

Approved: 4/1/98  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Carmody at 11:50 p.m. on February 24, 1998 in Room 313--S of the Capitol.

All members were present except: Representative Powell (excused)  
Representative Kirk (excused)  
Representative Adkins (excused)  
Representative Klein (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Jan Brasher, Committee Secretary

Conferees appearing before the committee:

Representative Gilmore  
Paul Morrison, Johnson County District Attorney  
Helen Stephens, Kansas Peace Officers and Sheriff Association  
Jim Johnston  
Greg DeBacker, National Congress of Fathers and Children  
Buck Reidenbach, National Congress of Fathers and Children (Burlingame)  
John Wingeback, National Congress of Fathers and Children (Lawrence)  
Ron Rank-written only  
Eva Casebolt, discuss her nephew's case-no written  
Catherine Voltz, Topeka NCFC-no written  
Ron Hoover, Burlington-no written  
Odein Taylor-grandparent-no written  
Jeff Veatch, NCFC-no written  
Joseph Ledbetter, NCFC  
Angie Fritz, NOW  
Professor Linda Elrod, Professor, Washburn Law School

Others attending: See attached list

The Chair called the meeting to order at 12:50 p.m.

**HB 2867: Crimes and punishment relating to sexual exploitation of a child**

Representative Gilmore introduced Paul Morrison, Johnson County District Attorney. Conferee Morrison testified in support of **HB 2867** and stated that the provisions in the bill make substantive changes to the statute dealing with child exploitation. The conferee stated that this bill changes the words "real child" to "visual depiction of a child." to deal with the problem of computer generated child porn. The conferee stated that this bill raises the age for the child to 18 years old and also included the lewd exhibition of "female breasts" as "sexually explicit conduct." (Attachment 1)

During Committee discussion with the conferee, the conferee explained various computer imaging techniques used by those engaged in pornographic depiction of children.

Helen Stephens, Kansas Peace Officers and Sheriff Officers Association, stated that the Association supports **HB 2867**.

The Chair closed the hearing on **HB 2867**.

**HB 2816: In divorce actions, the parents may have joint shared custody of the children; parents sharing time on an equal or near equal basis**

**HB 2862: An act concerning parenting, joint shared child custody and parenting time, concerning child support, falsely reporting a crime.**

Jim Johnston testified in support of **HB 2816** and **HB 2862**. The conferee stated that **HB 2862** essentially

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Judiciary, Room 313-S Statehouse, at 11:50 a.m. on February 24, 1998.

includes most of **HB 2816**. Conferee Johnston outlined the purpose of the bill, which is to provide for dual-parent involvement in situations outside an intact home. The conferee suggested that language could be added to provide that if one parent does not cooperate, parenting time can be renegotiated. The conferee suggested amendments changing language in Section 27 and in Section 14 as outlined in his written testimony. (Attachment 2)

Conferee Johnston discussed with the Committee issues concerning how this bill might affect court discretion.

Joseph Ledbetter, National Congress of Fathers and Children testified in support of **HB 2862**. The conferee stated that he helped to write **HB 2862** because of the current practices in the state of Kansas. The conferee stated that the presumption that joint custody means both parents have equal custody time and equal decision making opportunities is not factual in Kansas. The conferee discussed the importance of the nomenclature changes contained in the bill. The conferee discussed California law and an Iowa bill. The conferee stated that this bill increases emotional support for both parents. (Attachment 3)

The Committee members and Conferee Ledbetter discussed some of the provisions in the bill.

Greg Debacker, National Congress of Fathers and Children, testified in support of **HB 2862**. The conferee outlined what he believes are the social benefits. The conferee stated that the problem is with the court system. The conferee discussed the need for presumptive shared physical custody. (Attachment 4) The conferee referred to a paper on crime and delinquency and a response to NOW resolutions. (Attachment 5)

Buck Reidenbach, National Congress of Fathers and Children from Burlingame testified in support of **HB 2862**. The conferee discussed the need for provisions providing for a rebuttable presumption of physical joint custody. The conferee stated that we do not have judges who enforce current laws. The conferee suggested that on page 7, line 36, referring to denied parenting time, that the "may" should be changed to "shall." The conferee discussed instances of false allegations of abuse. The conferee stated that an affidavit on the Michael Bolton case has been included in his written testimony. (Attachments 6, 7 & 8)

The Committee members discussed with Conferee Reidenbach issues dealing with changes in support orders.

John Wingeback, National Congress of Fathers and Children, testified in support of **HB 2862**. Conferee Wingeback explained his personal experience with the divorce laws, the court system and false allegations. The conferee stated that he strongly supports a shared parenting law with amendments pertaining to false allegations and consequences for filing false allegations. (Attachment 9)

Ron Rank provided written testimony in support of **HB 2862**. The testimony related that while he has legal custody, his children reside with his ex-wife in Ireland, her native land. (Attachment 10)

Eva Casebolt testified in support of **HB 2862**. Conferee Casebolt related a situation concerning her nephew and false allegations that prevent him and his family from seeing the children. The conferee stated that her nephew opted for a lower paying job to stay near his child, but the mother has since moved, so the child is four hours away. The conferee stated that during the marriage, her nephew was the full time day care provider as well as working a full time job. The conferee stated that the judge in Johnson county used his discretion and allowed the move and limited the visitation. The conferee requested that controls be placed on judges' discretionary powers.

Ron Hoover from Burlington, Kansas offered for support of **HB 2862**.

Catherine Voltz of Topeka, NCFC, was present to support **HB 2862**.

Jeff Veatch from Topeka, Kansas testified in support of **HB 2862**. Conferee Veatch stated that there is no clear definition for a term used frequently in custody situations, "in best interest of the child." The conferee stated that in 54% of the 10% of the cases contested the physical custody goes to the father.

Odein Taylor testified in support of **HB 2862** as a grandparent. The conferee suggested putting a cap on what attorneys can charge in one case. The conferee stated that his son had custody of the grandson until he was two-and-half years old. The conferee stated that the law should be changed so grandparents can participate in their grandchildren's life.

Angie Fritz, NOW, testified in opposition to **HB 2862**. Conferee Fritz stated that this bill is extreme, although, some things do need to change. The conferee discussed the issue of domestic violence affecting child custody cases. The conferee asked how the shared parenting time concept would change child support guidelines. The conferee stated that the provisions concerning false allegations of sex abuse charges punishes

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the parent for bringing the charges. The conferee stated that this bill presumes that divorcing couples can get along and that is not the case.

In response to a Committee member's question, the conferee stated that if a parent is extremely uncooperative in child visitation, it is up to the judge to admonish that individual to cooperate.

In response to a Committee member's question regarding how to handle false charges of abuse, Conferee Fritz stated that there is a right to report and that the judge can determine the best interest of the child. In response to a Committee member's question regarding how many divorce cases involve abuse, Conferee Fritz stated that she was not certain how many were reported but not convicted.

Professor Linda Elrod, Washburn Law School, testified in opposition to **HB 2862**. The conferee stated that the Family Law Advisory Committee of the Kansas Judicial Council is currently looking at some of these issues in K.S.A. 60-1610 regarding changing the terminology. The conferee suggested that the Committee hold off until the Family Law Committee presents their recommendations. The conferee offered to provide the Committee with a list of resources regarding studies that have been done on joint physical custody in conflicted situations. Conferee Elrod stated that all of the research shows that when there is a high conflict situation between parents, joint physical custody exacerbates the conflict. It gives the parents more opportunities to interact, it gives them more time to gouge each other and to use the children as weapons. The conferee stated that there is not one study that shows that joint physical custody in high conflict situations is good for children. Conferee Elrod stated that Kansas does have a case where the Kansas Court of Appeals interpreted Kansas law by stating that rotating the physical custody of a child on an alternating bases was contrary to a child's best interest. The conferee stated that she did not want to be interpreted as being opposed to joint physical custody, but that she is against imposed presumption of joint physical custody when the parents will not agree.

Representative Presta stated that while the provisions of the bill assumes joint shared custody, language on page 28 of **HB 2816**, starting on line 31 provides for the judge's discretion in extraordinary circumstances.

In response to a Committee member's question, Conferee Elrod stated that the Judicial Council is looking at some language changes, and she does not have any objections to changing the term, "visitation" to "parenting time."

The Committee discussed the small percentage of cases that involve high degrees of conflict.

Professor Elrod testified that it is not good for kids to be divided by the presumption of shared joint custody. Conferee Elrod stated, referring to a recent study, that the statistics show that appellate decisions concerning which gender prevails are equally divided.

In response to a Committee member's question, Conferee Elrod stated that the Family Law Committee is meeting on Friday and they are examining K.S.A. 60-1610 and making suggestions. The conferee stated that Herb Walton is the Chair of that Judicial Council Committee and he can update those interested about the status of that issue.

The Committee members discussed with the conferee the difference between the current joint custody laws and joint physical custody proposed by this bill. Conferee Elrod provided examples where shared equal joint custody was not successful.

In response to the Chair's question regarding the Kansas Court of Appeals opinion stating that the rotating joint physical custody, as a matter of law, is not in the best interest of the children, the conferee stated that she thought that the Family Law Committee is seriously discussing it. The conferee related that Charley Harris of Wichita, is on that committee and there are several others who are seriously discussing it and can bring legislation requests to the Kansas legislators.

The Chair closed the hearing on **HB 2816** and **HB 2862**.

The Chair open discussion on **HB 2867**.

A motion was made by Representative Gilmore, seconded by Representative Ruff to recommend **HB 2867** favorably for passage. The motion carries.

The Chair opened discussion on **HB 2816** and **HB 2862**.

The Chair stated that the subcommittee had hearings on **HB 2816**, and that **HB 2862** and

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HB 2816 are quite similar.

A motion was made by Representative Pauls, seconded by Representative Ruff to amend HB 2862 by taking out all the new language except leaving in the term throughout the bill "parenting time." The preamble would remain.

The Chair stated that the effect of the amendment would be to leave the initial phrase, "parenting time," but delete the other provisions in the bill.

Representative Presta made a substitute motion to adopt HB 2816.

The Chair ruled that Representative Presta's motion was a motion to further amend, and that Representative Pauls' motion is still under consideration for action.

Representative Pauls withdrew her motion. Representative Ruff withdrew her second.

The Chair ruled that consideration of HB 2862 would be withdrawn and the Committee could consider HB 2816.

Representative Presta made the motion to pass HB 2816 favorably.

Representative Presta withdrew his motion.

Representative Presta discuss information provided at the subcommittee hearing on HB 2816.

Representative Presta made a motion to amend HB 2816, seconded by Representative Mays by inserting the words, "not to exceed three months adjustment" on page 11, lines 12-14 for (non-divorce proceedings) and page 26, lines 15-17 (post-divorce proceedings). The motion carries.

Representative Presta discussed the intent of his next motion. Representative Presta stated that other than the nomenclature changes, Section 24, is the main point of the bill. That section provides that the presumption is that parents will be joint shared custodians if they agree. Representative Presta referred to line 31, of page 28 and stated that if the parties do not agree, then the court shall presume that each parent shares time with their children on an equal or near equal basis. Representative Presta stated that the bill provides that if the circumstances can not accommodate that provision, the court can determine the custody arrangements.

Representative Presta made a conceptional motion, seconded by Representative Wilk to provide that in joint shared custody situations if one of the parents moves out of the local geographical area more than 35 miles the parties shall agree on a new residency plan with the presumption of custody going to the parent staying in the local geographical area. If couples can not agree they would go back to the court for a determination of custody. The motion carries with a vote of 7 to 6.

The Committee members further discussed the malicious reporting of child abuse.

Representative Presta made a motion, seconded by Representative Howell, to recommend the bill favorably as amended. The motion carries.

The Chair stated that Representative Phill Kline had suggested an amendment brought up by one of the conferees, Mrs. Casebolt, and he would likely present a floor amendment.

The Chair stated that he along with other legislators requested that HB 2717 be referred to an exempt committee. The Chair stated that he is still waiting for word on whether that bill will be placed in an exempt committee and he will inform the committee on the floor today when he is advised of that decision.

The Chair adjourned the meeting at 3:25 p.m.

The next meeting is scheduled for March 4, 1998.

HOUSE JUDICIARY COMMITTEE  
GUEST LIST

DATE: 2-24-98

NAME	REPRESENTING
Buck Reidenbach	NCFC
Odein Taylor	Self-FATHER
Mary R Hillin	SRS-CFS
Dorrie Weekshear Johnson	KCSL
Angie Fritz	NOW
Phil Alquist	NCFC
Jeff Veatch	NCFC
Eva Casebalt	nephew
Kay Reese	Son
John Wingeback	NCFC
David Oates	NCFC
Flora DeBacker	NCFC
Catherine M. Ughy	NCFC
Kn Hoover	Father
Jim [unclear] (Wichita)	Father/Parent
Ann Durkes	Div. of Budget
GREG DEBACKER	National Congress for Fathers & Children
Linda Elrod Washburn	Washburn Law School

## Testimony on House Bill 2867

February 24, 1998

Paul J. Morrison

I'm here today to testify in favor of House Bill 2867, which involves several proposed amendments to K.S.A. 21-3516. As you are aware, this statute deals with what we commonly refer to "kiddie porn." Unfortunately, the technology has made it available today for individuals to put together or "morph" photographs of several different people together to make a single image. It is also possible, through the use of a computer, to produce a photograph of a child who does not really exist. One of the amendments in this bill changes the words "real child" to "visual depiction of a child" to deal with this potential problem. Another section of this bill raises the age for the child from 16 to 18 years of age. It also includes the lewd exhibition of "female breasts" as "sexually explicit conduct" under the statute. These are good, substantive changes to the statute that address potential problems.



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Paul J. Morrison

House Judiciary  
2-24-98  
Attachment 1

RE: In Support of HB 2862 (Which essentially includes most of HB 2816)

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**IN 1995, APPROXIMATELY 11,000 MINOR KANSAS CHILDREN EXPERIENCED  
THEIR PARENT'S DIVORCE**

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The State of Kansas must declare unequivocally that it believes that, excluding fringe situations, dual-parent involvement outside the intact home must be expected, supported, and enforced (if necessary) by its government.

Currently, the law does not clearly state this position. There exists:

- No incentives or requirements for parental joint decision-making prior to litigation
- No clear direction given to the judiciary as to how to proceed
- Language contradictions leading to unnecessary confusion

**THIS BILL:**

1. Provides the philosophical basis for all interested and involved parties in what Kansas' interest is in these matters. All laws and practices will tie back to this vision.
2. Requires the parties to attempt to develop a parenting agreement.
3. Directs attorneys as "officers of the court", to help steer the parents towards cooperation, rather than an adversarial path. Judges will rely on attorneys to help avoid unnecessary litigation.
4. Enables parents to better understand the dynamics of parenting outside the intact home, and be able to jointly decide on the best interests of their children together.
5. Guides the Court in how parenting agreements should look in the event the parents cannot come to an agreement.
6. Lessens the "win-lose" scenario that exists today; custody should not be a prize in a contest.
7. Enhances parental cooperation as that will be the expectation of the Courts hearing the matters.
8. Leads to greater cooperation and understanding of the issues and should lessen the burden existing in the courts today.

FOR THE WELL BEING OF KANSAS CHILDREN, PLEASE SUPPORT  
HB 2862 (with the attached suggested amendments detailed on page 2.)

House Judiciary  
2-24-98  
Attachment 2

Summary of key aspects of this bill (including suggested amendments):

\* **Preamble:** This is identical to HB 2816 and sets a philosophy of Kansas' interest in protecting the integrity of the child-parent bond outside the intact home.

\***New Section 1:** A key to this bill being successful in practice is the cooperation of parents in raising their children together outside the intact home. This section reinforces the expectation of cooperation with some teeth. Choosing not to cooperate should have some consequences that a District Judge must consider.

\***Section 7:** Section C dealing with false abuse of child allegations. This type of false charge is devastating to the accused parent and their relationship with the children. This must be dealt with severely. A legitimate concern may be raised as to whether this will discourage parents who sincerely believe there is abuse from saying so due to the potential penalty. This is adequately protected in the same section, letter (a) where "knowing" and "intent" to falsely accuse is specifically stated as the definition of the crime (this remains from current law).

\***Section 27:** this is where the main definition changes are made making the preferential custody situation as "joint-shared" custody.

\***Same Section 27:** (a) (1) where it has been added, "If child support is ordered, resources shall remain with both parties in amounts that allow the parties to support the child while the child is with each parent. etc." This is an important addition as it recognizes the reality that both parents will require financial child support as involved parents. The change here will require the Supreme Court's Child Support Advisory Committee to appropriately modify the Kansas Child Support Guidelines approach to recognize the legitimate costs that will occur at each home. Current Guidelines have a clear formula to address child support in the equal or near equal parenting scenario. Where it falls short is in scenarios that don't reach this threshold.

