



About FACE NJ

FATHERS' & CHILDREN'S EQUALITY, INC.

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PRESIDENT'S MESSAGE

Send 'em a message! . . . er, a 1099!

by Michael Edward Fox

I recently testified in Teaneck, New Jersey at the Supreme Court's Special Committee on Matrimonial Litigation. The essence of my talk was that there is a substantial opportunity for collusion between judges and custody evaluators -- the people who recommend which parent should get custody of the children. Further, I indicated that the whole process of custody evaluation may be a violation of an individual's inalienable rights.

While the constitutional issue is not yet settled, I focused the panel's attention on the problems that exist within the evaluation system. The purpose of the testimony was to reflect upon a general problem. The Committee asked that specifics not be rendered, so I was unable to cite the judges involved and the psychologists involved. From experience, some of you should know that certain judges only want to use certain custody evaluators. In fact, picking one from the county's full list of 39 or so evaluators is impossible, even if a couple is mutually satisfied with a choice other than the judge's. I know of two judges who solely determine who the evaluator must be.

I have seen Motions filed to change the custody evaluator where all parties agree except the judge. The Motions are denied ... or not even heard. The question I posed was "Why does this occur?" As I see it, the only logical reason is that there is some connection between the judge and the evaluator.

There are Bar Association functions where lawyers, judges and custody evaluators are all present. It's like ... you should excuse the expression ... "One big happy family!" Why are lawyers socializing with judges? Even more obvious, why

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NO MORE FACE SUPPORT MEETINGS

Even though we are "a support group for non-residential parents and their families," FACE will no longer be conducting support meetings. We thank our phone hotline coordinator, Steve Burnett, for pointing out that the name "support meeting" does not accurately describe what we do at these meetings.

Other organizations conduct "support meetings" in which participants bellyache about everything that's wrong with the system, but no one does anything about it. That's not what FACE does. At our meetings we help our members hone their parenting skills, we exchange information about dealing with ex-spouses, we discuss pending family law legislation, we help members strategize how to manage their Family Court case, and we provide

Pro Se support. Our meetings are a place to work on improving your situation in the future, not crying about what happened in the past.

We will still have meetings, but now they will be called "work groups." Raising children in a divided family isn't easy. It's hard work. If Family Court has disenfranchised you as a parent, it's hard work to reestablish yourself as an equal parent. And changing the system will also require a lot of effort. FACE work group meetings will be the place to begin to work on it.

The work groups will be at the same times and in the same places as the former support meetings, but those attending should come prepared to work on their own cases and those of others.

FACE IS A SELF-HELP GROUP. WE ARE NOT LAWYERS. WE DO NOT GIVE LEGAL ADVICE. WE CAN NOT AND DO NOT REPRESENT ANYONE IN COURT. If you find a competent, capable lawyer who fully understands your and your children's rights, who is willing and able to tenaciously fight to secure those rights, who completely understands the facts in your case, and who you can afford to pay, you should hire him/her. If you can not find or afford to pay such a lawyer, we urge you to seek all available resources to aid yourself in securing these rights.

Divorce Among Psychiatrists

Psychiatrists, the medical profession's experts on interpersonal relationships, have the highest divorce rate among physicians according to a study of Johns Hopkins Medical School graduates published in the New England Journal of Medicine. 50 percent of the psychiatrists in the study got divorced, which is more than twice the divorce rate among pediatricians, internists and pathologists. At 33 percent, surgeons had the second highest divorce rate. The average for all physicians was 29 percent.

Commenting on the study in the Wall Street Journal (3/13/97), New York divorce lawyer Raoul Felder said "It's the pontificating." Psychiatrists' spouses are "sick of being married to God." Paul McHugh, director of Johns Hopkins' psychiatry department, said that may be true, but that medical students with emotional baggage of their own might tend to gravitate toward psychiatry.

So why does Family Court insist that psychiatrists, who are collectively unable to hold their own marriages together, conduct custody evaluations of divorcing spouses? Based upon their matrimonial track-record, these "professionals" are the least qualified to determine what went wrong in a marriage.

For the love of . . .

by *Jaqueline Caruso, 11th grade,
Saint Basil Academy, Philadelphia, PA*

Never have I witnessed such a love;
So tender and sincere.
His father's eyes so quick-tempered,
Had turned cherishing and dear.
I shiver when I think of how he's forced to let him go.
To send away his only son; his fate he will not know.
His only consolation found in thoughts of their next meet.
It keeps him going, motivated, for he'll see his son next week.
But all the while he bears the pain of being lonely and confused.
'Cause who's to say while he's away that his son is not abused?
Frustrated by the ever-present helplessness he feels,
This man of fury loves his son and from this loss he reels.
If given a wish, or two, or three, he'd wish to have his son.
Forever and ever without being taken away and joy of days to come.
His struggling battle marches on;
His goal to win the fight.
It's so unfair, she doesn't care;
His meddling, neglecting ex-wife.
To her, their son means money;
An excuse for finer things.
As days go by, he cries inside,
And the villain teasingly sings.

"Those who stand for nothing fall for anything."

Alexander Hamilton

Non-Payment of Child Support

A survey of the reasons that fathers don't pay financial child support, indicates that:

- 39 percent had no money,
- 23 percent said the mother would not allow them access to the child (visitation),
- 14 percent said they would have no control over how the money would be spent,
- 12 percent said they did not want to have a child, and it was the mother who wanted to have the child, and
- 12 percent said they were not the father of the child.

The survey, by Sumati N. Dubey of the University of Illinois at Chicago Jane Addams School of Social Work, was published in the Journal of Sociology and Social Welfare, June, 1996. The participants in the survey were non-residential fathers who were summoned to court for non-payment of child support in six Illinois counties.

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Edited by Jeffrey Golden jeffface@aol.com

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P.O. Box 2471, Cinnaminson, NJ 08077

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are psychologists brought into this foray as well? The simple answer could be "follow the money!" This ... no doubt ... is a patronage system. The question is ... How do we prove it?

Recognize that, while some health insurance programs will pay for custody evaluation, the majority do not. In fact, many of our members are unable to obtain custody evaluations because they do not have the finances. Those that do pay by cash or check.

