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## Summer Letter-Writing and Phone Campaign

**S**ummertime! ... Time to kick back, relax and forget for a while about the anti-male bias that disenfranchises us as fathers, reduces us to mere sperm-donors, paychecks and visitors to our kids, and puts them at risk to become failures in life. NO!

The New Jersey legislature is now in recess. Some of the changes recommended by the Commission to Study the Laws of Divorce are beginning to work their way through the legislature, but not enough of them, not the ones that are most important to us, and not fast enough. Now is the time for us to start motivating our representatives into action.

Here's the plan: Let's concentrate on just four bills that are most important to us and have not yet been acted upon. We all write to the legislators who can quickly get these bills moving. Then we all follow up with phone calls on one day. This concentrated effort will catch the attention of the legislators and encourage them to speed these bills along.

### The Bills:

**A-67**, the Parents' Education Act, would create a mandatory program to promote cooperation between divorcing or separating parents and assist them in resolving issues that may arise between them during Family Court litigation and minimize impact on their children.

**A-69**, the Mandatory Parenting Plan Act, would require divorcing parents to each file with the court a plan for how the children will be raised following the divorce. This could include how much time the children would spend with each parent, religious upbringing, educational plans, requirements for special needs children, or anything else the parents consider important. The parents would then be required to file one mutually agreed-to parenting plan. This would minimize the ability of a judge, who does not know you or your children and whose standards of involvement with his own children are different from yours, from imposing his standards on your family.

**A-70**, Family Mediation Reform Act of 1995, would establish a court-referred mediation program where divorced or separated parents, with the assistance of a trained and experienced mediator, could

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**"If they can get you  
asking the wrong  
questions, they don't  
have to worry about  
the answers."**

Thomas Pynchon

## Letters to About FACE-NJ:

As a former resident of New Jersey, I enjoy reading About FACE and applaud your efforts to restore fatherhood. It is encouraging to know many divorced fathers from around the country are working together to support each other by sharing important information.

The article by Robert B. Gidding, Esq. dealing with false allegations of child sexual abuse (About FACE-NJ, 2nd Quarter, 1996) gives the impression that child protective agencies doing investigations will cooperate with the alleged perpetrator. As a parent who was falsely accused, I know first hand that these agencies only want to prove the allegations are true. They do everything they can to prove the allegations. That's their job.

If you are falsely accused of child abuse or domestic violence, the very first thing you should do, and the only thing you should do, is hire an expert attorney with experience dealing with those falsely accused. Those falsely accused should not talk to anyone about the allegations. I know this is difficult because those falsely accused want to tell the truth, but anything you say will be used against you. Any attempt by those falsely accused to contact the investigating agency will be considered harassment and this will be used against you. Also, the child's medical records are confidential and cannot be released without a court order.

I also suggest that those falsely accused should confidentially contact their state and federal representatives and explain to them how the child protection system is used as a sword to attack a parent rather than a shield to protect a child.

Robert A. Zeller  
Dads Assisting Dads (DADS)  
Pinellas County Chapter  
Reddington Shores, FL

## Psychologists' testimony in New Mexico

The Phoenix Gazette reported that the New Mexico Legislature, in its 1995 session, passed Senate Bill 459, written by Richard Romero, which would set limits on psychologists' court testimony. It said that:

"When a psychologist or psychiatrist testifies during a hearing, the psychologist or psychiatrist shall wear a cone-shaped hat that is not less than two feet tall. The surface of the hat shall be imprinted with stars and lightning bolts."

"Additionally, a psychologist or psychiatrist shall be required to don a white beard ... and shall punctuate crucial elements of his testimony by stabbing the air with a wand." Before the expert's testimony about competency, the bill specified, "the bailiff shall contemporaneously dim the courtroom lights and administer two strikes to a Chinese gong."

Although the Senate passed the bill by a voice vote, and the House voted 46 to 14 to make it official, New Mexico Governor Gary Johnson vetoed it.

Here in New Jersey, maybe we should pass the hat to raise funds to send our state legislators to New Mexico. Perhaps bright sun, clean air, high temperature and low humidity will purge the toxic waste of the New Jersey legal system from their minds.

## NewsTalk Television

by Jeff Golden

NewsTalk Television is a cable channel with a keen interest in family issues. Their motto, "Today's News. Today's Talk." describes their format, which is talk shows all day. The moderator and panelists discuss current news events, supplemented by an information specialist who scans the internet, and viewers who phone, fax or e-mail their questions and comments. Members of FACE and other similar groups have often been invited as panelists, making this a way for us to publicize our position on family issues.

The only problem has been that very few people in New Jersey can see NewsTalk Television. When I have been a panelist, we received call-ins from all over the country, but none from New Jersey. This is because it is carried by only a very few New Jersey cable networks, all in far northern towns. If NewsTalk Television were on cable in more New Jersey communities, we would be able to reach far more New Jersey citizens and voters.

If you are a cable subscriber, write to your cable system and tell them that you want to watch NewsTalk Television. If you are not yet a cable subscriber, the next time they solicit you, write and tell them that you would subscribe if they carried NewsTalk Television. Don't just phone them -- WRITE! Letters are at least ten times more effective. Here is a sample letter.

