

Plight of a Parent – Phony Calls (Item #6)

“It is just professional etiquette to return a phone call at work – how did I know it was the number of my ex-wife, how did I know that I was calling her?”

- Kirk Rainer, a father of four

In October, following my release from jail, I received the contents of the evidence pertaining to my case; a summary of the evidence was provided in the last writing, “Plight of a Parent – Aggravated Stalking”. This next in a series is specifically about “Item #6” of the evidence described as follows:

6. A phone call placed to my ex-wife on or about May 16th alleging that I attempted to contact her.

The summary (from “Plight...Aggravated Staking”) began as follows:

The alleged illegality of contact with my ex-wife was actually a return call made my business phone: not knowing who was calling me (at my workplace) and assuming into to be work-related – or from a business or personal contact in Northeast Florida – I returned the call...

Yes, I did return the call; but I did not know that it was my ex-wife; I did not know her home phone number – or any other phone number to reach her or my children. The call was the simple act of business protocol or etiquette – which occurs as a normal – and legal – practice of communications.

I have learned much from my experience (and ordeal) in the courts. A restraining order or injunction can be like an “open season” form of hunting; giving full privilege to the victim for protection while offering full protection to the victim from prosecution should the order be suspect of violation; in other words, the victim can be the hunter, and the defendant can be the prey – rather than the predator; and “open season” can mean the defendant is caught in a perpetual trap (or entrapment) for which escape is largely dependent on the victim’s good graces. Perhaps the defendant could migrate or move-away – but as I continue to learn – such measures cannot preempt prosecution; and, in the most recent hunt, a returned phone call at the workplace is submitted as an unsolicited and unlawful act.

In February 2000 (prior to our divorce), the initial restraining order was filed in Florida – on the heels of a divorce order filed in Georgia. In the months to follow, the order was breached more than once – and culminated by her own volition to return to Georgia and resume residence in our home. I was not aware that – while she had the

privilege to do so – I was taking a risk of prosecution; I was not aware of the nature or a restraining order as described in the last paragraph.

Two years later (post divorce), she moved back to Florida and re-activated the restraining order. I could still “attempt” to contact my children – without violating the order – but could see them or have any physical contact. Over a period of years, she has renewed the order culminated the injunction for which enforcement can be for the duration of my life. I have learned that an injunction is not terminated when my children reach 18; but is effective for the rest of my life – or until such time that they individually decide to terminate it. So the possibility of persecution is not altogether sourced to my ex-wife but can (and may) become each or all of my children, as adults.

As I share with you (the reader) what I have learned about restraining orders and injunctions, let me also redress the basis for the injunction and its preceding orders. You may recall, that – what I call the basis of the injunction – is a misrepresentation of the referenced terms and conditions of the Final Judgment (or Divorce Decree of Georgia); but what I may have shared with you, is that the basis of the preceding orders is not based on the protection against repeat violence but is based on the protection against victimization. If my learning has been accurate, the restraining orders and injunction are not the result of violence but are a deterrent to victimization.

I close this 8th writing of “Plight of Parent” with a potential analogy – as I have reasoned through the justification for these orders, the injunction and my arrest(s).

Imagine that Florida did not allow residents to construct (or live) on the coast because of the risks of hurricanes and similar foul weather; but also imagine that Florida had never had an actual storm or similar occurrence. One day, a group of investors goes to the governor with a request that the law be amended or abolished – such that development could occur. The governor, in response, orders a meteorological study with the costs billed to the investment group. The study concludes that Florida is not at risk – based on history and a professional, scientific study. Gleeful at the prospect of development, the investors return to the governor in anticipation of project approval; yet, they are met with the same resolute rationale – contrary to scientific evidence and history, but fixed on feelings, personal perspective, and the authority of the state.

As ridiculous as this analogy may seem – particularly in view of the real risks and the real development – it can have application to a restraining order or injunction. I will explain more of the application in the next writing, “Plight of a Parent – Checks, Cash, and Monies”. Until then, I will continue to learn and express my learning that my children may eventually know.