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## Reforms needed to close a stinking can of worms

"You've opened a real can of worms," someone told me after reading a series of stories I helped to write on mothers who have lost custody of their children.

"And worms live in rot," I thought.

Something is foul in a family court that excises a parent from a child's life like a malignant tumor. Something stinks about a system that deprives children of their mothers — and fathers — both whom they desperately need to be whole.

No parent is perfect. We all fall short of our sacred duty every day. But where we excel, where we should be allowed magnanimous due process, is in our ability to deeply love — to know and to be known by our children.

Children need both parents — unless they're violent maniacs. They need them like they need air and water and food. Our courts and associated professionals should be helping to keep children in relationship with their parents — not sorting them to the highest bidder.

But the breakup of families has become a lucrative market for attorneys and psychologists — both professions that suck money with the gusto of every other big business. The more money there is to do battle on both sides, the longer disputed custody cases drag on, with parents paying unregulated, exorbitant sums to attorneys and to court-appointed custody evaluators — so-called experts — who then testify to mom and dad's mental fitness.

Based on those findings, parents are ordered into agreements that too often sever or severely hamper their ability to parent.

Highland Park-based clinical psychologist Roberta Auslander said such lopsided judgments are almost always a mistake.

"Kids really need both parents," Auslander said. "To take one away disrupts the whole attachment process. There's a sense of loss of trust, there's a sense of betrayal. They (kids) don't understand it's inflicted on a parent. I am never in support of that no matter how difficult the parent."

As a growing number of murder/suicides spurred by family breakups attest — orders that in effect eliminate one parent wreak havoc on children, families and communities.

"It's terrible when women are not allowed to see their kids," Auslander said. "But the other issue is the rage and helplessness causes people to start making allegations that aren't true."

Annette Zender of Woodstock lost both custody and visitation of her child after she was accused by a court-ordered psychological evaluator Daniel


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DeWitt of coaching her daughter to lie about alleged abuse the girl confided to mandated reporters.

It's a charge Zender, a stay-at-home mom and her daughter's primary caregiver for her first nine years, denies. But even if it were true, should mother and child be separated for going on four years because of it?

Zender, who has never been charged with neglect or abuse, could see her daughter again, perhaps, if she were to pay for psychiatric therapy she said she doesn't need, pay an attorney to plead her case, pay a supervisor to chaperone visitation. Instead, she has chosen to fight the system that has denied her inalienable right to mother. It's an adversarial system that forces — even thrives on — conflict, said Ernie Allen, president of the National Center for Missing and Exploited Children.

"We must keep child custody issues out of the adversarial process as long as possible," Allen stated in *The Kid is With a Parent, How Bad Can It Be?* "In the family courts in some jurisdictions, a child-custody petition will not be entertained by the court until the parties have participated in an independent, court-approved dispute mediation process. The independence of the process lessens the risk of each side hiring experts and feeling compelled to create allegations to enhance their positions."

Women who have lost custody — and fathers who have failed to gain it — point to manipulation, threats and intimidation, criminal charges, spouse-bashing and judicial violations — as routine business in family court.

Those who want to see reform in Illinois' family courts argue that the standard for custody should be changed from the nebulous "best interests of the child" to the "approximation standard," that says the pre-divorce pattern of a child's life should be upheld as a means to stability.

Was Johnny mostly with mom before the divorce? Then Johnny should stay mostly with mom after.

Suggested reforms also include the thorough investigation of any allegations of sexual or physical abuse and domestic violence, an end to blanket psychological evaluations and an end to experts lists by which the courts dish out business to those who exact payment from the very people they've been appointed to objectively evaluate — a policy that smacks of forensic foul play.

"We need to take it out of the money machine," said Zender, who is hoping that one day the custody order that took her daughter away will be overturned.

We need to close a stinking can of worms.

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