I would recommend two amendments in this section. First, page 30, line 34 where the words "or near equal" should be added before the word "manner". This would allow for necessary flexibility in the normal course of parenting. Otherwise, this may be an impractical law to enforce. The second would be in the same section page 31, at line 16, where the words "joint shared custody" should be replaced with the words "equal or near equal parenting time".

\***Section 14:** (f) (9) should be amended to, "The value and services contributed by both parents." This is consistent with the intent of dual parent involvement.



## WHO BENEFITS?

### CHILDREN

- Retain both parents active and fully participating in their lives
- Ordered child support likely to be paid (strong correlation between greater parental involvement and order compliance)
- Focus placed on children's needs to both parents
- Emotional needs are met

### PARENTS

- Greater knowledge at outset of issues around raising children outside the intact home
- Retain ability to influence and raise their children
- Maximum time available for each with their children considered and supported
- Child support paid
- Less likelihood for litigation later
- Greater ownership in parenting strategy at outset
- Less feelings of "win-lose"

### COURTS

- Less initial litigation
- Less future litigation
- Consistent philosophy guiding actions statewide
- Less strain on system
- Parties all focused on children, less on "adversarial scenario"

### KANSAS

- Less crime, drug abuse, juvenile delinquency, etc.
- Less burden on taxpayers
- Less cost to child support collection
- Healthier citizenry

## DUAL PARENT INVOLVEMENT FRAMEWORK

*[This is a background outline of what should be considered for the overall well-being of Kansas children in the typical divorce occurring in Kansas.]*

### INTACT FAMILIES

- Assumed dual-parent involvement with their children
- Assumed equal "value" emotionally of both parent to their children
- Assumed "pooling" of financial resources in support of their children
- Probably no real understanding of how divorce would impact their parenting

### DIVORCE/SEPARATION

- The children need both parents involved in their lives
- Emotional support is needed from both parents
- Financial support for the children is needed in both homes
- Parents need to understand how change will effect them and the children
- The force of law needs to be balanced against the concept of dual parent involvement

### CUSTODY/PARENTING TIME

- Shared legal responsibility
- Equal or near equal "parenting time" presumption
- Enforcement of parenting agreements
- Recognition of costs to each parent

### CHILD SUPPORT

- Shared financial responsibility
- Proportionate responsibility of financial needs based upon income
- Enforcement of child support orders
- "Real" recognition of child support needs at both homes
- Clear distinction of involved/uninvolved parents

IN SUPPORT OF CIVIL RIGHTS;

HB2862

The Fathers of Kansas are in support of presumed shared custody in All cases except for one instance, that of criminally convicted abuse of the child by either parent.

95% of the custody in the State of Kansas goes to moms,period. This outrage must stop as it is a direct violation of the Kansas Courts mission of fairness, and equality to all parties( inc. Dads),and the 14th Ammendment of the United States constitution.

Fathers are treated as serfs in our divorce courts presently ,and have no rights other than to be shut up by little god judges who often are on a power trip,lording over their victims.Those judges,are on the ultimate control trip;and their ego-manatic behavior would put most normal people in a Psyche ward.The constitution is not even a concideration in their Divorce Courts Gulag of their Soviet Socialist State Court. Animals have more rights to humane treatment than our downcaste Fathers who are torn from their kids with merciless glee, by the Kansas Kangaroo Kourts of Divorce.All Fathers are asking for is for their children to be given back on Equal basis,50-50. EQUAL!!This is fair,it is right,and it is constitutional and it will re-integrate a good number of our fathers back into their childrens lives were they can make a positive difference.IT IS TIME- NOTHING ELSE WILL WORK- EQUALITY IS THE LAW OF THE LAND- THANKYOU!! This is the year fathers get back their Civil Rights.The walls of segregation against Dads must end! State-sponsered policies of Apartheid of fathers and children ,must cease. These invisible walls and feters must be shattered by the power of Liberty and Equality and Fairness. God bless America and our Constitution,and Bill of Rights!!

Joseph Ledbetter, Father and Veteran USMC,and NAVY RES.  
305 Country Club Drive  
Topeka,Kansas 66611  
785-232-6946 Ph.

House Judiciary  
2-24-98  
Attachment 3

12  
\$4

HB2862  
Shared parenting  
Proponent

Benefits of this bill

1. Education of children will be enhanced, studies trumpeted by Vice President Al Gore show that children do better in school when the father is a part of the children lives

USA Today front page Oct. 2 1997  
full report at <http://www.ed.gov/NCES/pubs98/fathers/index.html>

2. The state will not have to build prison facilities, less: crime, rapists, child abuse, teenage pregnancy, teenage suicide, run away children, and high school dropouts

D.H.H.S, Bureau of Census, U. S. Dept. of Justice, Texas Dept. of Corrections

3. Less post divorce litigation, thus the children will not lose financially, and the constant emotional court hearings will cease

4. Lowering of the divorce rate, Washington Post, Sunday, January 25, 1998; Page C05

5. Increased compliance with child support, studies show that actively involved parents are 90%-95% in compliance, no need for government to carry a big stick to enforce support

D.H.H.S.

6. Decrease in Domestic violence Domestic violence is behavior done in the context of an adult intimate relationship. Domestic violence is a pattern of assaultive and controlling behaviors, including physical, sexual, and psychological attacks, that one adult intimate does to another.

- -Anne Ganley, Ph.D.

40.0% of mothers reported that they had interfered with the father's parenting time...to punish their ex-spouse  
- -See "Frequency of Visitation" by Stanford Braver, American Journal of Orthopsychiatry

7. Children will be less likely to live in poverty

D.H.H.S.

8. Less children with behavioral disorders

Center for Disease Control

Greg DeBacker, Chairman Topeka Chapter  
National Congress for Fathers and Children  
2907 NW Topeka Blvd

Topeka, KS 66617-1111

286-3029 286-0809 work 232-2916

e-mail DeBackerG@aol.com

Children Need Fathers not Visitors

National Congress for Fathers and Children, Topeka Chapter  
PO Box 750361 Topeka, KS 66675-0361

House Judiciary  
2-24-98  
Attachment 4

# NetWORK

Volume 10, Issue 2

Summer 1996



From The President's Desk  
Travis Ballard, Esq.

## FATHERS & THE LAW

WORKING



THROUGH

KNOWLEDGE,



NOT ANGER

By Dr. Laura Schlessinger, Ph.D.

If you listen to my show with any regularity, you know I don't talk politics. Generally speaking, I'd rather spend precious air moments doing what I believe I do best: help callers face life's dilemmas with character, courage and conscience.

This said, a recent California State Supreme Court decision concerning parental rights is so disturbing to me that I am unable to contain my disdain. Reading about this ruling literally made me cry, because in effect, it can be used to prevent half of all divorced parents from upholding the most sacred responsibility of their lives, that of nurturing their children. The impact of this case is dramatic for families in my state, and sooner than later, for those living in many other states. I want to make sure that my audience is both informed and prepared to do battle.

The California State Supreme Court ruling constitutes a major (and what I consider immoral) shift in family law, by making it easier for a custodial parent to move away, thereby denying frequent visitation, bonding, hugging, etc., to the non-custodial parent.



Cont'd on page 11

Well, summer has finally arrived. The temperature is rising and the kids are out of school. I hope everyone had a great Father's Day. Many changes are in the wind for fathers. This is a major election year. There are rumblings in the State Houses, and in Congress regarding more being done about enforcing the rights of children to have a father in their lives.

The politicians keep talking about family values. With hope, one day soon, that topic will include more than intact families, or mothers with children. That day is not yet, but it is coming. And speaking of things coming, the next NCFC National Conference will soon be upon us. So if you who have not yet made your reservations, you need to do so soon. This year's NCFC Conference is going to be the best ever!

We have designed the conference to have something for everyone. There will be programs designed for fathers, second wives, grandparents, and those in the legal and mental health fields. Some of the topics to be covered are: Malicious Moms; Denial of Parenting Time; False Abuse Accusations; False Memory Syndrome; Domestic Violence Against Men; Fair Financial Child Support; Mediation; and so very much more. Prices start at just \$75 for a single conference attendee.

But, we hope that you don't plan to come alone. We have planned this conference to be family affair and we encourage you to bring yours. There will be daycare facilities during the conference

hours. The hotel, where our conference will be held, has such child favorites as a miniature golf course, video arcade, swimming pool, and a playground. All indoors. For the budget minded, the hotel is surrounded by economy motels and restaurants.

Conference activities will end at 5:00 p.m. each day, which will give you plenty of time to explore the Kansas City Scene. Explore such places as the Kansas City Zoo, Worlds of Fun, the Casinos, Hallmark Cards' Kaleidoscope (which kids big and little will love), or just go shopping. There's also a party planned for Sunday.

If you cannot attend this year's conference, encourage others to do so. We are having one of the most informative conferences ever for attorneys and counselors who represent the interests of fathers. So get your attorney or counselor to attend.

In the following pages, you will find articles from selected conference speakers. They should give you more of an idea on what to expect.

I hope to see all of you in Kansas City. A great day is dawning in the fathers' rights movement. Let us all come together to share, and to celebrate.

Sincerely,

Travis Ballard, Esq.

Abuse Judiciary  
2-24-98  
Attachment 5

Cont'd from page 1

The court has ruled that a custodial parent has the right to move away with the children, whether or not the move is a necessity, unless the non-custodial parent can prove that moving would not be in the children's best interests and would, in fact, severely injure the children. Evidently, the court doesn't see losing a parent as a severe injury. Ask any child!

For those of you who "know" me well, you know that my bottom line is, and will continue to be, the best interest of the child. In my mind, the highest quality of life for any child will always include frequent and continuous contact with both parents, providing, of course, that the parents are loving and nurturing.



For more than a century, California statutes and case law said a parent having custody had the right to move unless there was harm to the child's rights or welfare. Simply losing contact with the other parent was not seen as automatically detrimental to the child. But in 1980, a new law was enacted, setting down the general policy that children should have "frequent and continuing" contact with both parents after a divorce. Then in 1988, the Legislature added a requirement of 45 days notice before a move, to allow time for mediation of the new custody agreement.

Since these rulings, the courts have been struggling to determine how to bring these provisions together. Figuring out actual California law on move-away cases has been an impossible quest.

The move-away dispute that resulted in this latest California Supreme Court ruling was not a particularly profound case, but its outcome can, and will henceforth, apply to cases with much more extreme circumstances. *Burgess vs. Burgess* involved a fairly manageable, albeit undesirable, 40-mile commute between parents. It is a chilling fact, however, that this case will be applied in situations involving "severance" move-aways of hundreds or even thousands of miles. What a horrible test case by which to set a precedent!

The Supreme Court case involved Paul and Wendy Burgess, who, after more than four years of marriage and two children, separated and filed for divorce. Through mediation, they agreed that Wendy would have physical custody of the children, then ages 3 and 4, and Paul would have liberal visitation rights, which he exercised on a regular basis.

When later, the two could not agree about Wendy's desire to transfer to a new job about 40 miles away, Paul asked for physical custody of the children. Wendy maintained that moving to the new community would advance her career, allow quicker access to hospitals in their medical plan, and provide more day care facilities (oh, great), private schools and extra-curricular activities for the children. Paul, on the other hand, argued that in light of the intensive, daily investment he'd made throughout his children's lives, he deserved custody.

Thus began a lengthy and expensive series of court procedures that eventually ended up at the State Supreme Court, which ruled in Wendy's favor.

Since it is most often the mother who wants to move away, the outcome of this case is being applauded by well funded and

organized feminist groups, whose "me first" philosophies most often totally disregard the welfare of children.

I simply don't get it. How can anyone argue that ripping a child away from a loving parent can be in that child's best interest? I ask those of you who grew up feeling abandoned or cheated out of a parent who died or left the family: Did you not feel severely injured by the loss of that parent? Did that loss not result in emotional "demons" you're forced to continually struggle with even in your adult life?

This case presents an impossible burden of proof for non-custodial parents who are left to quantify and provide evidence for severe injury that has yet to be inflicted. While family law attorneys in favor of this ruling are quick to point out the fact that in most child custody disputes, psychiatric evaluations are ordered by judges, it is virtually impossible to prove a future negative. While reams of statistics are available to support the theory that a lack of involvement by both parents in a child's life is detrimental, such generalities rarely hold much weight in court. In addition there is no guarantee that a judge will side with the mental health professional when it comes to delivering a ruling.

Another major objection I have to this decision involves the fact that child visitation orders are extremely difficult, expensive and time consuming when it comes to enforcement between states.

Meaning, if one parent moves away, he or she can make it extremely difficult for the abandoned parent to see the child. The cost of long distance litigation can price many individuals right out of active parenthood. Where child welfare is concerned, how can a parent who lives thousands of miles away possibly monitor the child's living situation to insure that he or she is being properly cared for? And how can they go to a school open house, a sports event, shopping, or.....?

Cont'd on page 14

Cont'd from page 11

Many times when parents and children are separated logistically, non-custodial parents simply give up. Statistics from the U.S. Census Bureau demonstrate that when children reside in the same state as the non-custodial parent, compliance with child support orders is 81 %. When children are moved out of state, child support compliance drops to between 46% and 64%. The reality is simple-when the non custodial parent is allowed to parent, he or she will most often be responsible.

The move-away dilemma is not just a burning issue in California. This spring, the New York Court of Appeals has also ruled in favor of custodial parents who wish to move away. Legal experts strongly believe that a trend has been established and that move-away battles will be fought across state lines using these rulings as ammunition in support of liberal move-away decisions.

With that in mind, Travis Ballard, President of the National Congress of Fathers and Children has some advice for divorcing parents who are now vulnerable to the current trend in move away legislation. To best insure that continuous and frequent contact be maintained by both parents, Ballard advises:

- 1) Obtain a very specific legal order stipulating a shared parenting plan. This plan must be established with the court.
- 2) Maintain a high level of involvement in the child's life, including schooling, health issues, sporting activities, etc., and of course, regular and consistent visitation.
- 3) Obtain court-ordered joint physical custody of the child. In such cases, there is no presumption favoring move-aways, and trial judges make determinations based on that which is in the best interests of the child.

While this issue may not affect you or your family directly, there are things which you can still do to

make an impact on turning this situation around.

There is little doubt that the next stop for move-away legislation will be the United States Supreme Court. The National Congress of Fathers and Children (1-800-733-DADS) suggests citizens can become involved by taking the following actions:

- 1) Write letters to, and visit the offices of your state and federal lawmakers, voicing concern over the recent move-away rulings.
- 2) Attend local hearings involving move-away cases.
- 3) Write editorials and letters to the editors of newspapers.
- 4) Voice an opinion on call-in talk shows when appropriate.
- 5) Join and financially support non profit groups, such as the National Congress of Fathers and Children, which offer an organized and well-articulated approach to opposing the issue.

It greatly saddens me to realize that we now live in a society which places the highest value on personal comfort and convenience. Innocent children are too often the victims of this selfish philosophy. This latest trend in family law offers a vivid example of the shift in thinking away from traditional values which once held in high esteem the notion of self-sacrifice.

The only comfort I take is the knowledge that the pendulum of public and legal opinion is continually swinging in one direction and then the next. I hope and pray that public outcry concerning this issue will make a significant impact in swaying that pendulum of values back in the direction of reestablishing a deep and abiding commitment to the welfare of children.

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Cont'd from page 6

She was notified in December that because she could not provide the names of her children's fathers, her AFDC benefits would be reduced and her AFDC case would be closed in six months.

Before the new law took effect last July, AFDC applicants and recipients were required to cooperate in the collection of child support by providing all available information on the father's identity.

The new policy requires an AFDC applicant or recipient to provide the first and last name of the father or all individuals with whom they have had sexual intercourse who could be the father. Except in cases of verified rape, that information must be provided even if the applicant or recipient has good cause for refusing to cooperate. Failure to provide the required information is interpreted as not cooperating.

The law center alleges that the new policy violates federal welfare regulations requiring those AFDC applicants and recipients cooperate in identi-

fying fathers. Those regulations state that cooperation can include "attesting to lack of information, under penalty of perjury."

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From Stuart Miller (smiller@capaccess.org)  
The Virginia Poverty Law Center had been previously called the Women's Poverty Law Center.

Cont'd from page 3

chology and its methods for dealing with stress; and the effect of stress on physical and mental health.

In divorce, as in life in general, we often cannot control the things that happen to us. However, we do have more control than we realize as to how we respond to those things. When we manage stress better, we stay in greater control, and in so doing we stand a better chance of eventually gaining control of our situation as well.

