

CHAPTER 1

The Obstacles

Identify the Factors That Can Drive a Wedge Between You and Your Children

If you're like most other divorced dads, you want to see your children as much as possible. In an ideal world, you and your ex would split the time you spend with them fifty-fifty, and you'd make sure that every moment you have with them is quality time.

Unfortunately this ideal is difficult to achieve for many reasons. Most obvious, if the custody agreement limits you to the traditional schedule of every other weekend and one night a week, you can't be with your kids as much as you want. Less obvious, if your self-esteem is low, you may be with your kids in body but not in your heart and mind—you're not engaging with them fully. In either instance, the outcome is bad for your children and bad for you. No matter what you've heard or what you've told yourself, kids need their dads.

Even if you think that dads have a crucial role to play, you may have resigned yourself to partial or complete absence. Maybe you believe that the obstacles that keep you from having the relationship you want with your children are too big to overcome.

Or maybe you look at the obstacles and figure it would take too much time, money, and effort to clear the way for you to spend more time with your son or daughter.

In fact, most obstacles can be overcome, and in many instances, you don't have to possess unlimited resources to overcome them. I've helped dads who weren't seeing their children at all or were seeing them infrequently and watched them become fully involved parents relatively quickly. I've observed dads who had poor or no relationships with their kids make changes in their attitudes and actions and become great parents with great relationships.

The first step in this process is identifying and understanding the obstacles that stand in the way of being fully present in your children's lives.

The Seven Obstacles to Being Fully Present in Your Children's Lives

The following list of obstacles is far from inclusive. I've focused on the seven most common ones, but probably four or five times this number exist. One or several of these seven, however, are likely to apply to you. As you'll see, some of these obstacles are legal, some are emotional, and some have to do with the ex-spouse. As you read the discussions of each obstacle, think about which ones may be preventing you from being completely present with your children:

1. The terms of the custody agreement
2. Orders of protection
3. Financial problems
4. Legal trickery
5. Gender bias
6. Guilt
7. Anger

If these obstacles seem formidable—and if they cause you to think of all the more specific reasons you are unable to see your children as often as you want—keep in mind that you’re not in this alone or without support. More judges are starting to recognize the importance of dads being a consistent, integrated presence in their children’s lives. In fact, it’s not unusual for some judges to emphasize this point to both parents—to remind dads to make the effort to be involved and to remind moms that even if they’re furious with their ex, their children’s welfare comes first.

Second, find a lawyer who is well versed in dads’ rights and can help you deal with everything from baseless orders of protection to gender bias. They understand the law, they are savvy, and they know how to help you overcome the nonlegal obstacles that might get between you and your kids.

Third, good therapists who have experience with and expertise in the struggles divorced dads go through can provide significant assistance, not just with making custody and visitation recommendations but to help dads overcome the emotional barriers to parenting.

Let’s turn to the first obstacle and examine what it is, how it affects divorced dads, and how you can overcome it.

Obstacle #1: The Terms of the Custody Agreement

Many men are saddled with bad custody agreements, especially ones lacking joint custody or custodial parent status. The typical bad agreement restricts them to infrequent contact with their kids, either because of weak legal advocacy or their having given up hope. As a result, they become de facto absent dads because there’s not enough time to bond with their kids. These dads often feel terribly hurt after the dust settles, and the realization of what’s happened to them and their relationship with their children sets in. Later I’ll address the specific tactics to prevent bad custody agreements from happening, but for now, the most basic piece of advice is to try for joint custody (or sole custody if that’s a better

option). Dads with joint custody have a good chance to maintain strong relationships with their kids.

It's certainly understandable for divorced dads to feel this way. After having their kids under the same roof for years and seeing them every day, this new arrangement often feels punitive and destructive to the parent-child relationship. But in some cases, fathers can do something about an agreement that's already been set. Certainly if the agreement is unconscionable for some reason, circumstances change radically, or the ex-spouse is endangering the kids, the dad can go back to court.

But let's assume that none of this is true and you're saddled with whatever custody agreement has been handed down by the court. In these instances, you can do three things that will help you overcome the distancing effect of the agreement.