Follow this scenario: An insurance company sends a 1099 form to the psychologist and presumably, the income is reported on that psychologist's tax return. But, what about the money that is paid in cash or by check? None of the individuals that I know have ever sent a psychologist a 1099. Unless audited, the IRS would not know of the additional income that a psychologist receives.

Evaluations are costly, in the \$3,000 to \$10,000 range, though I have heard of some costing even more. Is it not possible that a custody evaluator could take \$25,000 cash, put it into a brown paper bag, and give it to his favorite judge? After all, the evaluator did not pay taxes on the \$25,000, and probably the judge won't pay taxes on that money either! Since the judge, over the objection of all parties, names the same evaluator repeatedly to perform custody evaluations, there is a "quid pro quo." What other logical explanation could there be for the insistence of the services of a particular evaluator? I can think of none. There's got to be "hanky-panky" goin' on.

Now, unless and until we can convince the Court system that the custody evaluations are bad, that they do nothing more than destroy the family unit, that they characterize one parent as good and the other as bad by "awarding" custody to one parent, that the implication is that the parent not awarded custody is something less than capable, and after that set off a chain of events to alienate the non-custodial parent (be that parent male or female), what you gonna do? We can't call the Ghostbusters ... but, we can send 1099s to all custody evaluators!

When you are ordered to appear before an evaluator, the first questions you should ask him/her is for his/her Social Security or Taxpayer I.D. number. Give the evaluator a Federal Form W-9. This is the same form your bank files when it is required to pay you interest. It is in effect, an IRS certification as to the authenticity of a Social Security number. Because you are a good citizen, you are

going to report income paid to the psychologist with an accurate Social Security number. If the psychologist fails to give you an accurate number, that alone may be a reason not to use the services of that psychologist. In my experience, there are more good psychologists than there are bad. However, we need to route out the corruption.

At the end of the calendar year, mail a completed 1099 form to the psychologist. You should also complete a 1096 form and mail that to the IRS, along with a copy of the 1099. Please make an additional copy of both the 1099 and the 1096 for examination/audit.

I suggested to the Matrimonial Committee that they appoint an overseer. Preferably, someone from the American Institute of Certified Public Accounts or the New Jersey State Crimes Investigation Committee could selectively match the 1099s against income reported by psychologists. I also requested that the psychologists provide to the committee audited statements regarding their personal checking and savings accounts, belonging to both themselves and their wives. On a random audit basis, the committee would match the income reported with the 1099s filed. One of the things looked for in the audit would be systematic cash withdrawals, which could be used to influence the volume of business a certain practitioner may receive. Or, they may look for specious donations, which could also be evidence of any attempt to buy influence.

One thing is certain: If a psychologist is making \$100,000 in cash performing Court evaluations and reports none if it, that's a nice piece of change in his pocket! So, spending \$25,000 ... cash ... to get more business, really isn't an issue of deductibility. The issue is, does it make sense to spend a quarter to get a dollar? However, if a psychologist has to pay Self Employment Tax, Medicare Tax, Income Tax at the state level, Income Tax at the Federal level, on the entire \$100,000, then maybe paying \$25,000 would be a bit "stiff." Certainly, it would be easier to trace! This is the challenge that I presented to the Supreme Court's Special Committee. They looked askance at my suggestion, that there might have been corruption and/or collusion. However, they have not attended Court sessions, as I have, and observed the adamancy with which certain Judges have refused to hear any arguments to use any evaluator other than their chosen one!

While we pursue The path of the

constitutionality of Court Ordered custody evaluations, it will be interesting to see if the Supreme Court Committee is willing to do something about the potential abuses at essentially no expense to the Court. All we are asking them to do, is to make corruption significantly more difficult, if not impossible. Make every citizen report their income.

This is an open invitation to individuals, whether they are FACE members or not, to submit 1099s to all Court Ordered psychologists. Until we know which committee will review this matter, we also suggest that you mail a copy of the 1099 and 1096 to FACE, Attn.: Criminal Investigation Division. I chose that name because that is what the IRS calls it when they go after someone who doesn't report their cash income! They are called "criminals." If you have never filled out a 1096 or a 1099, or a W-9, please send FACE a stamped self-addressed envelope with 55 cents postage, and we will mail you current forms and a completed, filled in sample. Hit 'em where it hurts ... in the wallet!

Editor's note:

FACE recently learned of a non-custodial father who reported a psychologist to the IRS for income tax evasion. The psychologist is the school psychologist for several school districts, does work for the Division of Youth and Family Services (DYFS), and also has a private practice. Under cross-examination in one case, he testified that he does about fifty court-ordered custody evaluations a year.

The father was able to find about a dozen other non-custodial parents who had been ordered to undergo custody evaluations with this psychologist. The average cost of these evaluations was \$5,000. Multiplied by the fifty evaluations per year that the psychologist, under oath, testified that he does, this business generates \$250,000 a year in revenue.

There are W-2s and 1099s for the psychologist's school and DYFS business, and much of his private therapy business is paid by insurance companies that file 1099s, but the custody evaluation business is untraceable. It doesn't go through the Probation Department; it is paid directly from the parents to the psychologist.

The IRS investigated the case for about a year. They pay a reward of 10% of taxes collected. The father who reported it to them has been notified that he will be receiving a substantial reward for blowing the whistle on this psychologist!

LETTERS TO FACE

Dear Chief Justice:

I am [a member of the New Jersey Department of the Judiciary, employed in the Family Part]. Last week, we were presented with a seminar on the "new Child Support Guidelines." During the course of the seminar, we were told that the modest reductions in some support obligations that were supposed to be effective this month have been deleted. This led to a lively discussion among the participants, and has prompted me to write this letter.

The reason for the veto of the proposed change, we were informed, was that there had been an "outcry" among groups that advocate for custodial parents. Reacting to this pressure, we were informed that the Supreme Court had decided to ignore the sub-committee's recommendations and to reject the new guidelines.