Dear \_\_\_\_\_:

NewsTalk Television regularly features programming on issues of interest to me and other non-residential parents and their families. I strongly urge you to add this new network to your channel lineup.

Additionally, I believe NewsTalk Television's Local NewsTalk, the network's two 30 minute local programming inserts, would provide our community with a valuable forum for the discussion of local issues.

Thank you for considering this request.

Sincerely,  
(your signature)

Use this letter as a guide, but use your own words. Be sure to include your street address so the cable system will know that you are in their area. Send a copy of your letter to FACE. We want to send a stack of letters to NewsTalk Television so they will know that we support them as much as they have supported us.

### About FACE NJ

The Journal of Fathers' and Children's Equality-NJ  
Volume IV, Number 3, 3rd Quarter, 1996

Edited by Jeffrey Golden, Chief Information Officer

About FACE NJ is published quarterly by  
Fathers' and Children's Equality- NJ.

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About FACE NJ will be sent for a year to contributors  
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## Sexual Harassment: Advice for Men in the Workplace

By Robert B. Gidding, Esq. of the Pennsylvania and New Jersey bars

Sexual harassment charges, whether true or not, may destroy a man's career and possibly his marriage and his children, too (children are often permanently devastated by divorce). That's all we men really have in life: a career, a marriage (or a significant relationship), and children. If these are destroyed, then we may be destroyed as people, stressed out, depressed, sick, suicidal, etc. We men have to learn to avoid being accused of sexual harassment by understanding what it is and isn't.

Sexual harassment means unwelcome sexual conduct between a male supervisor and his subordinate or between co-workers. There are two kinds of unwelcome conduct: (1) *quid pro quo*, meaning that a male supervisor demands sexual favors from a female subordinate in exchange for a promise of something in return, like a raise, promotion, transfer, etc; and (2) *hostile environment*, meaning that a male supervisor or co-worker harasses a female worker by subjecting her to unwelcome sexual overtures frequently enough to interfere with the functioning of the female worker.

Let's carefully review each element. The first element of sexual harassment is *sexual conduct*. Here's some examples of sexual conduct ranging from most explicit to less explicit:

a. Having sexual intercourse or any sexual encounter with a female worker either at the place of business or outside.

b. Engaging in any physical sexual conduct, like touching or rubbing her breasts, feet, legs, neck, buttocks, kissing, hugging, sitting on laps, either at work or outside work. Touching a woman's shoulders may be sexual.

c. Making sexual remarks or jokes, such as invitations to have sex, go out on a date, admiring or criticizing a woman's body, or remarks having sexual content, such as describing a sexual experience or fantasy, or pornographic words.

d. Putting sexual remarks in writing.  
e. Excessive staring at or flirting with a woman can be construed as offensive and give rise to false allegations of harassment.

No doubt you've read or heard about recent books describing the difficulties that men and women have in communicating with each other -- titles like *Men Are From Venus, Women From Mars*. Some articles say that the differences in brain structure account for communication difficulties between the sexes. What a man might regard as harmless, a woman might regard as offensive. Men in the workplace must learn when their conduct crosses the line.

The second element is frequency of sexual conduct. An isolated remark will *not* constitute sexual harassment because it is not enough to create a hostile environment. To create a hostile working environment, the harasser must harass frequently enough to impair the ability of the female worker to do her work.

The third element of sexual harassment: Is the sexual conduct unwelcome? If the female signals that she enjoys, encourages, or accepts the sexual conduct, then there is no harassment. Clear communication is the key, and, unfortunately, men and women have always had difficulty clearly communicating with each other. That applies to men and women in long-term intimate relationships and applies even more strongly to men and women in the workplace.

**"The well-being of children is enhanced when they have social, emotional and financial support from both their fathers and mothers."**

"Fathering: The Man and The Family"  
U.S. Department of Health and Human Services' response to President Clinton's Memorandum to Strengthen the Role of Fathers in Families, October 16, 1995

We will never stop sexual attractions in the workplace. We will never stop men and women communicating some sexual interest in each other, either through looks, smiles, staring, body language, chemistry, etc. But, we men must be sensitive to how the female worker is receiving our overtures. If we sense that our overtures are unwelcome, then we've got to back off immediately.

Women also have the obligation to communicate clearly if sexual conduct is unwelcome. They cannot expect a man to guess their innermost thoughts. If they communicate clearly that sexual conduct is unwelcome, and if that conduct continues anyway, then we have the likelihood of a sexual harassment charge. If a woman encourages sexual conduct, and that conduct continues, then she can only blame herself. Nevertheless, a woman might encourage the conduct at first and later change her mind. If the conduct continues anyway, then the likelihood of a sexual harassment charge increases.

We men must avoid sexual harassment charges at all costs. Even false charges will harm our reputation, stall our advancement, and create terrible stress at work and in our marriages. We must do two things: know when our conduct is sexual, and be sensitive to signals from a woman that our conduct is unwelcome. If we can do this, we will avoid being targeted for sexual harassment complaints.

If you are charged with sexual harassment, consult a competent lawyer for advice. He or she will advise you how to fight the charges, and will help get you a fair hearing before you are discharged or hurt by your employer.

*This article should not be construed as legal advice appropriate to every individual situation. Legal advice could differ depending on the individual case. No lawyer can give you legal advice unless s/he knows the facts of your case. If you have a legal problem, you should consult an attorney.*

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Continued from Page 1

themselves resolve disputes that may arise between them without court involvement.

