GALs in active cases but also to evaluate which divorce lawyers are best qualified for potential GAL appointments; judicial/court officers could consider the code and relevant conduct of divorce lawyer candidates when/as appropriate at the time of a GAL appointment. (Different divorce lawyers have different approaches to the practice of divorce law. Divorce lawyers who are identified as engaging in divorce tactics that are reasonably questioned/subject to question either when serving as GAL or in the practice of divorce law should not be eligible for lucrative GAL appointments. The quality of the divorce system can be improved by implementing disincentives for questionable/bottom-feeding tactics. Divorce lawyers in a community may choose to establish/monitor criteria for GAL appointments.)

And as no mere symbolic gesture a GAL should be sworn under oath to follow the applicable rules (including the GAL code of conduct) at each appointment – by the judge in open court in the presence of the parents.

The best interests of children of a divorcing household are best served when the lawyers who unfailingly demonstrate the highest level of ethical practices/conduct are the lawyers appointed to serve as a GAL.

* STATEWIDE GAL GUIDELINES. Formal published guidelines supplemental to the existing legal rules applicable to GALs in all divorce cases statewide would help both the GALs and the parents (and perhaps also divorce lawyers seeking clarity).

The absence of formal published guidelines leaves ambiguities and questions: What exactly is the role of a GAL? What does a court expect a GAL to do/report? What actions are permissible and impermissible for a GAL? What actions are recommended for a GAL to perform in every case? What actions are available for a GAL to consider in a particular

case? What should a GAL report look like – and contain? (Must a GAL issue a written report?) How should a GAL handle objections from parents? What materials should be in a GAL's file? What should be done with the GAL file (both during and after the case)? The guidelines could address how a GAL should handle certain situations – common and less common: How can the reasonableness of GAL fees be questioned? What agreements/stipulations can a GAL make with a party/parent? How will such agreements/orders be enforced? What is the process for removal/seeking removal of a GAL? Etc.

The common questions that parents, divorce lawyers and even GALs may have about GAL practice could be addressed in concise formal guidelines. The divorce lawyers who conscientiously serve as talented GALs could very likely develop their "best practices" into a set of guidelines that conform to the controlling legal rules.

* **GAL OVERSIGHT.** Of course unfair/baseless attacks on GALs should not be invited or facilitated; divorce cases have enough available issues that cause hostility and needless excess expense/cost. But in fairness, fair/reasonable questions relating to GAL conduct may sometimes arise in divorce cases. When a GAL (or divorce lawyer who receives GAL appointments) engages in conduct that is fairly questioned, there should be an effective means within the court system to address the questions/concerns fairly. And there should be a means for meaningful oversight of GAL conduct in divorce cases.

For practical purposes, in a given case, the court-appointed GAL may be viewed by the court as the "case manager" and the delegated authority for the case. As a practical matter, it is clumsy and difficult at best for a parent to attempt to object to GAL conduct during a case. For very practical reasons, issues/concerns with GAL oversight/conduct that are relevant to the administration of

justice may not come to the attention of the relevant judicial officers in the court system. Issues/concerns may be infrequent; but court systems should set up a formal means for the issues/concerns to be given proper attention.

Of course not every complaint that a parent may have of a GAL is valid; but neither can it be said that any complaint with a GAL is invalid. A court-appointed GAL who has a concern (valid or invalid) with a parent has no lack of an effective means to raise the concern to the court. Parents who have valid concerns with GAL conduct should have solid footing to raise their concerns in a fair manner to the court system for proper consideration and/or investigation.

The court systems that administer GAL appointments should establish a fair system to address fairly-raised concerns with their court-appointed GALs.

A suggestion is that at the end of every divorce case, a court official should invite the parents to share feedback about the GAL and how the GAL handled the case. Parents may have observations of the GAL as relate to skill/expertise, decorum/respect, efficiency, efforts to resolve the case, bias, communications/reporting, fees, etc. Concerns that are invalid/unsupported can be dismissed; concerns that may be valid may be evaluated further in an appropriate manner.

Another suggestion is that each county court system have parents complete a formal evaluation form for the GAL at the end of a divorce case; questions on a GAL evaluation form can be tailored to address various issues of importance to children, etc. In addition, each GAL could be required to complete a self-evaluation at the end of a divorce case.

