



# Today's Dads

Newsletter of

**Wisconsin Fathers for Children and Families**

( <http://www.wisconsinfathers.org> )

April, 2005

## Today's Dads story

**Today's Dads story is a continuing series from non-custodial parents who have lost their children to the Family court system.**

This month's story is from Dan. He was lucky. After his divorce he got to be dad for 4 years. Once the state intervened he became a visitor. It would appear that "The best interest of the children" is actually "The best interest of the state" The more money collected, the more Federal money comes into the state. Editor: Today's Dads.

## 4 Year Father

I was originally divorced in 1997.

My ex and I agreed on joint custody/joint physical placement of our 2 children. I would have the children one full week and they would go to their mothers the next full week. This lasted until 2001.

My ex took me back to court to obtain full custody/physical placement. I filed a petition to enforce physical placement. My hearing to enforce physical placement was just to request that the court enforce the agreed upon placement schedule and that the court direct the local authorities to assist me in enforcing the placement. My ex, her attorney and I appeared before Court Commissioner James Fitzgerald.

The court commissioner could not locate our court file and so relied on my ex's attorney to fill him in on why we were there. Of course her attorney argued her case (which was not even scheduled to be

heard). Based on an unsubstantiated allegation of abuse aimed at my fiancé the court commissioner REDUCED my time with the children from one full week every other week to Saturday and Sunday 9-6PM with no overnights.

I would like to point out that the Wisconsin Family Statues specifically states that the court commissioner is PROHIBITED from doing this. The court commissioner did this anyway probably thinking (rightfully so) that I did not know he was prohibited from doing this.

This should have been just a yes or no to what I was requesting in my petition but it was instead drawn out to be a full blown custody battle. I was of course ordered to pay child support to the tune of 820.00 a month.

Now I would like to say that if I was indeed a father that wanted nothing to do with his children I would not

*(Continued on page 3)*

## Reservists do battle in Family court

PHYLLIS SCHLAFLY  
February 23, 2005

Most reservists called upon to serve in Iraq and Afghanistan have paid a big price: a significant reduction of their wages as they transferred from civilian to military jobs, separation from their loved ones, and of course the risk of battle wounds or death. Regrettably, on their return home, those who are divorced fathers could face other grievous penalties: loss of their children, financial ruin, prosecution as "deadbeat dads" and even jail.

Child-support orders for reservists are usually based on their civilian wages. When they are called up to active duty that burden doesn't decrease. Few can get court modification before they leave, modifications are seldom granted anyway, and even if a father applied for modification before deployment the debt continues to grow until the case is decided much later.

Military fathers cannot get relief when they return because federal law forbids courts from reducing child-support debt retroactively. Once the arrearage reaches

*(Continued on page 2)*

## Wisconsin Fathers at the Milwaukee Fatherhood Collaborative

JIMMY BOND  
Member WFCF

The day started off early, but well as breakfast was served and anything I don't have to cook always tastes great. I dug the cutlery into a large but healthy serving, as I knew we'd need the energy throughout the day.

By 8:00am, Brian King and myself had finished setting up of our Wisconsin Fathers for Children and Families exhibition at the Milwaukee Fatherhood Collaborative. The event was over a three-day period from March 10<sup>th</sup> through March 12<sup>th</sup>. It saw a drawing together of all the groups and resources in the Milwaukee area that have been working towards putting Fathers back into children's lives. There were six other exhibitors as well as our selves.

The day started off briskly with many people from a plethora of organizations seeking us out to find where we fit into the jigsaw puzzle. Midday had us urgently calling Dave Lewis for reinforcements for our brochures and literature about WFCF. That in itself put a smile on our faces since other

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\$5,000, the father becomes a felon subject to imprisonment and forfeiture of his driver's license, professional licenses and passport.

Likewise, there is no forgiving of interest and penalties on child-support debt even though it is sometimes incurred as a result of human or computer errors.

**"the federal government rewards states with cash for the "deadbeat dad" dollars they collect.."**

States have a financial incentive to refuse to reduce obligations because the federal government rewards states with cash for the "deadbeat dad" dollars they collect.

Laws granting deployed service personnel protection from legal actions at home date back decades, but they are ignored in family court. Child kidnapping laws do not protect military personnel on active duty from having their ex-wives relocate their children.

This injustice to reservists serving in Iraq and Afghanistan should be remedied by Congress and state legislatures before more fathers meet the fate of Bobby Sherrill, a father of two from

North Carolina, who worked for Lockheed Martin Corp. in Kuwait before being captured and held hostage by Iraq for five terrible months. The night Sherrill returned from the Persian Gulf he was arrested for failing to pay \$1,425 in child support while he was held captive.