It was uncontroverted that the proposed revisions were the result of nearly eighteen months of study by a Supreme Court subcommittee consisting of experts who went through over 2,000 pages of documentation, including in-depth reviews of what amounts were fairly attributable to the costs of raising a child in New Jersey. Data from a multitude of sources, including federal and state expenditure estimates were reviewed in arriving at the unanimous conclusion that the guidelines were too high in some limited instances.

Chief Justice, for the Supreme Court to disregard the unanimous decision of a committee that spent one and a half years studying the guidelines as a reaction to political pressure is unfathomable. I am disturbed by the apparent prevailing of political protest

over reason and equity. As a result of my employment here in the Family Part, I can unequivocally say that just and reasonable support orders are, as a rule, unopposed and are complied with; unjust and inequitable awards result in litigation and game-playing, that, in spite of the best efforts of the courts, is all too often successful, especially when a disparity in incomes leads to a disparity in the quality of representation. I urge you not create more injustice by bowing to this pressure.

In closing, I feel its appropriate to point out that I am the custodial parent of a four year old. Rather than resorting to guidelines in my own case, which would dramatically increase the standard of living enjoyed by my son and I but would leave his mother unfairly impoverished, we sat down and worked out what percentage of expenses should be paid by each of us in proportion to our incomes, including a "miscellaneous" expense allotment. The resulting child support is about 60% of what I would have received had I pressed for the windfall "guidelines" amount.

While all litigants obviously are not in a position to sit down rationally and work these matters out, the goal of our family part should be to get parties to the point where they can work out fair and equitable agreements. The adversarial system serves no purpose here and harms litigants, destroy kids, and enriches attorneys. To the extent that an adversarial system must exist for now, it remains unfair and inequitable to impose support obligations based not on any type of data but rather on pressure from custodial parent groups. This type of action is counter-productive and delegitimizes our court system in the eyes of the public.

I sincerely hope that you will reconsider your decision to disregard the recommendations of the sub-committee.

Name and address
withheld by request

If you would like to express to the Chief Justice of the Supreme Court your opinion on what is happening with the proposed New Jersey child support guidelines, her mailing address and phone are:

*Chief Justice Deborah T. Poritz
Supreme Court of New Jersey
CN 023
Trenton, NJ 08625
(609) 292-2448*

Dear Editor:

Within the last month, three Camden County New Jersey residents were involved in murders which were a result of child custody disputes. A non-custodial father was murdered by his ex-mother-in-law, a non-custodial father murdered by his ex-wife and her boyfriend and, most recently, a custodial father murdered by his ex-wife and her boyfriend. One conclusion can not be disputed from those murders -- these murderers had all lost faith in the Camden County Family Court to do what was really in the best interests of their children.

No one should be surprised by these cases -- except that they do not occur more often. Every day Family Court judges liberally intrude into all areas of potential issues, without restraint, relying on as authority "how their parents raised them" or the equally unscientific opinions of mental health professionals in this field. Our state Supreme Court, who held in *Beck v*

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Judge Schlosser Reappointment

by Michael Edward Fox

We'll remember in November" was a slogan used by many groups in a successful effort to dislodge Governor Jim Florio. Bumper stickers, posters, and advertisements carried the battle cry for months before the election. This is a Call to Arms for anyone who appeared before Judge Marvin Schlosser. His tenure hearing is June of 1997. Perhaps we should adopt a new slogan "He'll Croon in June to another Tune." Schlosser is not currently in Family Court. He was moved elsewhere to be less vulnerable at the time of his tenure hearings. At the behest of the Supreme Court Justice, Judges are rotated out of Family Court when it comes time for their tenure hearings. Judge Schlosser is no exception. However, the message to all judges who violate our Civil Rights is, "You can run, but you can't hide!"

If you wish to testify at the Senate Judiciary Committee Hearing, you should notify them in advance of your desire. Whether you are a member of FACE or not, we would like to hear from you regarding your experiences with Judge Schlosser and list you as one who would like to testify. We will indicate whether you are a FACE member or not.

For those unacquainted with the process, a tenure hearing lasts about five minutes, and then the Senate Judiciary Committee normally rubber stamps the tenure appointment of a Judge. FACE has on two occasions, attempted to block the tenure of a judge.

The first was for a Judge Vincent D. Segal. We were not told in advance when nor where the hearing would take place despite repeated phone calls and letters to the secretary of that committee. They simply didn't want us there! However, someone dropped a dime and we found out about the hearing 24 hours before hand. That hearing only lasted seven hours because we were not sufficiently prepared. Nevertheless, we did raise a ruckus and the next thing known was that Judge Segal was transferred out of Camden County to

Atlantic County Family Court. The Court pretended that this was done for the Court's convenience. Now he commutes daily from Cherry Hill to Atlantic City. Some convenience, huh? Repeated complaints to the judiciary combined with constant embarrassment of Judge Segal was the primary motivation to get him out of our line of fire. FACE has picketed Segal (deservedly so) more than any other judge.

The second judiciary hearing we attended was for Judge Martin Herman. In this instance, we had a little notice ... two weeks. A number of us appeared at the hearing only to find there was insufficient time and the matter was continued ... not once, but twice. However, as word spread of the hearing, about 100 more people came forward who wanted to speak at the Herman hearings. The Judiciary Committee limited the testimony only to those who had registered to speak at the first hearing. FACE had submitted a list of people who would testify and we were held to that list. No others could be added despite their willingness to testify.

The outcome of that contest was a victory. Judge Herman failed to gather enough votes to be granted tenure and he was out of a job. But, politics being what it is, Governor Florio, in the waning days of his administration,

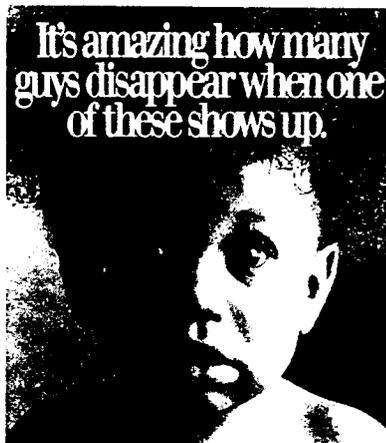
nominated Judge Herman for a second initial term, his buddy, Senator Zane, pulled some political strings, and the Senate confirmed the nomination the following January with harsh warning regarding the Judge's demeanor and how he should behave in Family Court, with particular emphasis to show respect to the litigants. Fairness, honesty, and integrity were our issues; facts overlooked by the Senate. But that's politics!

