



Summer 2010 – Newsletter of the NOW Family Law Ad Hoc Advisory Committee

Dear NOW Leaders and Members,

The purpose of the Family Law Committee Newsletter is to provide continuing education to our NOW leadership and members, about current news and information regarding the existing crisis for mothers and children in family courts. We hope you find the information we share with you of value as you go about your work as NOW leaders and members.

General Information

A clearinghouse of materials the committee has compiled can be found at the NOW Foundation web site at this link. <http://www.nowfoundation.org/issues/family/>. There are additional materials at the Chapters only web site.

Family Law Advisory Committee Brochure available at this link. <http://www.nowfoundation.org/issues/family/familylawbrochure7-08final.pdf>

DSM-V Release Postponed

NOW Objects to Including "Parental Alienation" in Psychiatric Manual

In April, NOW Foundation sent a comment letter to the American Psychiatric Association (APA) objecting to the potential inclusion of the so-called Parental Alienation Disorder (PAD) to the Diagnostics and Statistics Manual - V, an influential resource used by many professionals in the field. The letter was addressed to the chair, Dr. Daniel S. Pine, M.D., and members of The Childhood and Adolescent Disorders Work Group who were charged with possibly evaluating this "disorder" as proposed by "outside groups." For years, so-called father's rights activists have campaigned to get this included in the Diagnostics and Statistics Manual and are undoubtedly behind these efforts.

NOW believes that the supposed disorder is merely a courtroom tactic intended to demean and undermine women involved in child custody challenges. The letter noted that..."for many years we have witnessed the abuse of women in family courts accused of this "disorder."

"The fact that two prestigious legal and judicial professional organizations have stated in their publications that the proposed subject disorder should be inadmissible in court should be sufficient indication that incorporation of the alleged disorder in the DSM would be without justification," the letter stated. "We believe that if the proposed subject disorder is added to the DSM-V it will be given an undeserved credibility as it is used unfairly against protective parent -- usually mothers -- in the courts."

The letter cited the American Bar Association's Spring 2006 journal article, "The Evidentiary Admissibility of Parental Alienation Syndrome: Science, Law and Policy" that concluded that the supposed disorder is inadmissible in court "given its lack of scientific validity and reliability". Also cited was the guidance provided by the National Council of Juvenile and Family Court Judges to reject PAD and to recommend that "under relevant evidentiary standards, the court should not accept this testimony."

The NOW Foundation letter noted the significant number of cases of violence -- beatings and murders -- of children by fathers in situations involving child custody challenges, visitation or child support complications. The letter closes wondering whether the legitimization of this alleged disorder would accelerate its use in the courtroom, being especially helpful for abusive parents to gain custody. NOW Foundation concluded that this would likely be the case and firmly urged the APA *not* to add this alleged disorder to the manual. The full letter can be read at <http://www.nowfoundation.org/issues/family/pad.html> It should be noted that members of the NOW Family Law Ad Hoc Advisory Committee read the draft letter and made many useful suggestions.

The APA has announced a delay until May 2013 for the completion of the DSM-V update after accusations of a lack of transparency and serious process problems by two former editors of the manual (<http://www.psychiatrytimes.com/display/article/10168/1493263>). Preliminary drafts of proposed changes to the DSM were briefly posted earlier this year on the APA website and field testing of the proposed changes are to take place before final publication. To learn more, go to <http://www.dsm5.org/Pages/Default.aspx>

NOW Resolution on Parental Alienation Syndrome (PAS) Passed July, 2006

The issue of Parental Alienation as a diagnosis is not a new one to the National Organization for Women. The following **NOW Resolution on Parental Alienation Syndrome was passed by the NOW membership in July, 2006**. The Resolution below described the falsity and damage done by those who would subject protective parents to a claim of Parental Alienation Syndrome. In recent years, different words are often used to gain the courts' attention, but the goal and result remain the same.

