



### PRESIDENT'S MESSAGE

by Michael Edward Fox

Did you ever try to get any kind of information from your child's school? How were you received? Have you ever thought "There ought to be a law?" Well, there is. It's Public Law 93-380, Title 20 USCA Section 1232(g) et and Title 93-568 seq.

Family Educational Rights Privacy Act (FERPA) is federal law. It applies to all schools that receive funds under an applicable program from the US Department of Education. Though designed to protect a student's rights, there is much coverage on issues that would interest a non residential parent, even a non custodial parent. The law as written provides minimum standards of reporting for such a parent unless there is a court order specifically revoking these rights.

I have spoken to school administrators, superintendents and teachers. Surprisingly, they are unaware of the school's obligations and responsibilities which could account for the difficulty one receives from local schools when requesting said information. They did want to learn more. So our task is to educate the educators.

In order to do that we need a PLAN. We need to contact every school district and layout our requirements as parents supported in part by FERPA.

We want report cards, progress reports, PTA notices, School calendar and School newsletters (which give dates of school plays, concerts, and other functions in which our children will be participating) access to homework, projects, and essays, and tests. We want to be treated as parents, not visitors. Only by knowing what goes on in our child's life can we attempt to be a part of it.

Our PLAN is to get on the agenda of every school board, present our program, and monitor its progress. Your Board is preparing an informational and introductory piece to be distributed to Secretary of every Board of Education in 9 counties in South Jersey. We need individuals to schedule appointments and meet with the school board, make a presentation. Again, your Board is preparing presentation materials. Finally one needs to follow through by meeting quarterly with the school Board secretary to monitor compliance and or problems encountered.

The Chain of Command is: FACE Board, County Administrators, Assistant Administrators.

Assistant Administrators make the actual presentations and do the quarterly follow up. Each will assigned a maximum of five school districts or Boards. Problems encountered, feedback, non compliance issues are forwarded to the County Administrator.

We need County administrators for Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, Atlantic, Mercer and Ocean counties. Administrators determine the number of assistants needed and recruit them. They advise the FACE Board as to whom and when letters of introduction are to go to the school Board secretary. They coordinate the efforts of their assistant administrators by assigning school districts. They also train or educate their assistants in FACE's goals and objectives. Problems encountered, feedback, non compliance are forwarded to the FACE Board for action or suggestions.

The Board will train the County administrators. A Board member will be calling you for the purpose of providing additional information which will enable YOU to volunteer for one of these positions. I realize that some can't wait till our PLAN is implemented and need immediate relief. To that end, we have an ACCESS TO SCHOOL RECORDS kit. It includes a letter designed by an attorney to obtain school records. Send a self addressed 8 1/2 by 11 envelope with 3 stamps on it to FACE.

P.S. I love it when a PLAN comes together! Don't you?

### In Memoriam

Geri Beth Kostner  
1982 - 1994

Ryan Kostner  
1984 - 1994

Geri Beth and Ryan Kostner were found in the back seat of their father Avi Kostner's Isuzu Trooper in the parking lot of the Teaneck, New Jersey police headquarters on Sunday, June 26, 1994. Both had been suffocated, and Avi was slumped over the wheel after attempting suicide with a drug overdose. This was to have been their last co-parenting time (visitation) with their non-custodial father. Their mother, Lynn Mison, had sole custody and received court permission to move to Florida with them.

Mr. Kostner and Ms. Mison separated in 1986 and were divorced in 1988. Avi had been back to court many times seeking relief for interference with his co-parenting. He had been jailed several times for failure to pay financial child support that left him in poverty but he was not allowed to give his children the emotional support they needed. He was arrested and charged with interference with custody when he once brought the children back to their mother late. The mother, of course, was never sanctioned for her dozens of interferences with his right to be a father.

Since Avi was left with no money to do anything with the children, he often took them to friends' homes during his co-parenting time. They report that Geri Beth and Ryan were outstandingly beautiful, bright and intelligent and excellent students. They loved their father deeply and often cried when it was time to return to their mother.


Avi is a boy scout troop leader, a counsellor at the Jewish Community Center and a hebrew school teacher. He is able to do all of these activities with other children, but not his own. Ms. Mison converted to judaism when they married but, after their separation, left that faith and reneged on her promise to raise the children in the jewish faith. She insisted that the children call their step-father "Daddy" and their father "Avi", and punished them if they used the wrong names.

We do not condone Mr. Kostner's actions. He is now in jail charged with the children's murders and must answer to the law for his actions. All of those who share responsibility for this tragedy must be prosecuted to the fullest extent possible, including Judge Birger M. Sween of Bergen County Family Court who imposed his own low standards of parenting on Avi, Lynn Mison and her husband and parents who conspired to deprive Geri Beth and Ryan of a loving father, Ms. Mison's lawyers who didn't care about the children and whose only motivation was the money their client would pay them, the mental health professionals who think that children benefit from the loss of a parent, and the Wayne and Teaneck police departments who refused to help Avi enforce his parental rights.

## CENTRAL JERSEY SUPPORT MEETING

To help us grow in Ocean, Monmouth, Middlesex and Somerset counties, and to better serve our members there, FACE-NJ now needs a support meeting site in central New Jersey. Preferable areas would be the Freehold area, or in the New Brunswick - Princeton corridor.


FACE support meetings are held in members' private homes so we can better control who attends. All that the host has to provide is a meeting place one evening per month, and perhaps a pot of coffee.

Can you open your home for a FACE support meeting? If so, please phone the FACE HotLine at 609/786-FACE. To allow us to publicize the meeting, you must be able to make at least a six month commitment. 