A-75, establishes a definitive time, age eighteen, at which a child is emancipated and relinquishes the right to receive financial child support. Eighteen-year-olds are now free to enter into contracts, get married and join the military. If they commit a crime, eighteen-year-olds are tried as adults. Only in Family Court are adults over the age of eighteen still considered to be children.

If passed, this bill would define when an adult child stops being a child, and make moot several other proposed bills dealing with support and higher education expenses. This would also fit in well with the Supreme Court's proposed new child support guidelines which are only to be used up to age eighteen, and would make parents' financial responsibility for children the same as the federal government's responsibility for children without parents. Parents would, of course, be free to continue to provide financially for their children past age eighteen, if they voluntarily choose to do so.

### The letters:

All of these bills are now in the Assembly Judiciary Committee. The full Assembly will not get to vote on them until the committee releases them. Some time during August, 1996, WRITE LETTERS to all of the committee members. Their names, addresses and fax numbers are listed to the left. Ask them to release these bills for a vote.

You can write one letter about all four bills or, even better, write separate letters about each bill that is important to you. Send letters to all of the committee members if you can but, at a minimum, write to the committee members who are the Assemblymen for your legislative district.

Keep your letters short (not more than one page) and to the point. Include your name and address. Letters can be typed, but handwritten letters are just as effective. Sample letters are shown to the right, but use your own words. Say what you are in favor of in the first paragraph. Don't write the whole history of your divorce. Try to just stick to the benefits these bills will provide to the public.

### The phone calls:

This is the most important part. For maximum effectiveness, all phone calls should be made on the same day. We want to flood the phone lines!

On Monday, September 9, 1996 -- the Monday after Labor Day (all the Assemblymen should be home from vacation by then) -- PHONE all of the committee members. Their phone numbers are to the left. Ask to speak to the Assemblyman, but if he is not available speak to an aid. Tell him which bills you are in favor of and why, and ask him to vote to release the bill(s) to the full Assembly.

When you call, give your name, address and phone number. If you live in one of the committee members' legislative district, be especially sure to let him know.

Your Name  
Your Address  
City, State Zip

August XX, 1996

Assemblyman His Name  
Assembly Judiciary Committee  
His Address  
City, State Zip

Dear Assemblyman:

I am in favor of bill A-67, the Parents' Education Act. Passage of this bill will create a program to promote cooperation between divorcing parents and minimize impact on their children. Please vote to release this bill to the full Assembly.

Sincerely,  
Your Signature

August XX, 1996

Assemblyman His Name  
Assembly Judiciary Committee  
His Address  
City, State Zip

Dear Assemblyman:

I am in favor of bill A-69, the Mandatory Parenting Plan Act. If passed, this bill will require divorcing parents to plan for their own children's futures rather than leaving this to a judge who may know nothing about their family. Please release this bill to the Assembly.

Sincerely,  
Your Signature  
Your Address  
City, State Zip

August XX, 1996

Assemblyman His Name  
Assembly Judiciary Committee  
His Address  
City, State Zip

Dear Assemblyman:

I am in favor of bill A-75, which would establish a definitive time when children are emancipated. Eighteen-year-olds are adults. They are free to enter into contracts, marry and join the military. This bill would establish that eighteen-year-olds are also adults in Family Court. Please vote to release this bill to the full Assembly.

Sincerely,  
Your Signature  
Your Address  
City, State Zip

YOUR NAME  
YOUR ADDRESS  
CITY, STATE ZIP

August XX, 1996

Assemblyman His Name  
Assembly Judiciary Committee  
His Address  
City, State Zip

Dear Assemblyman:

I am in favor of bill A-70, the Family Mediation Reform Act of 1995. If passed into law, this bill would create a mediation program where divorced or separated parents can resolve disputes between themselves without court involvement. Please vote to release this bill to the Assembly.

Sincerely,  
Your Signature

## LEGISLATIVE UPDATE

by Jeff Golden

There is more pending family law reform legislation in New Jersey now than at any time in recent years. Only two new laws have been enacted so far, and they are both clubs to be held over the heads of non-residential parents: driver's and professional license suspensions (except lawyers' licenses) for those that are six months in arrears in financial child support, and financial child support arrears to be withheld from civil suit judgments. Now, while the legislature is in its summer hiatus, is a good time to review what has been accomplished so far.

The Assembly, by large majorities, has passed nine of the thirty-two family law bills that have been introduced: A-66, A-68, A-72, A-73, A-77 and A-79 which FACE supports, and A-71, ACR-74&76 and A-78 which we oppose.

The Senate passed one of fourteen pending bills, S-157, by a vote of 39-0. FACE opposes this bill.

To become law, each of these bills must still be passed by the other house of the legislature and be signed by the governor. For the benefit of the legislators who read About FACE-NJ, we again present the reasons we oppose some of these bills:

A-71 would add Family Court motions to New Jersey's frivolous lawsuit statute, making the party presenting the motion responsible for his/her opposition's attorney's fees. FACE's position is that no Family Court motion is frivolous. Family issues are highly emotional and personal. They do not belong in court at all, but often that is the only venue available to non-residential parents. Although an eloquent lawyer might be able to make a case for the issue being frivolous, it is not so to the parents. If passed, this bill will merely serve to further separate us from our children, disenfranchise us as parents and enrich our ex-spouses lawyers.

