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Memorandum

To: Members, Legislative Study Committee on Child Placement and Support

Date: Sept. 24, 2018

Re: Family Law Section of the Wisconsin State Bar Memo Sept. 7, 2018

Steve Blake, president of Dads of Wisconsin wishes to share with committee members **a reply to the Family Law Section's September 7, 2018 memorandum.**

I am writing this as a response to the Family Law Section of the State Bar's memorandum but only peripherally. They mention in their memo that a working group consisting of "fathers groups" and members of Family Law Section of the State Bar that was formed over the summer came to agreement on various changes to WI Stat. Ch. 767. More accurately, there was only one father's group on that panel and that was the group I represent, Dads of Wisconsin. We do indeed agree with the recommended changes to Ch 767 included in the State Bar's memo with the exception of the proposed changes to 767.41(4)(a)2. Even then, while we do not agree that this proposed language is an acceptable alternative to a presumption of equal placement we think that in the absence of such a presumption in the law this change might be beneficial.

Dads of Wisconsin's position is that a rebuttable presumption that equal placement to the greatest degree is in the best interest of the children. I will attempt to explain why below.

What is the Definition of Best Interest of the Child(ren)?

One problem with relying on the "best interest of the children" standard is that there is no firm definition of what best interest means. It is similar to "I hope you are well" and "Have a nice day!". The factors included in 767 make an attempt to define but are still subjective in nature. A presumption that equal placement to the greatest degree is in the best interest of children is based on sound scientific research and provides a definition of best interest for at least a portion of what courts must consider when making placement decisions.

Why a Presumption of Equal Placement protects Children's Best Interest

There is extensive social science research supporting the idea that a presumption of equal placement is in and does protect a child's best interest because children need both parents actively involved in their lives for optimum development.

Linda Nielson PhD of Wake Forest University presented at the International Conference on Shared Parenting 2017. She talked about meta-analysis of 52 studies of shared parenting. She started by looking at all published studies in the English language, which used definitions of "shared" parenting ranging from 35/65 to a 50/50 schedule. Generally these studies looked at shared parenting versus every-other-weekend-with-the-loser-parenting.

30 studies found children in shared parenting did better on all metrics; 12 were equal or better on all metrics; 6 were better on most, worse on 1; 4 studies showed no difference.

Edward Kruk, PhD, Associate Professor of Social Work at the University of British Columbia, specializing in child and family policy, says "that equal parenting is a viable option to the present destructive adversarial "winner-take-all" "primary parent" divorce system, for both young and older children, and for those in high conflict as well as cooperative households". 1, Kruk, E. 2013, The Equal Parent Presumption; Social Justice in the Legal Determination of Parenting After Divorce, Montreal/Kingston; McGill-McQueen's University Press.

These are only two examples. I would be happy to provide the committee with links to all the research we have available.

Consequences of Fatherlessness.

Statistics on the consequences of fatherlessness, that is, less than 35% parenting time, show clearly that a presumption of equal placement to the greatest degree possible does indeed protect the children's best interest.

63% of youth suicides are from fatherless homes (US Dept. of Health/Census) - 5 times the average.

85% of all children who show behavior disorders come from fatherless homes - 20 times the average. (Center for Disease Control)

80% of rapists with anger problems come from fatherless homes - 14 times the average. (Justice & Behavior, Vol 14, p. 403-26)

71% of high school dropouts come from fatherless homes - 9 times the average. (National Principals Association Report)

90% of adolescent repeat arsonists live with only their mother. (Wray Herbert, "Dousing the Kindlers," Psychology Today, January, 1985, p. 28)

75% of adolescent patients in chemical abuse centers come from fatherless homes. (Rainbows for all God's Children)

70% of juveniles in state operated institutions have no father. (US Department of Justice, Special Report, Sept. 1988)

Fatherless boys and girls are twice as likely to drop out of high school; twice as likely to end up in jail; four times more likely to need help for emotional or behavioral problems. (US D.H.H.S. news release, March 26, 1999)

Results of the Dads of Wisconsin/Family Law Section Working Group.

Dads of Wisconsin was formed in 2010 by former board members of Wisconsin Fathers for Children and Families, Wisconsin's oldest fathers group. It was designed to be a citizen's advocacy group working with legislators at the state capitol to improve family law for fathers and

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children. Dads of Wisconsin was pleased and grateful for the opportunity to join with members of the Family Law Section of the State Bar on a working group to consider improvements to family law. We appreciate the time and effort all the section members put into the endeavor.

As stated above, we agree with the majority of the changes proposed to the Family Law Section's memo of Sept. 7. Our differences are on the presumption that equal placement is in the best interest of the children.

Thank you.

Steve Blake
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