CLAUDE (BUCK) REIDENBACH

President, Topeka Chapter  
National Congress for Fathers and Children

216 West Lincoln  
Burlingame, KS 66413

Telephone (785) 654-3199

TESTIMONY IN FAVOR OF HB 2862

Dear Committee Members:

I must begin by complimenting you as members of the legislature and as lawmakers. Your have been far ahead of most of the other states all along. I did not realize it until I read the Kansas statutes in this bill, along with the proposed changes in italics. It has been the intention of the legislature to have shared joint custody all along. It has been the intention of the legislature to have both parents involved with their children all along. It has been the intention of the legislature to prosecute those responsible for false allegations, to prosecute those responsible for the interference of custodial rights and to enforce court ordered visitation (parenting time), at the same time allowing for make-up parenting time. Yes, make-up parenting time, or visitation, is already addressed in our statutes. I humbly ask your forgiveness for accusing you and other lawmakers, past and present, of not being considerate of fatherhood. Going over the existing statutes, criminal and civil, as it pertains to this bill, it is very apparent that nearly all of the concerns we fathers have had in the past have already been addressed by past legislation. It has been the Judiciary and the law enforcement community that has dropped the ball so miserably. It has effectively rendered us fathers to a *good for nothing but a paycheck only, otherwise, insignificant status.*

The only real change, not otherwise considered by past legislation, is the use of the term, *parenting time*, instead of *visitation*. Who in their right mind would not favor such a term? It is so proper, and even politically correct. I have heard of mediators and social workers voicing concerns about the degrading term, *visitation*. They consider the time spent with kids by their parents as just that, *parenting time*.

Last week, when this committee was hearing testimony on legislation to keep children away from a parent who murders the other parent, the so-called *In the Best Interest of the Child Association*, Committee, or whatever they refer to themselves as, testified in favor of that bill, but immediately afterwards, when testimony of on HB 2816 was heard, proposing to change *visitation* to *parenting time*, they were nowhere to be found. Are they here today? Will they support what we consider the most important piece of legislation to cross your path in decades? If they don't testify in favor of it, or fail to testify at all, you will know they are not truly interested in the best interest of the child. What then, I ask? Are they just another anti-male activist, pro-fem., NOW spin-off organization? Enough said there.

Why do I say that HB 2862 is so important, when at the same time, claiming that most of the issues are already covered by Kansas statutes? It is because, due to the failure of judges and prosecutors to correctly interpret the law as it now stands, and properly carry

House Judiciary  
2-24-98  
Attachment 6



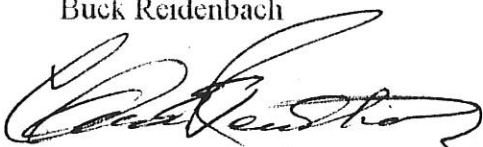
out their duties, we are here to ask you, no beg you, to close the loopholes that give these judges and prosecutors such a wide range of discretionary powers that they can convolute, rationalize, and abuse their discretion to fit whatever personal need or prejudice they may feel at any given time, so as to fulfill their own personal and political agendas. We need to find a way to send a message to these judges and prosecutors and compel them to do their jobs. HB 2862 addresses those concerns rather specifically and practically. a. It addresses the false allegation issue more specifically, on page five, line 43. b. The issues surrounding the enforcement of court orders dealing with joint shared custody and make-up time is addressed on page two, lines 1 through 11., and pages 6 through 8, subsections *a* through *h*. c. The true intention of the term, *in the best interest of the child*, is addressed on the first page. d. Other than a few minor changes in the wording, such as, on page 7, line 36, the word *may* should be *shall*, this bill, when it is ratified, can be a very effective tool to ensure what is truly *in the best interest of the child*.

I have given you considerable information to support HB 2862. Whatever the feminists tell you on one hand, we can overwhelmingly give you on the other hand, as exemplified by the extensive amount of information you presently have. This is not self-perpetuated, self-generated data. It is, in fact very pertinent, accurate, objective, unbiased information from a vast array of sources. What I gave you is only one tenth of what I could have given you. I know that it is a lot. Please review it. It is very good information, and can be very helpful if you chose to check it out more closely. You also have the NOW rhetoric we retrieved off of the Internet. Also, there are rebuttals as these statements are made. You should be familiar with this NOW rhetoric by now. It is the same testimony you hear every time anti-male legislation is kicked around, and, in part what you heard last week when you heard testimony on HB 2816. It is amazing to me that I have seen and heard statements by politicians both in Washington, DC, and Kansas that closely resemble those NOW propaganda statements you are currently reading. This indoctrination of our leaders is scary. I am glad that you are now aware of this propaganda.

Let's work together to end this nonsense in domestic courts ladies and gentlemen. Let's end the abuses by judges and prosecutors who do not want to address the issues properly. Let's prosecute false allegations of domestic and child abuse that are made in an effort to interfere with custodial rights. False allegations of child abuse are at 2,000,000 cases per year, while substantiated cases are half that. Please see supplemental handout concerning this very issue, CAPTA. "No amount of truth can catch a lie." (Warren Farrell) I will do whatever it takes to help you. That is my promise to you. Please, help us fathers keep our promises to our children.

Thank you

Buck Reidenbach



# CRIME AND DELINQUENCY

(When deciding what to do about youth violence, it is of the utmost importance to get all the facts)

Ramsey Clark, Crime in America (New York: PocketBooks, 1970), p. 39: "In federal youth centers nearly all prisoners were convicted of crimes that occurred after the offender dropped out of high school. Three-fourths came from broken homes."

Ibid. p. 123: "Seventy-five percent of all federal juvenile offenders come from broken homes."

Margaret Wynn. Fatherless Families: A Study of Families Deprived of a Father by Death, Divorce, Separation or Desertion Before or After Marriage (New York: London and Maxwell, 1964), p. 147: "The loss of a father increases the risk that a child, and particularly a boy, will become a delinquent by a factor of approximately two."

Betty Friedan, The Feminine Mystique (New York: W.W. Norton, 1963), p.196: "A famous study in Chicago which had seemed to show more mothers of delinquents were working outside the home, turned out to show only that more delinquents come from broken homes."

Education Reporter, December, 1986: "A study by Stanford University's Center for the Study of Youth Development in 1985 indicated that children in single-parent families headed by a mother have higher arrest rates, more disciplinary problems in school, and a greater tendency to smoke and run away from home than do their peers who live with both natural parents-**no matter what their income, race, or ethnicity.**"

Starke Hathaway and Elio Monachesi, Adolescent Personality and Behavior (Minneapolis: University of Minnesota Press, 1963), p. 81: "Broken homes do relate to the frequency of delinquency. Further, if a home is broken, a child living with the mother is more likely to be delinquent than one for whom other arrangements are made. In the case of girls, even living with neither parent is less related to higher delinquency than is living with the mother."

Henry B. Biller. Father, Child and Sex Role (Lexington, Massachusetts: D.C. Heath and Company, 1971), p.49: "It is interesting to note that the Gluecks found that both father absence and mesomorphic physiques were more frequent among delinquents than among nondelinquents [Glueck S. and Glueck, E., Unravelling Juvenile Delinquency. New York: Commonwealth Fund, 1950; Physique and Delinquency, New York: Harper and Raw, 1956]."

Dewey G. Comell, et al., "Characteristics of Adolescents Charged With Homicide: Review of 72 Cases.' Behavioral Sciences and the Law, 5. No. 1 [1987], 11-23; epitomized in The Family in America: New Research, March, 1988: "In a new study of 72 adolescent murderers and 35 adolescent thieves, researchers from Michigan State University demonstrate that the overwhelming majority of teenage criminals live with only one parent. Fully 75 percent of those charged with homicide had parents who were either divorced or had never been married at all: that number rises to 82 percent of those charged with nonviolent larceny offenses."

Los Angeles Times, 19 September, 1988: "In a grim portrait of youthful offenders, a federal study released Sunday indicated that nearly 39% of the 18,226 juveniles in long-term youth correctional institutions were jailed for violent crimes, and that nearly three out of five used drugs regularly....[According to Steven R. Schlesinger, director of the Bureau of Justice Statistics] "Almost 43% of the juveniles had been arrested more than five times.' ...Researchers found that many of the young adult offenders had criminal histories that were just as extensive as those of adults in state prisons. For example, more than half of the young adults surveyed-as well as a comparable sample of state prisoners-were found to be incarcerated for violent offenses....The report also painted a picture of broken homes and poor education: Nearly 72% of the juveniles interviewed said that they had not grown up with both parents, and more than half said that one of their family members had been imprisoned at least once."

Richard M. Smith and James Walters, "Delinquent and Non-Delinquent Males" Perceptions of Their Fathers." Adolescence, 13, 1978, 21-28: "The factors which do distinguish between delinquents and non-delinquents indicate that delinquency is associated with: (a) lack of a warm, loving, supportive relationship with the father: (b) minimal paternal involvement with children: (c) high mate male involvement in the lives of youth: and (d) broken homes. The factors which may serve to insulate youth from delinquency are: (a) a stable, unbroken home, characterized by loving, supportive, parent-child relationships: (b) a father who has a high degree of positive involvement with his son: and (c) a father who provides a stable model for emulation by his male offspring. The evidence reported herein supports that of earlier investigations that fathers appear to be significant contributors to the development of offspring who are capable of adapting and adjusting to society, and that fathers who are involved with their offspring in a warm, friendly, cordial relationship are important in the child's life for the prevention of delinquent behavior."

Los Angeles Times, 3 November, 1985 [Ronald Ward, 15, murderer of two elderly women and a 12 year old child. According to Joseph B. Brown, Jr., Ward's attorney]: "The hardest thing in this case was that my client's a child and really had no controlling parents. The grandmother who raised him is senile, bless her soul. People oppose abortion and sex education, make no provision to deal with the resulting parentless children. then when these children go ahead and do what can be expected, people want to kill them." ...David Bumett, the circuit judge who presided at the trial, said: "The tragedy in the Ronald Ward story is he's a victim of a society that allowed him to live in a situation where he had no guidance or control...."

"[The senile grandmother's] unmarried daughter, she said, gave her the baby in late 1969, soon after he was born. The daughter 'used to come around once every two years, but then it got to a place where it was only every four or five years.' She hasn't heard from her now in years."

Marilyn Stem, John E. Northman, and Michael R. Van Slyck, "Father Absence and Adolescent 'Problem Behaviors': Alcohol Consumption, Drug Use and Sexual Activity." *Adolescence*, 19, 1984, 301-312: "The absence of the father from the home affects significantly the behavior of adolescents, and results in greater use of alcohol and marijuana and higher rates of sexual activity. The impact of the father's absence from the home is apparently greater on males than on females. The alcohol and marijuana use and sexual activity rates for father-absent males is greater than for any other group. The data underscore the significance of the father as a key figure in the transmission of values and as a role model in the life of the adolescent. In addition, the father may have a stabilizing influence within the family structure.... This suggests that the father's presence may serve as a deterrent to more liberal indulgence in alcohol and marijuana use and sexual activity.... Father-absent males reported the highest levels of alcohol and marijuana use the sexual activity. This group of adolescents appears to be particularly at-risk for problems associated with the three areas of alcohol, marijuana and sexual activity."

Rachelle J. Canter, "Family Correlates of Male and Female Delinquency," *Criminology*, 20, 1982, 149-167: "Consistent with earlier research, youths from broken homes reported significantly more delinquent behavior than youths from intact homes."

Robert K Ressler, Ann W. Burgess and John E. Douglas, *Sexual Homicide: Patterns and Motives* (Lexington, Massachusetts: D.C. Heath and Company, 1988), pp. 20f: "[I]n seventeen cases [out of 36 sexual murders the biological father left home before the boy reached twelve years. The absence was due to a variety of reasons, such as death or incarceration, but most often the reason was separation or divorce.... Given the departure of the father from the family, it is not surprising that the dominant parent to the offender during childhood and adolescence was the mother (for twenty-one cases). Some of the offenders were able to speculate on the meaning this had in their lives, as in the following case:

The breakup of the family started progressing into something I just didn't understand. I always thought families should always be together. I think that was part of the downfall...I said whether I did anything good or bad. They left that totally up to my mom. We'd go out on boats and cycle riding and stuff like that, but when it came down to the serious aspects of parent-child relationship, never anything there from the male side... My brother was eighteen and moved in with my real dad. I was ten and stayed with my mother.

"Only nine murderers said the father was the dominant parent, and two said both parents had shared the parenting role.... The low level of attachment among family members is indicated by the murderers' evaluations of the emotional quality of their family relationships. Perhaps the most interesting result was that most offenders said that they did not have a satisfactory relationship with the father and that the relationship with the mother was highly ambivalent in emotional quality."

Ibid., p. 92: 'In attempting to explain why Warren committed the murders, the psychiatrist pointed to his back ground, making the following observations:

1. Warren grew up in a home where women were in control and men were denigrated.
2. Warren's traumatic victimization at age twelve by two older girls served to confirm his picture of the world.
3. Warren's marriage to a woman with four children demonstrates his tendency to empathize more with children than adults and his feelings about mother figures.
4. The timing of the murders indicated a rekindling of Warren's own childhood fears as a result of the events of pregnancy and childbirth; thus, he perceived it necessary to destroy these women in order to prevent his own destruction.
5. The mutilation of his victims was an attempt to remove gender identification from his victims and render them nonfemale."

Douglas A. Smith and G. Roger Jarjoura, "Social Structure and Criminal Victimization," *Journal of Research in Crime and Delinquency* 25 [Feb., 1988], 27-52; epitomized in *The Family in America: New Research*, June, 1988: "Criminologists have long used race and poverty as key variables for explaining crime rates. However, researchers at the University of Maryland find that when differences in family structure are taken into account, crime rates run much the same in rich and poor neighborhoods and among black, white, and Hispanic populations. In their study of over 11,000 urban residents of Florida, upstate New York, and Missouri, Professors Douglas A. Smith and G. Roger Jarjoura found that 'the percentage of single-parent households with children between the ages of 12 and 20 is significantly associated with rates of violent crime and burglary.' The UM team points

ou 'many studies that find a significant association between racial composition and crime rates have failed to control for family structure and may mistakenly attribute to racial composition an effect that is actually due to the association between race and family structure.' Drs. Smith and Jarjoura likewise criticize theories that attribute crime to poverty since when family structure is taken into account, 'the effect of poverty on burglary rates becomes insignificant and slightly negative.'

**"This new study should dispel illusions about curing the social effects of casual divorce and rampant illegitimacy through government programs that merely alleviate poverty or reduce racial prejudice."**

Dr. Lee Salk, *What Every Child Would Like is Parents To Know*, cited in Doug Spangler, "The Crucial Years for Father and Child," *American Baby*, June, 1979: "Research conducted on children whose fathers were away in the military service revealed that....boys whose fathers were absent during the first year of life, seemed to have had more behavior difficulties than would normally have been expected. They seem to have had more trouble establishing and keeping good relationships, not only with adults but with other children. Other studies showed a reasonably close relationship between delinquent behavior in boys and the absence of an adequate father (male) figure during childhood."

Henry Biller, *Father, Child and Sex Role* (Lexington, Mass.: D.C. Heath, 1971), p.1: "Much of the current interest in the father's role seems to have been intensified by the growing awareness of the prevalence of fatherless families and the social, economic and psychological problems that such families often encounter. The fatherless family is a source of increasing concern in many industrialized countries."

Ibid., p. 39: "Bacon, Child, and Barry [Bacon, M.K., Child, I.L. and Barry, H. III, "A Cross-Cultural Study of Correlates of Crime," *Journal of Abnormal and Social Psychology*, 1963, 66, 291-300] discovered that societies with relatively low father availability have a higher rate of crime than do societies in which the father is relatively available. Stephens' data [Stephens, W.N. "Judgments by Social Workers on Boys and Mothers in Fatherless Families," *Journal of Genetic Psychology*, 1961, 99, 59-64] suggest that intense, restrictive mother-child relationships are more likely to occur in societies in which there is relatively low father availability in childhood. Close binding mother-child relationships appear to be negatively related to sexual adjustment in adulthood."

Ibid., p. 66: "Juvenile delinquency can have many different etiologies, but paternal deprivation is a frequent contributing factor. Many researchers have noted that father-absence is more common among delinquent boys than among nondelinquent boys. Studying adolescents, Glueck and Glueck [*Unraveling Juvenile Delinquency*, 1950] reported that more than two-fifths of the delinquent boys were father-absent as compared with less than one-fourth of a matched nondelinquent group. McCord, McCord, and Thurber ["Some Effects of Paternal Absence on Male Children," *Journal of Abnormal and Social Psychology*, 1962, 64, 361-369] found that the lower-class father-absent boys in their study committed more felonies than did the father-present group, although the rates of gang delinquency were not different. Gregory I. Gregory, "A Retrospective Data Following Child Loss of a Parent: I. Delinquency and High School Dropout," *Archives of General Psychiatry*, 1965, 13, 99-109] referred to a large number of investigations linking father-absence with delinquent behavior and also detected a strong association between these variables in his study of high school students.