ACR-74&76 was created by the Assembly Judiciary Committee as a replacement for and combination of A-74 and A-76. The original A-74 would have created a new form of

"rehabilitative" alimony, contingent upon the recipient actually receiving the rehabilitation specified. FACE was not opposed to this. The original A-76 would have created a new form of limited duration alimony *in addition to* existing permanent alimony. This would merely be a new, easier to award form of alimony. Because FACE favors limited duration alimony as a *replacement for* permanent alimony, FACE opposed A-76 and now must oppose ACR-74&76.

FACE's position is that everyone, at

some time in his/her life, must assume responsibility for him/herself. The recipient of alimony must know when it will terminate so s/he can plan for how s/he will then support him/herself. Presently, alimony obligations do not terminate even with the death of the person paying it. His/her estate is still responsible for alimony after death! Alimony obligors must be able to have some quality of life by being able to look forward to a time when this obligation will end.

As I write this, I am reminded of one

### Pending New Jersey Family Legislation

Assembly Bill	Senate Bill		FACE's Position
A-66		Maintain insurance coverage (4)	In favor if modified
A-67		Parents' Education Act (2)	In favor
A-68	S-709*	Change "visitation" to "parenting time" (6)	In favor
A-69	S-65*	Mandatory Parenting Plan Act (3)	In favor
A-70	S-337	Family Mediation Reform Act of 1995 (5)	In favor if modified
A-71		Frivolous motions (14)	Opposed
A-72		Equal access to children's records (7)	In favor
A-73	S-392	Visitation interference sanctions (8)	In favor
ACR-74&76		Rehabilitative alimony (12) and Limited duration alimony (13)	Opposed +
A-75		Emancipation at age 18 (9)	In favor
A-77		Review child support for students (11)	In favor
A-78		Income withholding for alimony (15)	Opposed
A-79		Mandatory notification of remarriage (16)	In favor
A-80*	S-944	Retroactive child support modification (18)	In favor
A-81*	S-708	Equitable distribution - responsibilities for children (19)	Opposed
A-82*		Equitable distribution - deferred career goals (20)	Opposed
A-83*		Alimony in child support calculation (21)	In favor
A-84		Account for child support	In favor
A-189	S-155	Prorate child support withholding	In favor
A-190		Sheriff to compile child support statistics	In favor
A-191	S-157	Notify employer of health insurance requirement	Opposed
A-261	S-153	Uniform Interstate Family Support Act	Opposed
A-276*	S-462	Irreconcilable differences (1)	Opposed
A-348		Accelerated support arrearage payments	Opposed
A-390	S-156	In-hospital paternity acknowledgement	Opposed
A-533	S-216	Child care credit on state income tax	Opposed
A-552		Parenting for All Parents pilot program	In favor
A-737		Removes employer's liability for children's medical expenses	In favor
A-898		Commission on Child Support Guidelines	In favor
A-1145		Accelerates commencement of child support withholding	Opposed
A-1368	S-241	Prohibits court order to pay for college	In favor if modified

Numbers in parentheses are recommendation of the New Jersey Commission to Study the Laws of Divorce.

Bill numbers in *italics* have been passed.

\* Released by committee.

+ Indicates a change in FACE's position since last report.

of our members who has been ordered to pay his ex-wife \$100.00 a week permanent alimony. That does not seem like a lot. It is only about \$5,000.00 a year. But his ex-wife was an able-bodied thirty-two year old woman at the time of the award, and he can expect to pay this for about fifty years. That will be a total of about a quarter of a million dollars! The ex-wife, by the way, now lives with another man and has a child with him. She won't marry him because that will end her privately funded \$250,000 annuity. This child will grow up knowing that her parents are living in sin. This is a case that cries out for all alimony being payable for only a defined limited time.

A-78 would provide for the payment of alimony by income withholding. Divorced people already have enough invasions of their privacy without adding this one. An alimony obligor should be able to keep the details of his divorce private from his employer.

S-157 would allow the probation department to notify a parent's employer when a support order includes a health insurance coverage requirement for a child. A parent should be free to provide this coverage in any way s/he sees fit, including through employer-provided insurance, privately obtained insurance, or personally funding it. A parent should be able to keep this, too, private from his/her employer.

Both A-78 and S-157 will also create additional burdens for New Jersey employers. We should be making it easier to do business in our state, not more difficult. If these bills are passed into law, they will discourage employers from hiring divorced people.

**L**ate updates on the family law reform package: S-160, which would have given the probation department access to public utility, tax and Department of Motor Vehicles records has been withdrawn. FACE opposed this bill.

S-709 has been introduced as a companion to A-68, S-944 as a companion to A-80, and S-708 as a companion to A-81. FACE is in favor of S-709 and S-944, and opposed to S-708.

**T**he pending bills that have not yet been released are still being considered by the following committees. If you want the

committee to know your opinions about them, contact the committee aid and schedule yourself to testify.

**Assembly Community Services Committee:** A-84, A-189, A-190, A-191, A-261, A-390, A-552, A-737, A-898, and A-1145. Aid: Ms. Norma Svedosh (609) 292-1646.