## JUDGES RECEIVE

### About FACE NJ

Our mailing list is again expanding. Beginning with this issue, AboutFACE-NJ is being sent to all seven Justices of the Supreme Court of New Jersey, all thirty Appellate Division Judges, all fifteen Superior Court Assignment Judges, and as many Superior Court Family Part Judges and Presiding Judges as we can identify.

Family Court Judges are not specifically identified on our mailing list, and Superior Court Judges periodically rotate into other courts, so please be sure to update us if you appear before or learn of a new Judge in your area. 

## About FACE NJ

The journal of  
Fathers' and Children's Equality-NJ

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Jeffrey Golden Chief Information Officer  
Christopher L. Pedrick Editor

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*Dave Davis is a student at Rutgers Law School in Camden, New Jersey, and is a non-custodial parent. With this article, he enclosed a photograph of himself and his son in supervised visitation at the Middlesex County courthouse.*

## A GLIMMER OF SANITY FROM THE APPELLATE DIVISION

by D. Perry Davis

In the last four months, the Appellate Division has published two cases where Restraining Orders entered under the Prevention of Domestic Violence Act have been dismissed. Anyone with an Order under appeal should get and read these cases. If you have an appeal filed that has not yet been heard, you can, under Rule 2:6-11(d), submit a "supplemental letter-brief in response to case law decided during pendency of appeal" and use these cases (remember to submit an original and four copies to the court, two copies to your adversary, and to include a certification of service).

In *Murray v. Murray*, 267 N.J. Super. 406, 631 A.2d 984 (App Div 1993), the Appellate Division rejected a trial court determination that telling a spouse she was unloved, that she was not sexually attractive and that he "might hit her if she tried to stop him from leaving" amounted to abuse under the Act. *Murray* stressed that it must be the intention of the defendant to harass the victim; the courts cannot enter an Order based on the plaintiff's misperception of this intent. Id. at 409.

The court noted the troubling aspects of a misuse of a Restraining Order, noting that "[a]s we read the findings...this defendant was tarred with the brush of domestic violence because he told his wife on a number of occasions that he planned to divorce and leave her, and that he no longer loved or felt attracted by her. One spouse has thus entered the pending matrimonial litigation with two strikes already called; spousal abuse and adverse disposition of support and property issues. The ... words "alarm or seriously annoy" must here be considered in light of the legislative purposes for the Prevention of Domestic Violence Act" Id. at 410.


In February, the Appellate Division decided *D.C. v. T.H.*, 269 N.J. Super. \_\_\_\_, 1994 N.J. Super. Lexis 11, (App Div 1994), in which the defendant approached the plaintiff at her job and told her that he "would put his foot up [her new boyfriend's] butt" if he again inflicted corporal punishment on defendant's child. The

court again referred to the legislative intent of the Act ("...there are thousands of persons in this State who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants...") in reversing the trial court's Order. Id. at 17. The Appellate Division seemed to come to the revolutionary conclusion that fathers are sentient beings who are concerned with their children, and that the totality of the circumstances, while not justifying the defendant's conduct, also prevented it from being legitimately labeled as Domestic Violence.

The court ruled "certainly defendant, as the natural father of the child, had a right to express disapproval of plaintiff's boyfriend's allegedly inappropriate manner of punishing the child. Although defendant might have chosen different words, his conduct did not rise to the level of harassment." Id. at 18.

Hopefully, these cases show a turning away by the Appellate Division of Orders being entered under the "harassment" clause of the Act where there is no showing of a criminal act of domestic violence. As many of us are well aware, such a recognition would be long overdue. Since the 1988 amendments to the Act, there are an additional 25,000 DV Orders entered each year, and according to FJFP Mark Epstein (at a 1993 Family Law conference), "probably 95% of these 'new' DV cases do not contain even an allegation of violence between the parties".

Also encouraging is the Court's recognition in *Murray* of the devastating consequences of "being tarred with brush of domestic violence" and the attendant removal from residence, adverse property disposition, and presumption against custody based on unsubstantiated allegation.

The last time in history that accusation was this effective was during the Inquisition. The courts have a long way to go in evolving the Act to its stated purpose and removing it as "the Pearl Harbor of Divorce Court", but any steps, even those as small as those in *Murray* and *D.C.*, should be applauded. 

## NEW JERSEY APPELLATE COURT RULES THAT TIME CHILDREN SPEND WITH NON-CUSTODIAL PARENT SHOULD BE CONSIDERED WHEN SETTING CHILD SUPPORT

by Jeffrey Golden

By agreement between the parties, James Pascale's ex-wife is the residential custodian of his children, Kyle age 10, and twins Lauren and Corrine age 8, but they spend substantial time with their father. During the school year, they are with their father every Wednesday and Thursday from the end of school until 8:30 PM and 24 hours on alternating Saturdays and Sundays. During summer vacations the Wednesdays and Thursdays are extended to overnight. They are also with Dad on Father's Day, alternating children's birthdays and at least one week during the summer.

Even though the children spend substantial time with Dad, he was ordered to pay \$1,150 per month in financial child support, synagogue membership, religious education, 100% of the first \$500 and 60% of any additional unreimbursed medical expenses. (Both parents have high five figure incomes.) The ex-Mrs. Pascale felt that this level of support was inadequate and ignored the New Jersey child support guidelines. Mr. Pascale

felt that it was excessive and didn't take into consideration his substantial parenting obligations and the necessity to provide appropriate food, shelter and necessities during his extensive periods of overnight parenting time. Both appealed.

