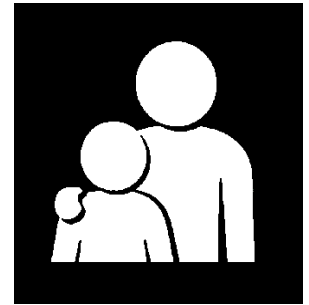


P A C E

Parents And Children for Equality

Newsletter

Columbus, Ohio Chapter



Volume 22, No. 8

The "Best Parent" is Both Parents

August 2003

Divorce School for Parents

Your marriage may be over, but your role as co-parents will continue forever. Attending "divorce school" can help you learn how to support your children through this tough transition and into a new life.

By Margaret Boyd

There's a growing movement in Canada and the United States to provide parental divorce education programs that focus on the psychological and emotional needs of children. With an estimated 75,000 Canadian children affected by divorce annually, such programs are essential, say many lawyers, mediators, social workers, and schoolteachers. Currently, about 140 parental education programs are available across Canada through schools, churches, and other community organizations.

"We're at the brink of an era of having responsible divorces rather than the irresponsible divorces we've had for the last 30 to 35 years across North America," says Danny Guspie, a Toronto-based divorce educator, co-founder of the National Shared Parenting Association, and executive director of Fathers' Resources International.

This new era is being ushered in by adult children of divorce because they recognize the impact of divorce on children, says Guspie. He believes that early divorce law didn't consider the needs of children, primarily because children (like women) were thought of as "chattel" of a marriage. Today, society has a responsibility to provide educational opportunities because so much more is known about the effects of divorce on children, Guspie comments.

Daniel Cout, a clinical social worker at Credit Valley Psychotherapy Associates in Streetsville, agrees that there is a need for educating parents about the impact a divorce will have on children. "The transition from married to divorced is a big one, and there are so many issues down to the children," he says. "By doing some anticipatory work, we can nip some problems in the bud."

Parental divorce education programs are praised by the Canadian and American justice systems, which now include mediation as an integral part of family law. Joseph James, a family court judge in Toronto for the past 20 years, encourages families to use community resources for solving problems before arguing about them in court. The Office of the Children's Lawyer of Toronto, affiliated with the Attorney General of Ontario, is dedicated to obtaining children's wishes in divorce disputes, and to working with mediators to ensure that the children's needs are paramount during the divorce process.

MEETING ON AUGUST 18th

Speaker: Chuck Preston

Subject: The Attorney-Guardian Ad Litem relationship.

Location and Time:

Worthington Presbyterian Church

(Northwest corner of High St. and SR 161) Meeting Starts at 7pm.



Director's Corner

The Quiet Days of Summer

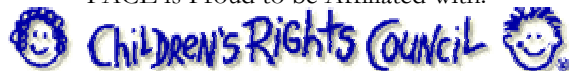
July has been a quiet month for us in PACE Columbus. We asked members to respond to a request for feedback about the child support guidelines and to go to the community forums on this topic. (If you haven't done so, visit to child support web site at <http://www.state.oh.us/odjfs/csguidelines/feedback.stm> to comment on the guideline issues and to find out about the community forums.) But other than that, not much has been happening. We're still waiting on a decision in the Galluzzo case, of course, nothing to do there but continue to wait.

But all this waiting will come to an end abruptly when the Ohio legislature gets back in session after Labor Day. At that point, the Equal Parenting Bill, HB 232, will be assigned to a committee of the Ohio House of Representatives and our work will begin in earnest. We will need everyone's help in lobbying our legislators to support this bill. It is not enough that the bill is a good bill, that it makes sense, that it is right and fair and best for children. In order for it to become the law of Ohio, we need to press our legislators to see that we care about this bill; we will not support any legislator that opposes the bill; indeed, we will not support legislators who straddle the fence.

It won't make much difference to legislators what PACE, as an organization says about the legislation. What will matter is that they hear from their constituents. Phone calls, letters, e-mails, a faxes are what counts.

We'll provide you with some "talking points" about the legislation so you can include them in your letters but what is most important is not that your letters and phone calls be detailed defenses of the legislation. What is important is that they make it clear how strongly you support the legislation.

PACE is Proud to be Affiliated with:



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Parents And Children for Equality, Columbus Chapter, P.O. Box 16066, Columbus, OH 43216

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Director's Corner continued



House Bill 232 is the best legislative vehicle we have had to address our concerns in decades. When we ask you to call and write to your legislator, don't be AWOL. We can change this system only with the concerted effort of all of you.