"Siegman [A.W., "Father-Absence During Childhood and Anti-social Behavior," *Journal of Abnormal Psychology*, 1966, 254, 71-74] analyzed medical students' responses to a questionnaire concerning their childhood experiences. He compared the responses of students who had been without a father for at least one year during their first four years of life, with those of students who had been continuously father-present. The father absent group admitted to a greater degree of antisocial behavior during childhood. Other researchers relying on self report procedures have also reported that individuals from fatherless families are more likely to engage in delinquent behavior [F.I. Nye, *Family Relationships and Delinquent Behavior*, New York: Wiley, 1958; W.L. Slocum and C.L. Stone, "Family Culture Patterns and Delinquent Type Behavior," *Marriage and Family Living*, 1963, 25, 202-8]. Anderson [L.M., "Personality Characteristics of Parents of Neurotic, Aggressive, and Normal Preadolescent Boys," *Journal of Consulting and Clinical Psychology*, 1969, 33, 575-81] found that a history of paternal absence was much more frequent among boys committed to a training school. He discovered that father-absent nondelinquents had a much higher rate of father-substitution (stepfather, father-surrogate, etc.) between the ages of four to seven than did father-absent delinquents.

"Miller [W.B., "Lower-Class Culture as a Generating Milieu of Gang Delinquency," *Journal of Social Issues*, 1958, 14, 5-19] argued that most lower-class boys suffer from paternal deprivation and that their antisocial behavior is often an attempt to prove that they are masculine. Bacon, Child and Barry [Bacon, M.K., Child, I.L. and Barry, H. III, "A Cross-Cultural Study of Correlates of Crime," *Journal of Abnormal and Social Psychology*, 1963, 66, 291-300], in a cross-cultural study, found that father availability was negatively related to the amount of theft and personal crime. Degree of father availability was defined in terms of family structure. Societies with a predominantly monogamous nuclear family structure tended to be rated low in the amount of theft and personal crime. whereas societies with a polygamous mother-child family structure tended to be rated high in both theft and personal crime. Following Miller's hypothesis, Bacon, Child and Barry suggested that such antisocial behavior was a reaction against a female-based household and an attempted assertion of masculinity. A large number of psychiatric referrals with the complaint of aggressive acting-out are made by mothers of preadolescent and adolescent father-absent boys and clinical data suggest that sex-role conflicts are frequent in such boys."

by Kaye, *Male Survival* (New York: Grosset and Dunlap, 1974), p.155: "Facing economic hardship and a much higher probability of a broken home, brittle family relationships, and an absentee father, the mere struggle for existence becomes a major preoccupation, and the niceties of psychological development may become negligible or coarsened in the process. Growing up deprived also often means growing up with little impulse control. Since the capacity to internalize one's impulses is a prerequisite for progress, handicaps mount. Fragmented families frequently germinate rage-filled children: and rage plus poor impulse control equals confrontation with the law. A sorry case, calling for any bright innovations which a boy's nimble brain can devise."

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Patricia Cohen and Judith Brook, "Family Factors Related to the Persistence of Psychopathology in Childhood and Adolescence," *Psychiatry*, Vol. 50, Nov., 1987, p. 344: "One-parent families and families with multiple marital disruptions are apparently unable to mount effective means of counteracting pathological reactions that have developed in their children."

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Barry Siegel, *Los Angeles Times*, 3 Nov., 1985: "Most of the young convicts' stories, full of parents who ran off and unguided lives on the streets, evoke pity. Most of their deeds, full of rapes and beatings and murders, evoke horror."

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Rass L. Matsueda and Karen Heimer, "Race, Family Structure, and Delinquency: A Test of Differential Association and Social Control Theories," *American Sociological Review*, 52 [Dec. 1987], 826-40; epitomized in *The Family in America: New Research*, March, 1988: "Teenagers from broken homes are much more likely to become delinquents than are teens from intact families, particularly if they are black....Given the family roots of black delinquency, the authors of this new study found it 'not surprising that simplistic policies of rehabilitation and deterrence have failed to stem the tide of rising rates of delinquency.'"

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Phyllis Chesler, *Mothers on Trial: The Battle for Children and Custody* (New York: McGraw-Hill, 1986), p.291: "Who are the women in prison?...More than half are single mothers living on welfare."

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Bill Hazlett and David Shaw, *Los Angeles Times*, 31 December, 1972, citing the views of Dr. Chaytor Mason, clinical psychologist at USC: "But many mothers just can't cope with growing boys alone, especially not with growing boys who are already frustrated by the uncertainty of their own masculinity. The boys misbehave, and the mother tells them how bad they are, and the boys, in effect, tell themselves, 'If I'm going to be bad, at least I'm going to be good at it.'"

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Tamara Jones, *Los Angeles Times*, 19 December, 1988: "Favoring shaved heads and crisp, military-style clothing, skin-heads are thought to have doubled their ranks over the last nine months alone to claim an estimated 2,000 to 3,500 hard core members nationwide. Some even carry business cards with their particular gang's name, post office box number and racist motto...."

"What you have here is not the last, dying remnants of an old problem" says Lenny Ziskind of the Center for Democratic Renewal. "What we have here is just the embryo of a future problem.'..."

"[Eric Anderson, a Yakima, Wash., anthropologist] described the skinheads as ranging from 14 to 27, from largely middle-class neighborhoods and broken, unstable families.

"Most are dumber than bricks, but some are real sharp," Anderson said. "They're openly trying to recruit all the time, and oftentimes it's runaway kids or punks who are looking for some family unit."

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Gary Bauer, "Report to the President from the White House Working Group on the Family," quoted in Phyllis Schlafly Report, February, 1988: "A study by Stanford University's Center of the Study of Youth Development in 1985 indicated that children in single-parent families headed by mothers have higher arrest rates, more disciplinary problems in school, and a greater tendency to smoke and run away from home than do their peers who live with both natural parents-no matter what their income, race, or ethnicity."

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Margaret Cambric, Executive Director, Jenesse Center, Los Angeles, quoted in *Los Angeles Times*, 27 February, 1988: "When you're dealing with gang activity, you're dealing with the family structure. People don't tend to see it that way....All of it is domestic violence....gang violence stems from the home."

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Neal R. Peirce, citing William Haskins, National Urban League Director of Human Services, quoted in *Los Angeles Times*, 30 June, 1982: "[T]here is a strong correlation between the single-parent family and child abuse, truancy, substandard achievement in school and high unemployment and juvenile delinquency. Fatherless boys figure heavily in crimes, according to police officials....Young girls are almost ostracized if they're not ready for sex. Young men won't use (contraceptives). They say, 'That's a reflection on my manhood.'"

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Dr. Carlo Abbruzese, M.D., FASFP Chairman, Human Rights Commission, M.E.N. International, Box 6185 Santa Ana, CA 92706, unpublished memo: "The Hon.S.L.Vavuris, Judge of the San Francisco Superior Court, stated in open Court that '90 percent of all of the

children's trouble are from broken homes' (Loebenstein v. Loebenstein #648527, S.F. Superior Court, July 3, 1974). And Judge Arrington of the Contra-Costa Superior Court, speaking more recently to an 'Equal Rights for Fathers' meeting in Berkeley, Ca said '70 percent of male youth offenders committed to correctional institutions are from divorce-torn homes.'

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Anthony L. Pillay, "Psychological Disturbances in Children of Single Parents," Psychological Reports, 61, [October, 1987]: 803-6; excerpted in The Family in America: New Research, April, 1988: "Children raised in a single-parent household are much more likely to suffer psychological disturbances and break the law than children from intact families....[Of 147 children taken to a psychological clinic] 89 of them-six out of every ten-came from nonintact families....[Children-both male and female-are more likely to turn to drugs when they have only one parent. But problems are most serious among fatherless boys, who 'exhibited less self-control, delay in gratification, and internalized standards of moral judgement than did boys whose families remained intact,' and were 'more antisocial, impulsive and likely to belong to delinquent groups.' Because 'boys reared without their fathers appear to be substantially disadvantaged' by the 'lack [of a significant model for sex-appropriate behavior, the current trend in awarding custody almost automatically to mothers' should be reexamined."

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Henry Biller and Dennis Meredith, Father Power (Garden City, New York: Anchor Books, 1975), p.341: "People with emotional disorders manifested in criminal behavior are likely to have been inadequately fathered. A study of murderers by Boston psychiatrist Shervert H. Frazier revealed that father absence or brutalization was frequent in the killers' back-grounds. Eighteen of the thirty-one murderers suggested that they had either suffered father-absence for significant periods or had been the subject of repeated violence from the father. Many other histories of assassins and mass murderers suggest that they suffer similar backgrounds of father absence or abuse."

Dr. Bernard Laukenmann, Newsletter of Fathers United for Equal Rights of Baltimore, Maryland, February, 1973: 'A memorandum of a rehabilitation program from the Florida Ocean Sciences Institute (compiled in 1970) revealed that 75 percent of the law offenders were from broken homes. Florida's Division of Youth Services acknowledges that this situation is state wide: more than two thirds of the criminal minors that the agency has been handling are from broken homes....Recently a public statement showed that 70 percent of all crimes in the city of Baltimore, Maryland, are committed by juveniles, and of that number 60 percent come from broken homes....Of the 70 percent juvenile criminals out of broken homes [mostly live with their divorced, separated or abandoned mother or other female relative. News releases have it that Oswald (J.F. Kennedy's assassin) Sirhan (R.F. Kennedy's assassin), and Bremer (attempted assassin of Gov. Wallace) came from broken homes....'

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Urie Bronfenbrenner, "The Psychological Costs of Quality and Equality in Education," Child Development, 38 [1967], 914f: "A growing body of research evidence points to the debilitating effect on personality development in Negro children, particularly males, resulting from the high frequency of father absence in Negro families....In seeking an explanation for this relationship, several of the major investigators have concluded that the exaggerated toughness, aggressiveness, and cruelty of delinquent gangs reflect the desperate effort of males in lower-class culture to rebel against their early overprotective, feminizing environment and to find a masculine identity. For example, Miller [W.B., "Lower Class Culture as a Generating Milieu of Gang Delinquency," Journal of Social Issues, 1958,14,(3),5-19] analyzes the dynamics of the process in the following terms:

The genesis of the intense concern over "toughness" in lower class culture is probably related to the fact that a predominantly female household, and lack a consistently present male figure with whom to identify and from whom to learn essential components of a "male" role. Since women serve as a primary object of identification during preadolescent years, the almost obsessive lower class concern with "masculinity" probably resembles a type of compulsive reaction-formation....A positive overt evaluation of behavior defined as 'effeminate' would be out of the question for a lower class male."

Ibid.. p. 914, quoting T.F. Pettigrew, A Profile of the Negro American, 1964, p.18: '[F]ather-deprived boys are markedly more immature, submissive, dependent, and effeminate than other boys.... As they grow older, this passive behavior may continue, but more typically, it is vigorously overcompensated for by exaggerated masculinity. Juvenile gangs, white and Negro, classically act out this pseudo-masculinity with leather jackets, harsh language, and physical 'toughness.'"

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William McCord, Joan McCord with Irving Zola, Origins of Crime: A New Evaluation of the Cambridge-Somerville Youth Study New York: Columbia University Press, 1959), p.169: "The fathers personality had an important bearing on criminality. We established that warm fathers and passive fathers produced very few criminals. Paternal absence, cruelty, or neglect, however, tended to produce criminality in a majority of boys."

Ibid.. p.170: "Paternal absence resulted in a relatively high rate of crime, especially in drunkenness."

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Robert Zagar, et al., "Developmental and Disruptive Behavior Disorders Among Delinquents," Journal of the American Academy of Child and Adolescent Psychiatry, 28 [1989]:437-440, epitomized in The Family in America: New Research, September, 1989: "Psychotic delinquents rarely come from intact families. Officials documented a familiar pattern in a recent survey of almost 2,000 children and

admits referred by the Circuit Court of Cook County-Juvenile Division for psychiatric evaluation. This group of troubled children included 84 orphans (4 percent), 1,272 from single-parent homes (65 percent), 269 from stepparent families (14 percent), and just 331 from intact two-parent families (17 percent)."

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Francis A.J. Ianni, *The Search for Structure: A Report on American Youth Today* (New York: The Free Press, 1989), pp.207f: "Yet in our observations of family life and in interviews we found that many of the members of disruptive groups and almost all of the street-gang members came from broken or severely disturbed and deprived homes....Many were from single-parent families where the mother had been unable or unwilling to establish adequate behavioral controls over her male children....They soon came to be considered rebellious, unruly, even dangerous troublemakers in the school as well as in the community. Welcome and 'understood' only among others like them, they sought out the structure and the often severe strictures of organized deviant peer groups, where fidelity is to the group or gang rather than to family or school."

Ibid., p.76: "In Green Valley and other rural areas there were also frequent cases of missing fathers, not as much so as in the urban inner city, but with sufficient frequency among the 'old families' that 'not having a man around to straighten out the kids' was a frequent reason cited by criminal justice and social service professionals in the county seat whenever we asked about delinquency, teen pregnancy, or running away."

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Robert J. Sampson and W. Byron Groves, "Community Structures and Crime: Testing Social-Disorganization Theory," *American Journal of Sociology*, 94, January, 1989, 774-802, epitomized in *The Family in America: New Research*, May, 1989: "The relationship between crime and family life recently came under the scrutiny of criminologists at the University of Illinois at Urbana-Champaign and the University of Wisconsin-Green Bay. After examining data from hundreds of communities in Great Britain, the researchers concluded that family disruption either through divorce or illegitimacy-leads to mugging, violence against strangers, auto theft, burglary, and other crimes. The new study establishes a direct statistical link between family disruption and every kind of crime examined except vandalism. In large part, this linkage can be traced to the failure of 'informal social controls' in areas with few intact families. "Two-parent households," the authors of the new study explain, 'provide increased supervision and guardianship not only for their own children and household property, but also for general activities in the community. From this perspective, the supervision of peer-group and gang activity is not simply dependent on one child's family, but on a network of collective family control.' Particularly in poor communities bound together by few social ties, 'pronounced family disruption' helps to foster street-corner teenage groups, which, in turn, leads to increased delinquency and ultimately to a pattern of adult crime."

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Bryce J. Christensen, "From Home Life to Prison Life: The Roots of American Crime," *The Family in America*, Vol 3, No. 4 [April, 1989], p.3: "...Professor Sampson established not only that single-parent households are likely targets for crime, but that the neighbors of single-parent households are more likely to be hit by crime than the neighbors of two-parent households. He concludes both that 'single-adult households suffer a victimization risk higher than two-adult households' and that 'living in areas characterized by a high proportion of [single-adult] households significantly increases burglary risk for all types of households.'"

Ibid., p.3: "In a 1987 study at the University of Toronto, sociologists noted particularly high rates of delinquency among female teens in two kinds of households: 1) single-parent households; 2) households in which the mother is employed in a career or management position. Maternal employment can affect the criminality of sons, too. 'It's tougher for mothers who are busy earning a living to control their teenage boys,' according to Professor Alfred Blumstein of Carnegie-Mellon University. Criminologist Roger Thompson believes that one of the primary reasons that young boys join gangs is that 'their parents work, and if they didn't have the gang, they'd just have an empty home.'

"But family disruption overshadows maternal employment as a cause of juvenile delinquency. In their landmark study of the problem the Gluecks found a strong correlation between delinquency and parental divorce and separation."

Ibid., p.4: "[S]ociologists at the University of Washington and Vanderbilt University underscored the importance of the family in determining juvenile delinquency. "That the family plays a critical role in juvenile delinquency is one of the strongest and most frequently replicated findings among studies of deviance,' write Professors Walter Gove and Robert Crutchfield. In their own examination of some 600 families in Chicago, Drs. Gove and Crutchfield again confirmed that 'boys in single-parent households are much more likely to be delinquent than boys from intact families.'...

"A young male lawbreaker will probably grow even more reckless if he fathers an illegitimate child....Since the sons of single-parent households are almost twice as likely as the sons of two-parent households to become an unwed father, this crime-producing pattern could spiral wider from generation to generation.

"Seedbed for gang activity, the broken home produces many of the nation's most violent young criminals. In a study of 72 adolescent murderers, researchers at Michigan State University found that 75 percent of them had parents who were either divorced or had never married."

Martin Kasindof, "Keeping Manson Behind Bars," *Los Angeles Times Magazine*, 14 May, 1989: "Charles Manson, born illegitimate

in C...ati, was placed by an uncaring mother with a series of foster parents. By 1967, he had spent 19 of his 32 years in p...  
inst...s. On parole, Manson gravitated to San Francisco's pulsating Haight-Ashbury district. Through ready administration of L...  
and a messianic message, he attracted a virtual harem of adoring women he called his 'young loves,' using offers of sex with them to draw  
men handy with guns and dune buggies."

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Gary L. Cunningham, review of Manson in His Own Words by Nuel Emmons, Los Angeles Times, 5 July, 1987: "The man who would  
come to symbolize the end of the '60's and what went wrong with them was born 'no name Maddox.' Unwanted, he was reared with abuse  
and neglect. His unwed mother eventually gave him to the courts, not because he was unmanageable, but because he was a hindrance to  
her life style.

.....  
"It was the spring of 1967, He went to San Francisco.