On June 22, 1994 in Pascale vs. Pascale (Appellate Docket No. A-872-92T5) the Appellate Court found that issues that must be considered when deciding whether the child support guidelines are applicable include:

- Income below the poverty level,
- Income above \$52,000 per year,
- Custody other than "traditional custody and visitation arrangements."

In this case, family income is far above \$52,000. The guidelines do not define "traditional custody and visitation arrangements." The Court calculated that the children are with Dad 42 hours per week during the school year and 72 hours per week in the summer, and ruled that this "is substantially

different than the "traditional" custody arrangement." In it's decision, the Court said:

"In a traditional custody arrangement, the custodial parent is entrusted with the responsibility of all financial decisions affecting the lives of the children of the marriage. As time-sharing between parents increase, the non-custodial parent is required to make financial decisions and must have the financial ability to effectuate those decisions. We conceive that allowing a child to perceive the residential custodial parent as the sole provider of necessities and all discretionary purchases, diminishes the importance or esteem of the non-custodial parent. For these reasons, child support must be adjusted and must be apportioned between the parties."

FACE-NJ commends Judges Dreier, Brochin and Kleiner of the Appellate Division for recognizing the financial needs of non-custodial parents and establishing a threshold for rebutting the child support guidelines. ☐



### Fathers' And Children's Equality, Inc. - NJ MISSION STATEMENT



Fathers' and Children's Equality is a non-profit children's advocacy organization, and a self-help and support group for non-custodial parents. Our Mission is to:

**minimize the emotional upheaval experienced by children during and after parental separation, and**

**promote every child's Civil Right to equal access to both parents and extended families regardless of the parents' marital status, and**

**end the adversarial process in divorce and custody matters.**

#### **Our Goals are to:**

- promote equal parental responsibility for children's nurturing,
- promote equal parental responsibility for children's financial needs,
- encourage alternatives to divorce,
- promote the position that children are not property,
- end parental alienation,
- eliminate profit motivation in custody disputes,
- provide positive parenting role models for separating families,
- prevent the use of false child and/or spousal abuse allegations as leverage in custody disputes,
- establish mandatory penalties for false allegations of child and/or spousal abuse,
- promote equal treatment of Family Court litigants, and
- enforce existing laws providing gender equality in Family Court.

Adopted September 27, 1993 by the Board of Directors

## LETTERS TO About FACE NJ

### Thoughts to Ponder:

On March 19, 1991, Judge Martin Herman of Gloucester County took away my two sons, then 11 and 5 years of age, dividing them from their father due to parental alienation, attacks by PASA, Community Mental Health Center, DYFS investigating false allegations that would forever scar me, and even having a Dr. "G" ram-rodged down my throat (even though the court had a list of over 30 other evaluators to choose from). It took me 3 1/2 years, going through two attorneys, money, major financial losses, and loss of a house I purchased as a single Vietnam Era veteran.

December 6th, 1993. That date will live in infamy, just as the bombing of Pearl Harbor in 1941. On that day, fathers from all walks of life testified against lifetime tenure for biased Judge Herman.

Fast forward to August 16, 1994, which I will remember for the best news I ever received from a judge. On that Tuesday morning, I received a phone call from Judge John J. Lindsay, who stated that I needed my boys and they need their father. So what I'm trying to say is that on Saturday, August 20th, I will pick up both of my sons at curbside and be a father for the first time in 3+ years.

Now I'm willing to offer to anyone in Gloucester and Camden counties who needs a visitation supervisor, all they have to do is pick me up - we can work out the details.

I know what it's like to be jacked by the system. I've been there.

Angelo DeLici  
Gloucester City, NJ

*Angelo has volunteered to be the coordinator of a supervisor resource for FACE members that are required to have supervised co-parenting time (visitation) with their children. If you need a supervisor, or additional supervisors, phone him at 609/456-6276.*

### The Last Word on Dr. "R"

I read with great interest the responses to my article about my experience with Dr. R. As I do not wish to reveal the doctor's full name in print to prevent potential legal entanglements, I can only wonder if we are all talking about the same person, especially when I read favorable reviews of the doctor's behavior. I stand behind my description of Dr. R. Her "philosophical opposition" to overnight visitation is a matter of record, as are my

estranged wife's statements in her Motions and in her testimony to the Court. In addition, other professionals in her field have subsequently shared with me, "off the record", their less-than-favorable opinions of her.

The end result of all this heartache was a ruling issued last Fall; I now spend 12 days a month with my son, including bi-weekly overnights. Although not a perfect settlement, I find it to be fair and certainly far more acceptable than the extremely one-sided arrangement proposed by Dr. R.

While I may disagree with some of the Judge's decisions, I credit him with the courage to state for the record, when issuing his ruling, that he found Dr. R's opinions to be outside the mainstream of her profession and contrary to the spirit of a system which is supposed to encourage parenting by both parents. Furthermore, he found her recommendations to be contradictory and based solely on her to "philosophy."

I cannot comment on others' experiences with Dr. R. I can only echo and expand upon Mr. Golden's commentary: take charge of the evaluation process. Participate in mediation whenever possible and use psychological evaluations only as a last resort. If you are forced into the evaluation process, thoroughly investigate the psychologist. Document any questionable behavior. Your children are far too precious to lose based upon a stranger's superficial, and perhaps biased, judgements.

Craig Katz  
Mount Holly, NJ

### Letters To Our Legislators

FACE member Rich Gorish has volunteered to edit a new column. **Letters To Our Legislators** will begin in the next issue of AboutFACE-NJ.

