

How Good Parents are Losing Custody of Their Children, and How Domestic Violence Factors In

By Carroll V. White

EXCERPT FROM "IN THE WRONG HANDS: HOW FAMILY COURTS VIOLATE THE RIGHTS OF PARENTS AND CHILDREN". VIEW ENTIRE ARTICLE AT [HTTP://ICFCR.ORG](http://icfcr.org).

"I thought I was the only one." This is something Annette Zender hears daily when contacted by parents enmeshed in Illinois family courts. Zender, an Illinois parent embattled with the family courts, has become a lightning rod for the cries of injustice and the critical need for reform in the Illinois family courts. She founded the Illinois Coalition for Family Court Reform (ICFCR.org) after losing custody of her daughter in 2001.

A few years ago Zender connected with another mom in an Illinois court building. Then she found more moms with similar stories, and then dozens. Over the course of two years, hundreds of stories emerged, all with a similar pattern.

Most divorces do not result in custody battles. The vast majority are settled out of court. Father's Rights groups claim that mothers are awarded custody in 90% of cases, which is a misrepresentation of out-of-court settlements versus contested cases. Joan Meier, clinical law professor at the George Washington University Law School and founder of Domestic Violence Legal Empowerment and Appeals Project (DV LEAP), cites a study by the Massachusetts Supreme Judicial Court Gender Bias Task Force, "... which found that 94% of fathers who actively sought custody received sole or joint custody, regardless of whether there was a history of abuse. While fathers received primary physical custody 29% of the time, mothers received primary physical custody in only 7% of the contested cases."

Zender appeared in the groundbreaking 2005 PBS documentary, *Breaking the Silence: Children's Stories*. "This is the best kept dirty little secret of the family court," Zender said in reference to the disproportionate number of custody cases wherein mothers who have provided primary care for their children and never been accused of abuse or neglect (prior to stepping foot into a family court), are suddenly and

illogically stripped of custody, and sometimes even visitation.

"How can this happen in America?" is another question Zender hears and asks herself daily. Zender was awarded sole custody of her daughter in 1997 by a Minnesota court. The custody order stated that domestic violence witnessed by the child would have a negative impact and specified certain measures to protect the child. After Zender was granted permission by the Minnesota court to relocate to Illinois, the father filed for custody in Illinois.

The judge appointed a psychologist to perform an evaluation in the "best interests of the child" who reported, without evidence, that Zender coached her child to report abuse by the father. Based on this allegation of coaching, a Lake County judge, who was aware of previous Minnesota court orders to protect the child from the father, turned over custody to the father. The child was removed from school on September 11, 2001 and has not returned to her mother's home, even for visitation, since that time due to ongoing legal wrangling initiated by the child's father.

Zender has collected more than 225 victim impact statements from parents (mostly mothers) who have lost custody in Illinois. These statements indicate a pattern of abuse in Illinois family courts, which Zender and several other women have publicly exposed through more than thirty news reports in recent years. ICFCR estimates that for every parent that has come forward, there are at least 100 more that remain silent.

Lundy Bancroft, co-author of "The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics" (with Dr. Jay G. Silverman), states, "Men who are batterers are very focused on having power over the woman. When they sense they are losing power, children become the key vehicle to enable him to keep power over her. Very few abusers seem

like abusers to anyone except their victims and children." Bancroft includes verbal and emotional abuse in his definition of batterer. He adds, "The abuser can get tremendous sympathy in the court system because judges and attorneys he appears to be such a nice guy."

Illinois Attorney General, Lisa Madigan's office has expressed an interest in the victim impact statements and met with Zender, myself and domestic violence experts to review the issues.

"This is not about mothers' rights versus fathers' rights," says Zender. "It's about the children...and our children's children, and it's about our fundamental constitutional rights to due process."

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If you, or someone you know, are in a verbally or otherwise abusive relationship, or face contested custody charges, please know that you are not alone. Please visit: www.ICFCR.org for more resources and information.