

# **Oral Proponent Testimony of Mark Ludwig**

**For SB157**

**Kansas House of Representatives**

**Judiciary Committee**

**March 9<sup>th</sup> 2020**

## Outline of Oral Proponent testimony of Mark Ludwig

- 204 days son was separated from me
- After a year of court battle, ended up with equivalent of an every other weekend visitor
- A couple years later, after having stroke like symptoms, an MRI revealed I had a growth in my brain.
- I realized that if I were to die, my son's mother would immediately receive sole custody with no questions asked.
- However, the reverse was also true. I sincerely wish no ill towards his mother. However, if something happened to his mother, I would have immediately received full sole custody of my son.
- Why would I be a good enough parent to my son to receive 100% custody of my son if his mother were not around. Yet if she is in the picture, my son only gets the benefits of a father in his life to visit on weekends?
- Like many of us in this room, I thought I was the only one in this situation
- TV News station in St Louis ran a story on my ordeal that ended up going viral on the internet.
- Began getting flooded with messages of parents who had been effectively carved out of the actual parenting of their children.
- Has now grown to over 620,000 followers directly or indirectly on various FB pages

- Started study research from books like The Boy Crisis by Dr Warren Farrell talking about the effects on children growing up without a father (although this issue affects both genders)

- Children in this situation are facing a dual trauma. The overwhelming majority don't know how to verbalize the confusion of either:

  - o Trauma 1 – Mom & Dad aren't together and I don't know why

  - o Trauma 2 – Why do I only get occasional visits with one parent. Don't they love me?

- Confusion of Superior/Inferior Parenting Roles

- The results of this confusion lead to statistics others have spoken about reflecting societal impacts of growing up without a parent: High School Dropout Rates, Incarceration Rates, Teen Pregnancy Rates, Behavioral Problems, Substance Abuse Problems, etc.

- Picture Military Reunion videos – child runs across basketball gym floor and jumps in arms of a parent who had been serving overseas

- Innate love deep inside children for both of their parents

- Why are states telling these children one parent is more important than the other?

- Why are we effectively ripping one of these parents out of a child's life?

- Children need the bonding experience of:

  - o Knowing both parents can care for them

  - o Doing homework with both of their parents

  - o Seeing both of their parents get them ready for school in the morning

  - o Seeing both parents in routine daily activity during the week vs Disneyland Dad on weekends

- How effective could an employee be who only showed up for work 4-6 days a month?

- How much could a child learn if they only showed up to school 4-6 days a month?

- Isn't the raising of a child and a child's need to bond with both parents as important as a job or school?

- How can we expect one parent to be effective on 4-6 overnights a month?

- Only 2 groups of people who oppose this bill:

- o Family Law Attorneys

- o Domestic Violence Organizations

- Family Law Attorneys – vested interest in keeping an adversarial relationship in order to rack up billable hours.

- o Try to spin it that parents are only wanting to get out of paying child support

- o Think of this logic

- o If you go from having a child 4 nights a month to having them 15 nights a month, don't your actual expenses increase?

- o Why would a parent voluntarily spend \$15-30,000 in legal fees to increase the actual expenses they spend on their child?

- o Fallacy of expenses anyway – there is a bedroom in both homes regardless of how often they are used.

- o Realize, attorneys work for their client, not the child. Their job is to “win” for their client.

- o On daily basis, followers tell me they didn't hate their spouse nearly as much until they met with an attorney who told them “On our state, you're not going to get 50/50. One of you will win, and one of you will lose. So unless you want to lose, you better start coming up with dirt to prove why you are the ‘better’ parent.”

- o Imagine if both parents know they had a high probability of getting 50/50 anyway and all the money from legal fees could be used as a college fund for the child?

- Domestic Violence Groups – Fair concern. None of us would want a child put in a situation where they could be harmed.

- o But from a Due Process standpoint, how do you know until a case starts?

o You can't presume that all parents of one gender are so bad that they should automatically be rubber-stamped as an every other weekend visitor to their own child.

o And if they are truly bad parents, why is it okay for them to be every other weekend? Do we think they will be abusive if they are 50/50, but not if they are 20/80? Where is the logic in that?

o A 50/50 Rebuttable Presumption still gives the Judge full discretion to vary a plan based on individual situations. It merely states that until any facts are known, both parents should be presumed to be fit, willing and able unless proven otherwise rather than siding with one parent over another before the case even starts.

o How many DWI cases are there? Yet we don't take every person's driver's license who lives on the street when one person gets a DWI as an abundance of caution. If they have a driver's license, they get the benefit of the doubt as a safe driver.

o When two parents come together in a union, formal or otherwise, to have a child, they should both be presumed to be fit, willing and able unless proven otherwise.

o And that does not mention the fact that statistically, a child is a more risk of being abused from the boyfriend or girlfriend of a custodial parent than they are by their own biological parents.

- This year, 29 states are introducing legislation addressing the issues of shared parenting.

- We've seen the push toward equality with women in the workforce, equality with regard to racism, gender equality.....it's time children have that same right of equality to both of their parents