In addition to FACE, Rich is an active member of NJCCR, NJCCR-PAC, and CRC. He is computer literate, has access to the Internet, and is a frequent correspondent on America On-Line. He now asks FACE members to express their opinions to our legislators. Write a letter. It doesn't have to be typewritten or spelled correctly or have proper grammar. Rich will get it to the appropriate legislators, possibly through the Internet. Some letters will also be published in AboutFACE-NJ, which also goes to all of our legislators.

Send your letters to:  
Rich Gorish  
FACE  
44 Riverbank Dr.  
Roebling, NJ 08554  
Internet ID:  
RICHG79801@AOL.COM

*Jeff Golden, a FACE director, gives us a series of articles on why our present Family Court system can't work. In future articles he will philosophize on lawyers, the mental health professionals the courts use, and the others who will try to control Family Court victims' lives.*

## WHY ARE JUDGES BIASED AGAINST MEN?

by Jeff Golden

Since most judges are men, why do they tend to be biased against fathers and husbands? To understand this, we must first understand how they got to be judges. Early in their careers they were political animals. They spent long hours building their law practices and socializing with powerful people who could help them realize their career ambitions. When their own children were young, Dad often arrived home after they were in bed and only got to see them for a few hours on weekends. They got their jobs by neglecting their own children.

Now they impose their own standards of family life on you. Even though most judges' children were raised primarily by their mothers, most do not grow up to become serial murderers or drug lords. Judges feel that, if this was good enough for them, it will be good enough for you and your children as well.

Most judges are middle-aged men. They were raised in an era when young men were trained to be chivalrous gentlemen - opening doors for women, pulling back their chairs, and generally looking out for women's welfare and protecting them from harm. Chivalry is only extended by men toward women; it would be un-manly to be chivalrous to another man. Chivalry had its beginning in medieval times when knights in shining armour would rescue fair damsels from fire-breathing dragons. Even though there haven't been any knights, damsels or dragons for a long time, judges still practice chivalry.

When a woman appears in court and claims that she has been abused and is afraid of her husband, the judge doesn't bother to weigh the evidence to determine whether or not these allegations are true, or question whether she is merely trying to position herself for a more favorable property settlement or custody decision in an upcoming divorce action. He immediately issues a restraining order against the big, bad man-dragon, making it impossible for the couple to communicate with each other to reconcile their differences.



Judges are also out of touch with reality concerning family finances. Their salary is \$106,000 per year plus very comprehensive health insurance, a liberal bundle of fringe benefits and perks, and a very generous retirement plan, all at no cost to them. The judge doesn't understand that in the average family, both parents must work full time to maintain a standard of living that is a fraction of his. It does not concern him that, if a family requires two salaries to maintain one home, there is not enough income for two homes, or that if a father is put out of his own home and required to still meet all of the expenses of that home, he likely won't have enough money left to shelter himself.

Courts are designed to resolve money issues, and they are good at that. If someone steals from you or cheats you, the judge can order them to go to jail and/or make restitution. Courts are not good at resolving more intangible issues that don't have a dollar value. For example, if you are injured in an accident, you can get paid money for your pain and suffering, but the judge can't order the pain to go away. Even if a judge orders a river to flow upstream, the water will still go where it wants to.

If, after you have been put out of your home, your ex-wife claims that your family heirlooms have disappeared or never existed, he can order an actual cash value credit for you in equitable distribution, but he can't compensate you for the loss of their sentimental value. What is the actual cash value of a fifty year old photo of your grandparents, and how can you be adequately compensated for loss of it's sentimental value? Likewise, a judge is not the right person to decide a time issue, like whether a child should be required to be fatherless for eighteen years.

The solution is get rid of Family Court and it's judges. They are not by temperament, training or experience qualified to decide family matters. Family issues must be resolved in another forum. ☒

## BOOK REVIEW:

# HUNGRY GHOSTS by Mary Taylor Previte

reviewed by Jeff Golden

## IF MY FATHER WOULD OF BEEN NEXT TO ME ...

by RICARDO age 16

"If a boy don't have a father, he ain't gonna beat the streets. The streets, the money, your friends control you.

"You gotta have a strong man pullin you in the right direction, punishin you when you be doin wrong.

"A boy's gonna listen to a father better than a mother. A mom like to believe everything you tell her. A dad don't, because he was a teenager and know what the street is all about.

"If my father would of been next to me ..."

This book is peppered with stories written by hungry ghosts like Ricardo. "A hungry ghost is a neglected spirit. A spirit bent on revenge. The spirit of someone who dies without leaving children. If you do not feed their spirits, if you launch them alone, the Chinese say, launch them into the Other World ... unprotected ... unnurtured ... unsupported with the bonding of family rituals - these hungry ghosts come back to haunt you - with mischief and terrible paybacks."

Mary Previte knows about hungry ghosts. As a child, she was an inmate in a Japanese concentration camp after being separated in China from her missionary parents. Later, she taught at Camden High School. Today she is the administrator of the Camden County Youth Center - the juvenile detention facility - and the hungry ghosts there, like Ricardo, are the subjects of her book.

Ms. Previte's hungry ghosts are the teenage (and younger) juvenile offenders you read about in the news every day - the troublemakers, the hellraisers, the incorrigibles.

Ricardo is accused of murder.

What do these children have in common? There are lots of things - Poverty, but not always. Child abuse, but not always. Peer pressure, but not always. Breakdown of the family, yes.

Ms. Previte says that these are children who don't have fathers in their lives. She points out that they get visitors - mothers, sisters, aunts, grandmothers, girlfriends - but almost never fathers.