The point is that for fifteen days or so Judge Herman was out of a job! He had been the presiding judge of Family Court in a vicinage of three counties: Gloucester, Salem and Cumberland. After his second appointment as a first time judge, he was stripped of that post and took a five thousand dollar cut in pay. He has since been removed from Family Court. At the end of this seven year term (four remain) he will again attempt tenure.

Now you understand how the system works. It would be a good idea have a prepared text, perhaps a Brief, and timely submit it to the Senate Judiciary Committee and the press. Please call or write and let us know of your case and we will put you on the list and keep you informed as to Judge Schlosser's hearing date so you can testify about your personal experience with him.

I don't like to do things on a negative basis. This is a positive emphasis, I am inviting your to join us at the Judge Marvin Schlosser Retirement Party. Let's help him: move from the Court bench to the park bench!

"THIS IS OFFENSIVE TO FATHERS AND MEN"



That's what should be scrawled across every one of these posters, which are being distributed all over the country by the U.S. Department of Health and Human Services, Office of Child Support Enforcement. The headline, "It's amazing how many guys disappear when one of these shows up," over a baby's beautiful staring face, is dead-wrong! It should say "Joint custody by two loving parents will help this baby develop into a happy, productive, law-abiding adult," but our family courts don't encourage or support such revolutionary ideas.

Locally, the poster has been seen in court houses, probation offices, and even on the sides of busses. Keep your broad-tipped marker handy and, when and wherever you see one, write "This is offensive to fathers and men!" across it.

Would any FACE member like to underwrite the cost of having permanent-adhesive "This is offensive to fathers and men!" labels printed? These could be neatly and easily placed on these posters, child support "10 most wanted" posters, and other anti-father propaganda that is finding it's way into our lives. If you can do it, call the FACE Hotline at (609) 786-FACE.

At Last . . . The New Child Support Guidelines!

But do they help or hurt?

By Jeffrey Golden

By now, you have probably read in the newspaper or heard on radio or TV that New Jersey has new guidelines for calculating financial child support. About FACE-NJ reported over a year ago on the guidelines proposed by the Supreme Court's Family Practice Committee. The Committee had spent fifteen months studying guidelines. They took testimony from world renowned experts and, in April, 1996 issued a report that contained proposed new guidelines. Then a waiting game began. When would the new guidelines be implemented? Everyone said 'Any day now.'

All it would take would be an order by the Chief Justice. But Chief Justice Wilentz was ill, and the new guidelines were not implemented. Knowing that the new guidelines were imminent, some family court judges began using the proposed guidelines to calculate support. After Wilentz's death, Governor Whitman appointed Chief Justice Poritz to replace him. Still no guidelines. Now, more than a year later, we finally have new guidelines! They will be effective September 1, 1997.

But wait! The guidelines released on May 19, 1997 are NOT the same guidelines that were proposed in April, 1996 after fifteen months of study and testimony of experts. What ARE they? Where did they come from? How are they different from the Family Practice Committee's recommendations and why?

The guidelines proposed in 1996 included some major changes: They would be based upon more up-to-date statistical information on the actual cost of raising children, and financial child support awards would have been slightly higher at low income levels and slightly lower for mid-range and high incomes. They would be applicable for combined family incomes of up to \$125,000 per year. (The old guidelines only go up to \$52,000, and with many families now earning more than that, there is no consistent, accurate way to apply them to higher incomes.) Non-residential parents would be able to get a credit for the time the children were with him/her. There would be a "self-support reserve" to assure that the non-residential parent would be able to support him/herself. And alimony would be considered to be income for

the recipient and a deduction from the payor's income. Although far from perfect, these guidelines would have been better than the old ones.

The news media has hailed the May, 1997 guidelines as applying to "alimony and child support" and said that they will result in more and higher alimony orders. They report that groups advocating for women (who are the vast majority of residential parents) are disappointed because they will receive less money "for the children." NOT TRUE! First, *there never have been, and there still are NO GUIDELINES FOR ALIMONY.* The only thing the new child support guidelines do is account for alimony as income to the recipient and a reduction of income to the recipient BEFORE child support is calculated, and *that is as it should be.* If Dad makes \$600 per week and Mom makes \$400, and Dad pays Mom \$100 per week in alimony, aren't their incomes really \$500 each? This will provide a benefit only for divorced child support obligors, not parents who were never married nor obligors who are not required to pay alimony.

EVERY OTHER ADVANTAGE TO NON-RESIDENTIAL PARENTS AND THEIR CHILDREN HAS BEEN ELIMINATED! It seems that Chief Justice Poritz caved in to pressure from women's groups. Rather than implementing the guidelines that the Family Practice Committee worked on for fifteen months, she empaneled another "secret committee" to make "adjustments" to the guidelines to "improve" them. How could she know they needed "improvement" if they were never tried out?

First, *the dollar amounts have ALL been raised.* At every income level, the dollar amounts of support are higher than in the April, 1996 proposed guidelines. And they now apply to incomes up to \$150,800 per year. How can this be? The "secret committee" decided that, because incomes and cost of living are higher in New Jersey, the April, 1996 recommendations based upon national averages are too low. Chief Justice Poritz just kicked them all up a little, eliminating any of the reductions that would have corrected years of injustice to non-residential parents. This makes no sense! If New

Jersey child support obligors have higher than average incomes, they would pay more support because the guidelines would specify a higher award for that higher income bracket. The reality of life in New Jersey is that, although unemployment may be down, people are not earning more (except judges, who all got a 15% pay increase last year). If someone is "downsized" out of a \$70,000 a year corporate job and has to take a \$30,000 job in a convenience store, he's not unemployed, but he is earning less.