**Assembly Judiciary Committee:** A-67, A-69, A-70, A-75, and A-1368. Aid: Ms. Patricia K. Nagle (609) 292-5526.

**Assembly Law and Public Safety Committee:** A-348. Aid: Mr. David L. Sallach (609) 292-984-0231.

**Assembly Senior Issues, Tourism and Gaming Committee:** A-533. Aid: Ms. Pamela Espenshade

After last year being elected mayor of his home town of Berlin, New Hampshire, Fathers' Rights pioneer and FACE Pennsylvania founder Richard P. Bosa is now running for governor of New Hampshire on a platform that includes legal reform. FACE-NJ extends him our best wishes.

Those wishing to support Dick's campaign may contact:

Bosa for Governor  
P.O. Box 426  
Berlin, NH 03570

"The family court laws are prejudiced against women on custody issues. Against women? How can this be when courts award custody to women in 90% of all cases? The answer is that prejudice still exists that women were made for getting pregnant, changing diapers and taking care of kids while men were made to do the important work of the world.

"[Women will] never make true progress in the work force until men assume appropriate responsibilities in the home, particularly in the area of child-rearing."

Michael L. Oddendino, Esq.,  
in his book "Putting Kids First"

(609) 292-9106.

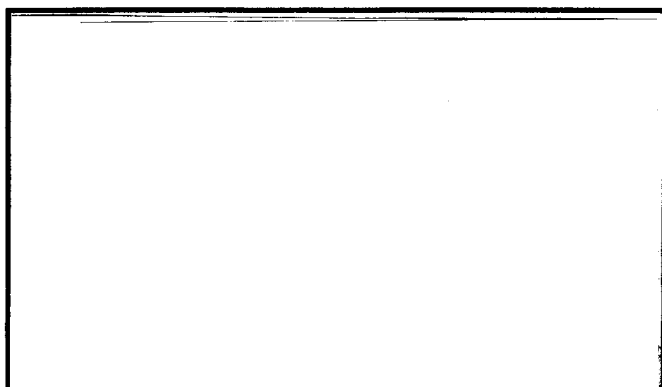
**Senate Human Services Committee:** S-156. Aid: Ms. Irene M. McCarthy (609) 292-1646.

**Senate State Government Committee:** S-216. Aid: Mr. Frank J. Parisi (609) 292-9106.

**Senate Women's Issues, Children and Family Services Committee:** S-153, S-155, S-241, S-337, S-392, S-462, S-708, and S-944. Aid: Ms. Michelle Leblanc (609) 292-1646.

**F**ACE-NJ will be tracking each New Jersey legislator's voting record on Family Law reform bills. They will be given one point for each bill in which they vote for FACE-NJ's position, and one point will be subtracted each time they vote against our position. We will also note abstentions and when no vote was cast. All legislators' voting record scores will be reported before the next time they run for election.

Advertisement



## Dads' House Update

by Jeff Golden

**D**ads' House, the first shelter for abused or displaced fathers and their children in New Jersey, may be coming closer to reality.

We wrote in past issues of About FACE-NJ of our efforts to establish Dads' House. We were looking for an appropriate building. It was our hope that either someone would donate a building, or the use of a building for several years. We would commit to rehab the building and return it at the end of our use in better condition than when we received it. Several sites were offered but, until now, none was appropriate.

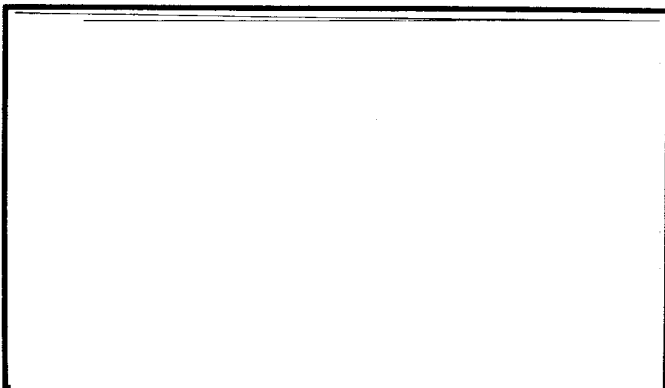
Now someone has offered use of two sites -- a house in the pine barrens and an office/apartment in a very convenient Cherry Hill location. The house is in a camp-like setting, and is now used as a retreat for abused children. It will need only minor rehabilitation.

**O**ur original plan was that Dads' House would also be FACE's headquarters. Several agencies with whom we discussed our plans suggested that we might want to keep the Dads' House's location confidential, and have our headquarters and shelter admissions office at another location.

If we accept this offer, that is exactly what we will be able to do. The donor also has an apartment in a high rise building in Cherry Hill. He is about to begin using it as a counselling office, and is willing to share it with us.

What do we have to do to accept this

*Advertisement*



## Fathers' and Children's Equality, Inc.-NJ Mission Statement

**Fathers' and Children's Equality is a non-profit 501(c)(3) children's advocacy organization, and a self-help group for non-residential and/or non-custodial parents.**

### *Our Mission is to:*

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

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 abuse and/or spousal abuse allegations as leverage in custody disputes,

establish mandatory penalties for false allegations of child abuse and/or spousal abuse,

promote equal treatment of Family Court litigants,

enforce existing laws providing for gender equality in Family Court, and establish a shelter for displaced fathers and children.