"There he found a 'convict's dream,' a world of drugs and sex and no rules. In it he sought and found young women who were  
desperately seeking someone or something to love them acceptance, direction and permission. With the help of drugs, he easily became  
a kind of fantasy father figure, exchanging unconditional love and binding the women to him. For the first time in his life, Charles Manson  
had love. acceptance. power and control. And he had a following."

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History Book Club Review, September, 1989; "Billy the Kid, age 21, has killed four men personally and he shares the blame for the  
deaths of five others. He will not see his 22nd birthday....Billy the Kid was born Henry McCarty, the son of Catherine McCarty, in New  
York City in 1859....The first certain record of Billy appears in Santa Fe, New Mexico where Henry McCarty and his brother Joe stood  
witness at the marriage of their mother Catherine to William Henry Harrison Antrim on March 1. 1873."

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Robert Graysmith, Zodiac (New York: Berkeley Books, 1987), p.xiii: "After Jack the Ripper and before Son of Sam there is only one  
name their equal in terror: the deadly, elusive, and mysterious Zodiac. Since 1968 the hooded mass murderer has terrified the city of San  
Francisco and the Bay Area with a string of brutal killings. Zodiac, in taunting letters sent to the newspapers, has hidden clues to his  
identity by using cunning ciphers that have defied the greatest codebreaking minds of the CIA, the FBI, and NSA."

P.32]:

.....  
"PSYCHOLOGICAL PROFILE OF ZODIAC

Paranoid delusions of grandeur.

"Psychotic.

"Sexual sadist: You will find that the Zodiac probably tortured small animals as a child, had a domineering mother, weak or absent  
father, strong fantasy life, confusion between violence and love, is the type of person who would be a police groupie, carry police  
equipment in his car, collect weapons and implements of torture."

Los Angeles Times, 8 December, 1989 [describing Marc Lepine, Canadian mass murderer who invaded a University of Montreal  
classroom, killed 14 women and wounded 13 others before committing suicide]: "Police say his father, whom they believe to be Algerian,  
left his family when son Marc was 7 years old."

Hans Sebald, Momism: The Silent Disease America (Chicago: Nelson Hall, 1976), pp.180ff [concerning the case of Jacques Vasseur,  
a French collaborator with the Nazis, responsible for the deaths of 230 Frenchmen]: "Jacques's childhood was a classic example of  
Momistic upbringing: father-absence from the socialization process, an overindulgent mother who catered to every whim of the child, and  
isolation from other children, neighbors, and potential male models. His mother kept him to herself, gave toys (particularly dolls) for him  
to play with and provided only one companion for him-herself...After the war ended and French sovereignty was reestablished, he was  
a hated and hunted criminal ....It was not until 1962 that he was discovered; his mother had hid him for seventeen years, in a garret above  
her second-story apartment....Approximately 200 witnesses recited the horrors they had suffered under 'Vasseur the Terror,' recounting  
how he beat them, tortured them, and condemned their relatives and fiances to death. One witness said he had been bull-whipped for ten  
hours by Vasseur; a woman testified that he had burned her breasts with a cigarette; and others told of the mercilessness with which he  
handed over to the executioners their fathers, brothers, and sisters....The attending psychiatrist...explained to the court that Jacques's  
subservience to the Gestapo was a transferred attachment from his mother to another powerful agent, that he embraced his grisly duties  
because he needed the approval of the Mom surrogate, and that his power over other humans gave him the opportunity to express his  
suppressed virility. The psychiatrist reminded the court that Vasseur still referred to his mother as 'my Mummy and that his greatest  
suffering during his imprisonment was caused by seeing 'Mummy' only once a week."

A two-hour NBC TV program on Jack the Ripper, October 28, 1988, featured two FBI 'crime profile experts, John Douglas and Roy  
Hazelwood, who profiled Jack the Ripper as a single white male, with difficulty in interacting with people, especially women, of average  
intelligence, from a broken home, raised by a dominant female figure.



Samuel S. Leibowitz, Senior Judge of Brooklyn criminal court, with A.E. Hotchner, "Nine Words that Can Stop Juvenile Delinquency," Reader's Digest, March, 1962; condensed from This Week, 15 December, 1957: "What Western country has the lowest juvenile delinquency rate? The answer, based on official reports, is Italy, where only two percent of all sex crimes and one half of one percent of all homicides are committed by children 18 and under. (The comparable figures for the United States are 13 and 9 percent.) But why is Italy's delinquency rate so low? For weeks I toured Italian cities, trying to get the answers. I was given remarkable cooperation. Police commissioners, school superintendents, mayors of cities told me what I wanted to know, took me where I wanted to go.

"An important police official wanted to know if it was really true that teenagers assaulted police in America. I had to tell him it was.

"Ah, this is very hard for us to believe,' he said. 'No Italian youth would ever lay hands on an officer.'

"A Naples school superintendent asked me if thrill murders are figments of journalists' imaginations. 'No, I informed him, 'they are all too true.'

"We have no such crimes,' the superintendents said. 'We have the delinquency of stealing, of misbehaving, but boys in this country commit boy wrongs, within the bounds of the boy's world.'

'But how do you keep the boy there?' I asked. And then I found what I was seeing: a basic, vital element of living that is disappearing in our country and which, to my mind, is the only effective solution to the malady of delinquency. From all parts of Italy, from every official. I received the same answer: Young people in Italy respect authority.

And here is the significant thing: that respect starts in the home-then carries over into the school, the city' streets, the courts. I went into Italian homes to see for myself. I found that even in the poorest family the father is respected by the wife and children as its head. He rules with varying degrees of love and tenderness and firmness. His household has rules to live by, and the child who disobeys them is punished. Thus I found the nine-word principle that I think can do more for us 'than all the committees, ordinances and multimillion-dollar programs combined: Put father back at the head of the family."

Please when discussing what to do about youth violence, look at all the Facts.

# CAPTA Revised to Provide Relief for False Allegations

The Child Abuse Prevention and Treatment Act (CAPTA) has long required the reporting of all sus-



Coats



Goodling

pected child abuse, but offered no relief for wilful false allegations.

CAPTA has been amended by Congress to "eliminate blanket immunity from prosecution for persons making knowingly false allegations of child abuse or neglect. Only good faith reports will be protected by immunity," said Sen. Dan Coats (R-IN), one of the amended bill's chief sponsors, in remarks on the Senate floor September 27, 1996.

States are now free to enact laws and regulations to provide penalties for making knowingly false allegations.

The legislation, Public Law 104-235, was signed into law by President Clinton on September 3, 1996.

In his remarks on the Senate floor, Coats said "Each year, close to one million children are abused or neglected. While these numbers are staggering, we should also be concerned by the nearly 2 million false or unsubstantiated reports of child abuse and neglect that are filed wrongfully and in some cases maliciously. What this means is that case workers who are already overworked are conducting 2 million investigations at some level, possibly resulting in inappropriate interventions—including removal of the children from their homes."

## Citizen Review Panels

Coats said that "In order to ensure citizen participation and public accountability of state and local child protection agencies," the new law also "requires each state to establish citizen review panels to evaluate the extent to which child protection agencies are effectively discharging their child protection responsibilities and to review the facts surrounding local child fatalities or near fatalities resulting from abuse or neglect."

*(Editor's note: The law leaves to the states the decisions on how these panels are to be set up. Contact your governor, or state legislators if you wish to be appointed to a panel. Submit written recommendations from third parties about your credentials to serve on such a panel).*

Under the new law, states also:

- no longer have to preserve

*(Continued on page 6)*

## CAPTA Revised

*(Continued from page 3)*

families and reunify children with parents who abuse or neglect them, particularly in cases where a parent was convicted of murder, voluntary manslaughter or family homicide of another child.

- must include murder, voluntary manslaughter and felony assault as statutory grounds for termination of parental rights. The decision to pursue termination or to seek reunification in those cases would be determined by a state on a case-by-case basis.

- requires procedures for expedited termination of parental rights in cases involving abandoned infants.

- "provides research demonstration programs on innovative and effective new approaches, including kinship care," said Coats. "Kinship care (placing children in need with relatives) has been shown to a very effective and compassionate alternative to foster care, although other kinship care programs in some states have been less successful," said Coats.

He said that "the kinship care demonstration will enable us to ascertain where this program works and why and what we need to do to avoid any possible negative consequences."

Congressman William Goodling (R-PA), chairman of the

Education and Economic Opportunities Committee, was active in the House of Representatives in steering this bill into law. Goodling has also been concerned about the need to differentiate between real abuse and false abuse allegations.

Some activists for reform wanted the new law to go even further than it did, such as totally abolishing CAPTA, so that states could establish their own laws, but Congress was not willing to abandon the federal requirement that all cases of abuse be reported. Instead, Congress authorized the states to provide safeguards for false allegations and other provisions, as mentioned above.

4

**CLAUDE (BUCK) REIDENBACH**

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National Congress for Fathers and Children

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Telephone (785) 654-3199

October 1, 1997

Special Committee of Child Support Enforcement Oversight

Dear Committee Members:

I want to start by saying that child support should be enforced. All phases should be enforced. Emotional, physical and financial all should be enforced equally, in the best interest of the child. There is a problem with that however. Only financial support is targeted and considered important, and it is not the "child support" that is so rigorously sought after, at the expense of the civil rights of fathers and their children. It is simply money. Money to go into state and county funds, with very little going to the children. The phrase child support enforcement is misused, exaggerated, and blown out of proportion, in order to justify the abuses of fathers and since it is politically correct to do so, it has gone on unnoticed and without scrutiny, until now.

This is a very emotional and hurtful issue for a lot of persecuted, overworked, overcharged, and misunderstood fathers who can hardly find time to spend with their kids because they are forced to work 18 hours a day, live in abject poverty, and eat very little, while the mother often times lives with someone else in a more comfortable environment. When they do try to exercise their visitation rights, often it is denied, and not enforced. Fathers are forced to file enforcement actions against the mother and is often met with patronizing and condescending attitudes by the judges and retaliation from the mother and her attorney. False allegations arise and so it begins, more hell for the father. In over 60% of joint custody cases, the father is forced to file for enforcement of visitation the first year.

This oversight committee is long overdue. Thank God, our prayers have been answered. I only hope that this committee is not a farce. I have expectations of what should be accomplished with this committee. I may be expecting too much, but I would expect a grand jury investigation based on the information obtained by this committee. Not a token, local grand jury with the fox guarding the chickens, as was the case a couple of years ago. I am expecting a federal grand jury to investigate racketeering and extortion by certain state and county agencies because that is exactly what has been occurring. I have been watching intently the coverage of the oversight committee looking into the IRS activities. I am confident that with a little effort we can draw a parallel between the worst offenses committed by the IRS against the American people and the usual offenses committed by the SRS and other state and county agencies against fathers in Kansas.

*omit-(Someone from the Attorney General's office may have already testified or will testify. I urge you to consider the Attorney General's position very carefully, as it may interfere with her ability to pursue the mandated legal action against the United States,*

*challenging the constitutionality of Senate Bill 140. There could be a conflict of interest involved, and I believe there to be anyway. I urge you to consider a special counsel.)omit*

I am no longer responsible for child support. I got my Emancipation Notice. Imagine that. The slaves received Emancipation over a hundred years ago. Sure seems ironic to me, but appropriate. What I am here for is justice and fair and equitable treatment of fathers and their children. What I do, I do in my spare time, which is very limited. I pay for almost everything out of my own pocket. I am not after political gain, and there sure is no financial gain derived from my endeavors. I can't say the same for certain state employees who testify before you legislators and senators each year. They use the political correctness of male bashing and proposed gender specific legislation to perpetuate their jobs, their personal and political agendas, and the power of their particular agency. These people will take credit for this male bashing and lawmakers, by allowing this to happen, demonstrates another form of *PC, Political Cowardice*. Senate Bill 140 was a good example of that. You were told incorrectly that the state could lose over 100 million dollars by the SRS. Gender specific male-bashing legislation has made the SRS as powerful as the IRS, with abuses against fathers just as bad as any abuse by the IRS.

"It is a disgrace to our nation that an arm of our democratic government is allowed to behave as if it were an extension of a police state." "Statistics drive the organization. The tail wags the dog." "They will stop at nothing to achieve what they want." These were statements made by people testifying about IRS abuses. I see them as statements that could be easily made against the SRS. Add- SB 140 is anti-male legislation (14th amend).

There are panels of attorneys available to act as court appointed attorneys for these persecuted fathers. There is a problem, however. If these court appointed attorneys fight too hard for their clients, they are removed from the panel. They cannot follow the rules adopted by the Supreme Court of the State of Kansas, and represent these clients with diligence and professionalism, with the threat of loss of employment. This sort of problem is prevalent in juvenile court as well. I was told by a very competent source that this occurs and I won't be able to get these attorneys to freely admit it. I have a hunch that a lot of other people know this occurs also. This needs to be investigated.

There will be people employed by those state and county agencies testifying before you, if they haven't already, who will try to justify their behavior towards fathers. They may also be insulted and resent what I have said today. They will act indignant and take offense. Good! They should! Employees of these state and county agencies come here and speak to you, and each year to various legislative and senate committees while on taxpayer time, they prepare their testimony on taxpayer time and print it on taxpayer paid supplies with equipment paid for by the taxpayers. Public information directors in certain state agencies like to tell the public, and you, that what is, isn't, and what isn't, is. Their jobs are the most unproductive jobs in any bureaucracy. State agencies often have employees whose sole job during the legislative session is to follow the agendas of the house and senate, the proposed bills, and to delegate the responsibility of researching the bill and preparing testimony to be presented to the various committees hearing testimony on these bills at the State House.

As in the case of the IRS investigation, at least the acting IRS Commissioner had the decency to publicly apologize for the mistakes members of his agency have made. He took ownership and promised change, as I would hope will be the result of this oversight investigation. It would really surprise me if employees of state or county child support

enforcement agencies apologized to fathers and promised to correct the problems. It troubles me that people are so upset with the abuses of the IRS, but aren't when fathers have been treated just as bad, or worse, by the SRS and other child support enforcement agencies all over the United States.

Want to reduce the need for child support enforcement altogether? Want to reduce the need for all of these proposed prisons for teenagers? Want to reduce substance abuse by young adults? Want to reduce teenager pregnancy, school dropout rates, teen suicide, crime, depression, on and on? It is so simple. We only need to have a signature. Only one signature friends. 1. We need to have legislation passed that states that there be a "Presumed rebuttable physical joint custody" in all divorce cases. Where visitation is concerned in KSA 60-1610, do not treat a parent with joint custody the same as a non-custodial parent. Especially after stating that the parent with joint custody has equal responsibility. Or does that only pertain to financial support? If so make it equal then, as stated. This ambiguity is rationalized and convoluted so much by judges and they are not held accountable for their biased decisions. 2. Change *visitation* to read, *parenting time*. The term visitation is very demeaning. 3. Enforce *parenting time* to such an extent that: a. It be made a crime to deny *parenting time*, a felony equal to kidnapping, and compel the judges to enforce this law. b. Award back *parenting time* to make up for what was denied. c. Award legal expenses and child support for back parenting time, and a change of custody if it occurs more than once. If you are really serious about child support enforcement, then it can be made simple by mandating equal time with both parents. Statistics upon statistics show that the compliance with child support goes up as the father's contact with the children goes up. Over 90% compliance in joint custody cases is well documented (see attached). Children fair a lot better when they have both parents active in their lives. Can you imagine, only 10 million dollars has been allocated to the states by the federal government to go towards enforcement of visitation. That's all? That's obscene!

It is not in the best interest of the children to persecute a parent. Male suicide rates are ten to one over female in situations where the male has lost employment or he has no emotional support of loved ones such as his children. Kids are losing their fathers.

I have provided this committee with a lot of documentation concerning the plight of fathers and a substantial amount of information to support my testimony. Please take time to read this, as I realize it is an extensive amount of data. Also provided is a copy of an affidavit of a member of my organization. I'm sure you will find this to be a very good example of the abuses being perpetrated against fathers. I am sure you will hear much more from others concerning the same thing.

Submitted by:

Claude (Buck) Reidenbach

★ 107  
Folks,

The NOW resolutions below have been passed around from time to time. We are sending them again in case you have not yet seen them.

These resolutions indicate the extreme radicality of NOW. It is perverse to suggest that it is somehow OK to make false allegations of abuse. There should be serious penalties for abusing such powerful laws for personal benefit.

It is a lie to suggest that courts give sole custody of children to fathers in 70% of cases, when judges award sole custody of children to mothers in 75% of cases nationwide. There are no credible studies to support NOW's assertion.

A variety of credible studies support our correct assertion that fathers are seriously discriminated against. For example: [Advance Report of Final divorce Statistics, 1989 and 1990, Monthly Vital Statistics Report, Vol. 43, No. 9]; which is available at:

[http://www.cdc.gov/nchswww/releases/fs\\_4395.htm](http://www.cdc.gov/nchswww/releases/fs_4395.htm)

It is false to assert that our goals and objectives will hurt women or children in any way, when in fact NOW's policies have left more women and children in poverty and without protection than in any other era in American History.