School Begins

School is about to start up again. This can be a time of mixed feelings. For many nonresidential parents, school has another significance. It is yet another occasion on which some parents are denied their status as equal parents. Some schools are suspicious of the involvement of nonresidential parents in their children's schools. This is too bad since the scientific literature indicates that children benefit enormously from the involvement of nonresidential parents.

Fortunately, this is one area where the law is on our side. Both Federal and state law give non-residential parents extensive rights to information concerning their children's education. If you are having trouble getting school records or being notified of school functions, check elsewhere in this issue (or go to the "Problem Solvers" page at the PACE web site at www.PACEgroup.org) for help.

Closing Thought

As I think about the upcoming effort we will have trying to change Ohio's terrible custody laws, I've been thinking about government in general and our relation to it. We Americans are very suspicious of our government; and that's a good thing. Here are some quotes from famous Americans that reflect this view:

You will find that the State is the kind of organization which, though it does big things badly, does small things badly, too.

John Kenneth Galbraith (1908 -)

Every decent man is ashamed of the government he lives under.

I believe that all government is evil, and that trying to improve it is largely a waste of time.

H. L. Mencken (1880 - 1956)

And the philosopher Bertrand Russell (1872-1970), though not an American, has a similar mistrust of government when he reminds us: "There is no nonsense so errant that it cannot be made the creed of the vast majority by adequate governmental action." When I read this quote, I think about the errant nonsense that children don't need both parents—that all they need is one parent and a child support check. That is what our current government practices of custody and child support say and that is about as errantly nonsensical as I can imagine.

But the quote that finally stuck with me was this:

Government is too big and too important to be left to the politicians.

Chester Bowles (1901 - 1986)

Government is, indeed, far too important to be left to the politicians. And while it sometimes seems that the attempt to improve it is largely a waste of time, what other alternative do we have. House Bill 232 is our attempt to improve Ohio custody law. Let's not leave it to politicians.

-Don Hubin

Organization Information:

See page footer for PACE Columbus address, phone and Web page

E-mail List: paceohio@yahoogroups.com

(Sign up at: <http://groups.yahoo.com/group/paceohio>)

For open (unmoderated) discussion board: pace-forum@yahoogroups.com

(Sign up at: <http://groups.yahoo.com/group/pace-forum>)

Newsletter Editor: rdavidson@wideopenwest.com

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Dayton, P.O. Box 340126, Dayton, OH 45434, 937-285-0275

Cleveland, P.O. Box 32609, Cleveland, OH 44132, 877-581-6502

Northern Kentucky, P.O. Box 534, Florence, KY 41022, 859-647-2235

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PARENTS PARTNERING FOR SCHOOL SUCCESS

By: Julie Carpenter-Hubin

Why is it important for both parents to be involved in their child's academic experiences?

A recent study by the National Center for Education Statistics (NCES) provides clear evidence that nonresident parental involvement in schools is critical to the educational success of their children, leading to:

- fewer suspensions and expulsions;
- greater involvement in extracurricular activities; and,
- more "A" grades

regardless of the level of involvement by the resident parent. Because nonresident parents are more likely to be fathers, the NCES study focused in particular on involvement by fathers. This study concluded that "children do better in school when their fathers are involved in their schools, regardless of whether their father lives with them" (Nord, Brimhall, and West, 1997:77).

Both resident and nonresident parents have the right to access their child's school records.

The Family Educational Rights and Privacy Act (FERPA) sets out requirements designed to protect the privacy of parents and students. In part, the law requires a school district to provide a parent access to their child's educational records. Section 99.4 makes clear that this applies to both resident and nonresident parents in most cases:

"An educational agency or institution shall give full rights under the Act to either parent unless the agency or institution has been provided with evidence that there is a court order, state Statute, or legally binding document relating to such matters as divorce, separation, or custody, that specifically revokes these rights."

'School records' include:

- | | | |
|----------------------|------------------|-----------------------------|
| report cards | enrollment forms | achievement tests |
| progress reports | field trip forms | incident reports |
| disciplinary reports | medical records | emergency notification card |

any other officially generated reports, including email

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|---|-----------------------------|
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|  | |
| DOUGLAS B. DOUGHERTY ATTORNEY AT LAW Ohio State Bar Association Certified Specialist in Family Relations Law 2955 DONNYLANE BOULEVARD COLUMBUS, OH 43235-3228 | |

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The Journal Gazette (Fort Wayne)
28 July 2003

Affordable advice Web critics worry about abundance of divorce services

By John Silcox

You met your spouse in an online chat room, booked the honeymoon trip through a travel Web site, even posted your anniversary pictures on your home page. But when your once upon a time doesn't end happily ever after, what do you do?

