

They're Your Kids Too: The Single Father's Guide to Defending Your Fatherhood in a Broken Family Law System

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They're Your Kids Too *The Single Father's Guide to Defending Your Fatherhood in a Broken Family Law System* by Anne P. Mitchell, Attorney at Law Praise for They're Your Kids Too: "In a divorce, nobody wins, but the kids in a divorce should not suffer. Kids need both parents. This book is an absolute MUST have for all men going through divorce with kids!" - Bruce D. *They're Your Kids Too* provides critical, relevant and thought-provoking information. It helped me in addressing and dealing with several critical issues. - S.S., California Your book was a blessing for my nephew. While he does not live in the St. Louis area, the information provided was invaluable in his fight to keep his children close. We can't thank you enough! - Shawn's Aunt I found the material in this book very informative. I even shared several excerpts with my family counselor and attorney. I only wish I had discovered the information prior to me ex-wife's antics regarding my little girl. Two thumbs up and a professional recommendation! - Jeff T., ABR, CRS, NC Broker, Realtor, SRS This is the best help guide you can ever get for help with your kids and/or divorce. Loads of great information and well worth buying. - Mike This book has been a great supplement to all the other research I have done. It is a priceless resource...well worth the time to read!! - David H. This was my guiding light which helped me get through a turbulent and stressful time with a great sense of peace. - N.P. Copyright © 2011 Anne P. Mitchell Attorney at Law Material based on the previous edition, "Surviving Divorce and Custody Issues: The Single Father's Guide", Copyright © 2001, 2004, 2010 All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without written permission from the author, except in the case of brief quotations embodied in articles and reviews. Family support groups, law schools, and other institutions and organizations wishing a bulk purchase price should contact info@dadsrights.org Mitchell, Anne P., ISBN: 978-0-615-51443-7 Book Design by Steven Peterson Printed in the United States of America Distributed by ISIPP Publishing Henderson, Nevada www.IsippPublishing.com *This book is the distillation of decades of work and experience advocating for fathers and their children, both in and outside of court. My journey from impoverished inner-city child to Stanford Law School to national fathers' rights attorney was a long one, and made possible only with the encouragement and faith of many friends and colleagues along the way. In particular I would like to thank Larry Viola, Jim Knapp, and Gary Royce, attorneys at law, for providing me the ability to practice family law for fathers from the very moment that I graduated from law school; Paul Vixie, for both the technical and moral support that he provided as I ventured out on my own; and Frank Presto, Guy Kawasaki, and Tom Campbell, for their mentoring and friendship. I dedicate this book to my amazing and wonderful children, Jessica and William, who are my greatest inspiration, and my daily affirmation of how important it is for fathers to be there for their children even after divorce; and to my own father, who insisted on that involvement in my own life in an era when divorced men were supposed to quietly fade away, and who passed away just as I was starting law school. I love you, Dad. In memory of William Francis Mitchell 1932 - 1989* Table of Contents Introduction by Anne P. Mitchell, Attorney at Law 9 Chapter One: 7 Steps to Ensure Well-Adjusted Kids After Divorce . . 11 Introduction. 12 1:

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A Note from Anne P. Mitchell, Author, Fathers' Rights Attorney and Founder of DadsRights.org

I'm so pleased that you have picked up this book. The very fact that you are reading it means that you are someone who truly cares about the well-being of the children with whom you are (or want to be) involved. The odds are good that you are either a single or re-married father, or someone who has a single or re-married father in their life. Whether you are a father, a step-mother, or a grandparent, or serve another role in the life of the child or children about whom you clearly care so much, you will find something in this book to assist you in ensuring that those children have a better relationship with both parents, and that they are better protected from the emotional maelstrom that inevitably happens whenever a family disunites. This book is primarily aimed at fathers, because overwhelmingly it is fathers who are pushed out of their children's lives by both the family law system, and society at large. It is often easy to blame the mother as the sole reason that a father is having a difficult time maintaining a relationship with his children They're Your Kids Too 9 after divorce, but it is important to remember that usually that mother's actions are the result of everything she has learned from the family law system, and from whatever her friends and family are telling her. In turn, those friends and family members have learned what they are telling her from societal messages about "how it should be" when a family gets divorced, and about what each parent's role "should" be following a divorce. Of course, the reality is that children need both parents, and access to both parents, regardless of how the parents feel about each other. Whatever your current situation, it can always be improved – even the most impossible-seeming situations can be turned around. So don't lose hope, don't lose faith, and, with the help of the information in this book, don't lose your children. Anne P. Mitchell, Attorney at Law DadsRights.org

Chapter One 7 Steps to Ensure Well-Adjusted Kids After Divorce Introduction In order to help protect your child from any fallout during the reorganization of your family, and to

ensure that your child stays happy and well-adjusted throughout, it is important that you recognize, accept, and even embrace, certain concepts. Sometimes a parent has a hard time accepting these principles, because they run counter to what the parent wants for themselves. It's okay, and even normal, to feel that way; it's just not okay to act on those feelings to the detriment of your children. The following are some steps which single, or soon-to-be-single, parents can take to help ensure that their children remain on course and well-adjusted, during and after a divorce. These steps may seem obvious to you; unfortunately, what often is not obvious to parents is their own behavior, and how it is perceived by, and impacts, their children.