The majority of federal and state social policies today were framed by, and railroaded through the legislatures by NOW and its more "politically correct" cohorts. Much of what is proposed in Congress springs directly from the same words and ideas as NOW.

It is quite reasonable for us to now hold NOW directly responsible for the severe problems that their policies have brought on women and children.

NOW's Resolutions below are diagnostic of the long-term mendacity of a line of social and political thinking that is so extreme that no reasonable person could continue supporting it.

Let us all forward this to our legislators and media contacts. If they truly

House Judiciary  
2-24-98  
Attachment 7

wish to better the futures of women and children, they should support us in restoring the American family.

In particular, they should ignore the "Jim Crow" attitude of NOW towards families and fathers, and start listening to the many men and women in the fathers movement who truly seek equality and who sincerely want government and NOW out of the family.

The pain and trouble of women and children rests on the shoulders of legislators.. They should have the courage to do the right thing for the benefit of the majority of women and children. They should be unafraid to blame NOW for what it has done to the American Family.

ACFC

Folks,

For your use, Anne P. Mitchell, an active and dedicated fathers rights attorney has provided the following point-by-point rebuttal that properly proves the mendacity of the NOW Resolution.

Please put this to good use.

ACFC

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### NOW ACTION ALERT ON "FATHERS' RIGHTS"

WHEREAS organizations advocating "fathers' rights," whose members consist of non-custodial parents, their attorneys and their allies, are a growing force in our country; and

WHEREAS the objectives of these groups are to increase restrictions and limits on custodial parents' rights and to decrease child support obligations of non-custodial parents by using the abuse of power in order to control in the same fashion as do batterers; and

{NOTE: It is absolutely untrue that credible and legitimate fathers' groups and advocates want to "increase restrictions and limits on custodial parents". These groups and individuals advocate for fathers who wish to be able to become reinvolved, and more fully involved, in the lives of their children. How can NOW advocate against that, and then still decry "absent fathers"??}

WHEREAS these groups are fulfilling their objectives by forming political alliances with conservative Republican legislators and others and by working for the adoption of legislation such as presumption of joint custody, penalties for "false reporting" of domestic and child abuse and mediation instead of court hearings; and

(NOTE: This may be the most astonishing proclamation of all! Does NOW really hold that falsely accusing someone of such horrible acts as domestic violence and child abuse is ok? And does NOW really advocate that litigation is better than mediation, agreement, and settlement? And, it would seem, they do advocate that sole (mother) custody is better than the child having a full relationship with both parents.)



WHEREAS the success of these groups will be harmful to all women but especially harmful to battered and abused women and children; and

WHEREAS the efforts of well-financed "fathers' rights" groups are expanding from a few states into many more, sharing research and tactics state by state; and

{NOTE: This is sadly laughable; there are no well-financed fathers' groups. What is ironic is that NOW is probably receiving even more contributions to their burgeoning coffers as a result of their putting forth this alarmist misinformation.)

WHEREAS many judges and attorneys are still biased against women and fathers are awarded custody 70% of the time when they seek it per the Association of Child Enforcement Support(ACES);

{NOTE: This is absolutely untrue. "Contested" custody results in an award of father-custody in less than 10% of the cases. See "Dividing the Child", Harvard Press.)

THEREFORE BE IT RESOLVED that the National Organization for Women (NOW) begin a national alert to inform members about these "fathers' rights" groups and their objectives through articles in the National Now Times (NNT); and

BE IT FURTHER RESOLVED that, as a part of this alert, NOW establish a clearinghouse for related information by sharing with NOW state and local Chapters the available means to challenge such groups, including the current research on custody and support, sample legislation, expert witnesses, and work done by NOW and other groups in states where "fathers' rights" groups have been active;and

BE IT FURTHER RESOLVED, that NOW encourage state and local Chapters to conductand coordinate divorce/custody court watch projects to facilitate removal ofbiased judges; and

{NOTE: This sounds an awful lot like "furthering our agenda by intimidation".)

BE IT FINALLY RESOLVED, that NOW report to the 1997 National Conference on the status and result of this national alert whereupon its continuation or expansion will be considered.

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
SITTING AT TOPEKA, DIVISION 14

MICHELLE BOLTON  
Plaintiff/Petitioner,

and/vs.

SHAWN BOLTON  
Defendant/Respondent,

NOV 20 10 27 AM '97  
DISTRICT COURT  
SHAWNEE COUNTY  
TOPEKA, KANSAS

Case No. 92D 000598

REQUEST FOR SERVICE OF INCOME WITHHOLDING ORDER

TO THE CLERK OF THE DISTRICT COURT:

On or about January 3rd, 1997, this Court issued an Income Withholding Order (or a modification of a previous Income Withholding Order) affecting the income of SHAWN BOLTON, support obligor.

Please have a copy of this Income Withholding Order (or modification), along with the appropriate Notice and Answer forms, served upon debtor's payor other than employer:

LISA TARWATER  
1319 NW HARRISON  
TOPEKA, KS 66608

Dated: November 19, 1997

  
Danny J. Vopat #10636  
District Court Trustee/Deputy  
820 SE Quincy, Suite 610  
Topeka KS 66612  
(913) 235-0400  
Fax (913) 357-0200

CLERK'S INSTRUCTION: Attach a copy of this request for Service to the copy of the Income Withholding Order being served.

November 19, 1997

DJV

House Judiciary  
2-24-98  
Attachment 8

IN THE SHAWNEE COUNTY DISTRICT COURT OF KANSAS  
DIVISION 14

Case Number: 92D 000598

MICHELLE BOLTON  
Petitioner 1

and/vs.

SHAWN BOLTON  
Respondent 1

FILED BY CLERK  
KS. DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
JAN 3 12 35 PM '97  
GENERAL JURISDICTION  
TOPEKA, KANSAS

INCOME WITHHOLDING MODIFICATION ORDER

On this 2 day of January, 1997, it is ordered that:

This order shall be served on the employer of SHAWN BOLTON, social security number 513-76-9256. The income withholding order dated 17 day of January, 1996 shall be modified in the manner indicated below and in all other respects shall remain unchanged.

MODIFY the amount of the judgment debtor's income withholding as follows: \$179.00 per month, to be applied \$129.00 for current support and \$50.00 for past due support.

If withholding is from earnings, the total withheld from disposable income shall be prorated over all pay periods within each month cannot be more than 55%.

*Jancy Parnell*

JUDGE

*Sheryl L Mathis*

Sheryl L. Mathis #13086  
District Court Trustee/Deputy  
Shawnee County Courthouse, Rm. 207  
Topeka, Kansas 66603-3639  
(913) 233-8200 Ext. 4658

Please have the Sheriff serve by Certified mail service, GEORGIA PACIFIC CORPORATION, at 5111 NW US HIGHWAY 24 BY SE Rving COMPROLLER, TOPEKA, KS, 66616.

96012054

FILED BY CLERK  
KS. DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
IN THE SHAWNEE COUNTY DISTRICT COURT OF KANSAS

DIVISION 14  
JAN 17 10 38 AM '96

Case Number: 92D 000598

MICHELLE BOLTON  
Petitioner 1

GENERAL JURISDICTION  
TOPEKA, KANSAS

and/vs.

SHAWN BOLTON  
Respondent 1

INCOME WITHHOLDING MODIFICATION ORDER

On this 17<sup>th</sup> day of January, 1996, it is ordered that:

This order shall be served on the employer of SHAWN BOLTON, social security number 513-76-9256. The income withholding order dated 11 day of January, 1995 shall be modified in the manner indicated below and in all other respects shall remain unchanged.

MODIFY the amount of the judgment debtor's income withholding as follows: \$50.00 per month, to satisfy past due support only.

If withholding is from earnings, the total withheld from disposable income shall be prorated over all pay periods within each month cannot be more than 55%.

The employer shall return a completed copy of the attached Answer to the Clerk of the District Court.

*Fancy Parrish*

JUDGE

*Sheryl L Mathis*

Sheryl L. Mathis #13086  
District Court Trustee/Deputy  
Shawnee County Courthouse, Rm. 207  
Topeka, Kansas 66603-3639  
(913) 233-8200 Ext. 4658

Please have the Sheriff serve by Certified mail service, SHAWN BOLTON, at 2045 SW MACVICAR #3, TOPEKA, KS, 66604.

95011028

IN THE SHAWNEE COUNTY DISTRICT COURT OF KANSAS  
DIVISION 04

FILED BY CLERK  
KS. DISTRICT COURT  
THIRD JUDICIAL DISTRICT

Case Number: 92D 000598  
JAN 12 3:48 PM '95

GENERAL JURISDICTION  
TOPEKA, KANSAS

MICHELLE BOLTON  
Petitioner 1

and/vs.

SHAWN BOLTON  
Respondent 1

INCOME WITHHOLDING MODIFICATION ORDER

On this 11th day of January, 1995, it is ordered that:

This order shall be served on the employer of SHAWN BOLTON, social security number 513-76-9256. The income withholding order dated 09 day of April, 1993 shall be modified in the manner indicated below and in all other respects shall remain unchanged.

MODIFY the amount of the judgment debtor's income withholding as follows: \$70.00 per month, to satisfy past due support only.

If withholding is from earnings, the total withheld from disposable income shall be prorated over all pay periods within each month cannot be more than 55%.

The employer shall return a completed copy of the attached Answer to the Clerk of the District Court.

*Quirke Lindhorst*  
Pro Tem

JUDGE

*Sheryl L. Mathis*

Sheryl L. Mathis #13086  
District Court Trustee/Deputy  
Shawnee County Courthouse, Rm. 207  
Topeka, Kansas 66603-3639  
(913) 233-8200 Ext. 4658

Please have the Sheriff serve by Certified mail service, SHAWN BOLTON, at 2045 SW MACVICAR, TOPEKA, KS, 66604.

30403450

IN THE SHAWNEE COUNTY DISTRICT COURT OF KANSAS  
SITTING AT TOPEKA, DIVISION 12

In the Matter of the Marriage of:/or  
MICHELLE BOLTON  
Petitioner 1

and/vs.

SHAWN BOLTON  
Respondent 1

FILED BY CLERK  
KS. DISTRICT COURT  
THIRD JUDICIAL DISTRICT

APR 9 11 26 AM '93

GENERAL CASE No. 92D 000598  
JURISDICTION  
TOPEKA, KANSAS

INCOME WITHHOLDING ORDER

On this 9 day of April, 1993, it is ordered that this income withholding order shall be binding upon the debtor's present employer or other payor of income and upon any subsequent employer or payor upon whom it is served, and that:

1. This order shall be served on the employer or payor of the debtor, SHAWN BOLTON, social security number 513-76-9256, with the notice and answer forms appropriate to the nature of the periodic payments made to the debtor by the employer or payor.
2. An employer or payor (including a self-employed debtor) who is served a copy of this order shall withhold from debtor's disposable income (or from payments otherwise owed to the debtor) \$200.00 per month, to be applied \$129.00 for current support and \$ 71.00 for past due support.


Withholding by an employer is subject to the limitation given in paragraph 3 below. Paragraph 3 does not apply if withholding is from income other than earnings.

3. If withholding is from earnings, the total withheld from disposable income shall be prorated over all pay periods within each month and cannot be more than 55% of the debtor's total disposable income for each month.
4. Until further order of the court, the employer or payor shall continue withholding from the debtor's income as instructed. Notice and instructions concerning the rights and duties of the employer or payor are stated on the accompanying notice and answer forms and are incorporated by reference into this order.

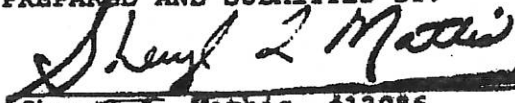
5. The employer or payor shall return a completed copy of the attached answer to the court at the address given in Paragraph 6 below when the first payment is sent or as soon as possible if no income is withheld.
6. All payments shall be identified with the debtor's name and the court case number. Unless otherwise instructed on the answer form, payments from the employer or payor shall be sent and made payable to the Clerk of the District Court, Child Support Division, P.O. Box 678, Topeka, Kansas 66601, as Case Number 92D 000598.

The Clerk of the District Court shall credit payments to the debtor's record and forward the payments to the appropriate person or office.

7. Nothing in this order shall be construed as a restriction, restraint, or bar to other means of collecting past due support (if any). This order supercedes any previous Withholding Order and/or Wage Assignment entered in the above entitled case.

  
 Hon. Judge James P. Buchele  
 DISTRICT COURT JUDGE, DIVISION 12

PREPARED AND SUBMITTED BY:

  
 Sheryl L. Mathis #13086  
 District Court Trustee/Deputy  
 Shawnee County Courthouse, Rm. 207  
 Topeka, Kansas 66603-3639  
 (913) 233-8200 Ext. 4658

\*\*\*\*\*  
 EMPLOYER/PAYOR: PLEASE NOTE THE  
 DATE THIS ORDER WAS SERVED ON YOU DATE: \_\_\_\_\_  
 Withholding must begin no later than 14 days after the  
 date of service.  
 \*\*\*\*\*

Please have the Sheriff serve by Personal service, MAYFLOWER CONTRACT SERVICES, at 208 SE 21ST , TOPEKA, KS, 66612

CERTIFICATE OF MAILING

I certify that on this 9 day of April, 1993, a true and correct copy of the foregoing income withholding order was delivered, or deposited in the United States Mail, first class postage prepaid, addressed to: SHAWN BOLTON, at 5943 SW 58TH , TOPEKA, KS, 66610.

MICHELLE BOLTON at her last known address.

*Sheryl L Mathis*  
Sheryl L. Mathis #13086  
District Court Trustee/Deputy

\*\*\*\*\*  
CLERK'S INSTRUCTIONS: Attach the appropriate notice, answer, and change of address forms to the income withholding order.  
\*\*\*\*\*



IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
SITTING AT TOPEKA, DIVISION 14

MICHELLE BOLTON )  
Plaintiff/Petitioner, )  
 )  
and/vs. )  
 )  
SHAWN BOLTON )  
Defendant/Respondent, )  
 )

Case No. 92D 000598

PAYOR ANSWER (OTHER THAN EMPLOYER)

DEBTOR: SHAWN BOLTON

If you DO NOT make periodic payments to the debtor, complete Part V and return this Answer immediately to the Clerk of the District Court named on the Income Withholding Order.

PART I. PAY PERIOD.

Designate the normal pay period (check one):  
 Weekly  Semi-monthly  
 Every 2 weeks  Monthly (or Other: \_\_\_\_\_)

Check here IF your payments to the debtor vary from pay period to pay period.

PART II. PAYOR FEE.

You are allowed to charge a fee of up to \$5 per withholding, NOT TO EXCEED \$10 PER MONTH. Designate the amount you will be withholding for your fee:

No Fee  \$\_\_\_\_\_ per withholding  \$5 per withholding

PART III. AMOUNT TO WITHHOLD.

(1) Gross payment you owe the debtor..... \$ \_\_\_\_\_

IF YOU HAVE MORE THAN ONE INCOME WITHHOLDING ORDER for this debtor, go to Part IV below.

IF THIS IS THE ONLY INCOME WITHHOLDING ORDER you have for this debtor, withhold the total amount shown in Paragraph 2 of the Income Withholding Order, plus your fee, from line (1). If you are unable to withhold the full amount because the gross payment is too small, withhold your full fee and as much of the support amount as you can. If you cannot withhold ANY support, DO not withhold a fee.

If you are able to withhold your fee and the full support amount from line(1), you will not need to withhold again until next month.

If you are only able to withhold part of the support amount and you will be making more income payments to the debtor this month, continue withholding, but DO not withhold more during one month than the total of your fee plus the full support amount in Paragraph 2 of the Income Withholding Order.

Go on to Part V.

November 19, 1997

DJV

EMPLOYER ANSWER (OTHER THAN EMPLOYER)

PART IV. MULTIPLE INCOME WITHHOLDING ORDERS

Complete this part only IF you have more than one Income Withholding Order for this debtor.

Looking at all the Income Withholding Orders for this debtor:

- (2) Add together the total support to be withheld each month (Paragraph 2 of each Income Withholding Order)..\$ \_\_\_\_\_
- (3) Add together your fees for all of these Income Withholding Orders .....\$ \_\_\_\_\_
- (4) Add lines (2) and (3) .....\$ \_\_\_\_\_

If the gross payment to the debtor <line (1)> is equal to or more than the total to be withheld <line (4)>, withhold the full amount of support and your fees. Keep your fees and pay the support to the Courts as instructed in the Income Withholding Orders. You will not need to withhold again until next month.

If the gross payment to the debtor <line (1)> is less than or equal to the total of your fees <line (3)>, DO not withhold any fees or support from this payment to the debtor. If the gross payment to the debtor <line (1)> is more than the total of your fees <line (3)> but less than the total to be withheld <line (4)>, withhold your fees and as much support as you can. Keep your fees and send the support to the Kansas Department of Social and Rehabilitation Services (SRS) following the instructions given below. SRS will divide the support as required by statute and distribute it to the Courts involved.