In February, a Wilkes-Barre, Pa., judge sentenced 28 men to jail for failure to pay small amounts of child support, one as little as \$322. One common punishment for falling behind in court-ordered payments is to seize a man's driver's license. This can cost him his job. Yet he is still required to make child-support payments and can be thrown in jail if that proves to be impossible.

Politicians today are engaged in a spirited debate about giving driver's licenses to illegal immigrants so they can drive to work. But somehow the law has already decided that a divorced father, who might have fallen behind in child-support payments, should be punished by forfeiting his license.

The New York Times recently exposed the ridiculous case of truck driver Donald Gardner, who was left penniless after a 1997 car accident put him in the hospital for three years.

When he tried to return to work, he found that the state had suspended his driver's license because he owed \$119,846 in child support.

The Times reported that, as of 2003, fathers allegedly owed \$96 billion in child support. However, 70 percent is owed by men who earn less than \$10,000 a year or have no wage earnings at all, so we have a \$3 billion government bureaucracy working to get blood out of a turnip.

The most bizarre part of the system is that child-support payments are not required to be spent on children and are not based on any estimates of their needs or expenses. Support orders come from court-created formulas based on the income of the father, while the mother is allowed to treat child support like any other entitlement, such as welfare or alimony.

Although there are no official statistics, it is estimated that more than 100,000 fathers are jailed per year for failing to make child-support payments. Another perverse feature of the system is that child-support payments are in no way related to whether a father is allowed to see his children or whether his visitation rights are enforced.

Debtors' prisons were common in colonial times, but they were abolished by the new United States government, one of the great improvements made on English law. Then the new nation adopted bankruptcy laws to allow people a fresh start when they are overwhelmed by debt. However, child-support debts cannot be discharged in bankruptcy.

**The Bradley Amendment takes us back to the days of debtors' prison.**

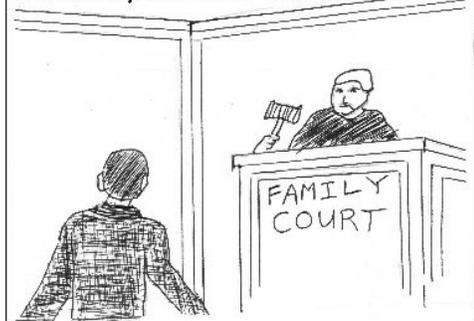
The Bradley Amendment, named for former U.S. Sen. Bill Bradley, D-N.Y., takes us back to the cruel days of debtors' prisons. It requires that a child-support debt cannot be retroactively reduced or forgiven, and states enforce this law no matter what the change in a father's income, no matter if he is sent to war or locked up in prison, no matter if he is unemployed or hospitalized or even dead, no matter if DNA proves he is not the father, and no matter if he is ever allowed to see his children.

Charles Dickens famously said,

"The law is an ass."

# ITSAPARENT

Yes your honor,  
I want my children half of the time



Sorry, that one always cracks me up.  
....Every other weekend.  
NEXT!!!



ALEX 4-2005

(Continued from page 1)

have minded paying the 820.00 a month but I have always been an active and dedicated father. The court commissioner simply took away all my time and rights to my children with no consideration of my relationship with them. In the ensuing court appearances I kept pleading with the court commissioner to restore my time with the children as the loss of time was allowing their mother more of an opportunity to alienate me from them. It fell on a calloused and indifferent court commissioner who could not have cared less.

After several court appearances in front of the court commissioner in which he berated me and did not listen to me I gave up and gave my ex what she wanted, full custody/placement.

Before doing this I did tell the court commissioner that if I conceded to my ex I would never see the kids again.

Well I haven't seen the children in over three years! Sure I have the right to take my ex back to court to change the placement but why would I. I would be facing the same biased court commissioner that ordered this (illegally) in the first place.

Sounds to me like the state is interested in enforcing the "financial best interests of the children" and a whole lot disinterested in enforcing the "emotional and psychological best interests of the children".

I no longer enjoy birthdays nor holidays because I do not have the children with me. Life is very empty now.

I wonder if one day I will be able to even see my grandchildren, will I be able to enjoy their smiles, their laughs, their triumphs.

Will they even know I exist?  
Dan

## Committee Reports

### Legislative Committee

Mike Landwher  
WFCF Chair

The legislative committee has been focused on the following:

- studying existing move-away and placement legislation to determine where deficiencies are.