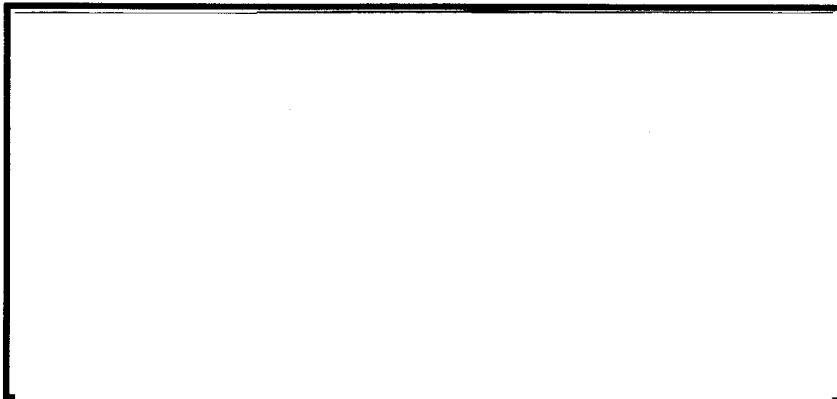
Ricardo sums up the boys' feelings about fathers, but what about the girls? Many are pregnant teenagers who, in their longing for father's love, or as a result of mother's poor example, have made irresponsible decisions in their sexual relations.

During her tenure as administrator, Ms. Previte has changed the Youth Center from a snake pit into an institution that provides a healthy, safe environment and encourages children to reach their full potential. There was more to this than just bright lights and cheerful colors. Uniforms were eliminated. "Inmates" are now "residents" and "students". She knows that "guards" are treated one way and "officers" are treated another.

Family Court, in addition to handling divorces and custody matters, is the court these juvenile offenders go before. Several times, Previte mentions names of judges that Camden County Family Court litigants are all familiar with.

Why can't these judges see, from the examples in the Youth Center, the importance of fathers in children's lives? Why must they create more fatherless children? And why can't they, as Ms. Previte has, see the effect of the words they use? Fathers are not "visitors" and "obligors". They are parents! ☒

Advertisement



## COMMISSION TO STUDY THE LAWS OF DIVORCE

The Divorce Commission has had two more public hearings. The fourth public hearing was held in the Ocean County Administration Building on Thursday, July 28, 1994. This hearing was held at 7:00 PM in response to a complaint at the prior hearing by Myra Terry of NOW who said that custodial mothers, who had to care for children when they came home from school, could not attend hearings at 2:00 PM on a weekday in Trenton. Never the less, 17 of the 25 witnesses were men or non-custodial fathers.

This time Barbara Brandon, the current president of Aware, Commissioner Irene Von Seydewitz's organization, asked how many custodial parents were in the audience, and said that it was too inconvenient for custodial parents to come to Toms River in the evening to testify.

Why are women not testifying at these hearings? Will *any* time be right for them? Could it be that, because they do so well in divorce court, they are satisfied with the present system and have nothing to complain about? They don't even come to testify in favor of the status quo. Maybe they don't want to upset the gravy boat they are riding on.

Hyman Fleischman came from his home in North Carolina to testify on behalf of his wife who, as a result of a conflict with a court appointed psychologist, has no contact with her children in New Jersey. He cited this as an "abuse of a resource" by the court.

Fathers United for Equal Rights (FUER) has a chapter in Ocean County, and three of their members testified. CEO Michael Mayo spoke of the problems with the current child support guidelines and inequality in administration of the current domestic violence laws. He recommended prosecution for false allegations of domestic violence, and the substitution of "parenting time" for the term "visitation."

Stuart Lay of FUER said that attorneys "rape and pillage marital assets," and said that it should be proven that a parent is incompetent or a danger to children before being separated from them. He said that a false allegation of domestic violence *is* an act of domestic violence.

FUER member Daniel Hudson asked for a uniform charge date for financial child support.

Martin Rodetsky has finally received the tape of Commissioner Maryanne Espinosa Murphy screaming at him when she was a judge. He played it for the commission, even though Mrs. Murphy was *again* absent.

Abdulaziz Faruq discussed Islamic law

on marriage, fidelity, divorce and child custody. He asked for changes that conflict less with Islam.

Two non-custodial mothers testified - Eileen Barker and Lourdes Kontos. Both told heart rendering tales of being separated from their children. Ms. Barker's custody litigation has been ongoing for eight years. Ms. Kontos has not seen her children since custody was reversed in 1991 while they were with their father in Massachusetts for the summer.

Two Ocean County lawyers testified - Norma Rosenblum and Susan Golning. Ms. Rosenblum complained that the newest, least experienced judges are assigned to Family Court, and when they get some experience, they are rotated out. [Editor's note: There are some Family Court judges that we would *like* to have rotated out of Family Court.]

Bob Braid of NJCCR testified about minority, majority and emancipation. He asked when is a child no longer a child?

Eugene Gullish testified that he was a victim of false allegations of spousal abuse and child abuse. The result was supervised visitation and alienation of his young child. He said that Family Court should "do right in God's eyes."

There was also a public hearing of the Cause of Action Subcommittee on Thursday, August 11th at 2:00 PM in New Brunswick. Since this was only a subcommittee hearing, maybe this should be called the 4 1/2th hearing. The primary issue at this hearing was whether "irreconcilable differences" should be made a cause of action for divorce in New Jersey. The hearing was sparsely attended. Maintaining her almost perfect attendance record, Mrs. Murphy was again absent.

