

Joint Physical Custody and Shared Parenting

It's Long Overdue ...



"Parentectomy is the removal, erasure, or severe diminution of a caring parent in a child's life, following separation or divorce ... a parentectomy is the most cruel infringement upon children's rights ... children lose the rewarding ongoing opportunity to give and receive love to and from a parent who has loved them ... attempts at parentectomy create a psychological reign of terror, for the intended parent and child-victims ... who experience a great deal of chronic emotional pain."

Frank S. Williams, M.D.
Child and Adolescent Psychiatrist
Cedars-Sinai Medical Centre, Los Angeles
"Preventing Parentectomy Following Divorce,"
Keynote Address, National Council for Children's Rights,
Washington, DC, October 20, 1990

If not now, when?

**Children Are Waiting!
Kids Needs BOTH Parents!**

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What Joint Physical Custody (JPC) and Equal Shared Parenting (ESP) IS:

- **Non-partisan issue with bi-partisan support:** It uniquely bridges the divide between the political parties.
- **Protects the best interest of children:** It minimizes unwarranted court forced fatherlessness and arbitrary removal of fit loving parents without just cause. Ensures children will maximize time with each parent. Protects a child's right and need for both fit parents.
- **Highly researched issue:** It is supported by legal researchers, psychological studies, and mental health researchers – volumes of evidence indicate the current family court practice of removing one fit parent is harmful to children and change is long overdue.
- **Gender neutral:** It treats both parents as equally important to their children – establishes an equal playing field. Ends disparity and discrimination in family court.
- **Protects the safety of children:** It will continue to preserve all current law and stringent standards of child protection.
- **Reduce conflict:** It removes the biggest reason to fight and encourages cooperation (*v.s. current win-lose model that encourages litigation*).
- **Focus FIRST on Children/Takes the focus off the parents:** It supports the use of parenting plans to take planned, individual, and mutual responsibility for the children, instead of fighting for them.
- **Updates custody law to reflect society:** Every other area of law has changed to reflect gender equity, celebrate diversity, and minimize unwarranted stereotypes – so should family law. Current custody system designed over 40 years ago.
- **State and national movement:** It has been building and vetted for over 20 years. Issue under review for serious change in many states. Strong grass roots ground swell and majority support from voters. Government has turned it's back on children of divorce for too long.
- **Conforms with the U.S. Supreme Court:** Protects the fundamental right of each parent. JPC/ESP would no longer restrict a fit parent from taking equal responsibility for their children after divorce.
- **Allows for private agreements:** Parents encouraged to customize custody/parenting time to meet the individual needs of the family.
- **Citizen Driven:** It is an issue supported *"by the people for the people."*

What JPC/ESP is NOT ...

- **NOT a Mandate:** It is NOT a required in all cases. It is rebuttable – exceptions are included. Parents can also agree to something different.
- **NOT Overturning Safety & Protection:** It does NOT remove any of the current child protection and domestic violence protections. (*Stringent standards of child protection and DV remain in place. The "bad" parents are handled in child protection and criminal court.*)
- **NOT Eliminating Discretion:** It does NOT remove judicial discretion.
- **NOT a New Issue:** It is NOT an issue "new" to the legislature – the legislature turns over, but the issue (*by the people*) has not gone away.
- **NOT Without Controversy:** Those committed to the best interests of the "divorce industry" are opposed to JPC/ESP (*no surprise – the current system protects the "legal system" at the expense of children.*)
- **NOT a "Silver Bullet" Solution:** Supporters make no claim it will solve all problems in family court. (*But, they do claim it's an important start.*)

