



STATE REPRESENTATIVE

DON PRIDEMORE

MEMO

Date: April 5, 2007

To: Special Committee on Strengthening Wisconsin Families

From: Representative Don Pridemore

Subject: Equal Placement of Children in Custody Disputes

Late last session, I introduced a bill that would direct the courts to “equalize to the highest degree possible” placement of children between parents in child custody cases. Assembly Bill 897 passed the assembly with support from members of both parties. The bill was in the Senate Judiciary, Corrections and Privacy Committee when unfortunately the session adjourned. I have every intention to introduce a similar bill this session. I would like to take the opportunity that this committee offers to discuss this most important issue.

The most significant effect of an “Equal Placement Bill” would be to encourage separating parents to cooperate with the development of their children. I have heard the term “in the best interest of the child” used repeatedly to describe the need for intensive and bitter court battles to determine a placement schedule in child custody cases. I feel that removing a long court proceeding involving two parents who are fit and capable of caring for their children is in the best interest of the child. Furthermore, I feel that allowing one parent to control the rearing of the children often leads to alienation of the other. This is no doubt extremely unfortunate for the children and inarguably bad public policy. Every child deserves to have a relationship with both parents. Sometimes, due to a number of circumstances both parents cannot, should not or will not be involved with their children’s upbringing. The courts should be instructed to grant equal status to both parents when the facts show that both parents can, should and will be capable parents.

I look forward to discussing this important issue and also hearing your thoughts and suggestions on this matter. I have attached a brief summary of facts and statistics to assist you in understanding the main focus of this issue. For further information please contact Bill Savage in my office at 608-267-2367.

DP:bs

FACT SHEET
50/50 Placement

LRB 1899

1. The bill replaces the word “maximize” with “equalize”. Courts are having trouble with the term maximize. We would like to consider a bill in which the courts would be required to equalize placement between parents “to the highest degree POSSIBLE”. **The safeguards to protect children under current law remain intact under this bill.**
2. If the court finds by “**clear and convincing evidence**” that such a placement schedule may be harmful to the child, the court may set a placement schedule that protects the well being of the child.
3. **Clear and Convincing evidence is needed to terminate parental rights (TPR)** but not in custody cases.
4. This bill would retain **ALL safeguards and existing laws regarding** “Abusive spouses” and “Abusive parents”.
5. This bill would **promote cooperation instead of litigation** between parents.
6. This bill would promote parenting by assuring that fathers (and in many cases mothers) who are fit and decent parents have access to their children. **MORE IMPORTANTLY, this bill would allow children to have access to both parents.**
7. This bill **DOES NOT PREVENT** parents from agreeing on an alternative schedule or parenting plan. As a matter of fact it would **ENCOURGE** such behavior.
8. This bill affects **only those parents who have a desire to be equal partners in the raising of their children and are found by the courts to be a fit parent.**

Family Statistics

63% of youth suicides are from fatherless homes. [U. S. D.H.H.S. Bureau of the Census]

90% of all homeless and runaway children are from fatherless homes.

85% of all children that exhibit behavioral disorders come from fatherless homes.
[Center for Disease Control]

80% of rapists motivated with displaced anger come from fatherless homes.

[*Criminal Justice and Behavior*, Vol. 14 p. 403-26]

71% of all high school dropouts come from fatherless homes. [National Principals Association *Report on the State of High Schools*]

70% of juveniles in state operated institutions come from fatherless homes

[U.S. Dept. of Justice, Special Report, Sept., 1988]

85% of all youths sitting in prisons grew up in a fatherless home.

[Fulton County Georgia Jail Populations and Texas Dept. of Corrections, 1992]

About 40 percent of children in father-absent homes have not seen their father at all during the past year; 26 percent of absent fathers live in a different state than their children; and 50 percent of children living absent their father have never set foot in their father's home. National Fatherhood initiative.

Female perpetrators, who were mostly mothers, were typically younger than male perpetrators, who were mostly fathers. **Women also comprised a larger percentage of all perpetrators than men, 58 percent compared to 42 percent.** Family Research Council.

Children who live absent their biological fathers are, on average, at least two to three times more likely to be poor, to use drugs, to experience educational, health, emotional and behavioral problems, to be victims of child abuse, and to engage in criminal behavior than their peers who live with their married, biological (or adoptive) parents. National Fatherhood initiative.

Children living with their fathers are safer than other children. The safest place for a child to live is with its biological married parents. The most dangerous place to live is with mother and a boy friend who is not the father of the child. Want to guess how dangerous? **It is 33 times more dangerous for a child to live with mother and her boy friend than to live with the child's married biological mother and father.** James Bartholomew "The Welfare State We're In."