Adopted September 27, 1993 by the Board of Directors

Revised January 18, 1996

offer? We said that, if someone donates a building, we have the manpower to rehab and manage it. Well, now is the time to put up or shut up. The house at the pine barrens site needs some rehabilitation, and the owner also wants to build another building there -- a small theater that can also be used as a dance therapy studio for children.

We need our building trades craftsmen and project managers to step forward, identify themselves, and volunteer their time and efforts to fix up the house and

build the studio. We also need them to use their business connections to influence building materials suppliers to donate materials, or sell them to us at steep discounts.

**A**re you a carpenter, framer or plumber? Are you an electrician, or roofer? Are you a mason or bricklayer? Are you a building contractor, construction foreman or supervisor? If you are, tell us about your skills and let us know you are willing to help. Even if you have only done renovations to your own home, rather than professionally, we need your help.

Call the FACE hot-line, (609) 786-FACE, and let us know what you can do and how much time you can volunteer to help make Dads' House a reality.



## What's Wrong With Mediation, Anyway?

by Jeff Golden

**Y**ou don't have to go to court. A judge who knows nothing about you doesn't have to make the decision. You and the other parent, with the help of a mediator, can make your own decisions about your children's custody and time with each parent.

What is mediation? It's an Alternative Dispute Resolution (ADR) process. It's different from arbitration or litigation. Arbitration is similar to going in front of a judge in court. Like a judge, an arbitrator listens to both sides, then makes a decision. In mediation, an impartial third party, the mediator, assists the parties to a dispute reach a settlement between themselves.

Mediation in Family Court can take several forms. First, there is divorce mediation. Rather than hiring lawyers and slugging it out in court, a divorcing couple can go to a mediator who will help them resolve all or most of their disputes. The lawyers and psychologists are now in a turf war to see who will be New Jersey's divorce mediators.

Then there is custody mediation. In New Jersey, this is now done by court employees.

Mediation sounds great, doesn't it? Then why does anyone waste money on lawyers to represent them in court? Or take a chance on the prejudices of a judge and the uncertainty of his decision?

**F**ACE recently received a call from a lawyer. "Are you aware of what those mediators are doing?" he asked. His client and the child's mother had shared physical custody of their child since birth, and each supported the child financially while in his/her custody. Now the child was approaching school age. The mediator asked the father "Now you wouldn't mind calling her the primary residential parent just for the purpose of enrolling the child in school, would you?" That didn't sound unreasonable, so he agreed. The mediator put it in a consent order, and a judge signed it.

No one told the father that the mediator might not be unbiased. No one warned him of the implications or future

consequences of that decision. No one told him that, if she is the custodial parent, he becomes the visitor. No one told him that, if she has custody, he pays child support.

Now dad pays \$200 a week child support, and has less "visitation" time with his child than the custodial time he used to have. The frustrated lawyer called us because he couldn't do anything about it. Dad had voluntarily agreed to the custody arrangement.

Our advice to FACE members is quite simple: **NEVER AGREE TO ANYTHING THAT YOU ARE NOT WILLING TO LIVE WITH FOR THE REST OF YOUR LIFE.** If you do not fully understand what you are being asked to agree to, tell the mediator that you want to think about it overnight, and discuss it with FACE.

**L**ast summer one of our members went to custody mediation at the Camden County courthouse. The mediator had a pre-printed custody agreement form. She kept referring to the time that he would spend with his daughter as "visitation." He insisted on referring to his time as "parenting time," and he refused to even consider any document that did not treat him and the child's mother as equals. After about twenty minutes of this, the mediator asked if he was a member of FACE. "Yes," he replied. The mediator excused herself and stepped out of the room.

She returned five minutes later with a different set of forms. These said that the parents would have "joint custody," and that the time the child spent with each would be "parenting time." Using this as a basis, the parents were able to reach an agreement.

If the mediators know about joint custody and even have pre-printed forms ready for a joint custody agreement, why don't they BEGIN the mediation process with joint custody rather than waiting for one of the participants to demand it?

**T**he training and background of mediators may vary in different counties, but usually their background is in social work. This

should make them impartial but, like the judges and other Family Court employees, they tend to get burned out and biased by hearing the sad stories of crumbling families over and over again. No one can do this job for too long.

Mediators should be lay people with little or no professional training. They should rely on their own common sense. A perfect mediator would be a loving grandmother who enjoys a warm relationship with her own children and grandchildren, who would serve with minimal compensation for no more than a few months, or perhaps some designated number of cases.

Where can these mediators be found and how can they be encouraged to serve? Every week, all over the state, people are summoned to fulfill their civic duty and serve on a jury. Some are expected to serve for only a few days, and some for months as grand jurors. People in the jury pool should be interviewed to determine their suitability as lay Family Court mediators.

**L**awyers don't like mediation. Any issue resolved in mediation is one less issue they can be paid to fight over. Sometimes when mediation is ordered, they will advise their clients to go, but don't agree to anything. Because of the confidentiality element of mediation, if the parties can't reach an agreement, all that the mediator is permitted to do is report back to the court that "mediation was not successful."

If one of the parties has already been given possession of the house, the car, the kids and the bank account, what incentive does s/he have to mediate in good faith? S/he already has everything; there is nothing left to win. If ordered into mediation, s/he will go, but not negotiate.