If you make more income payments to the debtor this month, continue withholding and sending the support withheld to SRS until you have withheld your fees <\$5 per withholding (not to exceed \$10 per month) per Income Withholding Order> and the total support to be withheld <line (2)>. When that much has been withheld during the month, DO not withhold again until next month.

INSTRUCTIONS FOR SENDING SUPPORT TO SRS:

1. Always make the check or money order payable to 'SRS' or 'Social Rehabilitation Services'. Please DO NOT send Cash.
2. Identify each check or money order with the debtor's name and the court case numbers of the Income Withholding Orders. If you have other debtors whose withholding money is also being sent to SRS and you want to write one large check, you must list the debtor's names, the court case numbers, AND the amount withheld from each debtor.

EMPLOYER ANSWER (OTHER THAN EMPLOYER)

3. The first time you send money to SRS, enclose with your check a copy of ALL of the Income Withholding Orders in effect for this debtor and a copy of this Answer.
4. Send all checks and documents to:  

Social and Rehabilitation Services  
Income Withholding  
Child Support Enforcement  
P.O. Box 497  
Topeka, KS 66601
5. Continue sending the support withheld to SRS until:
  - (a) you have only one Income Withholding Order in effect for this debtor, or
  - (b) you are able to withhold the full amount of all support plus your fees from the amount on line (5).
6. If you receive any new Income Withholding Orders for this debtor OR IF one of the Income Withholding Orders is changed (modified or terminated), send a copy IMMEDIATELY to SRS at the mailing address above and make any changes necessary in the amount being withheld.

Continue with Part V.

PART V. CLOSING INSTRUCTIONS. Check whichever applies:

- \_\_\_\_\_ NO WITHHOLDING: Check here IF you DO not make periodic payments to this debtor. Please send this completed answer immediately to the Clerk of the Court named on the Income Withholding Order.
- \_\_\_\_\_ NO WITHHOLDING: Check here if, after following the instructions, you are not able to withhold anything under this Income Withholding Order. Please send this completed Answer immediately to the Clerk of the Court named on the Income Withholding Order.
- \_\_\_\_\_ WITHHOLDING--PAYMENTS TO COURT: Check here IF you are withholding as instructed and sending the support directly to the Court(s). Please send this completed Answer with your first payment to the Clerk of the Court named on this Income Withholding Order.
- \_\_\_\_\_ WITHHOLDING--PAYMENTS TO SRS: Check here IF you are withholding as instructed in Part IV and sending the support to SRS for distribution. When you send the first payment to SRS, please enclose a copy of this Answer and of the Income Withholding Orders in effect for the debtor. Send the original Answer to the Clerk of the Court named on this Income Withholding Order.

EMPLOYER ANSWER (OTHER THAN EMPLOYER)

Be sure to keep your FEE(s), all the Income Withholding Orders,  
and a copy of each Answer for your records.

THANK YOU FOR YOUR COOPERATION.

Date prepared: \_\_\_\_\_

Prepared by : \_\_\_\_\_  
(signature)

Please type or print payor's mailing address (bookkeeping department):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and phone number (including area code): \_\_\_\_\_

NOTICE TO PAYOR OTHER THAN EMPLOYER

You have been served with an Income Withholding Order which requires you to withhold income from someone to whom you make periodic payments (the debtor). This notice provides general information; the instructions for calculating how much to withhold are on the accompanying answer form. You may wish to photocopy the blank answer form to use as a worksheet each pay period

YOU MAY WITHHOLD AND KEEP A FEE of up to \$5.00 for each pay period, not to exceed \$10.00 for each month for which income is withheld. The fee is in addition to the amount withheld as support.

BEGIN WITHHOLDING income from the first payment you make to the debtor on or after the fifteenth day following the date the sheriff served this order. YOU MUST CONTINUE WITHHOLDING EACH PAY PERIOD ACCORDING TO INSTRUCTIONS ON THE ANSWER FORM UNTIL FURTHER ORDER FROM THE COURT.

IF YOUR PAYMENTS TO THE DEBTOR TERMINATE, you must promptly notify the Clerk of the Court of the termination and provide the debtor's last known address and the name and address of the new payor, IF known. If you have been sending support payments to SRS according to instructions in Part IV of the answer, you must also notify SRS.

THIS INCOME WITHHOLDING ORDER MUST BE GIVEN PRIORITY over any other kind of legal process under state law, such as a garnishment or an income assignment, even IF the other legal process was received first. This Income Withholding Order is not a garnishment.

If the amount withheld, including your fee(s), under all Income Withholding Orders for this debtor falls below 100% of the amount of the payment otherwise due the debtor, THEN you must honor garnishments by other creditors to the extent possible.

IF YOU HAVE MORE THAN ONE INCOME WITHHOLDING ORDER FOR THIS DEBTOR, the instructions in Part IV of the Answer will tell you where to send the support withheld. If you are able to withhold all of the support and your fees from the debtor's first income payment of the month, send the support directly to the Courts involved. If you are not able to withhold it all from the first payment of the month, send the support withheld to the Kansas Department of Social and Rehabilitation Services (SRS) as instructed in Part IV, and SRS will distribute the support as required by statute.

Continue to send the support withheld to SRS for distribution until there is only one Income Withholding Order in effect for this debtor or until the total withheld (including your fees) can be withheld from the debtor's first income payment of the month.

If one of the Income Withholding Orders is changed or terminated or IF you receive a new Income Withholding Order for this debtor, make any changes necessary in the amount withheld and send a copy of the new or modified order to SRS immediately.

November 19, 1997 DJV

NOTICE TO PAYOR OTHER THAN EMPLOYER

SEND A COPY OF YOUR ANSWER to the Clerk of the Court named in the Income Withholding Order either with your first payment or immediately, IF you are unable to withhold any money. If the instructions for Part IV of the Answer tell you to send the support withheld to the Department of Social and Rehabilitation Services (SRS), send a copy of your answer to both SRS and to the Clerk of the Court.

If you withhold and send in payments, you are only required to send the completed Answer with your first payment under this Income Withholding Order unless the Court orders you to do otherwise. You may choose to file an Answer more often, for example, when the amount you pay the debtor changes.

SEND MONEY WITHHELD to the Clerk of the Court named in the Income Withholding Order (or to SRS, IF Part IV instructs you to DO so) within 10 days of the date you normally pay the money to the debtor. Payments should be made payable to the Clerk of the District Court or SRS (whichever applies) and must identify the debtor by name and court case number. You may combine the amounts withheld that are payable to one Clerk of the District Court, but you must identify each debtor by name and court case number and identify the amount to be credited to each court case. If a debtor has more than one Income Withholding Order from the same court, you must be sure the amounts for EACH case are clearly identified.

IF YOU VIOLATE THE INCOME WITHHOLDING LAW (K.S.A. 23-4,105 et seq.) the Court must enter a judgment against you for the amount which should have been withheld and paid over. The Court may also enter judgment against you for the total past due amount owed by the debtor.

PAYMENT AS REQUIRED UNDER AN INCOME WITHHOLDING ORDER SHALL BE A COMPLETE DEFENSE for a payor against a debtor or a debtor's creditor for such amounts.

THANK YOU for your cooperation.

OCT. 28, 1997

LORI YOCKERS  
JUDICIAL HEARING OFFICER  
SHAWNEE COUNTY COURTHOUSE  
200 S.E. 7<sup>th</sup> ST.  
TOPEKA, KS. 66603

DEAR MS. YOCKERS

PLEASE FIND AFFIDAVITS ATTACHED. I AM REQUESTING REIMBURSEMENT OF THE \$500.00 WRONGFULLY TAKEN FROM ME ON SEPT. 03, 1997, AND SUBSEQUENTLY MISAPPLIED IN CASE 92D598, RESPONDENT; SHAWN M. BOLTON. YOUR ATTENTION TO THIS MATTER WOULD BE APPRECIATED.

SINCERELY,  
*Lisa Tarwater*

LISA TARWATER

Lisa Tarwater  
1319 NW Harrison  
Topeka, KS 66608

October 27, 1997

Shawnee County Commission  
Shawnee County Courthouse  
200 SE 7th St.  
Topeka, KS 66603

Subject: Claim For Restitution of Funds from the Shawnee County Trustee.

Dear Commissioners:

Attached, please find copies of affidavits that contain information to substantiate my claim. Money was collected by the Shawnee County Trustee under false pretenses, and subsequently misapplied to alleged child support arrearages in case number 92-D-598 on September 5, 1997, prior to a hearing on September 9, 1997. Subsequently, the money was also applied to another case not related.

The money was collected as a result of posting bond for a wrongful arrest of Shawn Bolton, the respondent in the above mentioned case. It was my money that was used to post the bond, and I had every reason to believe that the arrest was a mistake, and that I would receive my money back as soon as the error was corrected.

Please read the information I have provided carefully and reimburse me the funds wrongfully attained by the Shawnee County Trustee.

Also, be advised, I have enlisted the help of the National Congress for Fathers and Children, and the president of the Topeka Chapter of the NCFC has testified before the Interim Committee on Child Support Enforcement Oversight about this case, and has been assured that the people responsible for this mistake will have to appear before the committee to explain why this sort of thing is happening. Subsequent complaints with the Disciplinary Administrator will be filed against the Shawnee County Trustee, Dan Vopat, and the Judicial Hearing Officer, Lori Yockers. Also, a complaint against Judge Jan Leuenberger will be filed with the Commission on Judicial Qualifications for signing the arrest order without proper cause and failing to properly examine evidence before signing an order.

Sincerely,



Lisa Tarwater

cc: NCFC file

Shawnee County Trustee  
Shawnee County Judicial Hearing Officer  
Jan Leuenberger, District Judge  
Interim Committee On Child Support Enforcement Oversight



Lisa Tarwater  
1319 NW Harrison  
Topeka, KS 66608

October 27, 1997

Dan Vopat  
Shawnee County Trustee  
Shawnee County Courthouse  
200 SE 7th St.  
Topeka, KS 66603

Subject: Claim For Restitution of Funds from the Shawnee County Trustee.


Dear Mr. Vopat:

I am requesting that you return the money, \$500 bond that was wrongfully attained by you in case 92-D-598, after the arrest of respondent, Shawn M. Bolton. The arrest was a result of an error and miscommunication on your part, and the money was misapplied to alleged child support arrearages prior to a hearing. This was my personal property that you took from me without good cause.

Please find copies of affidavits that contain information to substantiate my claim. Also, you will find a letter I filed with the Shawnee County Commission.

I have enlisted the help of the National Congress for Fathers and Children, and the president of the Topeka Chapter of the NCFC has testified before the Interim Committee on Child Support Enforcement Oversight about this case, and has been assured that the people responsible for this mistake will have to appear before the committee to explain why this sort of thing is happening. Subsequent complaints with the Disciplinary Administrator will be filed against you and the Judicial Hearing Officer, Lori Yockers. Also, a complaint against Judge Jan Leuenberger will be filed with the Commission on Judicial Qualifications for signing the arrest order without proper cause and failing to properly examine evidence before signing an order.

Sincerely,

  
Lisa Tarwater

cc: NCFC file  
Shawnee County Commission  
Shawnee County Judicial Hearing Officer  
Jan Leuenberger, District Judge  
Interim Committee On Child Support Enforcement Oversight

AFFIDAVIT  
To A Fact


I, Lisa Lynn Tarwater, being of majority and being duly sworn on my oath, do state, swear and depose as follows:

On September 3, 1997, I was with Shawn Martin Bolton when he received a warrant notice in the mail for *failure to appear* at a hearing set for August 19, 1997, case number 92-D-598, for which he had requested, and received, a continuance from Maximus. Shawn Bolton is current with his child support and the records from the Shawnee County Trustee's Office indicate that he is actually overpaid on alleged arrearages by \$241.22, related to this case. Knowing this and the fact that he was told by Maximus that he could have a continuance for the August 19, 1997 hearing, I felt that the arrest was a terrible mistake that it would be corrected when Shawn went to the Shawnee County Corrections jail to answer the warrant notice. He was told that bond would be \$500 and that he could voluntarily go to the jail so that officers would not have come to my house to arrest him. I have my business at my home, so I encouraged Shawn to go voluntarily. Believing that I would receive the money back as soon as the wrongful arrest notice and this terrible mistake was taken care of, I handed Shawn \$500 to post the bond.

Shawn Bolton went to County Corrections to answer the warrant and post the \$500 bond. He was immediately booked into jail, where he spent several hours. I fully expected that this money would be returned to me because of the error committed for having Shawn arrested in the first place, and especially after the ordered hearing on September 9, 1997, before the Judicial Hearing Officer. This was my personal property, not for disposal of Shawn's alleged debts, and this money should not be confiscated from me.

Consequently, my \$500 was immediately applied, without a hearing, to Shawn Bolton's back child support, and subsequently this error was acknowledged by the Judicial Hearing Officer. Yet, the money was ordered by her to be applied to his case anyway. Also, the majority of the \$500 bond was applied to another case not related to the one he was arrested for and for which the bond was posted in the first place.

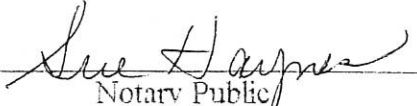
I swear that the above and foregoing *Affidavit To A Fact* to be true and accurate, to the best of my knowledge.

  
Lisa Lynn Tarwater

10-29-97  
Date

Subscribed and sworn to before me this 10-29-97



  
Notary Public

Commission expires: May 7, 2000

AFFIDAVIT  
To A Fact

I, Shawn Martin Bolton, being of majority and being duly sworn on my oath, do state, swear and depose as follows:

*In the matter of Bolton vs. Bolton, Case no. 92D598*

1. On August 27, 1997, a payment of \$129 for current child support was made to the District Court. A printed receipt showing the amount of same was received at that time. The payment records obtained from the Shawnee County Trustee's office and Maximus both show payment of \$123.93 plus a fee of \$3.10. That totals \$127.03. No record of the remaining \$1.97 is listed on the printout I received. The printout I received from both sources also indicate an overpayment of arrearages. Copies of records are attached. According to the SRS, I still owed them \$105, although the Trustee's records dispute that. There are four state and county agencies involved with my case. The court clerk receives the money, the Trustee may or may not receive the correct information, or give me the proper credit, Maximus is involved and the SRS. Neither agency knows what the other is doing, nor do they keep accurate and compatible records. Yet, one of these agencies have so much power that they can have me arrested for something that another agency has agreed to work with me on.

2. There was a court date (Aid of Execution Docket) set for August 19, 1997, that I was unable to attend due to a family crisis in Texas. I attempted to contact Maximus and the Trustee's office to inform them of my situation. Maximus mailed me a notice that the hearing was set for continuance at the Expo Center in September. The Trustee's office refused to acknowledge the call from my fiancée and returned nothing. On September 3, 1997, I received a warrant notice for *failure to appear*. I called to find out how this could be when I was granted a continuance by Maximus. I went to the County Corrections to answer the notice and was immediately booked in jail. My fiancée posted a bond of \$500 for my release. I was released four hours later and given notice to appear before the Judicial Hearing Officer on September 9, 1997, and after signing a form which stated that the money posted for the bond may be used to pay past due child support *after a hearing*. According to the records I received from Maximus, \$105 was posted to an existing negative balance (overpayment) of \$241.22 on September 5, 1997, *prior* to a hearing, and after the money was posted, the calculations were not correct, nor were they corrected when the wrongfully applied amount was withdrawn. The money was also applied to another case not related to the case I was wrongfully arrested for in the first place. The bond posted was not my personal property, but that of my fiancée. I made a child support payment in good faith on September 1, 1997, and doing so while being unemployed and not drawing unemployment. The \$500 received from posting the bond would not, nor could not have been received any other way, but to have me arrested under false pretenses. There is not much incentive for an agency to work things out with a father. By arresting these fathers more money can be collected that normally could be collected by a totally compliant father. There is also no incentive for these agencies to recognize that a father is, in fact, compliant and current. Even with an overpayment there seems to be a problem.

3. In a follow up conversation with the Judicial Hearing Officer, I was informed as to the fact that several mistakes had been made on my record. Also, that another mistake was made when the records were accessed to make the corrections. She informed me that as of February of 1997, the records of payment cannot be trusted due to the fact that the whole system has been changed. Based on the information I received from the Trustee's office, I was overpaid on state arrearages. I called the SRS, Pam Stanley, to inquire what their records indicated. The party returned the call and informed my fiancée that the SRS showed a positive balance of \$105.

4. According to my divorce decree, I was ordered to pay attorney's fees in the amount of \$637.50. No other fees, interest or charges were ordered. Nor was there a time limit specified, but according to my pay stubs, I have actually paid \$756.01 towards attorney's fees from garnishments of my paychecks. I have actually had 100% of a paycheck garnished (copy of paystub enclosed).