Only two more hearings are now scheduled: 7:00 PM on Tuesday, Sept. 20, 1994 at Council Chambers, Wayne Township Municipal Building, 475 Valley Road, Wayne, NJ, and 2:00 PM on Wednesday, November 2, 1994 at The State House in Trenton, NJ. To schedule yourself to testify, phone OLS secretaries Karen M. DeMarco or Elaine Fennelli at 609/292-5526. If you wish to testify but can not personally appear, you may submit fifteen copies of your written testimony to:

Ms. Patricia K. Nagle  
Commission to Study the Laws of Divorce  
Legislative Office Building  
135 West Hanover St.  
CN-067  
Trenton, NJ 08625

The law that created the Divorce Commission provided for it to exist for only a year and a half. It is expected that it will deliver it's final report to the governor and the legislature in March, 1995, then expire. The final public hearing will probably be in February.

## FIGHT BACK!

*Have you been mistreated or abused by a judge? your lawyer? your ex-spouse's lawyer? a court appointed psychologist? a psychologist selected by your ex-spouse? What can you do about it? You might find these addresses useful.*

### Advisory Committee on Judicial Conduct

The Advisory Committee on Judicial Conduct investigates misconduct by judges and, when warranted, disciplines or prosecutes them for it. Judges are held to a very high standard of conduct. For example, the most significant part of the Code of Judicial Conduct for Family Court litigants say:

- Canon 1. A Judge Should Uphold the *Integrity and Independence* of the Judiciary
- Canon 2. A Judge Should Avoid *Impropriety and the Appearance of Impropriety* in All Activities
- Canon 3. A Judge Should Perform the Duties of Judicial Office *Impartially* and Diligently
- Canon 5. A Judge Should Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties
- Canon 6. A Judge Should Not Receive Compensation for Quasi-Judicial and Extra-Judicial Activities

If you believe that a Judge involved in your case has conducted himself improperly, document it as best you can and send your written complaint to:

Advisory Committee on Judicial Conduct  
Hughes Justice Complex  
CN 037  
Trenton, NJ 08625

### Office of Attorney Ethics

Lawyers, as "officers of the court" are required to operate within the limitations of the Rules of Professional Conduct. Some of those rules which are of the most interest to Family Court litigants are:

- RPC 1.1 A lawyer shall not (a) Handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence.
- RPC 1.2 A lawyer shall abide by a *client's decisions* concerning the objectives of representation . . . and shall *consult with the client* as to the means by which they are to be pursued.
- RPC 1.3 A lawyer shall act with reasonable *diligence and promptness* in representing a client.
- RPC 1.4(a) A lawyer shall *keep a client*

Continued on page 8

## LEGISLATIVE UPDATE

by Jeff Golden

### Commission to Study Child Support Guidelines

This bill will establish a gubernatorial commission to study the adequacy of New Jersey's child support guidelines and recommend changes. On Monday, June 20th, Assembly Bill A-218, introduced by John A. Rocco (R) of Cherry Hill, passed the Assembly by 75 to 0. The Senate version of this bill, S-1001, is now out of committee and should be voted upon shortly.

Even after S-1001 passes the Senate, it still must be signed into law by Governor Whitman. She may veto it on the grounds that it is a duplication of the work being done by the Commission to Study the Laws of Divorce. **DON'T LET THIS HAPPEN.** Both commissions are needed, and child support guidelines require a specialized commission for this issue only.

Watch the newspapers. When the senate passes S-1001, write to Governor Whitman urging her to sign it immediately.

### Higher Education Costs

Although married parents may do so if they wish to, they are not required to pay for their children's college education. Family court routinely orders divorced parents to pay for their children's higher education.

The Blue vs. Blue case in Pennsylvania brought this issue to national attention last year. There, the Supreme Court ruled that divorced parents do not have to pay. The legislature later passed a law, Act 62, requiring divorced parents to contribute toward their children's college expenses. Constitutionality of that law is now also being challenged because it treats married and divorced parents differently. Currently, it appears that only one judge in Chester County refuses to uphold Act 62, and it is law in the rest of the state.

Assemblyman Gary W. Stuhltrager (R) of Woodbury has introduced bill A-1790, which will change a few words in New Jersey's law to prohibit courts from requiring *any* parent, married or not, to pay for college or other higher education. This is good, but it is not comprehensive enough. Courts may still

require divorced parents to contribute to a fund for future education expenses or fund education by paying child support for adult children who are still in school.

Write to Assemblyman Stuhltrager, or phone his office at 609/853-7868, and let him know that his bill needs to be expanded to include emancipation at age eighteen and prohibit collection of higher education costs by calling them something else.

### Emancipation at Age 18

Because of inability to gain legislative support, the NJCCR Political Action Committee (in which FACE representatives participate) has filed a federal "group action" (as opposed to class action) lawsuit to require that children be emancipated at age eighteen. We will keep you informed as this progresses.

### Mandatory Custody Counselling in Gloucester, Salem and Cumberland Counties

The Courier Post reported that Senator John Matheussen of Washington Township "hopes to spare kids some of the pain of divorce" by introducing a bill that would create a \$1.25 million pilot program in Gloucester, Salem and Cumberland counties patterned after the Families First program in Atlanta, Georgia. FACE is familiar with and supportive of Families First, a program that requires divorcing parents to attend mandatory custody counselling and learn of the effects of divorce upon children.

FACE obtained a copy of Matheussen's bill number S-1343. It does not mention anything about Families First. It does not even specify what should be included in the program. All it says is that "Rules and regulations governing the pilot program and the content of the program itself shall be developed by the presiding judge of the Family Part in the selected vicinage, a family court mediator and *two* qualified representatives from a nonprofit agency in the vicinage that advocates for children, all of whom shall be named by the presiding judge of the Family Part, with the approval of the assignment judge." [Emphasis added.]