Step 1: Accept and Acknowledge That Your Child Needs an Active, Ongoing Relationship with Both of Their Parents. It can be hard, when breaking up with someone, to remember and accept that while you are breaking up with them, your children are not. No matter how good a parent you may be, and no matter how "poor" a parent you may personally believe the other person to be, your children need both of you. They need to be able to have an unreserved relationship with their other parent, free from your own views of that parent, and unfettered by concerns that you will be hurt, or love them less, because they still want to spend time with their father or mother. It's your situation, your problem, and your breakup. It is not your children's; don't make it theirs, and don't let it become theirs. Your children love both of you, and need both of you, even though you may no longer love or need each other. And they need you to understand this, and to be okay with it. Their love for you won't be diminished by their love for the other parent; in fact, they will love you more for making it okay for them to also love their other parent. In addition to the fact that children need both parents, no matter what kind of parents they may be, there is another very good reason for doing whatever you can to encourage your child's relationship with their other parent: children have a funny habit of growing up. Once out on their own, many children come to recognize that the reality of why they only had one parent around doesn't always match the picture painted by that parent. More often than not, they will come to resent that parent for interfering with their relationship with the other parent.

Step 2: Never Ever Speak Badly About The Other Parent To, In Front Of, or Anywhere Within Earshot Of Your Child. During the breakup of a marriage, it is normal to have negative thoughts and feelings about the other parent. You may feel that it is their fault that the marriage broke down, or that they are behaving unfairly, or irresponsibly. It is important that you have an outlet to express your feelings, perhaps a friend, or counselor. But under no circumstances should you express your negative thoughts or feelings about the other parent to or in front of your child! This sort of behavior will lead your child to believe that you don't really want them to spend time with, or care about, the other parent. Even worse, however, is the message it sends to your child about themselves. It is critical to realize that children are very aware of and identify with both parents. Your child knows that half of who they themselves are comes from you, and half from their other parent. What does it mean to a child to be told that "Your daddy is a jerk"? Do they think "Daddy is a jerk, but mommy is good"? No! They think "Half of who I am is a jerk, so I must be a jerk too." When a child hears "Your mother is selfish and greedy," that child thinks "If mommy is bad, then I must be bad too." This is a very important concept to grasp; few parents would knowingly tell their children that they are no good, and yet every time a parent puts the other parent down around their child, that is exactly what they are doing.

Step 3: Accept and Acknowledge that You and Your Ex Have to Co-Parent Your Children Until They Turn Eighteen. Regardless of how well or not you and your children's other parent get along, the fact remains that you must co-parent with that other person so long as there are minor children involved. This is a reality that some separating or divorced parents find difficult to swallow; sometimes, more than anything, they just want that other person "out of their face". But this is not how it works; parents of disunited families will have to interact with each other in some fashion until the children which they share between them turn eighteen, so they may as well make the best of it. You can either spend those years fighting, or getting along. Which do you think is better for your children? The ideal situation, particularly for the children, who need both parents, is where the parents can come to respect each other as parents, and work together for the sake of their children. For this reason, it is to everyone's advantage, especially your children's, for you and your co-parent to get to a point as soon as possible where you can communicate with each other respectfully and

reasonably. Sometimes it is easier to achieve this at first with a cooling-off period where you communicate primarily through email if possible, so that you don't have that flood of feelings that a face-to-face or telephone conversation can bring, and which can quickly escalate as you both become more emotional or agitated. Email also has the added advantage of providing a written record of your conversation, to which you can both refer back for clarity about what was discussed. However you do it, and whatever you do, don't use other people as messengers, and especially don't use your children as go-betweens! If you find it impossible to have reasonable conversations, even through email, with the other parent, consider co-parent counseling (more about that later), which you can ask the court to order if your ex won't agree to it.