The Resolution

WHEREAS, the term Parental Alienation Syndrome (PAS) was created by the psychiatrist, Richard Gardner. It is used as a tactic in courts by litigating attorneys as a defense strategy for batterers and sexual predators that purports to explain a child's estrangement from one parent, or explains away allegations against the estranged parent of abuse/sex abuse of child, by blaming the protective parent; and

WHEREAS, there are no data to support PAS; and

WHEREAS, mothers are primarily pathologized and blamed for interfering with their children's attachment to their fathers and PAS is used by many evaluators and courts to discount children's fears in hostile and psychologically abusive situations as a form of entrapment, keeping the child from the protective parent; and

WHEREAS, abuse is continued via the court system thru a series of ruthless assaults from all angles strategically planned over time by an abuser, his criminal-divorce-personal injury attorneys and PAS therapists to fully discredit, blame and control a protective parent with the sole purpose of hiding abuse, infidelity, finances and to "win" possession of the child(ren), while proponents of PAS profit; and

WHEREAS, as documented in the PBS film, Breaking The Silence, The Children's Stories there are epidemic levels of abuse and dysfunction in our courts system where espoused judges repeat Richard Gardner's unsubstantiated doctrine and make binding recommendations in conjunction with PAS therapists and PAS attorneys; and

WHEREAS, the newly revised, 2006 edition of "Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide," published by The National Council of Juvenile and Family Court Judges, includes a strong statement condemning the use of PAS which it calls a "discredited" syndrome that favors child abusers in custody determinations;

THEREFORE, BE IT RESOLVED, that the National Organization for Women (NOW) denounces Parental Alienation Syndrome and recommends that any professional whose mission involves the protection of the rights of women and children denounce its use as unethical, unconstitutional, and dangerous.

Update from the National Council of Juvenile and Family Court Judges

In July 2009 the National Council of Juvenile and Family Court Judges (NCJFCJ) issued a statement on Parental Alienation Syndrome (PAS) from its Family Violence Dept. publication A Judicial Guide to Child Safety in Custody Cases, which points out that PAS has been scientifically discredited and that allegations of PAS or "parental alienation" may inappropriately divert attention away from the behaviors of the abusive parent. You may want to use this guide in fighting PAS and "parental alienation" claims in your child custody cases. (See cautionary statement about PAS on pages 12-13.)

<http://www.ncjfcj.org/images/stories/dept/fvd/pdf/judicial%20guide.pdf>

Maternal Custodial Loss and PAS

"Biased Family Court System Hurts Mothers" (by Garland Waller in Women's eNews)

<http://www.womensenews.org/story/commentary/010905/biased-family-court-system-hurts-mothers>.

The article describes the court's biased tendency to give custody to fathers, even those who are abusive, by discrediting mothers with the junk science of Parental Alienation Syndrome.

Mothers Day 2010 Vigil



Mothers from across the country gathered at the White House on Mothers Day to stand in

silent vigil for the children who are now in the custody of abusers.

Claims of domestic violence made by mothers and/or children are often dismissed by family court judges during divorces or child custody proceedings, even though the American Bar Association found false claims to be rare. Once an abuser expresses they want custody of the children, statistics show 70% of the time they obtain custody.

To raise awareness of this crisis in family courts, Connie Valentine and Karen Anderson of the California Protective Parents Association/Mothers of Lost Children organized with other groups such as the Center for Judicial Excellence, Justice for Children, and the National Coalition Against Domestic Violence

(NCADV). The event was also supported by Stop Family Violence and the National Organization for Women.

Dr. Mo Hannah (Siena College, New York) of the Battered Mothers Custody Conference introduced the speakers at the press conference held at noon. Kathleen Russell from the Center for Judicial Excellence, Eileen King from Justice for Children and Rita Smith from NCADV spoke to the public and members of the press present. Guests included Mildred Muhammad, ex-wife of the DC sniper, John Allen Muhammad.

Other mothers who spoke included Katie Tagle and Amy Leichtenberg, both who lost their children in murder-suicides with their abusive fathers. They had recently been on the Dr. Phil Show this spring on a show about the crisis in family court after a rash of murders by fathers.

The mothers tried to all dress in white as a sign of peace (as the Liberian women in "Pray the Devil Back to Hell" did). There were about 120 participants. The vigil lasted for about four hours.