The April, 1996 guideline recommendation divided child support into three components: Fixed Expenditures that exist even when the child is not present in the household, such as shelter; Variable Expenses which follow the child, such as food and transportation; and Controlled Expenses which are assumed to be made by the residential parent only regardless of where the child is, such as clothing, education and health care. To simplify calculations, Fixed Expenses were rounded off to 40% of financial child support, Variable Expenses to 40%, and Controlled Expenses to 20%.

The non-residential parent could get a credit for his/her share of the Variable Expenses for the time the children were with him/her. If the children were with the non-residential parent for a higher than average time (called "shared parenting"), s/he could also get a credit for his/her share of the Fixed Expenses.

Now that is almost all gone. First, the percentages have all changed. Fixed Expenses are now lowered to 38%, Variable Expenses to 37%, and Controlled Expenses -- the ones that non-residential parents can NEVER get a credit for -- are now raised to 25%. No credit will be granted unless the non-residential parent has the children for at least two overnights per week. Since "traditional visitation" is every other weekend and one evening (not an overnight) during the week, most non-residential parents won't qualify. The non-residential parent must also prove that s/he has living accommodations for the children. But there's more: No credit will be granted unless the residential parent's household income is at least 175% of the poverty guideline, or 200% in shared parenting arrangements! (See accompanying

Federal Poverty Guidelines table.) So low income child support obligors -- the ones who most need financial relief -- can not qualify.

The "self-support reserve" is also watered down. The way it was supposed to work was that, if payment of the full child support award would put the obligor below the poverty level, the award would be adjusted downward to be the difference between his/her income and the poverty level. Now, the obligor must still pay the full award if application of that provision would result in the recipient's household income being below the poverty level. (See accompanying Federal Poverty Guidelines table.)

All of the same problems that FACE pointed out with the April, 1996 proposed guidelines still exist:

These guidelines will discourage a meaningful parent-child relationship with the non-residential parent and promote more custody litigation. Since the residential parent receives less support if the non-residential parent has the children at least two overnights a week, residential parents will be motivated to discourage and minimize the non-residential parent's time with the children.

Non-residential parents who have parenting time with their children but have no overnights should receive some credit. After all, expenses for food (a Variable expense), transportation (Variable) and entertainment (Controlled) are all incurred while the children are awake, and daytime the non-residential parent spends with the children can allow the residential parent time to work and have earnings for him/herself.

There is no allowance for *any* fixed expenses for the non-residential parent until the children are with him/her at least two overnights per week. But no judge would allow a non-residential parent to have *any* overnights with the child unless s/he has a place for the child to sleep. In fact, the non-residential parent must first prove that s/he *does* have sleeping accommodations for the child(ren), so the non-residential parent does have housing expenses.

It's unrealistic to assume that non-residential parents *never* have *any* controlled expenses. If the child(ren) spend a significant amount of time with him/her, s/he will have clothing, toys, books, stereo, TV, video games, etc. for the child at his/her home. Children while at the non-residential parent's home won't be vagabonds living out of a suitcase full of things brought from the residential parent's home.

These guidelines will not promote

the current national trend toward shared custody. In a true equal shared custody arrangement, where the child is with each parent half the time, the non-residential parent can only get credits for half of the 37% Variable Expenses plus half of the 38% Fixed Expenses. If the basic child support order would otherwise be \$100.00 per week, the parent who has the misfortune of being designated the non-residential parent will still pay \$62.50 a week.

The disadvantages of both the old and new guidelines could be eliminated if a very simple guideline were established that is only a safety net providing for the basic needs of children at the poverty level. Deviations should only be permitted if agreed to in a parenting plan written by and agreed to by the parents. Both parents would then voluntarily provide for children's needs above that level. Children would learn that, just as in an intact family, they have two parents who each provide for them to the best of their ability, and that the support they receive is dependant upon their relationship with both parents. This would encourage the continued involvement with children by both parents following their separation and, by eliminating financial motivation, make continyed custody and support litigation needless.

The guidelines mention a "parenting plan" which would specify when the child(ren) are with each parent. Bills S-65 and A-69, still pending in the New Jersey legislature, would require divorcing parents to agree to a "Mandatory Parenting Plan" before they could be divorced. This was recommendation number 3 of the Kavanaugh Commission to Study the Laws of Divorce. This plan would specify not only how much time the child(ren) would spend with each parent, but also anything else the parents want to include about how the children will be raised. There is no reason why financial child support obligations of the parents

One notable exception to the news media's characterization of the new guidelines came from New Jersey 101.5 FM radio personality Dennis Malloy. Commenting on the guidelines, he said that child support guidelines are an unnecessary intrusion by government into matters that should be handled privately within the family, and that there should be NO guidelines. FACE agrees, and so did most of his callers, many of whom told their own private Family Court horror stories.

NJ 101.5's Doyle and Diminski and their callers expressed similar opinions.

FACE thanks NJ 101.5 for providing an easily accessible public forum for family issues in New Jersey.

couldn't also be included in the Parenting Plan.

S-65 was released by the Senate Women's Issues, Children and Family Services Committee a year ago, but never came up for a vote by the full Senate. A-69 was never acted upon by the Assembly Judiciary Committee. If the Senate would vote on and pass S-65, it could then go to the Assembly to be voted upon and could become law before the end of the current session of the legislature.

What else can we do about these new guidelines now? Bill A-898, still pending in the New Jersey Assembly, would establish a Commission on Child Support Guidelines which would examine New Jersey's child support guidelines and recommend any necessary changes. This would allow the public to have input into child support guidelines, similar to what the Kavanaugh Commission did with other divorce issues. The Commission would make recommendations that would be voted upon by our elected officials rather than being dictated in secret by the Supreme Court. Contact your state legislators and ask them to support A-898, S-65 and A-65. If you don't know who your state Senator and two state Assembly persons are, call the Office of Legislative Services at (800) 792-8630, or contact FACE for their names, addresses and phone numbers.

Federal Poverty Guidelines as of March 10, 1997

Published by the Department of Health and Human Services

Household Size	
1	\$ 7,890
2	10,610
3	13,330
4	16,050
5	18,770
6	21,490
7	24,210
8	26,930

For each additional person in household, add \$2,720.

