



Spring 2019 – Newsletter of the NOW Foundation Family Law Advisory Committee

Dear Friends,

The purpose of this Newsletter is to provide continuing education on family court issues to the general public and supporters of NOW Foundation. The newsletter contains current news and information regarding the ongoing crisis for mothers and children in family courts.

Protective parents – primarily mothers – are losing custody of minor children in court proceedings that often ignore evidence of battering or child abuse and grant custody or unsupervised visitation to the abusive parent.

We hope you find the information we share with you of value as you go about your work advocating for women and their children.

Please see the Call to Action at the end of the Newsletter for how you can impact these issues.

General Information

A clearinghouse of materials the committee has compiled can be found at the NOW Foundation web site at this link, <http://now.org/now-foundation/crisis-in-family-courts/>. There are additional materials at the Chapters only web site on the NOW, Inc. website.

Family Law Advisory Committee Brochure is available at this link: <http://now.org/wp-content/uploads/2015/02/familylawbrochure7-08final.pdf>

Please complete this questionnaire for NOW Leaders and NOW Members about the practices of family law courts in your area:

<https://www.surveymonkey.com/r/SZLBZ8X>

National Family Court Watch Project – What's Happening?

By Renee Beeker

National Family Court Watch Project
A Sampling of
Inquires, Concerns, Observations, Requests for Help and New Projects

The National Family Court Watch Project is dedicated to providing an impartial assessment of the effectiveness of family courts in dealing with custody, visitation, support, property and child protection issues.

The National Family Court Watch Project believes that large-scale data will reveal national trends and ignite a call for change in the family court system. The project is a conversation springboard and a "quiet observer" to get a sense of what's happening in the family courts, report those findings publicly through a new conduit, and work with judges and the public to find solutions.

The NFCWP is the first known program to use a uniform observational instrument nationwide. We observe and report trends that the data collection reveals. The ultimate goal is to work with the public and judicial system to create methods and procedures that help resolve the problems we are finding in family courts across the country.

- **Largest Need: Request for legal support or pro bono attorneys.** These calls are from protective mothers, grandparents and other family members.
- Requests for help are mostly from women, asking for ideas and suggestions on how to protect their children from abuse. There is a real need for safety planning.
- Requests for court watch support in Family and Probate courts in many states, such as NY, CA, MI, NJ, OH, FL, TX, AZ, KY, WA, PA, NC, GA.
- Requests for help starting a court watch in their area.
- Lawyers sharing concerns for many moms placed in supervised visitation and finding it difficult to get that removed. Requesting we watch specific judges in one county.
- Mother who believed she had custody after an emergency hearing. When returning to court after emergency hearing the child's attorney told mom she did not need to attend the hearing. Child's attorney said she was asking for continuance. The result of that hearing resulted in the child being sent back to dad.

- “I’ve been reduced to seeing my kids only every other weekend and there is absolutely no reason for this especially when father abandoned the children for two years.” The court ignored this piece of the evidence.
- NY Family Court Petition moved to Supreme Court where father is hoping to end his child support obligation.
- Partnering with a law school in California and a university professor in New York to develop new Court Watch projects.

Examples of Family Court Travesties

Here are some examples of the many travesties families have lived through in family courts before the South Florida Families Against Court Travesties (FACTS) court watch program became involved. In some of these cases, after FACTS Court Watch got involved, some of the protective parents and the children enjoyed a much better outcome.

Bad outcomes like these are the reasons for the formation of Families Against Court Travesties.

Family Situation	Case Outcome
<p>Nancy M.</p> <ul style="list-style-type: none"> - custody of two children from first marriage - living with second husband and her 4 children - no abuse, no drugs, no arrest - living out of state within settlement terms 	<p>Father got custody, siblings split</p> <ul style="list-style-type: none"> - in absence of Nancy M. and without court notifying her despite abuse reported by son - Recently, Nancy M. and her parents arrested for providing refuge to son after running away; charges dropped - son continues begging to come home - son separated from sister and ½ siblings
<p>Nina R.</p> <ul style="list-style-type: none"> - stay at home Mom – 7 year marriage - children healthy - 4 year old son with speech problems allegedly caused by beatings during pregnancy - son and 6 year old daughter in school 	<p>Father got temporary custody</p> <ul style="list-style-type: none"> - Children 4 and 6 years old left with questionable care- gives while father works nights as bouncer at strip joint - children constantly sick; medicine denied, doctor’s visits missed - daughter begging to return to mother