First, *capitalize on your ex-spouse's need for help with the kids on certain days and at certain times*. No matter what the visitation schedule dictated by the agreement is, the reality is that life throws things at us that present opportunities. There are times when your child's mother will be sick, will have to work late, will be traveling, and so on. If you wait for her to ask for your help, she may turn to a friend or relative instead. Volunteer to help out with the kids. When she tells you that her boss has been asking her to do more travel for work, say, "I'll be glad to take the kids when you're gone if that would help out." You have to be proactive: watch for opportunities when she will welcome your assistance with the kids. And absolutely do not preface your offer of assistance by saying something to the effect of, "You know, I really think I should have the chance to spend more time with the kids." This may make your ex-wife defensive or even angry, and she might respond with something like, "Well, if you wanted to spend more time with them, why were you gone so much when we were married?"

If you have a sharp lawyer, the language in your custody agreement may facilitate this type of additional visitation opportunity. Specifically, that agreement could say something to the effect that your court-ordered visitation is the minimum visitation schedule

and that your ex-spouse must offer you additional visitation during all time periods your children won't be in your ex-spouse's care.

Second, *overcoming visitation obstacles presented by the agreement requires making the effort to create quality time*. Divorced dads want to spend quality time with their kids, but they often don't do the planning or try to be as involved in activities as they could be. Again, this is understandable, but it's not acceptable. You may well have good reason to feel resentful about the divorce and the custody agreement, but move past it and focus on your kids. It's your responsibility to turn the time you do have into experiences that are meaningful and memorable for them. Think of things you can do together. It doesn't have to be anything fancy; you can visit museums, have dinner at a restaurant, go hiking, or whatever activities interest them. You might not get more time with them, but the time will feel much more satisfying to you and the kids. It will be quality time.

Third, *cultivate a good relationship with your ex*. For some of you, this may not be difficult: your relationship ended on reasonably civilized terms—maybe even amicably. Some of you, however, may despise your ex because she was unfaithful, cruel, or vindictive or she behaved badly in other ways. If she's a decent mom, however, try to hide your animosity and be civil when you communicate with her (or about her to others, including your children). Even if she isn't particularly civil to you, be the better person. The odds are that your relationship with your kids will benefit them in the long run, if not in the short term, since your ex will eventually be more willing to bend the terms of the custody agreement in your favor (at least some of the time). Although it may not seem like it now, time heals at least some of the wounds from the marriage, and you want her to be more amenable to your wishes, especially regarding time with the kids. Maintaining a civil relationship with your ex is one way to make this outcome more likely.

Obstacle #2: Orders of Protection

It is becoming increasingly common for moms to have their lawyers obtain orders of protection against dads as part of a legal

strategy. Many times, there is little or no basis for these orders, yet unscrupulous lawyers can sometimes get moms to agree to testify that they feel their spouses are a danger to them or the kids. It may be that when mom broke the news to dad that she wanted a divorce (perhaps because she was in love with someone else), he became angry. Maybe he shouted at her or threw something or said, "You'll regret this." All this can be used as the basis for an order of protection, even if the father was not putting anyone in danger.

Similarly, some dads arrive home one day and find the police there telling them they can't enter. Their wife has gone to court without providing notice to them and obtained emergency ex parte (for one party) orders of protection. Dads who ignore the order and enter the home may end up being incarcerated. These orders can often be easily obtained in court with no notice or opportunity for the dad to be in court and defend himself. The judge hears one side of the story and makes a critical decision.

And even more egregious, some women file false charges of abuse, claiming their husbands physically or sexually hurt them or the kids. Again, hurtful as it can be to an innocent father, this is rationalized by some as a legal strategy: everyone is doing it, it doesn't mean anything, it's simply a means to an end, and so on.

These strategies, however, can have devastating consequences not just for the dads they're used against but for their children. They can cause men to feel guilty and despicable even when there's no reason for them to feel this way. It can also make them believe that they are bad dads who don't deserve to spend time with their children.

If you find yourself on the receiving end of a manufactured order of protection or false abuse allegations, consult your lawyer. In civil cases, good divorce lawyers may recommend petitioning the court to order your wife to submit to a psychological evaluation. If she's obviously so angry about the divorce or related issues that she's taking these actions to seek revenge, a therapist may recognize this fact and testify about it in court. If there are criminal

charges brought against you, though, you may not be entitled to this degree of legal preparation in a criminal case, and you'll need to file an appropriate civil action in your pursuit of justice.

