

MYTHS

*"Good mothers don't lose custody of their kids."
"The system is set up to help you."
"Courts operate strictly on legal processes."
"Courts protect children from abusers."
"Kids lie about abuse; mothers make them lie."*

A Crisis in the Family Courts

Women and their children face a crisis in many of the family law courts of this country. Experts and skilled court watchers affirm this crisis, verified by women in every state who report injustice in their divorce and custody cases.

This is especially true for battered mothers trying to protect their children from abusive fathers who aggressively litigate against them, using family courts to stalk, harass, punish, and impoverish their former partners and children. Some fathers are aided by friendly judges and court-appointed personnel, along with aggressive 'men's rights' networks.

NOW recognizes this crisis and seeks to address discrimination against women in family courts. You can find detailed information here: <https://now.org/now-foundation/>

Tips from the Front Lines: Divorce or Custody Cases

**NOTE: These suggestions are not legal advice.
There is no substitute for a qualified attorney.**

Understanding the Process

- ✓ You cannot assume that the primary caregiver during the marriage will be awarded primary custody after a divorce.
- ✓ Be aware of possible time limits for responding to motions, appeals, and other legal papers.
- ✓ When appearing for a hearing on one motion or petition, the judge will most likely allow only that matter to be heard.
- ✓ Find out everything you can about the players in your case, the laws affecting your case, and what can happen to mothers in family law courts. Check out the law at www.womenslaw.org.

Court Reporters

- ✓ You must have a court record to prepare motions, agreements, orders or to appeal a decision.
- ✓ Always try to have a court reporter present for your court hearings. You should arrange for this in advance. Check with the Judge's Clerk about this.
- ✓ Some jurisdictions charge a small fee for the court reporter to appear. Then you pay for their records by the page, if needed.
- ✓ Some jurisdictions charge a larger fee; up to \$125 per hour for the court reporter.
- ✓ Some courts record the proceedings on audiotape, then charge a variety of fees for the recordings. Ask for this if you can't afford a court reporter.
- ✓ Mandatory electronic court recordings in family court custody cases are not available in many counties in many states. Since many parents cannot afford court reporters, you may ask whether the judge can record the proceedings to ensure access afterward and eliminate the need for high-priced court reporting.

Courts, Lawyers, and other Personnel

- ✓ Get a good attorney! Research their expertise in family law and get referrals from those you trust. Ask friends or contact domestic violence programs or Legal Aid for suggestions.
- ✓ Public legal aid services can vary widely from state to state, and free help is hard to find. For legal help, information, or attorney referrals, consider your local legal aid program, nearby law school clinic, local domestic violence program, state or local bar associations, or state legal aid support centers.
- ✓ Inform the court that you would like to obtain background information before agreeing to any court-appointed guardians, psychologists, therapists, parent coordinators, evaluators, or other professionals associated with your case. If you can, submit the name of someone you choose. The court must provide a qualified interpreter at any court hearings if you or your witnesses have limited English proficiency. Call ahead and ask the judge's clerk or the court administrator for this. This is required by Title VI of the Civil Rights Act of 1964.

Domestic Violence and Safety

- ✓ If you are concerned for your safety or your child's, ask about "address confidentiality programs." State domestic violence programs should have this information. Go to www.thehotline.org to find domestic violence programs in your area. They can help with safety planning. Find address confidentiality programs here: [Address Confidentiality \(victimconnect.org\)](http://AddressConfidentiality(victimconnect.org))
- ✓ In some states, you can request temporary custody and support when requesting a protective order; you may need a sworn statement or affidavit.

Custody, Visitation, and PAS

- ✓ Be alert to the use of phony diagnostic terms such as Parental Alienation Syndrome (PAS). Trying to protect your child from violence and molestation can be deliberately misconstrued as any of the above and cause you to lose your child. All ethical psychological communities have debunked PAS as scientifically invalid.
- ✓ Do not give up custody even for a short time, as it can be hard to get it back. If the child is away long enough, the court's jurisdiction can change to the new residence, putting you at a disadvantage.
- ✓ Find peaceful, non-confrontational ways to stay in contact with your kids if you don't have custody. Try to set up a schedule for calls or other contact.