- discussing alternative verbiage, which may get proposed to state legislators.

- meeting with various legislators so that they know who we are and more about our issues.

- attending legislative committee hearings on termination of parental rights.

- meeting with other parental rights groups to gain understanding of their points-of-view and possibly form coalitions.

### 2005 Rally Committee

Brian J King  
WFCF Chair

Hello all,

The pace is almost dizzying, but progress prevails. The first press release was prepared today and should be on the news desks shortly. We have had some prominent speakers agree tentatively to the rally. Unfortunately, some of the best ones available are also the most expensive. As work continues, I would ask everyone to visit the rally webpage and download the poster and make copies to distribute. Put them everywhere you see fit, while observing local regulations. Distribute them at work, on your sporting league, at local establishments and to friends and relatives. Also download the press release and send it to your local

radio and newspaper stations. We are sending them out to every media outlet in the Madison and Milwaukee areas, and perhaps a few more, so feel free to hit your local outlets as well.

I need everyone to commit to showing up for the rally and show support. Plan on bringing a full car including your friends relatives and neighbors. If you need a ride, email me at [rally@wisconsinfathers.org](mailto:rally@wisconsinfathers.org) with your location and I will try to set up something for you. Last year we had television coverage from 4 news networks and made it into the nightly news. I want to show everyone how important our cause is!

If anyone is interested in helping or has any questions, email me right away. Be sure to check the site often for updates and new developments. Until next month...let's do it for our families!

### Pat Brown speaks to WFCF - Research on Poverty

For the first guest speaker of 2005 WFCF hosted a meeting with Pat Brown, a researcher for the University of Wisconsin's Institute for Research on Poverty. Ms. Brown gave us a little background information indicating her roots from a broken family and related the importance of remaining objective during her research regardless of her potential bias as a feminist and a shared parenting advocate.

Citing data from a continuing study of divorce cases in 21 counties in Wisconsin, Ms. Brown showed convincingly how shared parenting improved nearly every measure in question. The paper, Shared Custody in Wisconsin is a continua-

tion of an earlier study questioning the theory of "Maternal Drift", a phenomenon reported in an earlier work by Jacoby and Mnookin in a book entitled "Dividing the Child". In this book, the research suggested that, in shared parenting cases, the actual living arrangements would 'drift' over time to sole mother placement. Among other things, the study showed that a remarkable number of placement cases remained the same with nearly equal numbers moving in either direction, both more for the father and more for the mother.

The report compared mother sole placement, mother primary placement,

father primary placement and equal shared placement. As the number of Father sole placement was apparently statistically insignificant and difficult to compile, they were not represented in this work. The data clearly showed significant improvements in parental cooperation, support payments, stability of placement orders, child care, paternal involvement in school and the health of both parents and children.

The report is due to be published late this year and will be submitted to DWD when ready. You can find more research on issues relating to support and shared parenting at the IRP website; [www.ssc.wisc.edu/irp](http://www.ssc.wisc.edu/irp).

## Wisconsin State Supreme Court

### Case No. 03-0288

In re the Marriage of J. Chen v. J. Warner

Does Van Offeren v. Van Offeren, require that issues regarding the reasonableness of a child support payer's voluntary income reduction be subject to a de novo standard of review?

Did the Court of Appeals err in considering only the payer's most recent employment decision rather than all relevant employment decisions?

Does the Court of Appeals' published decision in

this case create negative public policy by permitting one parent to unilaterally force the other parent to finance a voluntary reduction in income without regard to the unemployed parent's earning capacity and with no change in the children's needs?

Does the Court of Appeals' decision create uncertainty in the domestic relations law of "shirking" with its implication that a different analysis applies to high-income families versus low-income families?

### Case No. 03-1877

In re the Paternity of John R.B.: Barbara B. V. Dorian H.

Is retroactive application of Wis. State 767.32(1) unconstitutional?

Are equitable remedies available to those who entered into extrajudicial agreements for the purpose of eliminating the obligation to pay interest on child support arrearages, when the payor relied on the payee's promise, and the payee reneged on the promise 18 years later?

## The President's Message

Hi all,

We just had a successful general meeting at the Coliseum Bar and Restaurant on Monday night. We had over 25 members attend and listened to an interesting presentation from Pat Brown about the results of shared versus sole placement. I then brought the members up to speed as to what WFCF was doing and a question and answer session followed. I am going to make this a standard feature for general meetings in the future. The last 30 minutes will be devoted to giving members an opportunity hear the latest developments and to ask questions of me. I will do my best, with the help of my colleagues on the board, to provide answers.