In worst-case scenarios, some lawyers, together with gender-biased therapists, convince dads to admit in court to abuse they didn't commit. This may sound implausible, but I've seen a number of instances in which this has taken place. Typically it happens when the dad is indigent, uneducated, or disadvantaged in some other way, and the opposing attorney conspires with the therapist or some other individual to communicate the following message: "Look, we know you didn't abuse your child, but given the circumstances, the judge is going to believe you did and never let you see your child again if you don't confess. So if you admit to the abuse and pledge to the judge that you won't let it happen again, the court will feel you're taking responsibility for your actions and eventually let you have visitation with your child."

I recognize it's unlikely that you would fall for this ploy (and if you have a competent attorney, he or she will make sure you don't fall for it), but I relate this story to illustrate how divorced dads can become overly compliant and even masochistic. If your spouse pursues an order of protection against you that is unwarranted, don't just accept it because you feel you should be punished even though you've never threatened your wife or child. The other side may paint you as a villain who shouldn't see your child much or at all, but if their portrait is false, then you need to stand up for your rights and your child's rights. Don't become a target looking for an arrow.

Obstacle #3: Financial Problems

Your bank account balance shouldn't determine your self-worth, and in the same way, your ability to support your family shouldn't define you as a dad. Nonetheless, many dads equate the two measures, and when they find themselves unable to meet support payments or support their kids in the way they could prior to the

divorce, they allow it to interfere with their parenting. Their lowered self-esteem makes them uneasy and ashamed in the presence of their children. They don't like that feeling, so they don't see their kids as often as in the past.

Don't fall into this trap.

Perhaps the most insidious circumstance involves financially strapped dads who, voluntarily or by order of a court, end up being cut off completely from their children. Here's how it typically happens. Dads know they don't have the money to make the anticipated child support payments; they may not even have sufficient funds to hire an attorney to handle the divorce. Embarrassed and ashamed, they walk away—they become “dead-broke deadbeat dads” and flee the state and start over somewhere else. A default judgment is entered against the dad, mandating that he pay support he can't pay and that he not be afforded visitation privileges. Eventually he is found in contempt and sentenced to jail. It becomes a self-fulfilling prophecy.

Just as typically, this dad misses his kids. He eventually finds a job and accumulates some money and decides he wants visitation. But when he goes back to court, he is handed a whopping bill because of all the previous payments he missed. He doesn't have enough money and is incarcerated based on the prior order.

Don't let it reach this point. Recognize that even if you're out of work, you can petition the court to take your economic circumstances into consideration and order a lower support payment that is feasible for you. Certainly the court will expect you to search diligently for a job, and once your income increases, so may your support payments. But don't feel as if you shouldn't see your children because you can't buy the toys they want. Your children will miss your presence much more than any toys you would have given them. Your ex-wife may berate you for losing a job, but the bond you have with your children can withstand a diminished paycheck. Sooner or later your financial situation will improve, so don't make decisions like ignoring the legal process and your child support obligations that you'll regret for the rest of your life.

Obstacle #4: Legal Trickery

If you have a highly skilled, shrewd divorce lawyer, this obstacle shouldn't be a problem. Unfortunately, many men lack good divorce lawyers for a variety of reasons. I'll get to those reasons in a moment and tell you the mistakes to avoid, but first let's examine why legal shenanigans from the opposing attorney can turn into an obstacle. Specifically, there are three common ploys to be alert for.

Changing Jurisdiction

Typically what happens here is that the wife asks to take the child to visit relatives in another state before the divorce action is filed as a ploy to change jurisdictions. She says she needs a break, that it would be good for both her and the child to get away and see her parents. When she tells the husband she doesn't know how long she's going to be there but it probably won't be more than a week or two, he figures there's nothing wrong with letting them go. If the dad feels guilty about the marital discord, he's especially vulnerable to this ploy and will probably accede to her request.

This father (and his incompetent attorney) are not aware of the Uniform Child Custody Jurisdiction and Enforcement Act, which presumes jurisdiction for the divorce-linked custody case being in the state where the child has resided for the last six months; therefore, making it a race to the courthouse. If the mother's lawyer files for divorce and custody first after a minimum of six months has passed, then jurisdiction to determine the appropriate state to litigate custody will occur in the new state where that lawyer files. This new state is where the mother took the child to allegedly visit relatives but now claims it as their residence. When this happens, the father is placed at a huge disadvantage that can often lead to losing custody and maybe even contact with his children. For one thing, he may not be able to afford to keep flying back and forth to that state during the drawn-out jurisdictional proceedings. Second, the lawyer the wife hires there will be

familiar with the judges and system in that state, and the father's attorney probably won't have that same familiarity. The bottom line is that this dad and his lawyer may have fallen into a complicated legal trap.