Documents

- ✓ Keep a notebook and document who you speak with, what they say, and what occurs with your ex.
- ✓ Keep all papers and information pertaining to your case; never give away originals or your last copy.
- ✓ When filing a motion for relief, include all the evidence you intend to submit (pages from transcripts, medical records, expert statements). Check local rules for guidance.
- ✓ When addressing the court in affidavits, keep your language clear and non-emotional. Have someone proofread your documents for clarity.
- ✓ Have 3 copies of documents with you at hearings (for the judge, opposing counsel, and yourself).
- ✓ Be familiar with your court file so you will know if something disappears from the file.

MORE INFORMATION

NOW Foundation Family Law

Resources:

www.nowfoundation.org/issues/family/

Resources of all kinds compiled by the NOW Family Law Advisory Committee

Women's Law

www.womenslaw.org

Legal Information by State for Victims/Survivors

Managing Your Divorce from NCJFCJ

[Managing Your Divorce: A Guide for Battered Women | NCJFCJ](#)

For battered women representing themselves in court. In English, Spanish, Korean & Chinese

Battered Mothers Custody Conference:

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

Resources & Annual Conference on the challenges battered women face in family court. View recordings of past conferences.

Liz Notes:

www.thelizlibrary.org

Women's legal and reference library on law, politics, motherhood, and marriage.

Justice for Children:

www.jfcadvocacy.org

Raises awareness of how government fails to protect our most precious resource – our children.

Domestic Violence Legal Empowerment & Appeals Project:

www.dvleap.org

Legal advocacy group that uses the courts to enforce accountability of abusive partners.

National Family Court Watch Project:

www.NFCWP.org

Working to bring an eye into the family court system using a standardized observational instrument nationwide.

FACTS:

Families Against Court Travesties

<https://factscourtwatch.com/>

South Florida court watch focusing on family court.

Self-Advocacy

- ✓ Ask permission to bring an assistant to court with you to help with paperwork.
- ✓ If your deposition will be taken, try to have both parents deposed on the same day.
- ✓ If financial information is requested for any hearing, ask to have all information exchanged on the same day, preferably before the hearing, so that you can review the information.
- ✓ If there is no written order signed by the judge and entered, it may not be binding, so check.
- ✓ Build a case timeline. Keep it updated.
- ✓ If you are involved in a parenting or home evaluation and want to present evidence to the evaluator, build four binders of copies: two for you, one for the evaluator, and one for the other side.
- ✓ Keep all documents in your files in order by date.
- ✓ You can go to the courthouse to obtain files and make copies.
- ✓ Even though you have paid for legal expertise, no lawyer is perfect. No one knows your case better than you do. Advocate for yourself.
- ✓ Request reasonable accommodations under the Americans with Disabilities Act (ADA), if needed.

The **National NOW Family Law Committee**

was created in 2004. This all-volunteer committee is comprised of parents, grandparents, activists, paralegals, organizers, attorneys, and advocates from across the nation who offer their collective experience in family law courts to aid NOW Foundation's efforts as they promote justice and equality for women.

The National Organization for Women (NOW)

Foundation does not work on individual cases; rather it addresses problems in family law through public education and advocacy. We hope that information provided in this brochure can help you and your attorney, and we encourage you to take action for positive change in the family court system.

JOIN US NOW!

You can help fight the crisis in family courts. Join at www.now.org. Or call 202-628-8669

Crisis for Women in Family Court: What to Expect and How to Fight Back

A Brochure from the National Organization for Women Family Law Advisory Committee



<http://now.org/now-foundation/crisis-in-family-courts/familylaw@now.org>

Chapter Information