This bill gives the foxes the authority to guard the henhouse. Who is the *one* preselected nonprofit agency from which the two representatives will be selected? FACE is certainly eminently qualified. Why is this program to be developed by a family court

judge? If s/he understood the problems, they would already have been solved.

To be successful, this program must either not be under the authority of family court, or should specify a known successful program like Families First. Write or phone Senator Matheussen's office (609/228-8552) and let him know your opinion.

### "Mrs. Doubtfire" Bill

In the film "Mrs. Doubtfire," Robin Williams portrays a divorced father who, to spend more time with his children, poses as a nanny and is hired by his ex-wife to care for his own children. This film has inspired "Mrs. Doubtfire" legislation in several states, most notably (of course) California. This would require that, if the custodial parent requires the use of a child care giver (day care, nanny, babysitter), the non-custodial parent, if practical (geographic proximity), shall have the right of first refusal. The California version was rejected by the legislature, but it is still pending in other states. We will keep you informed of progress.

Write or phone your state legislators and let them know that you support such legislation in New Jersey.

### Legislative Process

To make sure that everyone understands what has to happen to pass a law, we reprint the following from the 1994 issue of government publication "New Jersey: Garden State Facts & Fun":

The legislative process consists of four steps: 1. the preparation and introduction of bills and resolutions; 2. consideration of these bills by committees; 3. discussion and passage by both legislative houses; and, 4. signing into law by the governor, the head of the executive branch.

To pass in either house, a bill must have a majority vote - 21 in the Senate and 41 in the General Assembly. Once a bill is passed in either house, it goes to the second house. When the bill has passed both houses, it is delivered to the governor who has 45 days to either approve the bill and sign it into law, or to veto and disapprove it.

In some instances, the governor delivers an absolute veto; in others a conditional veto, which means that, with some changes, he approves the bill. The legislature may override the governor's veto by a two-thirds majority vote in both houses.

## FIRST ANNUAL AMERICAN FATHERS COALITION FATHER'S DAY RALLY

On a warm June 18th, 1994, the Saturday before Father's Day, about 75 people from all over the country, mostly fathers, gathered on the Mall in Washington, DC, in the shadow of the US Capitol, for an afternoon of speeches, networking and fellowship organized and sponsored by the American Fathers Coalition.

This was an opportunity to meet with the leadership of parents' and children's rights groups nationwide. AFC is a loosely-knit umbrella group. Speakers included Phillip Holman from Michigan of the National Congress for Men and Children, David Levy of Children's Right Council in Washington, DC, Jim Cook of the Joint Custody Association in California, and Bill Harrington from Washington state and Stuart Miller from Virginia, both of the AFC. A proclamation by President Clinton honoring fathers was read.

A plan of seven steps toward welfare reform and healthy children was delivered to the White House. The AFC's proposal includes:

### Custody

The father should be the child placement of first choice if the mother applies for Aid to Families with Dependant Children (AFDC). This simple change alone will immediately cut AFDC in half saving the government hundreds of millions of dollars, and provide children with solid, loving homes.

### Paternity Establishment

Establish a legal link between mother, father and child when paternity is established. Forms used to establish paternity should also lay the groundwork for a custody/parenting time arrangement.

### Financial Child Support

Both parents should be responsible for supporting the child according to their earning ability. Mothers who receive AFDC benefits should be responsible for repaying the government, making the AFDC/welfare lifestyle less desirable.

### Accountability

Recipients of AFDC benefits should be accountable for how those benefits, as well as financial child support, are spent.

### Incentives for payment of financial child support

States should be required to implement custody and co-parenting time presumptions that are proven methods of encouraging voluntary compliance. Mothers report in census data that fathers who have joint custody pay financial child support at rates exceeding 90%; fathers who have "visitation" pay at 80%.

### Poorly trained and uneducated parents

Job training and skills enhancement programs should be provided to parents who are unable to meet their financial child support obligations.

### Inability to pay financial child support

Many "obligors" fall behind in financial child support payments because of unemployment or underemployment. Give them preference at employment agencies to enable them to resume payments. This priority should also include any person who is the sole support of a family.

*About a dozen FACE-NJ members attended the AFC rally. Another group went to Washington but couldn't find the rally. Let's make attendance an annual event for FACE members.*

## FIGHT BACK!

Continued from page 6

*reasonably informed* about the status of a matter and *promptly comply* with reasonable requests for information.

RPC 1.5(a) A lawyer's fee shall be *reasonable*.

RPC 1.8(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest *adverse to a client*. . .

Ethics are in the eye of the beholder. If you believe that you were treated unethically, you probably were. If so, contact:

Office of Attorney Ethics  
Hughes Justice Complex  
Trenton, NJ 08625

### New Jersey Board of Psychological Examiners

Psychologists too are governed by rules of professional conduct. When a court orders you to participate in a custody evaluation or a psychological evaluation of yourself, you *are*

## UPCOMING EVENTS

### Tuesday, Sept. 20, 1994:

New Jersey Commission to Study the Law of Divorce; 7:00 PM, Wayne, NJ  
Council Chambers  
Wayne Township Municipal Building  
475 Valley Road  
Wayne, NJ

*One of a series of public hearings by the Commission. To schedule yourself to testify, phone OLS secretaries Karen M. DeMarco or Elaine Fennelli at 609/292-5526.*

