

MYTHS

"Good mothers don't lose custody of their kids."

"The system is set up to help you."

"Courts operate strictly on legal processes."

"Courts protect children from abusers."

"Kids lie about abuse; mothers make them lie."

A Crisis in the Family Courts

There is a crisis for women and their children in many of the family law courts of this country. Affirmed by experts and skilled court watchers, the existence of this crisis is verified by women in every state who report injustice in their divorce and custody cases.

This is true especially for battered mothers trying to protect their children from abusive fathers who aggressively litigate against them, using family courts to stalk, harass, punish, and impoverish their former partners and children. Some fathers are aided by friendly judges and court-appointed personnel, along with aggressive 'men's rights' networks.

NOW is addressing this crisis systemically. For more:
<http://www.nowfoundation.org/issues/family/>

Tips from the Front Lines:

Divorce and Custody Cases

NOTE: These suggestions are not legal advice. There is no substitute for a qualified attorney.

Understanding the Process

- ✓ You cannot assume that the primary caregiver during the marriage will be awarded primary custody after a divorce.
- ✓ Be aware of possible time limits for responding to motions, appeals, and other legal papers.
- ✓ When appearing for a hearing on one motion or petition, do not expect a judge to allow you to offer testimony on another matter or file a counter petition at the same time.

- ✓ Find out everything you can about the players in your case, the laws affecting your case, and what can happen to mothers in family law courts.

Courts, Lawyers and other personnel

- ✓ Get a good attorney! Research his or her expertise in family law and get referrals.
- ✓ Public legal aid services can vary widely from state to state, and free help is hard to find. For legal help, information, or attorney referrals, consider your local legal aid program, nearby law school clinic, local domestic violence program, state or local bar associations, state legal aid support centers and state/local bar associations.
- ✓ Be careful in agreeing to any court-appointed guardians, psychologists, therapists, parent coordinators, evaluators or other professionals associated with your case -- especially ones you did not choose. Inform the court that you would like to obtain background information on these people and, if you can, submit the name of someone you choose.

Domestic Violence and Safety

- ✓ If you are concerned for your safety or your child's, ask about "address confidentiality programs." State domestic violence programs should have this information.
- ✓ In some states, you can request temporary custody and support when requesting a protective order; you may need an affidavit.

Custody, Visitation and PAS

- ✓ Be alert to the use of phony diagnostic terms such as Parental Alienation Syndrome (PAS), and Alienated Child. Trying to protect your child from violence and molestation can be deliberately misconstrued as any of the above and cause you to lose your child. PAS has been debunked by all ethical psychological communities as scientifically invalid.
- ✓ Do not agree to "give up custody temporarily," even for a short time— it can be harder to get it back. If the child is away long enough, the court's jurisdiction can change to the new residence, putting you at a disadvantage.

- ✓ Find peaceful, non-confrontational ways to stay in contact with your kids if you don't have custody. Try to set up a schedule for calls or other contact.

Documents

- ✓ Keep a notebook and document who you call, who you speak with, what they say, and what occurs with your ex.
- ✓ Keep all papers and information pertaining to your case; don't give away originals.
- ✓ When filing a motion for relief, include all the evidence you intend to submit (pages from transcripts, medical records, expert statements). Check local rules for guidance.
- ✓ When addressing the court in affidavits, keep your language clear and non-emotional. Have someone proofread your documents for clarity.
- ✓ Have 3 copies of documents with you at hearings (for the judge, opposing council and yourself).

Self-Advocacy

- ✓ Ask permission to bring an assistant to court with you to help with paperwork.
- ✓ If your deposition will be taken, try to have both parents deposed on the same day.
- ✓ If financial information is requested for any hearing, ask to have all information exchanged on the same day, preferably before the hearing, so that you can review the information.
- ✓ If there is no written order signed by *the judge* and entered, it *may* not be binding, so check.
- ✓ Build a case timeline. Keep it updated.
- ✓ If you are involved in a parenting or home evaluation and want to present evidence to the evaluator, build four binders of copies: two for you, one for evaluator, and one for the other side.
- ✓ Keep all documents in files according to date.
- ✓ You can go to the courthouse to obtain files and make copies.
- ✓ Even though you have paid for legal expertise, no lawyer is perfect. No one knows your case better than you do. Advocate for yourself.

MORE INFORMATION

NOW Foundation Family Law Resources:

www.nowfoundation.org/issues/family/

Resources of all kinds compiled by the NOW Family Law Ad Hoc Committee

Leadership Council: www.leadershipcouncil.org

Committed to correcting the misuse of psychological science to abuse vulnerable populations.

Liz Notes: www.thelizlibrary.org

Women's legal and reference library on law, politics, motherhood and marriage.

Justice for Children: www.justiceforchildren.org

Advocates for abused children failed by family courts or Child Protective Services.

Domestic Violence Legal Empowerment & Appeals Project:

www.dvleap.org Legal advocacy group that uses the courts to enforce accountability of abusive partners.

Stop Family Violence: www.stopfamilyviolence.org

Advocates at the local, state and national level to achieve peace and safety in the family.

Battered Mothers Custody Conference:

www.batteredmotherscustodyconference.org

Conference featuring professionals focused on resolving the issues facing battered women during custody/visitation disputes.

The National NOW Family Law Ad Hoc Committee was created in April, 2004. This all-volunteer committee is comprised of parents, grandparents, activists, paralegals, organizers, attorneys, and advocates from across the nation who offer their collective experience in family law courts to aid NOW Foundation's efforts in promoting justice and equality for women.

The National Organization for Women (NOW) Foundation does not work on individual cases, rather it addresses problems in family law through public education and advocacy. We hope that information provided in this brochure can be of assistance to you and your attorney and we encourage you to take action for positive change in the family court system.

JOIN US NOW!

You can help fight the crisis in family courts. Join at www.now.org/member.html or fill out the form below.

First Name

Last Name

Street Address

City/State/Zip

Phone

Email

Check all that apply:

- ☐ Regular Annual Dues. \$35 covers national, state and local dues; \$40 for residents of AZ, CA, CT, IL, IN, MI, MO, NY, PA and TX.
- ☐ Reduced Annual Dues. Sliding scale available from \$15-\$34. Amount enclosed: \$ _____
- ☐ I want to make a tax-deductible contribution to NOW Foundation. Enclosed: \$ _____
- ☐ Please send me information about affiliating with or starting a local NOW chapter.
- ☐ Please sign me up for NOW's email alerts and updates. My email address is above.

Mail this form with your check payable to NOW to 1100 H Street NW, 3rd Floor, Washington, DC 20005. To join by credit card, call 202-628-8669 or fax this form with your VISA/MC/AMEX information and signature to 202-785-8576.

Crisis For Women In Family Court: What To Expect and How To Fight Back

A Brochure from the National Organization for Women Ad Hoc Family Law Committee



<http://www.nowfoundation.org/issues/family/>



Chapter Information