Most of us call a lawyer. Not you.

You turn once again to your old friend, the Internet.

As more couples are discovering, breaking up isn't so hard to do, thanks to an ever-growing array of do-it-yourself divorce Web sites.

Quite a lot of information is available for free, through state courts, bar associations, and other non-profit organizations who do it as a public service.

But for fees ranging from \$50 to \$300 - a fraction of what some lawyers charge even for an uncontested divorce - commercial Web sites can provide couples with appropriate documents and varying degrees of help completing them.

Clients still have to appear in court, but, at least, they will have the required paperwork and be better prepared to represent themselves.

Some lawyers, however, worry that couples who use these Web sites without consulting an attorney may believe they're getting legal counsel when they aren't. And leaders in the family values movement complain that point-and-click divorce services speed up the process, thereby undermining the seriousness of marriage.

Those in the do-it-yourself divorce industry, of course, say they aren't encouraging un-couplings. They're simply offering a simpler and cheaper path for people who have already made the decision.

And, as they point out, their services are designed only for routine, uncontested divorce cases. Couples who have convoluted finances or those fighting over child custody or who gets the family dog are better off consulting an attorney.

For a variety of reasons, it's become normal for litigants in family law matters to proceed without an attorney.

In 2002, 24 percent of the divorces filed in Allen County Circuit Court were done so without an attorney, according to the county clerks office.

In some jurisdictions, at least one party in 90 percent of divorces is not represented, and in well over half of the cases, neither side has a lawyer.

Some simply can't afford an attorney, while others are not inclined to hire one.

As a result, many states have created Web sites to help trial courts respond to the growing number of self-represented litigants - also called "pro se."

Some courts in California and Washington have courthouse facilitators that walk people through the process of filling out forms and filing a case. A few local jurisdictions such as Hennepin County, Minn., require all family court motions prepared by a pro se litigant to be reviewed by a facilitator before a court date is set.

Continued on page 5

The Indiana Supreme Court, through its Pro Se Advisory Committee, launched a Self-Service Legal Center in April 2001.

The Web site provides uniform, statewide court forms for divorce, visitation and other family law matters and instructions on how to complete them (some in Spanish), suggestions on preparing for court, an explanation of mediation with a list of certified mediators, and Web-links to legal dictionaries, legal materials and other self-service sites.

By doing it, the state is not trying to encourage people to represent themselves in family law matters, says Anthony Zapata, a staff attorney at the Indiana Supreme Court Division of State Court Administration who oversees the project.

Just the opposite, in fact. The Web site urges people to be cautious and to try to realize when they are in over their head, Zapata says.

Making legal forms and instructions available online, however, is simply a way to cut down on the backlog created by do-it-yourselfers who file incorrect paperwork or who don't know what to do in court, he says.

Allen Circuit Judge Thomas Felts, who up until this year handled divorces, child custody and other family law matters, says most of the problems he encountered were with incorrect or outdated forms.

But Felts notes that Allen County hasn't had nearly the problem other counties have had, in part, because for the last several years Indiana Legal Services has offered pro se divorce instruction for economically-disadvantaged litigants.

"I do appreciate when they've been to that workshop," says Magistrate Craig Bobay, who took over Felts' former duties this year. "They're usually much more prepared and organized and usually there are many fewer problems.

"And so those cases do get handled with some expediency . . .

"I recommend anyone wanting to represent themselves in divorce litigation should look into going through that process."

Some commercial dot-com services provide the same services as the courts, but for a fee - MyLawyer.com, for example, charges \$39 for most state-specific divorce documents which clients have to fill out themselves.

Others sites, such as www.LegalZoom.com, gather information from clients through its own online questionnaires, and its employees then review the official forms for spelling errors and inconsistencies for about \$249 - not including court filing fee.

"We provide an option," says Larry Barrios, a spokesman for LegalZoom, which has helped 20,000 couples untie the knot since it launched in 2000. "It's not for everyone."

Although the Web site clearly states its employees aren't lawyers and can't give legal advice, they do offer general, non-specific information and interactive help.

At any time, the user can access the site's legal library or contact a third-party law firm which can provide individuals with phone consultations and give legal advice and direction.