Some members attending the vigil continued the vigil daily directly across from the White House in Lafayette Park. The plan was to continue the vigil for six weeks. Visitors to the area stopped to talk with the mothers and get more information. Four groups of foreigners expressed shock that this could be happening in America. NOW Family Law ad hoc Advisory Committee member Shannon Wilson (Indiana NOW) carried a sign showing how many days it had been since she'd seen her 8 year old son (436 days at that point) along with her NOW round, and it elicited many comments from people who passed.

The event was so well received that we will meet again on Friday October 1st, 2010, the first day of Domestic Violence Awareness Month, in front of the U.S. Department of Justice, 950 Pennsylvania Avenue NW, for a press conference at 11:00 am (pending permits). We will then march about a mile to the Senate buildings and attend prearranged visits with Senators. We will end our march at the Sewall Belmont House. The following day, Saturday October 2nd, we will rally at 1600 Pennsylvania Avenue in front of the White House. For more information please contact Connie Valentine, 916-233-8381 or cppa001@aol.com.

Evidence of Court Bias Against Women

AMERICA'S JUSTICE SYSTEM IS IT BIASED AGAINST WOMEN? (Synopsis of Workshop given by Adele Guadalupe and Sheila Jaffe of Palm Beach Chapter of Florida NOW)

The courts hold women to a higher standard than men, which results in many miscarriages of justice. Here are some of the issues:

1. Many known and admitted fathers with substance abuse still get custody or shared visitation; whereas mothers lose custody more often for these very same actions. Even incest and child abuse isn't treated seriously in many courts, especially in family court. Restraining orders for perpetrators of domestic violence are often dismissed or refused, resulting in death or severe injury to women and now their children as well. Strange as it may seem, batterers and/or child abusers are actually more likely to win custody than non-abusive partners. Statistics show that over the past year at least 75 children have been murdered by abusive fathers who used custody battles to get even with mothers, according to the Daily Beast.
2. Our courts are riddled with cronyism, corruption, and collusion. Since men are usually more powerful and financially superior to women this affects us at the heart of everything we do. Some NOW chapters have formed Court Watch Committees that evaluate judges, do PAC interviews when they are up for election, sponsor Judiciary Candidates Forum's

and actively educate voters. In addition some chapters have formed court watch coalitions with other women's organizations. Some states have seen the necessity of forming Family Law/Child Custody Committees which keep focus on the courts.

3. Another aspect of bias in the courts is that women routinely get longer sentences for drug arrests, or any other crime they are accused of; especially murder of abusive partners. They are threatened with incarceration and sometimes get it if they try too hard to protect their children. Men usually get off much lighter. Women are treated as harshly if not more so as men in jails and prisons with many of these institutions having male guards overseeing female inmates and sexually exploiting them. Rape of women prisoners by guards is not uncommon and generally goes unreported or ignored. Gender specific treatment and female only guards are desperately needed in our penal system.

Law Updates

http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_167

<http://www.lsc.state.oh.us/analyses128/h0167-ph-128.pdf>

The first link is a bill, House Bill 167, which has been passed by the Ohio House of Representatives and is pending before the Ohio Senate. The second link is to the Ohio Legislative Service Commission's Bill Analysis of House Bill 167. This bill prohibits various forms of employment and housing discrimination against victims of domestic violence and stalking; it provides additional legal protections such as giving unpaid leave and reasonable accommodations to employee-victims and authorizing tenant victims to terminate their leases early, obtain a change of locks, or obtain a transfer to another, safer public housing unit.

**“The state controlling a woman would mean denying her full autonomy and full equality.”
By Justice Ruth Bader Ginsberg**

NOW Family Law Committee poses the following question in this issue: What better way to control a mother than to take full control of her children?

Women and children face a national crisis in family law courts of the United States. NOW recognizes this crisis and seeks to address the discrimination against women in family courts. The NOW Family Law Ad Hoc Advisory Committee is appointed annually by the NOW president to provide critical information to NOW leadership and members as they respond to the family law crisis. See our website at: <http://www.nowfoundation.org/issues/family/>