### Monday, October 31, 1994:

3rd Annual **FACE NJ** Halloween Demonstration at the home of one of our *favorite* judges!  
4:00 PM to 6:00 PM. Meet 3:30 PM at:  
Olga's Diner  
Marlton Circle (intersection of Routes 70 & 73)  
Marlton, NJ

*Has a judge created a condition that prevents you from enjoying Halloween with your kids? Let him know how you feel about it! Come in costume, but no masks, please. Kids are welcome.*

### Wednesday, November 2, 1994:

New Jersey Commission to Study the Law of Divorce; 2:00 PM:  
The State House  
Trenton, NJ

*(See September 20, 1994, above).*

### Friday, November 4 through Sunday, November 6, 1994:

4th Annual National Fathers' Rights Conference  
Las Vegas, NV

Contact: National Fathers' Rights Organization, PO Box 4001, Waukesha, WI 53187  
414/798-9000



not the psychologist's patient. Even though you (most likely) are paying him, the psychologist is acting on behalf of the court as the court's specialist.

We have found that psychologists, especially those on the courts' lists of approved custody evaluators, tend not to be impartial. They tend to write reports as the court wants them written.

Has a psychologist written a custody report that portrays you as Jack the Ripper and your ex-spouse as Mother Theresa? Was key information that would have been favorable to you omitted from the report? Contact:

New Jersey Board of Psychological Examiners  
PO Box 45017  
Newark, NJ 07101



# FACE CLASSIFIEDS

## COMPUTER SERVICES

Computerese/English translations

Mysterious concepts demystified



Used Systems



Novell Networking

Hardware - Software

New Systems and Upgrades

Professional Personal Service

Certified Computer Repair Technician

**OPC Computer Services**

**609/769-8056 #885**

## T-SHIRTS T-SHIRTS T-SHIRTS EXPRESS YOUR OPINION

**"Two parents: A child's civil right."**

Yellow lettering on black

**"Judges: Children's worst enemies."**

Green on white.

**"Parental alienation is child abuse."**

White on blue.

All above in adult M, L, XL, or XXL.

**"My Dad: More than just a paycheck."**

Black on yellow in youth M & L

and adult S & M only.

All have FACE-NJ name & phone on back. Send check or M/O for \$10 each plus \$1 S&H for first shirt and \$1 S&H for each add'l 2 shirts to: Golden, PO Box 2601, Cherry Hill, NJ 08034.

### ADVERTISING RATES:

Classified ad: 75 cents per word.

Display ad: \$30 per column/inch

"Business card" ad: \$65.

### WORD PROCESSORS NEEDED

FACE NJ is seeking two volunteers to do word processing. If you have some time, and you would like to help, please call the hotline.

**Fathers and Children's Equality - NJ** is a nonprofit 501(c)(3) organization. We have no paid staff; we are an all volunteer group. Our only sources of income are membership dues, subscriptions, advertising and donations.

**WE ARE NOT LAWYERS. WE CAN NOT AND DO NOT REPRESENT ANYONE IN COURT.** If you find a competent, capable lawyer who understands your and your children's rights, who is willing and able to tenaciously fight to secure those rights, who completely understands the facts in your case, and who you can afford to pay, you should hire that person. If you can not find or afford to pay such a lawyer, we urge you to seek out all available resources to aid yourself in securing these rights.



## MEMBERSHIP APPLICATION

Help us help you...Join today and together we can make a difference.

PLEASE CHECK:  New Membership  Renewal  Newsletter Subscription Only (\$25);  
 standard annually, \$65\*  family annually, \$75  sponsor annually, \$100 or more  
 I can't join now, but please accept my tax deductible contribution of \$ \_\_\_\_\_

name \_\_\_\_\_ date \_\_\_\_\_

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county \_\_\_\_\_ phone \_\_\_\_\_

- \* Remit in full or send \$25, you will be billed for 2 more payments of \$25, total \$75  
Mail application and payment to: FACE NJ, P.O. Box 2471, Cinnaminson, NJ 08077
- You can use my name as a supporter for legislative purposes. (Please check)

V2N3

### FACE PHONES

**FACE NJ** Hotline 609.786.FACE  
 Atlantic City Hotline 609.645.1355  
**FACE** Pennsylvania 215.688.4748



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 Brian Rogers Communications Coordinator

## CENTRAL JERSEY SUPPORT MEETING

See page 2

### MEETING SCHEDULE

*All meetings begin at 7:00 PM*

*Phone for information and directions*

#### General Membership Meetings:

Second Monday of each month  
 Atlantic Electric  
 "B" Bldg. Engineering  
 6801 Black Horse Pike  
 Pleasantville, NJ

Second Tuesday of each month  
 Cherry Hill Library,  
 Kings Highway (next to Richman's)  
 Cherry Hill, NJ

#### Board of Directors Meeting:

open to all **FACE** members  
 Third Tuesday of each month

Please be courteous to the meeting hosts by extending an R.S.V.P. when planning to attend a support meeting.

#### Support Meetings:

##### *Mercer County*

First Monday of each month  
 Charles Forberg  
 Hamilton Township, NJ  
 609-584-1887

##### *Camden County*

Third Monday of each month  
 George and Barbara LaMarra  
 Westmont, NJ  
 609-858-4272

##### *Atlantic County*

Fourth Monday of each month  
 Flip and Michael Lowrie  
 Pleasantville, NJ  
 609-272-1797

##### *Gloucester County*

Fourth Thursday of each month  
 Harold Doty  
 Mullica Hill, NJ  
 609-478-4478

Forwarding and Address Correction Requested

Cinnamonson, NJ 08077  
P.O. BOX 2471