By gathering facts, however, some legal document preparation Web sites may be engaging in the unauthorized practice of law.

Last February, the American Bar Association issued a series of "best practice" guidelines to help people assess the accuracy and quality of information on the Internet.

Continued on page 9

COSTLY KIDS

Several Cases Claim Child Support Formulas Are Unconstitutional

BY STEPHANIE FRANCIS WARD

They may seem like only a few flakes, but five state cases challenging child support laws on constitutional grounds may foster a flurry of such suits, advocates for noncustodial parents say.

They say child support models are grossly unfair and some day may be struck down, despite recent losses in Tennessee and Georgia.

“Eventually, there will be a situation where the outcome will be egregious enough that the courts will take notice,” says Michael L. Oddenino, an Arcadia, Calif., attorney who handles family law matters. Child support guidelines, he says, were hastily drafted to comply with the Federal Family Support Act, a 1988 law that requires each state to set numerical child support guidelines.

However, other experts see less than a snowball’s chance for such claims. Erwin Chemerinsky, a constitutional law professor at the University of Southern California, doubts they will succeed past trial.

“The bottom line is courts have to award child support to ensure care for children,” Chemerinsky says. “So long as it’s not gender discrimination, and it’s rational, it’s going to be upheld.”

Still, Oddenino believes some state statutes are vulnerable. “Some weren’t drafted with the most care in terms of compliance and constitutional due process requirements,” he says. “Eventually, because of a well-crafted constitutional challenge, where the facts work well, you will see something adjusted in the guidelines, or you will see legislation come around.”

While constitutional arguments worked at the trial level in Tennessee and Georgia, the states’ high courts recently rejected them.

In the Tennessee case, a married man who fathered a child out of wedlock had argued the support order did not give him credit for the amount he spends to support three children who live with him. Yet he would get credit if an existing decree required support. The Tennessee Supreme Court found that the state has a rational basis for this distinction because children who live with their parents benefit from the parent’s lifestyle. The court also found no due process problem, since no fundamental right is implicated and it is rational to base support payments only on income. *Gallaher v. Elam*, No. E2000-02719-SC-R11-CV (May 2).

VIOLATION OF PRIVACY? in the Georgia case, a noncustodial mother of three also had claimed that guidelines violate her privacy rights because they dictate how much money she must spend to support her children. The Georgia Supreme Court said there is no privacy interest in the way support is determined. It also found that custodial and noncustodial parents are not similarly situated, so there is no equal protection violation.

Georgia Department of Human Resources v. Sweat, No. SO3A0179 (April 29).

Two Minnesota cases are pending in the state’s district court with Burnsville lawyer Mark A. Olson representing both noncustodial parents. Olson did not return phone calls seeking comment. A trial judge recently dismissed a third case handled pro se. The litigant filed an appeal and sought pauper relief with the court, which denied his request.

Janice Allen, chief attorney of the Anoka County, Minn., family law division, works on one of the pending cases. “I am befuddled, quite frankly, that they’re still bringing the challenge because I don’t know what in the world they can succeed on that they didn’t succeed on in Tennessee and Georgia,” she says.

So far, most of the constitutional challenges are filed in states where the award is based on a percentage of the noncustodial parent’s income. The alternative method is a shared-income model, under which the court asks for both parents’ incomes. The award is usually the same with both calculations, says Charlottesville, Va., lawyer Laura Morgan, because the percentage model also considers both incomes.

Morgan, who chairs the child support committee of the ABA’s Family Law Section, says the constitutional arguments will not succeed. However, she suggests that perhaps the percentage-income model should be dropped since it is perceived as more unfair.

“When you have a greater perception of fairness, you have a greater compliance rate,” Morgan says. “I am enough of an idealist to think that most noncustodial parents love their kids and want to do right by them. And they want to be treated fairly.”

CHILD SUPPORT AND YOU, AN UPDATE

PART 1

By

Gil Bardige

We all have heard or experienced horror stories dealing with child support agencies in Ohio. But there are a few things that you can and should do to minimize the effects of inaccurate information coming back to hurt you.

There are two things that you can and should do to keep yourself informed and educated about child support. In Part 1, we will discuss a new telephone access method of determining the information that Jobs and Family Services (JFS), they are the parent agency for Support (also known as ODJFS). In Part 2, we will go over getting the details of your account in writing.

First, try calling, 800-860-2555 from anywhere in Ohio. This number allows you access your basic child support account information over the phone.

