

A Parent's Plea; Plight of the Non-custodial

This personal perspective has been prepared in 2009 following the latest of many events in the life of a non-custodial. In the body of this perspective is some account of what a parent incurs when removed from his children for no apparent reason other than someone's want for divorce¹. **Where lies a future for the non-custodial?**

Child enforcement views the non-custodial as only a payee or debtor, whereas the non-custodial pleads to be a parent or dad. Effort to restore this once-held position is largely a factor of financing that, in the raw sense, is nothing less than an effort to redeem his children from the state. Without any financing, the non-custodial must either accept the charge to go away (yet pay); or risk the possibility of being condemned as a criminal² in the effort to take back some portion of that unjustifiably taken from him.

October 2000 marks the beginning of the end; it is the time when the court granted my spouse her divorce on the expressed basis that "I did not make her happy". Nearly nine years have passed and, if anything is certain, it is that she has yet to find the happiness for which the court attempted to grant her. One might question whether it is the state's responsibility to ensure personal happiness, but from my perspective, the court does not uphold marriage and families; but instead, the courts reward the one responsible for dissolving the marriage and dismembering the family—while at the same time punishing the one who attempted to sustain the family and even save the marriage.

Why do the courts encourage and facilitate divorce?

Divorce is a thriving business—made so by no-fault or uncontested divorce. Statistics bear out that no-fault has been the single largest factor to burgeoning divorce, giving right to one who wants divorce at the immediate expense of the children and family—while, in the long-term, devaluing conventional marriage. No-fault has reduced marriage from a contract to a relationship of convenience and, in the totality, has weakened this once sacred trust to the degree that marriage is losing integrity; and today's young are losing interest in this bond rooted in the spiritual realm.

During the divorce trial, I referred to myself as "the lesser of two parents". On this remark, the judge was quick to point-out that, although she had been divorced herself, she was impartial or fair in her judgment. At the end of the day, my losses included: my marriage and role as a husband, my children and role as a parent, my home and place in my family, my income...and other lesser things. I did not want or seek the divorce; yet, I lost everything as a consequence while she seemingly won.

I am not sure if the courts understand the true nature of their contribution to society through the advent of no-fault divorce. Perhaps the courts will eventually

¹ No-fault divorce is an effective license to terminate marriage for want (or without justification such as abuse, abandonment, adultery, or addictions)

² The imbalance of authority resulting from the awarding of the children can be so severe as to enable one parent to criminalize the other parent. More details follow in the content below.

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accept responsibility for the thousands of children that are displaced from the dads for no justified reason. From the American Coalition of Fathers and Children, Stephen Baskerville wrote on a Father's Day:

This Fathers' Day, America remains in disgrace, with millions of children inexcusably separated from their parents for no justifiable reason. For parents and children enduring this unfathomable agony, we cannot provide immediate relief. But perhaps we can provide one thing that may help you to persevere: hope including the assurance that your suffering may become the means to prevent it in others and to restore the American family and our civilization³.

Our nation has over 30 million children separated or displaced from the fathers for all sundry of reasons. **Why do the courts contribute to this social crisis?**

Her divorce hearing and trial presented an increasing realization that the court did not (or would not) hold my wife accountable for her claims or allegations. In other words, she was given impunity for any allegation however outlandish or unsubstantiated. Further, the court did not consider the motive behind her issued restraining order (coincident with the complaint for divorce). In effect, the courts gave (or have given) the license to lie and the latitude to create law; two liberties that seemingly would defy the presumed pursuit of truth as the basis of possible justice. **Why do the courts disregard false testimony...or enable the submission of false allegations?**

The restraining order did **not** produce the intended result in terms of alleged abuse (sometimes called the "Silver Bullet Technique"⁴), but it did establish precedence in Florida that would prove essential to her desire and purpose to destroy my relationship with our children on top of the marriage and family structure. The restraining order(s) and the current injunction (February, 2006) represent a series of allowances and tolerances by the courts. In addition to the license to lie and latitude to create law, she has been granted to the longitude to violate the law in principle—exemption from implication or culpability as one being above this law.

I am the only person in the world who is legally prevented from having any contact with my children. Her latitude to create law has been the means by which a series of temporary orders were issued and, at last, an injunction that restrains in perpetuity. Her exemption from this law was last practiced in May of 2008 (just before my arrest and extradition). Placing an unidentified call at my workplace, the return of the apparent business transaction became record for the allegation of aggravated stalking. This violation of her law has been practiced in several forms and on several

³ Stephen Baskerville, President, American Coalition for Fathers and Children (ACFC).

⁴ "Silver-Bullet Technique" is basically the abuse of the system designed to help the abused; the misuse of a restraining order as a tool to leverage the legal system's authority to criminalize the other parent... rather than to protect the victims as understood and intended by law.

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occasions. She has misused the system designed to protect the abused, and she has done so without being implicated of any wrongdoing or cause.

My observation and experience does not negate the designed purpose for restraining orders, but what it does bring to question is what happens when absolute authority or power is levied to one parent over the other. When given absolute power and inexplicable exemptions, one can exploit their liberties to the degree that their conscience allows. They can or will:

- Lie routinely and repeatedly without any risk of reprimand or perjury
- Issue restraining orders predicated on false allegations or a distorted profile of the other parent
- Violate this enacted law in order to implicate the other parent and, if possible, incriminate them

How far will a parent go to destroy the other parent...or at least destroy the parent-child relationship? Again, the parent will go as far as the court allows.