Such an approach would not only provide a measure of formal oversight for GALs in divorce cases but would also create a useful body of data available for consideration in the selection/appointment and management of GALs by the court system. Data analysis might identify areas for improvement of the GAL system.

Today's Dads

* * *

I do not think I am the only person/parent who believes in fairness that the divorce system can do better for children of divorcing households in Wisconsin.

The purpose of this proposal is to share suggestions intended to help improve the quality of GAL performance and of the GAL system.

Many fair-minded people who have experience with the GAL process, people who may have encountered GAL concerns in their case or in other cases over time, even divorce lawyers who sometimes serve as GALs, would agree that there is some room for improvement in the GAL system.

Without doubt there are many GALs who serve well the important interests they are appointed to serve in divorce cases; I believe such GALs and many other divorce lawyers would welcome improvement to the GAL system. Parents who are better informed of how the GAL was appointed in their case and what standards the GAL is to follow for purposes of accountability will be more comfortable and cooperative with the process and with the GAL.

The best interests of the affected children will be better served by an improved GAL system. And that is the ultimate goal.

The talented and thoughtful members of the divorce bar and legislators here in Wisconsin may wish to consider the recommendations listed by the Chief Justice of the Supreme Court in Connecticut (where the relevant concerns/issues have been studied) and determine whether the same or similar recommendations should be implemented for the GAL process in Wisconsin.

Respectfully,

Walter Zimmerman

[Editor's Note: At a recent case I testified at, the resulting GAL's recommendation was, and I quote

"For the past two years, the status quo has been that each parent will have the child for one

week at a time. Neither party has been able to identify any negative effects this arrangement has had on the child; both parties agree that presently the child seems to be doing well; and, based on my interview with the child, she seems to be well-adjusted and speaks fondly of both parents."

GAL Recommendation:

"it is my recommendation that the court award Ms. Gxxxxx sole legal custody, that Ms. Gxxxxx have primary placement, and that Mr. Bxxxxxxxx have placement every other weekend."

I don't think it's any coincidence that this cookie -cutter placement schedule for Dad sits just outside the child support shared parenting formula]

Did you know...

- ◆ Children who have fathers who regularly engage them in physical play are more likely to be socially popular with their peers than children whose fathers do not engage them in this type of play.
(Carson, J., V. Burks, & R.D. Parke. "Parent-child Play: Determinants and Consequences." In K. MacDonald (Ed.), Parent-child Play: Descriptions and Implications. Albany, NY: State University of New York Press, 1993: 197-220)
- ◆ A survey by the Radcliffe Public Policy Center in Cambridge, Massachusetts found that over 80 percent of men ages 20 to 39 said having a work schedule that allows them to spend time with their family is more important than doing challenging work or earning a high salary.
(Life's Work: Generational Attitudes toward Work and Life Integration. Cambridge, MA: The Radcliffe Public Policy Center, 2000.)
- ◆ Fathers with more flexible work schedules report less role strain and lower levels of marital, professional, and parental stress.
(Guelzow, M.G., G.W. Bird, and E.H. Koball. "An Exploratory Path of the Stress Process for Dual-Career Men and Women." Journal of Marriage and the Family 53 (1991): 151-164.)

Wisconsin Fathers for Children and Families



P.O. Box 1742
Madison, WI 53701-1742
<http://www.wisconsinfathers.org>
608-ALL-DADS
Return Service Requested

PRSRT STD
US POSTAGE
PAID
GRAFTON, WI
PERMIT #11

WFCF Membership Subscription / Renewal Form

Name:

Address:

City, State, Zip Code :

Phone:

E-mail:

Please support us with a \$30 donation.

Be green! Save a tree! Get Today's Dads via e-mail instead of snail-mail!

Send your name and e-mail address to: editor@wisconsinfathers.org and ask to get your subscription to Today's Dads sent to you in electronic format.

Fathers Night Out

Support and Social Dinner Meeting

Milwaukee: 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

Eau Claire: Second Thursday of the month,
7:00 p.m. Milwaukee Burger Company
2620 E. Clairemont Ave,
Eau Claire, WI 54701
715-834-6503

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

Fox Valley: Third Tuesday of the month, 7:00pm
Stone Toad Bar & Grill
1109 Oneida Street
Menasha, WI 54952
920-882-3900

**Call 608-ALL-DADS or visit www.wisconsinfathers.org
for more information**