Family Situation	Case Outcome
<p>Patricia G.</p> <ul style="list-style-type: none"> - supported husband's education early in marriage - stay at home Mom when children young <p>a teacher for one year, now earning less than half husband's income</p>	<p>Father got marital home and temporary custody</p> <ul style="list-style-type: none"> - used marital assets to pay lawyers - Patricia must work a second job to pay attorney's fees - strong feeling that judge is biased against her and women
<p>Carla S.</p> <ul style="list-style-type: none"> - shared business with children's father - moved to Florida from a mid-Atlantic state with acceptance of father and court - court denied father right to see his other children (from his first marriage) due to forensic psychological report 	<p>Father trying to get custody</p> <ul style="list-style-type: none"> - complete control of business funds - blocking transfer of case from original state to Florida despite 4 years residence in Florida - father withholds medical payments agreed to in Agreed Order - son denied prescribed medications while visiting father - son denied summer school recommendation by teachers and counselors while visiting father
<p>Marg. D.</p> <ul style="list-style-type: none"> - Adopted two sons (brothers) - 17 year marriage - Working mother and lawyer - Former volunteer Guardian Ad Litem and Law enforcement officer 	<p>Father (Deputy Sheriff) takes sons from mother and gets marital home</p> <ul style="list-style-type: none"> - Mother ordered out of her home - Mother must pay child support - Father and girlfriend alienate sons from Mother who then refuse to visit her - Mother denied visitation with sons - Over \$100,000 spent in litigation
<p>Annette S.</p> <p>stay at home Mom, 10 year marriage</p> <ul style="list-style-type: none"> - arrested based on false allegations of domestic battery by husband, mother-in-law & her boyfriend - no abuse, no drugs, no violence - children are 7 and 9 years old 	<p>Father got custody and marital home</p> <ul style="list-style-type: none"> - children left with babysitter 19 hours daily – 6 days a week - Mom now gets supervised visitation 4 hours a month - Mom now indigent and homeless - no phone contact permitted - no Guardian ad-litem allowed - over \$40,000 in litigation costs

<p>Christine M.</p> <ul style="list-style-type: none"> - stay at home Mom – 12 year marriage - husband violent; "no violent contact order" given; husband persisted in threats and uses drugs - husband behind in child support; courts unresponsive - Mom sells house, moves with children and new husband to west coast state 	<p>Father got custody after Mom's move</p> <ul style="list-style-type: none"> - mother told to return children or be jailed; not allowed to speak - father gets warrant out for arrest for back child support when mother out of work – then the court sets a 30 minute trial for a change of custody; parties settle - over \$20,000 spent in litigation
<p>Caren M.</p> <ul style="list-style-type: none"> - joint custody of son - son reports inappropriate touching by father's lover - father filing civil suits, aiming to litigate mother into poverty - 10 year marriage - older sister from first marriage 	<p>Father got custody</p> <ul style="list-style-type: none"> - mother fled country with son when Court failed to protect him from father's gay lover - father began a campaign of harassing lawsuits against family - private investigators stalk family - after the government promises that father and gay lover would not get custody, Mom brings son home, is arrested and son placed with father - father, son & lover move out of state - mother and son have had no contact since Sept. 2002 - over \$ 1.4 million in litigation costs
<p>Lisa M.</p> <ul style="list-style-type: none"> - stay at home Mom with 6 children; 3 from second marriage under age four - husband abusing older (step) children - financial and legal harassment 	<p>Judge threatens to place Lisa on supervised contact</p> <ul style="list-style-type: none"> - denied attorney's fees to hire counsel - child support arrears of \$45,000 wiped out despite no income - over \$400,000 in litigation costs
<p>Eloise R.</p> <ul style="list-style-type: none"> - Mother had custody of son, with visitation for father (retired pilot) on disability (MS) - son reported violation by father's lover; Eloise refused visitation for 1 month 	<p>Father got custody; mother in hiding</p> <ul style="list-style-type: none"> - father filed false claim of mother's income - mother evicted – now indigent - mother ordered to pay child support out of disability income and Warrants

<p>Patricia G.</p> <ul style="list-style-type: none"> - supported husband's education early in marriage - stay at home Mom when children young - a teacher for one year, now earning less than half husband's income 	<p>Father got marital home and temporary custody</p> <ul style="list-style-type: none"> - used marital assets to pay lawyers - Patricia must work a second job to pay attorney's fees - strong feeling that judge is biased against her and women
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The need for change, oversight, and adequate and thorough training of attorneys and other court professionals in domestic violence, child abuse and neglect and power and control – is clear.