I was inspired by response from members of Wisconsin Fathers for Children and Families to the appeal for funds in the Landwehr matter. Thanks to generosity of many people we not only raised sufficient monies to complete and file the initial petition to the Supreme Court, we now have the ability to establish a fund for continuing expenses in this case. That fund currently holds almost half of what we estimate will be the total cost to follow this through to completion.

I am personally overwhelmed by the support that WFCF is able to count on from its members. I have been involved with the movement for almost ten years and I have never seen such a robust response. Everyone on the board recognizes and appreciates the trust that our members have shown in sharing their money for this cause.

What a great group! Next time-Good news at the Capitol? Steve

## Commentary from Today's Dads

### Case No. 03-0288

This is a case where the parties entered into a marital settlement agreement for joint custody and joint physical placement. Both parties were employed as physicians at the time of divorce.

Dr Chen (mother) decided to retire because she felt the stocks she owned would give her enough income to support her children. The stock market crashed and she could no longer support her children with the income provided.

She decided to file for child support instead of going back to work as a doctor.

"The circuit court determined that Dr Warner could afford to pay child support and that Dr Chen was not "shirking". The court declined to use Dr Chen's earning capacity and ordered Dr. Warner to pay \$4,000 per month in child support.

Dr Warner contents that Dr Chen voluntarily and unreasonably chose to forgo employment and seek child support payments.

Today's Dads commends

J. Dykman for dissenting. He is concerned because this opinion will be published. J. Dykman states: "If Dr Chen is capable of supporting her decision to retire, the trial court should require her to do so." If Dr Chen was a father, would there be any question that income would be imputed? This is gender bias at its best.

We hope the Supreme Court of Wisconsin will not be as gender biased in their decision as most members of the Appeals Court.

### Case No. 03-1877

The family court commissioner in this case stated that there was an agreement between the parties "that the mother would not pursue child support in return for the father not having visitation with the child". The family court commissioner found that the mother "is estopped from pursuing the child support obligation at this time".

She is attempting to make Wis. Stat. 767 retroac-

tive and get all back child support.

The appeals court stated: "The current Wis Stat 767.32(1r) applies retroactively "to arrearages existing and child or family support payments past due on the effective date of this subsections [June 25, 1998], regardless of when the judgment or order under which the arrearages occurred or the child or family supported is owed or was entered." They also state that equitable estoppel does not apply to 767.32(1r).

She waited until the child was 22 years old before even attempting this case. She allowed the father of her child to live under false pretenses until it suited her and our Appeals Court allowed it. The father paid for this child's education in a private school and was never given credit for this.

Today's Dads hopes that our Supreme Court will see this mother as a gold digger with no interest in her child.

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organizations were seeing that our piece of the puzzle was a valuable component of what this conference was all about. Putting Father's back in children's lives.

The key notes speakers came thick and fast, and were impressive. A plaque and a few words from Scott Walker, Milwaukee county executive supporting putting Fatherhood back in kids lives. A plaque and a few words from Tom Barret, Milwaukee City Mayor, also supporting Fathers in children's lives. There was even an endorsement of this Fatherhood initiative by the First Lady who was in Milwaukee earlier in the week.

It was very obvious to me that the pendulum is swinging and that the value of Fathers in children's lives is significant and needs to be supported. Communities today are living and breathing the costs of a Fatherless society, and they don't like it. Our jails are full of people who were Fatherless children. Our Taxes at work!

Dr Adolph Brown gave an energetic and entertaining presentation. I came away inspired by his words and actions. He made it obvious to me that through my life, many titles I have may change, computer programmer, to systems analyst, business analyst... even from assistant football coach to lead coach, but there is only one title that will *never, ever* change – FATHER, and I'm proud to be one.

Well done to Brian King who was thanked by Dr. Brown in his speech for being a real Father and a helpful Father.

We worked through the day answering many questions but the prominent ques-

tion was "What does Wisconsin Fathers do?"

There are many reasons why children grow up Fatherless; incarceration, poverty, alcohol and drug abuse, abandonment, divorce. Groups at this conference represented all these reasons. The conference was about the Fatherless jigsaw puzzle of which there are many pieces. I support all these groups for their active participation in getting Fathers back into children's lives. As for Wisconsin Fathers, the piece of the puzzle that we are about is divorce.

I explained to the many people at the conference that in intact families 90% of Fathers think it is the best thing they have ever done in their lives.