Continued from Page 4

Beck that a custodial parent's failure to maintain the children's relationship with the non-custodial parent warrants transfer of custody, and held in *Baby M* that only clear and convincing evidence of imminent danger to the child warrants disturbing the parent-child relationship, are rarely, if ever, followed by our Family Court judges. But that was a Supreme Court of a different era. The Supreme Court of this era tells us in *Gubernat v Deremer* there is an inexplicable presumption that the custodial parent will act in the child's best interest, and in *Pascale v Pascale* that non-custodial parents are entitled to some credit for visitation expenses against child support, yet no one has the courage to pass new child support guidelines against the lobbyists for custodial parents. A criminal statute exists for Interference with Custody and Visitation (N.J.S.A. 2C:13-4) that local police and county prosecutors uniformly refuse to enforce. Instead, custody violations are referred back to the Family Court judges who routinely fail to sanction the custodial parent, with little more than make-up visitation for the non-custodial parent. Although New Jersey is perceived as a progressive state in Family Law, it is only a paper reality. Family Law in New Jersey is what the judge says it is.

The New Jersey State Bar Association Family Law Section, instead of helping to solve this horrendous situation, continually takes a position where the bottom line is in furtherance of the practice of Family Law. Our Supreme Court's response to the recent protests against Family Court judges by parents whose families have been destroyed by our Family Courts is to develop strategies to neutralize the protests and ignore complaints against Family Court judges. Instead of real public investigations by independent outside agencies, committees composed of interested parties make recommendations to the Court.

Historically speaking, separating children from their parent against their will has usually required violence, or has been reacted to by violence. Given the above reality, it is quite remarkable to read of only three murders involving Camden County child custody disputes in the last month.

Jamie Epstein, Esq.
Haddonfield, NJ

LEGISLATIVE UPDATE

By Jeffrey Golden

Well, here we are, almost three quarters of the way through the term of the 207th Legislature of New Jersey. More Family Law legislation has been introduced in this Legislature than any in the entire history of the State of New Jersey.

About sixty bills have been introduced that would effect the lives of the members of divorced, separated and dissolved families, and the never-marrieds. These include bills that would act upon most of the twenty-one recommendations of Assemblyman Walter Kavanaugh's Commission to Study the Laws of Divorce, which completed it's study and submitted it's report during the term of the prior legislature. So, how many of these bills have been signed into law? How many have even passed both houses of the Legislature?

None! Zero! Nada! Zip!

Since the beginning of this Legislature's term, About FACE-NJ has published a table showing the current status of each these bills. You will notice that there is no table in this edition. Why publish the table when we can't report any progress? If the legislators would be responsive to their constituents, the people of New Jersey, and act on these issues that are of supreme importance to our children, the future citizens of New Jersey, we will resume publishing a table showing the progress of these bills.

Some of this Legislature's bills are quite bizarre. For example, the title of one recently introduced bill said that it addressed the issue of false allegations of domestic violence. Sounds good. FACE's position is that false allegations of domestic violence, usually used to get the upper hand in divorce or child custody, are acts of domestic violence and should have the same penalties as other domestic violence acts.

I obtained a copy of the bill. Reading it, I found that it would require persons found guilty of domestic violence to pay for the publication of an

advertisement in their local newspaper informing the public that they were domestic abusers. What is the penalty for false allegations? Reading on, it said that, if it was later determined that the perpetrator did not actually commit an act of domestic violence, the accuser would then have to pay for the publication of an ad saying that the alleged perpetrator did not commit an act of domestic violence.

So, where is the penalty for the false allegation? Where does it say that false allegations of domestic violence are acts of domestic violence? Where does it say that people who make false allegations are perpetrators of domestic violence, and that their victims -- those falsely accused -- are entitled to all the protection of that law that victims now get: restraining orders against the perpetrators, automatic custody of the child(ren), only supervised visitation for the perpetrator, and the advantage of the status quo when the custody dispute finally makes it's way to court a year or two later? The bill says nothing about these issues.

I don't believe that the members of the 207th Legislature understand the problems of divided families or have the courage to do anything about it. They, like the spineless Family Court judges who impose their own dysfunctional parenting standards on others, are unwilling to institute any real Family Law reform. This is especially true in an election year. They are relying on past assumptions that more women than men vote, and they want to protect their jobs and the accompanying perks and prestige.

But they are mistaken. No longer do non-residential parents just sulk in silence. At meetings of FACE and other similar groups all around New Jersey, they are networking with each other. They exchange ideas over the Internet. They call in to talk radio stations. The times, they are a-changin', and these non-residential parents, as well as their extended families and friends, will express their opinions at the polls in November.

Family Issues on the Internet

by Jeff Golden

Okay. I admit it. I've become hooked on the Internet! I knew I would once I tried it. It's like the CB radio of the 90s, but it actually has more useful information than where the smokeys are hiding.

FACE is now in the process of setting up a homepage on the Internet. Until then, let me share some of the best sites I've found:

State and local:

New Jersey State Legislature home page:

<http://www.njleg.state.nj.us/>

Use this site to look up or download the text of current bills:

<http://www.njleg.state.nj.us/folio.cgi/MAINBILL.NFO?>

You will first need to download Envoy Viewer. There is a link at this site.

New Jersey Judiciary home page:

<http://www.state.nj.us/judiciary/index.html>

New Jersey Institute for Continuing Legal Education:

<http://www.njicle.com/>

"New Jersey Lawyer," the New Jersey State Bar Association's weekly newspaper:

<http://www.njlnews.com/>

Camden County Sheriff home page:

<http://www.co.camden.nj.us/sheriff/>

Want to find out if Sheriff Michael W. McLaughlin has an arrest warrant for you? E-mail him at sheriff@co.camden.nj.us

National:

American Congress for Fathers and Children (ACFC):

<http://www.acfc.org/>

American Fathers' Coalition, a Washington, DC based legislative analysis and lobbying group:

www.erols.com/afc

National Congress for Fathers and

Children:

<http://www.sound.net/~ncfcdad/>

New Jersey Council for Children's Rights (NJCCR):

<http://www.vix.com/crc/CRCnj/home.htm>

Fathers' Manifesto(sm):

<http://web.calstatela.edu/faculty/damneus/home.htm>

Read the manifesto and, if you agree, sign it as about 200,000 others have done before you. Links to the works of Daniel Amneus, Ph.D., author of "The Garbage Generation." Includes full text

of his new book "The Case for Father Custody." (Careful, it's 700,000 bytes.)