For this you will need your social security number. You will then be asked for a PIN number. Select a 4 digit number and it will be accepted. You will use it each time you call; so keep this number safe.

The info you can receive is:

1. The date of your last payment was received and paid to the Obligee.
2. Your account balance, but it does not break it down as to how much is owed.
3. Remember the amount owed is for the entire month so you are always in arrears at the beginning of each month.
4. The local phone number of your local child support & enforcement agency (CSEA).



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Gil Bardige has been a member of PACE Columbus for many years, he also has been elected to serve on the PACE Colum-

P A C E

MISSION STATEMENT

The mission of Parents And Children for Equality is to provide education, advocacy and support to parents and children experiencing loss of traditional parent-child relationship due to separation or divorce and to promote for children equitable access to both parents, and for parents reasonable sharing of rights and responsibilities.

PACE Columbus Meetings

Normally Meetings are the **3rd Monday** of the month at **7:00pm** at the Worthington Presbyterian Church: 773 North High Street (NW corner of State Route 161 and North High Street) Phone: 614-885-5355

Our meetings typically consist of:

-Tips for newcomers

-Legislative updates

-Guest speaker such as attorneys, legislators and psychologists

Membership in PACE Columbus is open to men and women: single, married or divorced.

Dues are **\$20 per year**, the cost of a 5 min phone call to an attorney.

PACE-PAC: PACE's Political Action Committee

Help PACE influence the political process to promote our children's interests. We know that children need two parents. So do some judicial and legislative candidates. Help us help them get elected. In politics, money talks. Lets continue to make sure our politicians hear us.

Contribute to PACE-PAC, PACE's political action committee. Make your check payable to:

Parents And Children for Equality—PAC

Peggy Houston-Nienaber, Treasurer

8190 Beechmont Ave #163

Cincinnati, Ohio 45255-6117

www.PACE-PAC.com
for more information

Please be sure your check includes your telephone number.

How can a nonresident parent be involved in his or her child's school?

- Make sure that your child's school has your home address so that you can receive all school mailings. You can't participate in events if you don't know they're happening.
- Attend parent-teacher conferences. If it is not comfortable for both parents to meet with teachers at the same time, make separate appointments.
- Attend general school meetings.
- Join the school's parent-teacher organization.
- Attend school or class events.
- Volunteer in the school. Many schools have volunteer opportunities for parents who work during the day.
- Talk to your child about what is going on in his or her class(es). Check the school's web site for the latest news so that you can ask specific questions. Questions such as "How's school?" invariably get the same response – "Fine."

How can a resident parent encourage involvement by the nonresident parent?

- Make sure the school has the home address of your child's other parent so that he or she can receive all school mailings. It's much easier than trying to remember to make copies of everything yourself!
- Share information about your child's performance with the nonresident parent. Resident parents are likely to see more graded work than are nonresident parents. Talk to your child's other parent about how well – or how poorly – your child is doing.
- Encourage your child to talk to the nonresident parent about school. Remind your child of special moments to share with the other parent.

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PACE



NEWSLETTER

Parents And Children for Equality

P.O. Box 16066

Columbus, Ohio 43216

Among the suggestions, it encouraged web practitioners to include contact information for the persons or organization responsible for the site, a date for which the content was prepared or last reviewed, and a warning that the information provided does not constitute legal advice.

Will Hornsby, staff counsel to the bar association's standing committee on delivery of legal services, says users should take caution. When you seek legal information on the Web, make sure that it is applicable to your state or local jurisdiction.

Be aware that some document preparation Web sites charge significantly more than some lawyers do for an uncontested divorce, he says.

And these sites may not fully take into account all the dimensions of a couple's situation.

Even in a so-called consensual divorce, unless prompted by a lawyer, a person may not think about the tax consequences of their decisions, such as their interest in a spouse's pension.

For those reasons, it's always smart to at least consult an attorney first, he says.

And you don't have to hire a lawyer to represent you from beginning to end - some lawyers will "unbundle" their services and provide help with just the portions that you need, he says.

For groups seeking to promote strong marriages, point-and-click divorce sites only serve to further undermine their goals.

Micah Clark, executive director of the American Family Association of Indiana, says these Web sites probably don't contribute much to divorce rates because uncontested divorce is not all that common.

However, he is in favor of anything that would slow down the process of divorce, not speed it up - except in cases involving domestic violence or child abuse.

"I don't support making divorce faster," he says. "I'm not sure this does a lot of that."

The Associated Press Contributed to this story.