Besides the general practices already mentioned, they can or will:

- Program the children into believing that the other parent does not care for them or love them; they may even tell the children that the other parent has abandoned them
- Threaten the children that any contact with other parent will lead to his arrest and incarceration; and then follow through on this threat when necessary or enabled by the courts
- Compel or force the children to testify against the parent—though the children have not exchanged a word with the parent in nearly eight (8) years or since the oldest was eleven

The consequences of such maltreatment or misuse of the children are well understood by the psychiatric community; yet the liberties of such parents (as already described) do not stop with the best interest of the children. Indeed, the children become another tool to be leveraged in the arsenal of the parent left unchecked of their own devices. Thus, the one alleging or parading to be the abused becomes the principle abuser of the true victims, the children. Where possession is said to be nine-tenths of the law, both "the system" and children become tools for the parent's purpose—maniacal thought it be.

Over time, some children come to see the *writing on the wall*; the hard truth that a parent endowed with their complete trust has deceived, threatened and abused for the central purpose of destroying their other parent. What's more, they (the children) fall prey to similar treatment should their discovery reach fruition. In other words, the children (as adults) may experience shame and ridicule should they seek out the parent long lost by the undoing of the courts. In the experience of such dysfunctional relations is the very real matter of abuse that may be overlooked by the self-proclaimed advocates of the children. While the courts are busy punishing the one parent on

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pretense or making a political statement in the form of preemptive prosecution, the real abuser is busy wielding the law and implicating the children in a scheme. Again, the consequences can be extreme as examined, analyzed and reported by the psychiatric community— that is unbiased and unadulterated in contrast to the courts.

In the worst of possible outcomes would be one or more children shattered by the experience described above; the realization that the relationship most trusted is represented by lies and deception. But the damage does not stop there— simply because the young adult must now try to *pick-up the pieces* and rediscover, if possible, a relationship torn asunder over the expressed pursuit of (and the right to) personal happiness at any cost. But happiness is never the outcome in such cases.

Occasionally I wonder if my children are still alive; that is, would the courts contact me if one of my children died? I honestly cannot answer that question. Forced to abdicate my role as their caretaker and custodian, I have been ordered by the state to surrender all commitment and promises made to my children. To expand on the position of child enforcement (as described at the introduction), my parental role died with divorce. Not only am I to “go away...and pay”, but as to my children, to accept the attitude of “come what may”. As a once parent, but now non-custodial, I cannot describe the depth at which the conduct of the court has changed my life...and that of my children's lives too. Family law and court conduct seem intended on destruction too.

As a member of the American Coalition of Fathers and Children (ACFC), I have learned of the genesis of the federal child support model. Bob Williams is the “genius tycoon” who has made millions by selling his model from the nation to the state. To add to the responsibility “to pay” is to understand that states receive incentives from the federal government for collections of child support. From this model has spawned programs that seemingly:

- Impute the non-custodial with the highest degree or amount of child support
- Imprison debtors of this system debunking the belief that the U.S. does not have debtor's prison
- Implicate the children as merely another means to generate state revenue
- Impart all forms of punitive measures aimed at punishing the parent beyond the losses aforementioned

As Stephen Baskerville notes on this subject of federally subsidized child enforcement:

Through child support programs, the government has created a machine for destroying families, and engine for generating fatherless children and for making a profit in the process at taxpayers' expense.

This model has returned some citizens to *taxation without representation* and, with the collective divorce industry, has sacrificed marriage and family at the altar of greed. As I've explained this model to acquaintances on occasion, the initial response is of total

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disbelief. **How could the U.S. (and selected states) inject tax revenue into divorce and, in such subsistence, use divorce and the children as agents of profit?**

That some professionals have profited from their participation in divorce does not surprise me; they know that divorce is more lucrative than marriage. The prevailing attitude among the general public leaves little doubt about the true interest (or nature) of these professionals who may claim to be acting in the children's best interest. Such individuals (of which I've met a few) would most likely **not** be aware of my children's death either (as I described earlier); but in actuality, would **not** be the least bit concerned unless they were being paid to participate and make token platitudes in the scheme. The intent of such participation is to make money...and nothing more.

But then enter the states—the recipients of federal incentives. Complicit in this divorce industry is the agencies that are driven to collect from the parent driven from the family. In this whole process is the ironic return of *taxation without representation*; which of course, is one reason why our forefathers fought against tyranny. What may have been adopted as a method for supporting children (as an acceptable cause or phrase) has become a means to exploit the children. As with the professionals described above, the agencies would not be present to extend their condolences, or console the bereaved, unless the death was the non-custodial. For in this one loss of the family would be a legitimate reason for the agency to consider child support modification.

Over a decade ago, David Popenoe described the state of fatherhood in his book *Life without Father* (1995) in the U.S.

The end result of many cultural, social, and economic trends...is a society surprisingly unsupportive of fatherhood. Indeed, if one were specifically to design a culture and a social system for the express purpose of undercutting fatherhood and men's contribution to the family life, our current society would be close to what would result.

Bearing in mind the period of David's observation, what has become of this crisis? **What will become of my own sons' effort to be a dad?** If they are able to mature to an age of marriage and family, will family law and the courts be similarly or increasingly able?

What is certain in this question is that I will have little if any to do in preparing them for life and for a possible place as parent of their own children. That to assist my children has been criminalized would have once left me in total disbelief. But after two arrests and a conviction as a felon, I am convinced of Mr. Popenoe's view. I have witnessed enough injustice in the justice system so as to leave me with little doubt that the same tyranny that taxed our forefathers is now at large in the divorce industry. Besides fleecing the family and taxing the destitute dads, this tyranny is destroying the very institution for which a free society depends. **How does one compete with an absolute authority that takes no responsibility?** The future will tell.