Florida NOW Success Stories – Helping Battered Mothers

By Adele Guadalupe

Families Against Court Travesties (FACTS) is a Court Watch and family support program in Florida. It was developed in in 2002, by Adele Guadalupe, Natalie Andre, Shiela Jaffe and Caren Ragan. The success stories below show the positive outcomes that can be attained by developing such a court watch program in your NOW Chapter.

Below are testimonials from parents we have helped in the past couple of years.

FACTS has meant to me a symbol of comfort and an act of assurance that we are not alone in the midst of our family court struggles. Without FACTS, I would not have a fraction of the courage, resources or energy to face the legal system. Even with an attorney, FACTS has opened my awareness and understanding of the law, albeit unfair and unjust at times, and the personal, political and professional wherewithal of the 'players' – judges, attorneys, etc.

The times I had to represent myself, FACTS was behind me literally to encourage me and to inform me of what I was facing. I never felt they were taking sides legally, only to support me with compassion and humaneness.

I am proud that this group is the monitoring system of family court and truly believe that if they were NOT there, the court members would not behave as civilly or fairly as they have in my case.

Thank you FACTS!

Talking about domestic violence with law enforcement and in the court system was difficult. In my case, having sustained a traumatic brain injury as a result of domestic violence made the process even more painful. I was frightened with the reality I would need to attend multiple court appearances in front of the same judge who denied my order of protection against my abuser.

A woman in my support group told me about FACTS and I'm so thankful this organization was there to advocate for me when the court system certainly was not. Finding support with FACTS and working with the FACTS volunteer changed everything!

Today, an important part of my recovering is giving back. I volunteer supporting other women in the Family Court system in solidarity. Our experiences of helping one another to find safety is what makes us survivors of court travesties rather than victims of a broken system.

We are part of what I call "The Purple Underground"—like the Underground Railroad, helping passage out to safety.

Families Against Court Travesties (FACTS) Courtwatch has helped me personally as an individual, and through the data they've gathered they've helped our entire community by advocating for needed changes. FACTS has helped me better understand my rights to due process and fairness in all court hearings, how to best work with attorneys and judges, and what I can do to advocate for myself without attorney support and knowledge of our legal system.

FACTS is the only group in our area that neutrally observes cases and judges, and serves as a citizens watchdog type group to keep our elected officials in check.

FACTS has compiled valuable information on judges and officials who seem to have numerous complaints filed against them. They also have discovered times where justice wasn't served because the court didn't properly record a hearing basically leading to an almost "secret" court process limiting those litigants' rights and preventing the public from knowing what really happened.

I am so grateful that FACTS exists to empower the powerless.

It's because of FACTS' involvement that my children and I are reunited. We can be excited about upcoming life events as a loving family unit!

Let me explain: My case was already 2 years in, with fraudulent delays. I saw a flyer at the courthouse and reached out to FACTS in efforts to reunite my family.

I firmly believ(ed) my rights were being violated.

FACTS began attending my hearings as observers and from there the overall demeanor of the Court changed. There was a clear shift in how everyone addressed the case.

Ultimately, I was fully reunited. My family was together once again even with a sincere apology from the Judge.

FACTS promotes an honest judicial environment in hopes that litigants and/or family will be treated fairly, justly, and with respect.

I was so impressed with the efforts of FACTS members and what they strive to achieve that I to have joined FACTS, becoming a valuable active member.

Thank you FACTS!!!!

I wish I knew FACTS existed at the beginning of my divorce nightmare. I am an immigrant with no legal experience or knowledge of the legal system. To deprive me of my rights, my ex of 25 years used every trick legally possible. He is a doctor with a lawyer father and therapist mother, and had the financial resources and legal tools at his disposal.

I was blindsided and stumbled from one bad lawyer to another, who took most of my money without producing any results. The case dragged on for a little over two years until I ran out of money and energy. My child also suffered at the hands of a very unethical therapist for "reunification." I had no idea where to turn to find help and support.