Final note:

1. Why have a Trustee or a contractor such as Maximus, when the SRS can disagree with figures supplied by the Trustee and Maximus, and that being the case, have someone arrested because of information neither can agree on or have failed to communicate to each other? The Judicial Hearing Officer stated that there were mistakes made on my records. Also, she stated that we can't trust the figures. So why am I being brought back to these hearings each month when I have paid faithfully for a considerable time now, and the records can't be trusted in the first place? Yet, the Trustee, SRS, and/or Maximus can make a statement presumed to be true, to a judge, and have a ruling made in their favor, have me arrested, only to find that what was said to warrant my arrest was actually based on information that can't be trusted or wasn't communicated. The records show that I have paid past due support continually to create a negative balance, but the SRS can simply disagree and since my payments are due on the first of each month, and even though I have until the end of the month to pay, the Trustee can claim that I am not current with child support since the hearings are in the middle of the month, thereby justifying the need to keep me going to the monthly Aid of Execution Docket hearings. The techniques used by these agencies are obtrusive and harassing. They are extorting money from me and others I am associated with, under threat of arrest for fabrications derived from untrustworthy information and creative and devious misstatements of fact.

2. I referred to a family crisis earlier, that being the reason I had to miss a hearing, for which I was issued a warrant for my arrest. My family was to attend the trial of my father's murderer. He was murdered by a dope addict trying to rob a convenience store. My father tried to capture the robber and was shot several times. This murderer will only receive 15 to 20 years in prison for this, and probably will be paroled in 10. As for me, I have been sentenced to 18 years of Indentured Servitude, not to my children, whom I take full responsibility for, but to state and county agencies who wants to persecute me at every opportunity, justified or not. They will stop at nothing, including misappropriation of funds, making false statements to judges in order to obtain bench warrants, and in hearings in order to prejudice the judge against me to obtain favorable rulings in their behalf (the Judge's rubber stamp is common place).

I swear that the above and foregoing *Affidavit To A Fact* to be a true and accurate account of facts related to case number 92D598, and the actions of state and county agencies associated to this case, to the best of my knowledge.

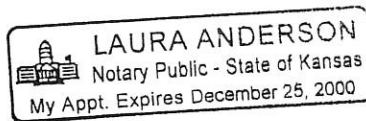
SLM. BH  
Shawn Martin Bolton, Affiant

10-29-97  
Date

Subscribed and sworn to before me this 10/29/97

Laura Anderson  
Notary Public

My Commission Expires: 12/25/00



RESPONSE TO COMPLAINT AFFIDAVIT  
OF  
SHAWN MARTIN BOLTON

The affidavit prepared by Mr. Bolton confuses and blends allegations for several events in a somewhat distorted manner. It is necessary to address each concern individually to understand the true situation. Also, to respond to Mr. Bolton's complaint a brief understanding of the child support system is needed. There are four entities in Shawnee County which are involved in child support cases. Each of the four entities have separate and distinct responsibilities defined by state and federal statute and regulation, local court rule, and contract.

**Clerk of the District Court:** Child Support obligations are established pursuant to court order. Therefore, payments must be made through the Clerk of the District Court's office. The Clerk's duties are defined by statute.

**District Court Trustee:** Provides collection services for custodial parents in child support cases that are not part of the state IV-D system. The Court Trustee's duties are defined by Kansas statute and local court rule.

**SRS, Child Support Enforcement:** Provides Child Support Enforcement services to custodial parents who either: 1) receive state assistance or, 2) request SRS assistance to enforce child support orders. The SRS Child Support duties are defined by federal and state statutes and regulations, generally found in Title IV-D of the Social Security Act.

**Maximus:** A private company which has contracted with SRS as part of governmental privatization. They provide legal services in the collection of child support in Shawnee and some other counties. The services provided by Maximus are established by formal contract with SRS and fall within the responsibilities set by federal and state statute for Title IV-D child support operations.

At a first glance having two enforcement programs seeking recovery from one individual would seem unreasonable. However, there are two distinct debts owed by Mr. Bolton in divorce case number 92 D 598. The first is the debt for 'current' monthly child support owed to his ex-wife. She has a choice of enforcing the child support debt owed to her through either the Court Trustee's office, SRS Child Support Enforcement, a private collection agency or a private attorney. She has chosen to have this debt enforced by the Court Trustee. The second debt is for child support 'arrearage' owed to the state of Kansas. Pursuant to a privatization contract, Maximus enforces this type of debt for SRS in Shawnee County. The second debt accrued while Mr. Bolton's ex-wife received state welfare assistance.

The first issue raised by Mr. Bolton is his confusion as to how his August 27, 1997 payment of \$129.00 was distributed. Court records show that \$5.07 was deducted to adjust for money that should have previously been sent to a private attorney pursuant to a garnishment for fees owed to that attorney; \$123.93 was applied as current child support due that month. The \$3.10 is the Court Trustee's fee for enforcement services and was taken from the \$123.93 current support. There is no missing \$1.97.

The second issue raised by Mr. Bolton questions why the Clerk of the District Court's records showed him to be overpaid to SRS, but the records of SRS showed he still owed \$105.20. The reason begins in April, 1997, when a garnishment was filed by a private attorney to collect fees owed by Mr. Bolton to that attorney. That garnishment resulted in Mr. Bolton's employer making a payment into the Clerk of Court of \$351.49. The private attorney failed to notify the Clerk's office that this was not a child support payment and so it was distributed as follows: \$129.00 as current child support; \$222.49 as payment to SRS on the child support arrearage. Later that month three regular payments of \$41.31 were received from the employer pursuant to the child support income withholding order. These payments were also sent to SRS to be applied to the child support arrearage. On June 3, 1997 the Clerk of Court discovered their error and asked SRS to return all of the money received by SRS incorrectly, a total of \$346.42 (calculated as \$222.49 + 41.31 + 41.31 + 41.31). SRS refunded the money to the Clerk's office on or about June 9, 1997. The Clerk of Court took the money refunded by SRS and sent it to the private attorney. However, they did not remove the credit they had applied to Mr. Bolton's child support debt. This caused the discrepancy between the arrearage figure held by the Clerk's office and the arrearage figure held by SRS. Later, in June, 1997, monies were collected from Mr. Bolton through Federal and State Debt Set Off. After applying these payments SRS still showed Mr. Bolton's child support arrearage to be \$105.20. The Clerk of Court's records showed an overpayment because their records had not been adjusted for the money returned by SRS. This caused the discrepancy between the Clerk's records and the SRS records. The Clerk's records have been corrected.

Please note: The difference between the amount of the private attorney's garnishment of \$351.49 and the amount sent incorrectly to SRS of \$346.42 is \$5.07. This is exactly the amount mentioned in the first issue and was needed to correct the over payment of current child support to the ex-wife. This is the \$5.07 that was withheld by the clerk from Mr. Bolton's August 27, 1997 payment and sent to the private attorney.

The third issue raised by Mr. Bolton is his arrest for failure to appear at the Aid in Execution docket on August 19, 1997. Individuals who are properly ordered by a court to appear at a specified date and time are subject to arrest by bench warrant if they fail to appear.

Mr. Bolton was served and ordered to appear at the Aid in Execution docket. At the docket call on July 15, 1997, both the Court Trustee and Maximus served Mr. Bolton

NOTICE  
FILE

TIME  
MARCH  
77

8-22

with separate orders to appear at the August 19th docket. Mr. Bolton claims he failed to appear on August 19th due to the trial of his father's murderer in Texas. It is obvious that murder trials are scheduled well in advance, generally months in advance of the date they start. Such trials truly are an 'emotional' crisis for a family, however, it is not a 'time' crisis. Court orders are not something that you chose to obey or not obey, our responsibilities as a citizen require us to comply with such orders. Mr. Bolton knew on July 15, 1997 that he was ordered to appear back on August 19, 1997. He should have taken the time personally to contact both the Court Trustee and Maximus to arrange a continuance. Such a request would have been granted. Mr. Bolton did not make any calls himself, choosing instead to have a friend make the calls for him. Contrary to Mr. Bolton's statement, Maximus did not agree to a continuance. Rather, they issued a new summons for a new court date and sent it with a letter informing him that if he failed to sign the summons, they would have a bench warrant issued based on his failure to appear. The Court Trustee was under no obligation to discuss Mr. Bolton's case with anyone other than Mr. Bolton, and applied its policy not to discuss legal issues in a case with third parties. The facts are that Mr. Bolton had four weeks notice of the court order to appear at the Kansas hearing. Since the Texas trial was of critical importance to him, he should have had sufficient notice of the date to make appropriate arrangements for a continuance of his Kansas hearing. If he had taken responsibility and contacted both Maximus and the Court Trustee in a timely manner, with some written verification that there was in fact such a trial, he could have easily obtained a continuance. Instead he chose to ignore a court order and was arrested as a consequence. Neither the Court Trustee nor Maximus acted inappropriately in this matter.

Confessing  
Documents  
↓  
JANIE THING  
SUMMONS &  
CONTINUANCE

The fourth issue raised by Mr. Bolton concerns the \$500.00 bond posted by his friend. In Shawnee County bonds for child support cases may be forfeited for past due child support. Individuals who post bonds are notified in writing, on the bond form, that the bond may be kept and applied to the person's past due child support. In Mr. Bolton's case the \$500.00 bond was kept by the court and applied as follows: \$105.20 to pay off the arrearage owed to the SRS and the remainder to Mr. Bolton's ex-wife for current support and part of the arrears owed to her. The Shawnee County Court did not act inappropriately in retaining and applying this money to Mr. Bolton's child support case.

APPLIED  
BEFORE  
HEARING

The fifth issue raised by Mr. Bolton is an allegation that the Judicial Hearing Officer told him there was a mistake on his record. This is the same Judicial Hearing Officer that would have decided to retain the bond money for application to child support arrears. There was an error as described above; it has been corrected. Mr. Bolton, at that time, did in fact owe \$105.20 to SRS on case number 92 D 598.

The sixth issue raised by Mr. Bolton is not child support related and neither SRS, the Court Trustee, nor Maximus have any control over it. He was ordered to pay private attorney fees of \$637.50. He believes he has overpaid through garnishments. He needs to contact the private attorney and ask for an accounting of money collected by that



attorney.

The collection of child support is often a frustrating experience for both custodial and non-custodial parents. Mr. Bolton may feel harassed. However, his pay record reflects long periods of non-payment, sporadic payments, and a unstable employment record. Mr. Bolton has failed to keep the court informed of changes in employment. The history of his case shows that, with rare exception, payments only come by court action either through income withholding, garnishment, or by threat of judicial contempt. Mr. Bolton has not been falsely arrested, nor have his funds been misappropriated, nor have false statements been made about him.

TELL THEM  
WHAT I'M  
DOING AT  
APPEARANCE  
I HAD ALS  
ADVISED THE  
AS TO JUDGE  
ORDER

Respectfully Submitted,

Randy M. Barker  
Attorney III, SRS/CSE  
Child Support Enforcement  
P.O. Box 497  
Topeka, Kansas 66436  
(785) 296-3237

His pay records as a matter of fact -  
Submitted at hearing - it also shows that  
recent "saw" bond entered prior to a hearing.  
- he is paid regularly, and for quite some  
time - far more than he should have, each  
month - more than he is being required to  
and provide for himself.

Also it appears the SRS is not in compliance  
with the "Family Case Program" - they are  
then to demand as if the state is not  
They should be required to submit their  
statements under oath - that requires  
only clerical under oath -

DISTRICT COURT TRUSTEE  
THIRD JUDICIAL DISTRICT

820 S.E. QUINCY, SUITE 610  
TOPEKA, KANSAS 66612  
(913) 235-0400  
FAX (913) 357-0200

DANNY J. VOPAT  
DISTRICT COURT TRUSTEE

November 18, 1997

Ms. Lisa Tarwater  
1319 NW Harrison  
Topeka, KS 66608

In Re: Response letter. Case Number 92-D-598.


Dear Ms. Tarwater,

I want to thank you for your letter of inquiry into Case Number 92-D-598. Your letter was dated October 27, 1997, but my office did not receive such until November 18, 1997. Your letter had three attachments being 1. a letter addressed to Lori Yockers and dated October 28, 1997; 2. a letter addressed to the Shawnee County Commission and dated October 27, 1997, and 3. an affidavit signed by you and dated October 29, 1997. I have reviewed your letter, the attachments, and the referenced child support enforcement case number 92-D-598 against Mr. Shawn Bolton.

I note that you are not a party to Mr. Bolton's enforcement case and therefore I can not communicate with you concerning the specific enforcement actions taken in his case. I dispute the allegations and statements of fact you make in your letter and the three attachments.

As a matter of public record the cash bond issue you refer to in your letter and attachments was resolved at the September 9, 1997, Administrative Hearing Officer hearing.

Sincerely,



Danny J. Vopat  
District Court Trustee  
Third Judicial District Court

Hello, my name is John Wingeback, I'm a divorced dad of a four year old little girl, Carley Wingeback. When Carley was born, and up until the divorce, I was in her day-to-day life everyday. In the evenings, when her mom attended night school, I was her sole caregiver.

When I was divorced, I had the customary every-other weekend couple nights a week visitation until Carley's mother falsely alleged that I was incapable of caring for Carley, that I sold drugs therefore I couldn't have overnight visits and the court ordered me to do a drug and alcohol evaluation as a way to prove my innocence, which is not my understanding of the American way. After jumping through these hoops, I had my attorney file a motion for a hearing to get more time with Carley. Before the hearing date arrived, Carley's mother filed a petition for protection of abuse, falsely accusing me of sexually abusing Carley. The Judge signed her petition, which severed my contact with Carley for a month until the hearing to answer these allegations. Knowing I had not sexually abused Carley, and I knew Carley had not been sexually abused while in my care or during my "short frequent visits," I had my attorney file a petition denying the allegations and requesting the Judge to place Carley in protective custody. The Judge would not sign my petition and it was at this point I realized the courts weren't interested in protecting Carley and most certainly did not have Carley's best interests in mind.

During the hearing for the false allegations of sexual abuse, it was ~~argued~~ <sup>AGREED</sup> that my Dad and Mom could supervise my

House Judiciary  
2-24-98  
Attachment 9

visits. I felt it was not necessary but agreed with on advice from my attorney. His reasoning was if my visits were supervised, Carley's mom could not make any more false allegations, and if she did they wouldn't be able to fly because my Dad and Mom could testify to the contrary.

We had four supervised visits with Carley, then her mom filed another petition for protection from abuse. The Judge signed it and again severed my contact with my daughter for another month. Again, knowing Carley was not sexually abused in our care and thinking if she was sexually abused it must had been in her mother's care, since she was with her 99.9% of the time. So, again, I had my attorney file another petition along with affidavits from my folks, stating they had supervised the visits as asked by the courts and no abused had occurred. I again asked in the petition for the Judge to place Carley in protective custody, which again the Judge declined to sign. At this point it was no surprise to me, but it still left me with feelings of frustration and helplessness to protect my own daughter.

During the hearing on the second false allegation of sexual abuse, it was ordered by the court to have a non-relative person to supervise Carley & I's visits. After waiting for a period of several weeks for paper work to be filed for the new supervision, Carley & I's contact was severed again during this period. This non-relative supervisor supervised the visits for five months, then quit because she was scared Carley's mother was going to accuse her of something. In addition, the courts

told her it would be temporary, and five months seemed a little long for temporary.

Then CASA (Court Appointed Special Advocates) was appointed to supervise. Then Carley & I's time was reduced from 12 hours a week of short frequent visits to one hour a week of supervised visits because that's all the time CASA had to devote to Carley & I's predicament.

Then, after several thousands of dollars was spent on evaluations and the court date came to clear this up, Carley's mother withdrew her allegations. I reluctantly signed an agreement, under the advise of my attorney, which still stuck me with supervised visits and counseling, with increases in time with Carley at the discretion of the therapist. This left a non-judicial person dictating judicial matters.

I have since fired my attorney, and filed a new motion pro-se, on the reasoning that I can get nowhere at the cost of nothing as opposed to getting nowhere at the cost of \$12,000.

And, it is not for these reasons, but for these experiences that I believe a shared parenting law is badly needed, with amendments pertaining to false allegations and consequences for filing false allegations.

Thank you for your time.

Ron Rank # 8/10  
3116 Kent St.  
Topeka, Kansas 66614-4030  
785 272-3720

Re: HB 2862

I am a custodial parent, despite this I can only see my children 2 times a year. This despite the fact I have legal custody. My children reside with my ex-wife who has custody of the children in her native land Ireland. Ireland gave her custody despite the fact I already had custody and despite they were born in the USA, and grew up in the USA before being taken to Ireland.

No one in our government, Local, State, or Federal have helped me.

I am now being asked to sign forms for Irish passports. I understand if I do this I may be giving up all rights to my children.

I support HB 2862, as a first step.

Ronald R Rank

*Ronald R. Rank*

*House Judiciary  
2-24-98  
Attachment 10*