About half of American marriages are ending in divorce; in some 90 percent of divorces, mothers are awarded custody of their children, whose contact with their fathers drops off at a staggering rate.

**Only half of divorced mothers value the absent father's contact with his children.**

Only half of divorced mothers value the absent father's continued contact with his children. Twenty percent of divorced mothers saw no value in the continued contact between a father and his children whatsoever, and actively tried to sabotage visits and meetings by sending the children away unexpectedly just before the visit, by insisting the children are ill or had pressing homework to do, by making an emotional or angry scene, or by simply disappearing. A staggering statistic

that I related about children of divorce was that only 33% of those who had divorced 3 to 5 years ago had contact with their Father. By 11 years, 31% of the fathers had no contact at all.

Simply put, this means that prior to divorce, 90% fathers loved being fathers, after divorce where 90% of the time custody goes to the mothers, only 33% of children had their Fathers involved.

**Where did all the Fathers go?**

Where did all the Fathers go?

Let me be mathematical, Divorce + 90% custody to mothers = 67% Fatherless children.

Fixing the divorce problem is the jigsaw piece that Wisconsin Fathers for Children and Families provides to the Fatherless puzzle.

As my Senator said to me "Men get a bad deal" I said back to him, "Children get a bad deal". We will fix this problem too.

The day wound down with people exiting the last of their workshops. They were full of effervescent comments about the information learned in these sessions. I made a mental note to attend the workshops myself, next time. It was great to converse with a wide selection of people, Sociology teachers from Marquette, Federal child support directors from New York, a journalist from the New York Times, Family policy people from Madison and even an articulate author with a valuable story to tell.

As I left the conference for the day to pick up my own flesh and blood, I had

such a positive feeling about the future for our children, I kept humming the song "The Tide is Turning" all the way home – I'm a lousy singer. Society is tackling the issue of Fatherless ness head-on, the divorce industry is being seen for what it is, Fathers are taking their children back and the judiciary resists at it's own peril.

Friday I was absent from the conference as the need to put food on the table and pay the rent was paramount. But Dave Lewis, Rob Rasmussen and our illustrious President ably manned the table. They too, commented to me similar impressions that I had on the first day.

Saturday was Father's day at the conference and I was back on station with Steve Blake to help out. Many individuals came passed as distinct from persons attending as part of a group. The conversations were more casual and more personal. These were all good people who just wanted to be good Dad's. I hope we helped them in their struggles against the emotional and financial devastation that the divorce industry subjects them to by making Fathers the lesser unequal part of the separated family.

To conclude, I'd like to thank Francis Vogel and all the wonderful people of the Milwaukee Fatherhood Collaborative who put on the conference, it was an enlightening experience, well worth it and I'd recommend it to anyone next time it happens.

To all the children of separated parents, hang in there,

**Dad loves you.**

The tide is turning, Justice is Coming.

See you at the Rally in Madison on June 11<sup>th</sup>.

**Today's Dads**

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

*Today's Dads*, published periodically, is a voice for fathers who have been denied the equal right to parent their children following divorce or separation.

"We believe that fathers are as important as mothers in the parenting of children and that all fit parents should be entitled to equal placement with their children regardless of gender. We oppose the great prevalence of gender bias in our courts, governmental agencies and in society in general and stand as a force to work for equality in all of these areas."

*Today's Dads* is distributed to all paid members of Wisconsin Fathers for Children and Families. In addition copies of each issue are distributed, without charge, to all Wisconsin legislators, judges and court commissioners as an educational outreach.

Send articles or letters to:

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WFCF web page: [www.wisconsinfathers.org](http://www.wisconsinfathers.org)

**Fathers Night Out Milwaukee**

Support and social dinner meeting.

**Wednesday, April 6, 2005 6-8PM**

At: Pallas Family Restaurant  
1657 S. 108th Street West Allis  
Mediterranean room

Next General Membership meeting

**Monday April 11, 2005**

7:00-9:00PM

Micheal Gough

Presentation on "Virtual Visitation"  
Place: The Coliseum Bar and Restaurant  
232 E Olin Ave (South side of Madison -  
1 mile north on John Nolen Drive exit Hwy 12/14/18)

All members, friends and prospective members  
are welcome to attend.

**Fathers Night Out Madison**

Support and social dinner meeting.

**Monday, April 18, 2005 6-7:30 PM**

At: The Coliseum Bar and Restaurant  
232 E Olin Ave

**Wisconsin Fathers for Children and Families**

<http://www.wisconsinfathers.org>  
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