Miscellaneous:

"Bad judges and what to do about them:"

<http://www.primenet.com/~nolawyer/>

"Special Report: No place to run for male victims of domestic abuse:"

<http://detnews.com/1997/metro/9704/20/04200070.htm>

A Detroit News article from April 20, 1997

Stuart Campbell's fathers' rights page:

<http://www.geocities.com/CapitolHill/2909/>

Maintained by a New Jersey non-residential father. Many useful links!

Fathers' and Children's Equality, Inc. *Mission Statement*

Fathers' and Children's Equality is a non-profit 501(c)(3) children's advocacy organization, and a self-help group for non-residential and/or non-custodial parents.

Our Mission is to:

minimize the emotional upheaval experienced by children during and after parental separation,

promote every child's Civil Right to equal access to both parents and extended families regardless of the parents' marital status, and

end the adversarial process in divorce and custody matters.

Our Goals are to:

promote equal parental responsibility for children's nurturing,

promote equal parental responsibility for children's financial needs,

encourage alternatives to divorce,

promote the position that children are not property,

end parental alienation,

eliminate profit motivation in custody disputes,

provide positive parenting role models for separating families,

prevent the use of false child abuse and/or spousal abuse allegations as leverage in custody disputes,

establish mandatory penalties for false allegations of child abuse and/or spousal abuse,

promote equal treatment of Family Court litigants,

enforce existing laws providing for gender equality in Family Court, and

establish a shelter for displaced fathers and children.

Adopted September 27, 1993 by the Board of Directors

Revised January 18, 1996

How Can I Help?

FACE members and supporters often ask "What can I do to help the organization?" We know that everyone has his own responsibilities and time limitations but, if we are going to grow the organization and change how Family Court treats parents, we all need to do all we are able to. Can you donate some time to FACE? We need volunteers for the following tasks:

Host a work group meeting. We now have four work group meetings each month, in Burlington, Camden, Gloucester and Mercer counties. Can you host one in another county? Some of the present hosts have been generous enough to host meetings for years. Can you take over one of these meetings?

All that is required is the use of your living room or your dining room table once a month and enough coffee for four to twenty people. A FACE facilitator will assist at each meeting. Since it takes a while for a meeting to be well known enough to get full attendance, we ask that you make a six month commitment.

Become a work group meeting facilitator. Are you experienced at parenting in a divided family? Do you have Pro Se experience? Some of our present meeting facilitators have been at almost every meeting for years. Can you assist them, or even take over a meeting yourself? Let a facilitator know, and attend some meetings together.

Be a "Network Caller." Dozens of phone calls are received every week on the FACE Hot-Line. We need "Network Callers" to return the phone calls. We provide contact forms and a copy of our Hot-Line caller's guide which was written by a psychologist, you provide your phone and about an hour a day. The Phone Coordinator will try to assign calls in your area, and we will reimburse you for any long distance calls.

Be the "Phone Coordinator." Our present phone coordinator needs help. Increasing work responsibilities are leaving little time for him to retrieve calls from our voicemail system and assign them to network callers. Can you volunteer to assist him, with the goal of taking over his responsibilities in the near future?

Court-watching. One of the best ways to become thoroughly familiar with how to manage your own case is court-watching. This is Law School 101 for Pro Se litigants. You can observe dozens of motion hearings in a single morning, observe lawyers in action, see what judges' "hot buttons" are, learn from the mistakes and successes of other Pro Se litigants, and learn the "tricks of the trade" (and there are lots of them!). It's also personally gratifying. You will be providing moral support for other FACE members who are representing themselves, many for the first time, in Family Court. Lawyers, court employees and other litigants have told us that some of the judges with the worst reputations are "a different person" when FACE court-watchers are in the courtroom. It's also a good idea to have done some court-watching for others if you will want court-watchers there when you are presenting your own case.

Demonstrate! FACE members and supporters periodically exercise their First Amendment Right to Freedom of Speech by peacefully demonstrating publicly. These acts of civil disobedience educate the public to the destruction of

Continued on Page 11

UPCOMING EVENTS

Friday, June 13, 1997, Noon to 1:00 PM:

"Father-less Day" Rally

Hughes Justice Complex, Trenton, NJ and other locations.

FACE will again spotlight Family Court's discrimination and injustice that ignores fathers' importance to their children's well-being and makes Fathers's Day (June 15th) a meaningless hypocrisy. This year, we will bring our message right to the front door of the New Jersey Supreme Court and the Appellate Division, by meeting for one hour in front of the Hughes Justice Complex. If you can, arrive early or stay late. Prepare your own sign (no sticks, please) for issues important to you, or carry one of ours. FACE will supply handbills to give to passersby. Be prepared to be interviewed by the news media. If you can't come to Trenton, FACE can provide you with materials for a "mini demonstration" in front of your own county courthouse.

Contact: FACE Hotline, (609) 786-FACE.

Thursday, October 23 through Sunday, October 26, 1997:

National Parents' Day Coalition Conference (Oct. 23 & 24) and

Children's Rights Council 11th National Conference (Oct. 25 & 26).

Washington, DC area (Host hotel to be announced later)

National Parents' Day Coalition Conference will feature workshops and discussions on parenting, child and family issues. You can be part of a live, nationally broadcast townhall discussion on vital issues facing all parents in America. The CRC conference will feature nationally known speakers on political and legal developments related to family issues, as well as information on building, developing and publicizing parents' and children's rights organizations, and is an excellent networking opportunity. Both conferences are sponsored by the U.S. Department of Education and Children's Rights Council.

Contact: Children's Rights Council, (202) 547-6227.

Friday, October 31, 1997, 3:30 PM to 6:00 PM:

FACE Annual Halloween Demonstration at the home of a family court judge.