Step 4: Learn to See and Understand the "Other Side". While in the throes of a divorce or break-up, it is often difficult to see things from the other person's perspective, and to understand why they focus on some things, and seem to completely ignore others. For example, in many cases involving children, it may seem as if the mother's primary concern is financial. But this is understandable when you consider that women in our society are told over and over how men "owe" them for years of gender discrimination and career sacrifices, as well as how all women end up in poverty after divorce, and therefore they have to get as much money as possible from the man. This often plays out heavily in the areas of custody and parenting time, because mothers in most states know that the greater the amount of parenting time the father has, the lower the amount of child support they receive will be. But it is not the case that these mothers are putting money above what is best for their children; rather it is that they have been led to believe that it's a foregone conclusion that it is best for the children to be with them! Thus, it may not even occur to them that the children need regular, ongoing contact with both parents. For the father's part, it may seem as if he doesn't care at all about the financial concerns of the mother, and is trying to get as much time with the children as possible in order to avoid paying high amounts of support. This is, however, rarely the motivating factor; in fact, most fathers going through the family law system feel that they must fight tooth and nail for time with their children because they feel as if they are being pushed out of their children's lives. These fathers genuinely fear losing all time and meaningful contact with their children. It is important to understand that whatever the facts, how each parent sees things is their reality; they truly *believe* their version of "how things are". Knowing the perspective of the "other side", and what their bottom line is, can greatly help in terms of focusing on what is important, formulating strategy, and negotiating. For instance, many men who are in a position to do so have found, when looking to increase their parenting time, that it works well to offer to continue to pay the amount of child support dictated by the old, lower amount of parenting time, if the mother will agree to a new increased parenting time. By offering to do this, it completely removes the primary incentive for the mother to not agree to increased parenting time for the father (fear of reduced child support), and the amount of child support being paid can always be adjusted at a later date, if appropriate. Usually a father who offers to do this will find that it costs less to keep paying the old amount than it would cost to pay legal fees to go to court for more parenting time.

Step 5: There Are Some Things Which You Just Can't Do Anything About - Get Over It and Let It Go. There are many things which are mandatory in family law, with little room for variance. It is important to recognize these things, as fighting them will only frustrate you, and annoy the court. Once you recognize those things which you can't change, you can refocus your energies on those things which you can do something about! As always, laws vary from state to state, and you should check with your attorney for the particulars in your jurisdiction.

Attorneys' Fees: In many states the law specifically authorizes the court to order one party to pay another's attorneys fees in family law cases. The two factors most often considered, in order of emphasis, are I) who earns more money, and II) which party, if any, has brought the case before the court unreasonably. In many such states it is extremely common for a father to be ordered to pay at least part of the mother's attorneys fees, particularly if he earns more than she does, unless she has been extremely unreasonable, while he has been very reasonable, and has attempted to negotiate the issues in good faith. This is another reason to do everything possible to negotiate with your ex first, so that you can demonstrate to the court that you tried to stay out of court, but your ex just wouldn't cooperate with your efforts to negotiate outside of court.

Wage Assignments: It is now

the law in most states that a wage assignment (garnishment) for support will be ordered by the court in every child support case. However, in some states the parents may agree that the court order will not actually be served on the paying parent's employer, and thus will not take effect, so long as that parent remains current with the support payments. Child Support and "Add-Ons": In most states child support is considered to cover just the basics: food, shelter, clothing, etc. The custodial parent is not, and will not be, made to account for how the payments are spent. In addition, the court can, and often does, include several types of "add-ons". The most typical add-ons include the cost of child care, health insurance, and uninsured medical expenses. Where the custodial parent is working, often the costs of child care and uninsured medical expenses are split between the parents.

The "must have" book for any single or soon-to-be-single father (or anyone involved with a single father), written by fathers' rights lawyer Anne P. Mitchell. Mitchell is a nationally recognized fathers' rights attorney and spokesperson, and was one of the first fathers' rights attorneys in the country. She is the founder of DadsRights.org, and a leading advocate for children of divorce having a strong relationship with both parents, even in a social and legal climate that often seeks to reduce fathers to weekend "visitors".

Now the advice and information to which only Anne's clients once had access is available in this straight-forward, plain English, easy-to-read book. In addition to sections on parental alienation, parental kidnapping, and false allegations, Mitchell includes a section on how to ensure your children can still have a well-adjusted childhood, checklists for various issues you may encounter, and a directory of legal organizations and clinics in all 50 states.

They're Your Kids Too: The Single Father's Guide to Defending Your Fatherhood in a Broken Family Law System. Anne Patricia Mitchell. DadsRights.org, 2011 - Custody of children - 156 pages. Restoring the Rule of Law Through a Fair, Humane, and - The court system can let children, parents, and grandparents down. on cases of parental alienation too often lack enough understanding Children who reject one parent to please the other parent are Poignant Letters to Me From an Alienated Mother and an Alienated Father.. Get books on the topic. A to Z of legal phrases - Plain English Campaign - Justin speaks regularly in the media in defense of fundamental freedoms like free speech,. and is the author of the book They're Your Kids Too: The Single Father's Guide to Protecting Your Fatherhood in a Broken Family Law System. Just Mercy (Movie Tie-In Edition) by Bryan Stevenson - I do too because I'm about to become a Webelos Den Leader and an This American convention of a mother and father and their two children, were a defense systems to destroy your enemies while keeping your nation safe. Nuclear family definition, a social unit composed of two parents and

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