Two of my lawyers and the therapist for my child are all on FACTS' informal "bad/not recommended" list. It confirmed my suspicions and feelings all throughout the case, but still made a knot in my stomach to think I could have been better off if I had this information and had someone to discuss it with sooner.

The support I received from FACTS was wonderful. I would like to use what I have learned from my experience to help others through FACTS.

An Interview with a Cyber-Security Expert Ways to Increase Your Safety

Cathy Bullock interviewed her brother, Christopher Bullock, a Chief Information Security Officer, regarding cyber-safety when a woman (or frankly anyone) divorces:

1. If a woman shares any accounts (e.g. online financial accounts, credit-card accounts, or email) with her spouse, by law those accounts are accessible to a forensic examiner---including all emails. So she would be wise to separate all of those of accounts prior to filing for divorce, if possible.
2. It's safest never to share usernames and passwords with a spouse and not to share credit cards, or bank accounts. If you are thinking about getting divorced, open separate online accounts and DO NOT share your new username and password with your future ex-spouse.

3. If a woman is engaging in a contentious divorce, and she's shared computerized devices (cell phone, laptop, I-Pad, etc.) with her spouse, it's safest if she purchases all new devices for herself. If she can't afford to purchase new devices, then at the very least she should update her passwords, and make sure she is no longer sharing any email accounts and that she has opened-up a separate bank account for herself.
4. There are services such as Splash ID One Pass that she can safely store all of your passwords on. This is safer than writing them down in a notebook, or on her computer.
5. Be aware that a spouse with any cyber knowledge can get something called a credential checker and automate possible passwords to point at accounts and hack into them. It's illegal for a spouse to hack into financial accounts that are not shared, though.
6. A spouse can also put nefarious software on her phone and computer that can log keystrokes and turn-on her webcam without her knowing it. Not all anti-virus software will detect this type of nefarious software. There is software you can put on your computer to detect malware and unlawful computer intrusion, but two forms of software are needed: one good anti-virus protection software AND one good anomaly-based detection software.
7. If a woman is being stalked on social media by an ex-partner, the best thing she can do is come off of all social media for a while---in other words, close all social media accounts.
8. Be aware that it's legal in some states for a spouse to install a GPS tracker on a car that is shared during a marriage. So if a woman has concerns about being stalked, it would be good for her to consider having her car checked for a GPS tracker.
9. Even "minor" accounts like an online library account, a Kindle account, online store account, etc, can create major problems if they are hacked, due to any personal information (e.g. name, birthdate, address) they may contain. So if a woman is divorcing, she should assess all of the online accounts she has and change any passwords/usernames she may have given to her future ex-spouse.
10. Most of the time, local law enforcement don't have the time, knowledge, or resources to deal with cyber-stalking or other cyber-crime that may occur in a divorce.

Technology Safety – Safety Net Project

The Technology Safety – Safety Net Project from the National Network to End Domestic Violence has some valuable tools. NNEDV constantly updates their website and their Took Kits. Their advice is directed specifically towards domestic violence survivors.

Here is a link to their main page on Technology Safety:

<https://www.techsafety.org/resources/>

Here is their link to a Safety Toolkit for Survivors:

<https://www.techsafety.org/resources-survivors>

For example, their Devices & Hardware section includes the following topics:

- [12 Tips on Cell Phone Safety & Privacy](#)
- [Phone & Location Safety Strategies](#)
- [Survivors' Options for Free Phones](#)
- [iPhone Privacy & Security Guide](#)
- [Video: How to Limit Location Access on a Smart Phone](#)
- [Video: How to Put a Passcode on Your Smart Phone](#)
- [Spyware & Safety](#)

The Stalking Resource Center

The Stalking Resource Center is another wealth of information, including Stalking Fact Sheets, Behavior Logs, Tips for Victims, Safety Plan Guidelines, Address Confidentiality Programs, “Stalking: A Handbook for Victims,” and much much more.

Here is the link to the Stalking Resource Center’s main page:

victimsofcrime.org/our-programs/stalking-resource-center

A Call to Action

We urge you to form a meaningful Court Watch program in your NOW Chapter if you do not already have one.

Contact National NOW to reach the Family Law Committee with any questions or to link with other advocates working on these issues.

This is a reminder to complete this questionnaire for NOW Leaders and NOW Members about the practices of family law courts in your area:

<https://www.surveymonkey.com/r/SZLBZ8X>