If mediation fails because one of the parties refuses to negotiate in good faith, the mediator must be able to report this to the court.

**S**ome people say that mediation must be voluntary and that, if either party refuses to participate, mediation can't take place. FACE rejects that. If two people had children together, it is impossible for them to just walk away from each other. They are forever tied together by the children. Those children will have graduations,

Continued on Page 10

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weddings, births of their own children and other momentous occasions. Both parents will be involved at those times. The parents must be forced, by the court if necessary, to learn to deal with one another, and mandatory mediation is one way to do it.

Some people say that women, particularly women who have been in abusive relationships, come to mediation at a disadvantage, and therefore should not be required to mediate. These women supposedly are so traumatized that they can't face their opponent and are unable to effectively engage in mediation.

It's a very rare abusive relationship that was only abusive in one direction. If either party claims to have been abused, both parties, at least to some degree, were probably abusive to each other. While many women have the opportunity to stay home and learn all about domestic abuse from Oprah and Geraldo and their guests, no one educates men and they do not even know that they have been abused. We raise boys to be strong and self sufficient and have an "I can handle it" attitude. We must find a way to educate men about domestic abuse so they too will recognize when they are being victimized, and know how to protect themselves.

FACE believes that even if only one of the parties believes the dispute can be resolved by mediation, it must be attempted. If face to face mediation is inappropriate, it does not have to take place. The mediator's job is to get a dialogue going. The parties do not have to be in the same room, or even in the same city. If necessary, mediation can be done by phone, by video conferencing, or the mediator can go back and forth between parties in separate rooms. This is called "caucusing," and mediator training must include this and long distance communication methods for cases where it is appropriate.

## Supreme Court Special Committee on Matrimonial Practice

The New Jersey Supreme Court has established a Special Committee on Matrimonial Practice, mandated to "examine all aspects of matrimonial practice, from the manner in which cases are handled by attorneys, to the manner in which they are managed by the court system." Apparently the Supreme Court doesn't believe or chooses to ignore the hundreds of people who already testified over eighteen months before the New Jersey Commission to Study the Laws of Divorce, so now they're conducting their own hearings.

It looks like the Supreme Court also didn't want too many people to know about these hearings. They were not publicized. There were no radio, TV or newspaper advertisements. The only publicity was in the lawyers' journals. They know about FACE-NJ and the other similar groups around the state, but didn't even extend the courtesy of mailing an announcement to us. Maybe they only want lawyers to testify.

That doesn't surprise us. The Supreme Court appointed Judge Linda Feinberg of Mercer County and lawyer Lee Hymerling of Archer & Greiner in Haddonfield, NJ as co-chairpersons of the committee. Judge Feinberg's reputation is one of little or no compassion for men and fathers who appear before her. Hymerling and the other eloquent silver-tongued devils at Archer & Greiner are known as ruthless anti-male bullies in Family Court, and destroyers of father-child relationships. Maybe Feinberg and Hymerling only want to hear testimony from their buddy lawyers about how perfect the present system is, and that no changes are necessary.

The committee already conducted hearings on June 11th at Seton Hall Law School in Newark and

July 18th at the Hughes Justice Complex in Trenton. Both of these hearings were sparsely attended, and were dominated by testimony from lawyers and others involved with the present Family Law system. Let's not let that happen again.

Two more public hearings are scheduled: Monday, September 9, 1996 at the Sheraton Four Points Hotel in Cherry Hill, NJ, and Tuesday, October 15, 1996 at the Marriott Glenpointe Hotel in Teaneck, NJ. Both hearings will be from 4:00 PM to 8:00 PM. To schedule yourself to testify, write or phone:

Assisant Director for  
Family Practice  
Administrative Office of the Courts  
CN-983  
Trenton, NJ 08625  
(609) 984-4228

Be aware of the following restrictions: Testimony will be limited to five minutes. Only one representative of an organization may testify, so DO NOT identify yourself as a FACE representative. Just testify as a private individual who is interested in family law. FACE will select one official spokesman to testify for us. Written materials are encouraged. Prepare your testimony, along with any exhibits you will present, on paper. Have lots of extra copies to distribute to the news media.

If you have been treated unfairly by a lawyer or the court, tell the committee about it. If you have been discriminated against because of your gender, tell them. If you feel that Family Court unnecessarily engages in the destruction of parent-child relationships and permanent emotional damage to children, tell the committee about it. If you have suggestions for how to improve or eliminate the system, or get lawyers out of people's lives and wallets, testify about it. Even if you have nothing to say, come to these hearings. Pack the room to capacity so the committee and the news media will know that we've had enough of Family Court.

Q: How many lawyers does it take to change a light bulb?

A: How many can you afford?

# UPCOMING EVENTS

Tuesday, August 13, 1996, 7:00 PM to 9:00 PM:

## FACE-NJ General Meeting

Cherry Hill Free Public Library, Meeting Room "A",  
1100 Kings Highway North, Cherry Hill, NJ

Guest speaker will be Bill Harrington of the U.S. Commission on Child and Family Welfare, who will be in New Jersey to publicize the Commission's minority report. Mr. Harrington, of the American Fathers' Alliance, was one of only two fathers who were members of this government Commission.