Family court judges trivialize the importance of the father-child relationship. If their ability to interact with their children is interfered with, maybe they will be more sensitive to the importance of our relationships with ours. FACE members and supporters will publicly demonstrate in front of the home of a family court judge, preventing him and his children from Trick-or-Treating on this fun day for children, and informing the public and the press of the destruction of families by family court. Costumes are welcome, but no masks, please. Children are welcome. Prepare your own sign (no sticks, please) for issues important to you, or carry one of ours. To preserve the element of surprise, demonstration location will not be announced to FACE members until Monday, October 27th. Meet 3:30 PM and get organized at Olga's Diner rear parking lot, intersection of Routes 70 and 73, Marlton, NJ. Maps will be distributed, and we will convoy to the judge's house.

Contact: FACE Hotline, (609) 786-FACE.

Continued from Page 10

families, violations of Civil Rights and abuses of power by Family Court judges. Demonstrations also help FACE grow because they also attract the attention of the news media. One minute on the eleven o'clock news generates 100 phone calls on our Hot-Line. For our demonstrations to be successful, we need as many people as possible. Keep in touch with FACE. Attend meetings and watch the Upcoming Events column in About FACE-NJ to find out when and where we will demonstrate.

Join the FACE board of directors. FACE welcomes members who are dedicated to the goals of the organization and have demonstrated leadership skills to join our board of directors. Are you willing to help others? Can you be a spokesperson for family values? Let a present board member know of your abilities.

Contribute to FACE through United Way

Does your employer encourage charitable giving by employees through the United Way? Did you know that you can specify how your donation will be used? FACE is a non-member Donor Choice organization at several United Way organizations. If you specify FACE as the recipient of your donation, and your employer also provides matching funds, FACE benefits even more than if you made the donation directly to us. FACE has (or will) receive donations through the following United Way organizations:

Donor Choice I.D. Number

Greater Mercer County (N.J.) United Way	*
United Way of Atlantic County (N.J.)	01298
United Way of Salem County (N.J.)	*
United Way of Southeastern Pennsylvania	09097
United Way of Tri-State (N.Y.)	022527

BECOME A VOLUNTEER ARBITRATOR

If you have good listening, fact-finding, reasoning and writing skills, you may qualify to become a volunteer arbitrator to handle automotive and other consumer-business disputes for your Better Business Bureau. A free three day training is provided, and no legal or technical background is required. Minorities and women are especially encouraged to apply.

As part of the growing field of alternative dispute resolution (ADR) BBB arbitration is a way to serve your community while gaining valuable knowledge and experience.

Call (800) 585-0499 for information and an application.



If you give through United Way, please specify FACE's Donor Choice I.D. number on your donor pledge form. Organizations indicated by an asterisk (*) do not require an I.D. number. Just list "Fathers' and Children's Equality, P.O. Box 2471, Cinnaminson, NJ" on your donor pledge form.

Advertising Contributions

	Single edition	Annual - 4 editions
3 1/2 X 2 inch "business card" (about 1/10th of a page)	125.00	400.00
Classified advertising - per word (10 word minimum)	1.25	4.00
Display advertising - per column/inch	40.00	130.00

FACE

Help us help you...
Join today and together
we can make a difference!

MEMBERSHIP APPLICATION

Date _____ New membership
 Renewal
 Regular membership \$75.00 per year.
 Patron membership \$100.00 or more. Amount enclosed \$ _____
Please make check payable to FACE.

Name _____
 Address _____

 City _____ State _____ Zip _____
 Residence _____ Date of birth _____
 County _____
 Phones: Home () () _____
 () () _____
 _____ Where?

E-mail address _____
 Are you registered to vote? Yes No I don't know
 If not, are you eligible? Yes No I don't know
 FACE may use my name as a supporter for legislative purposes. (please check)
 How many children do you have? _____ Date of birth of youngest _____
 How many overnights per month do your children spend with you? _____
 Jurisdiction of your case? _____ County _____ State _____
 Judge(s) _____
 Mental health professional(s) involved in your case: _____
 Name _____ City _____ State _____

Mail application and payment to: FACE
 P.O. Box 2471
 Cinnaminson, NJ 08077

FACE Hot Line 609-786-FACE

FACE Pennsylvania:

Philadelphia 215-335-4054
Delaware Valley 610-688-4748
Bucks County 215-FACE-464

FACE DIRECTORS

Michael Edward Fox
President
faceboss@aol.com

Barbara La Marra
Vice President

Jeffrey Golden
Asst. Vice President
jeffface@aol.com

Mark Stockhoff
Secretary

Joe Perretta
Treasurer

Everett F. Simpson
Director at Large
everettsim@aol.com

FACE MEETINGS

All meetings begin at 7:00 PM. Phone for information and directions.

Second Tuesday of each month:

FACE General Meeting
OPEN TO THE PUBLIC
Cherry Hill Free Public Library
1100 Kings Highway North
(Next to Richman's Ice Cream)
Cherry Hill, NJ
Directions: (609) 667-0300

Join us at 9:00 PM for refreshments
at a local restaurant following the general
meeting.

Third Thursday of each month:

FACE Board of Directors Meeting
(FACE members and invited guests only.)
Phone FACE Hot-Line for location

Work Group Meetings:

First Monday of each month:

Mercer County
Hamilton Township, NJ
Contact: Charles Forberg forbergc@aol.com
(609) 584-1887

Third Monday of each month:

Camden County
Cherry Hill, NJ
Contact: Tony Chirico
& Sharon Sadek sharon_sadek@fmc.com
(609) 795-3622

First Thursday of each month:

Burlington County
Wrightstown, NJ
(Near McGuire Air Force Base)
Contact: Jane Hubert
(609) 723-5996

Fourth Tuesday of each month:

Gloucester/Salem County
Mullica Hill, NJ
Contact: Cliff Wenrick
(609) 223-0434

If you will be attending a support meeting, please be courteous to the hosts and phone in advance. Non-members are usually welcome, but it may be necessary to limit attendance.

New Support Guidelines!
Do they help or hurt?
Page 6.

Forwarding and Address Correction Requested

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