The Fatherphobia Of Family Courts

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Feb. 2, 2005

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The threat to the right of children to be raised in mother-father homes comes not only from gay adoptions. It also comes from the fatherphobia of family courts that deprive children of their fathers.

Under no-fault divorce, equality is the rule: Either spouse can terminate a marriage without the other spouse's consent and without any fault committed by the cast-off spouse or even alleged by the spouse initiating the divorce.

When it comes to determining child custody, however, sexism is the rule. By making allegations of fault (true or false, major or petty) against the male, the female can usually get the family court to grant her their children and his money.

Despite an extended string of U.S. Supreme Court decisions upholding the fundamental right of parents to the care, custody and control of their children (reaffirmed in a 2000 case), and despite a very high standard that the government must meet in order to terminate parental legal rights, fathers are routinely denied due process when it comes to determining child custody after divorce.

Family courts use a highly subjective rule called the best interest of the child as recommended by court-appointed child-custody evaluators or psychotherapists. There is no requirement that they have any first-hand experience with raising children, and they are allowed to use their own personal prejudices to overrule the parents.

But why aren't parents the ones best able to decide what is in the best interest of the child?

Family courts routinely rubber-stamp child-custody evaluators who recommend mother custody with the father getting so-called visitation only every other weekend. This is despite the mountain of social science research presented in Dr. Warren Farrell's book, "Father and Child Reunion," which proves that the best interest of the child of divorced parents is usually to give the child equally shared parent time.

Two dozen different measures listed in Dr. Farrell's book indicate that equally shared custody is better for children than mother custody. Dr. Farrell's book explains how most fathers provide benefits that mothers usually don't.

Yet, family courts typically rule as though fathers have no value except their money, and routinely banish fathers (who have not been proven to have committed any misdeed) from the lives of their children, except for every other weekend. Dr. Farrell describes how this typical custody pattern is a loser for the child, causing intense feelings of deprivation and depressive behavior.

In his new book "Twice Adopted," Michael Reagan tells how, as the child of divorced parents, he only got to see his father Ronald Reagan on alternating Saturdays. He wrote, "To an adult two weeks is just two weeks. But to a child, having to wait two weeks to see your father is like waiting forever."

American courts are presumed to be based on an adversarial system with each side arguing its best case, subject to standards of due process, evidence and proof. Somehow, that doesn't function in family courts.

Some divorce lawyers advise wives to manipulate the process by using a three-step technique: (1) make domestic violence or child abuse allegations, (2) demand full custody, (3) collect large amounts of child support, alimony, and legal fees.

If the father objects to this process, the wife can make more accusations. The evaluators then call it a high-conflict divorce and give custody to the wife, declaring that shared parenting won't work.

If the husband doesn't acquiesce, he is reprimanded by the court for "not buying into the process." In trying to defend himself against accusations, the father is denied the basic rights of a criminal defendant such as presumption of innocence and the necessity that the accuser provide proof beyond a reasonable doubt.

Family courts force fathers to submit to interrogations and evaluations by court-chosen child-custody evaluators. Fathers are forced to pay the high fees of these private practitioners whom they have not hired, whose services they do not want, and whose credentials and bias are suspect.

The children are also subjected to these evaluators who attempt to turn the children against their parents in unrecorded interviews.

One of the most un-American aspects of family court procedure is the sentencing of fathers to attend re-education classes and psychotherapy sessions to induce them to admit fault and to indoctrinate them in government-approved parenting behavior. The court-approved psychotherapists report back to the court on the father's supposed progress, and his attendance at these Soviet-style re-education sessions must continue until he conforms.

A cozy relationship exists among the local lawyers and court-approved psychotherapists who recommend each other for this highly-paid work of making evaluations, counseling, and conducting re-education classes. The psychotherapists refuse to challenge each others' recommendations or question their competence, and the lawyers refuse to cross-examine them, because they all want to continue the profitable practice of referring business to each other and collecting fees from fathers who are desperate to see their own children.