Saturday, August 31st to Sunday, September 1st, 1996:

## Ignite The Spirit, Washington, DC

Saturday: A "Freedom Concert" under the stars at Washington Monument, featuring members of the Steve Miller Band, Lynard Skynard, Soul Asylum and others.

Sunday: "Rally for the Constitution" with many Bill of Rights activist guest speakers.

Contact: Citizens Against Legal Loopholes (C.A.L.L.),  
P.O. Box 361, Del Mar, CA 92014, (619) 755-9319 or (609) 797-9520

Monday, September 9, 1996, 4:00 PM to 8:00 PM:

## Supreme Court Special Committee on Matrimonial Litigation

Sheraton Four Points Hotel, Route 70 & I-295,  
Cherry Hill, NJ

This is the third of four hearings. (See accompanying article.) The committee seeks public testimony on "all aspects of matrimonial practice, from the manner in which cases are handled by attorneys, to the manner in which they are managed by the court system." Schedule yourself to testify by writing or phoning:

# Advertising Contributions

	Single edition	Annual - 4 editions
3 1/2 X 2 inch "business card" (about 1/10th of a page)	125.00	400.00
Classified advertising - per word (10 word minimum)	1.25	4.00
Display advertising - per column/inch	40.00	130.00

Assistant Director for Family Practice  
Administrative Office of the Courts  
CN-983  
Trenton, NJ 08625  
(609) 984-4228

Tuesday, October 15, 1996, 4:00 PM to 8:00 PM:

## Supreme Court Special Committee on Matrimonial Litigation

Marriott Glenpointe Hotel, Teaneck, NJ

This is the committee's last public hearing. See "Monday, September 9, 1996," above, for instructions to schedule yourself to testify.

Thursday, October 31, 1996, 4:00 PM to 6:00 PM:

## FACE Annual Halloween Demonstration

Come join us in front of a judge's home. Let's let his neighbors, the news media and the public know how his decisions are hurting our children.

Meet 3:30 PM in rear parking lot of Olga's Diner, Marlton Circle, intersection of Routes 70 and 73, Marlton, NJ. Children welcome. Bring your own sign, or use one of ours. No masks and no signs on sticks, please.

Standard FACE-NJ membership dues are \$65.00 per calendar year. We encourage all who can to pay \$100.00 or more per year. These individuals will be designated "Patrons" and will receive special recognition for their generosity and support.

# FACE NJ

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

## MEMBERSHIP APPLICATION

Date \_\_\_\_\_  
 New membership  
 Renewal

Standard membership \$65.00 per year.  
Patron membership \$100.00 or more  
Amount enclosed \$ \_\_\_\_\_  
Please make check payable to FACE NJ.

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Residence \_\_\_\_\_ Date of birth \_\_\_\_\_

County \_\_\_\_\_

Phones: Home ( ) \_\_\_\_\_

( ) \_\_\_\_\_

Where? \_\_\_\_\_

Are you registered to vote?  Yes  No  I don't know  
If not, are you eligible?  Yes  No  I don't know

FACE-NJ may use my name as a supporter for legislative purposes. (please check)

How many children do you have? \_\_\_\_\_ Date of birth of youngest \_\_\_\_\_

How many overnights per month do your children spend with you? \_\_\_\_\_

Jurisdiction of your case? \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Judge(s) \_\_\_\_\_

Mental health professional(s) involved in your case: \_\_\_\_\_

Name \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Mail application and payment to: FACE-NJ  
P.O. Box 2471  
Cinnaminson, NJ 08077

**FACE-NJ Hot Line**

**609-786-FACE**

**FACE Pennsylvania:**

Philadelphia 215-335-4054  
 Delaware Valley 610-688-4748  
 Bucks County 215-322-3464

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**FACE MEETINGS**

All meetings begin at 7:00 PM. Phone for information and directions.

*Second Tuesday of each month:*  
**FACE General Meeting**  
 OPEN TO THE PUBLIC  
 Cherry Hill Free Public Library  
 1100 Kings Highway North  
 (Next to Richman's Ice Cream)  
 Cherry Hill, NJ  
 Directions: (609) 667-0300

Join us at 9:00 PM for refreshments  
 at a local restaurant following the general  
 meeting.

*Third Thursday of each month:*  
**FACE Board of Directors Meeting**  
 (FACE members and invited guests only.)  
 Phone FACE Hot-Line for location

**Support Meetings:**

*First Monday of each month:*  
**Mercer County Support Meeting**  
 Hamilton Township, NJ  
 Contact: Charles Forberg  
 (609) 584-1887

*Third Monday of each month:*  
**Camden County Support Meeting**  
 Westmont, NJ  
 Contact: George & Barbara LaMarra  
 (609) 858-4272

*First Thursday of each month:*  
**Burlington County Support Meeting**  
 Wrightstown, NJ  
 (Near McGuire Air Force Base)  
 Contact: Jane Hubert  
 (609) 723-5996

*Fourth Tuesday of each month:*  
**Gloucester/Salem County  
 Support Meeting**  
 Mullica Hill, NJ  
 Contact: Cliff Wenrick  
 (609) 223-0434

*If you will be attending a support meeting, please be courteous to the hosts and phone in advance. Non-members are usually welcome, but it may be necessary to limit attendance.*

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