Manufacturing Conflict Between Parents

Joint custody is one of the best ways to avoid the absent father syndrome, but manipulative divorce lawyers who represent custodial parents know that if they can demonstrate in court that the parents can't agree on anything regarding their kids, the judge will more likely block requests for joint custody from the noncustodial parent. A well-coached mom can create so much conflict with her spouse about so many issues that the judge will probably determine that joint custody would be a disaster, even if most of these conflicts never existed before and are being manufactured for the judge's benefit. She can pick fights with her spouse in court and suggest that she and her husband can't agree about what the children should eat, bedtimes, Internet policy, and so on. If the judge believes that they will be at each other tooth and nail over every aspect of their kids' lives, he'll likely rule against joint custody in the best interest of the child. Such a ruling can be very unfortunate for the children.

Fleeing the Country

Some moms are so furious with their spouse or so narcissistic as parents that they may opt for exile. Advising a client to leave the United States contrary to a court order and to avoid sharing the child in any way with the other parent advocates parental kidnapping. Nonetheless, conniving divorce lawyers know that people can likely flee the country without repercussions, provided they go to the "right" country. By "right," I mean countries that are not signatories to the Hague Convention, an international treaty designed to prevent these types of international parental kidnappings. For instance, Japan is a nonsignatory country, so it is very difficult to get a child back who has been taken there by a parent. Obviously this is a radical strategy, but it does happen. I know of one inexperienced

lawyer who advised his client to allow his wife and child to leave the country for a visit with her relatives there. This lawyer naively assumed that her desire to see relatives was sincere and that she had no ulterior motive. When she failed to return and refused to return all correspondence, this lawyer realized he had made a terrible mistake.

Many other legal machinations exist, and we'll look at a number of them in the following chapters. For now, recognize that your wife's lawyer may be unethical, or your wife, out of malice or for other reasons, may decide to take advantage of legal loopholes and deprive you of your parental rights.

To guard against being thwarted by this obstacle, make sure you have a divorce attorney experienced in these matters. Too many times, men ask their business attorneys to represent them in the divorce. They figure that "an attorney is an attorney," that they trust their business lawyer, they know this person is smart, and they figure their divorce case is cut and dried. Sometimes they are right. Sometimes, though, they are wrong, and they regret it for the rest of their lives.

Obstacle #5: Gender Bias

Therapists, lawyers, and judges can demonstrate gender bias. By this, I mean that they can provide recommendations, strategies, and judgments that reflect their prejudice—usually in favor of women and against men. I'm not suggesting that all or even the majority of these professionals are guilty of gender bias, but I have seen enough of it over the years to know that it's not uncommon and that it can increase the odds of father absence.

If you or your attorney suspect bias, consider an investigation to see if a given professional exhibits a pattern of biased actions. For instance, we know that certain therapists consistently recommend that women be given custody and that men be denied joint custody or be given restrictive visitation privileges. In these

instances, we petition the court for another therapist. At the very least, if you have any doubts about the recommended therapist, your lawyer should consider doing a background check to make sure this person's credentials are in order. When we've conducted these investigations, we've discovered that some therapists have obtained their degrees over the Internet from unaccredited universities or that they have something in their background that makes them unsuitable for divorce and custody cases.

Judges, like therapists, can also be gender biased. In one horrific case, a dad was dealing with a suicidal wife who had multiple lovers. Ample evidence existed on both counts, and it seemed that this man would get custody: he was a responsible, loving father and the mom was clearly unfit to be the custodial parent. The judge nevertheless awarded custody to the mom.

When judges are biased like this, lawyers should consider pursuing what is called a motion for substitution of judges (in the previous case, the inexperienced lawyer representing the dad was learning his craft and so didn't realize this was an option). Some experienced lawyers, however, are reluctant to make this motion, fearing it will anger the judge sufficiently that he or she will be biased against them in future cases. Avoid lawyers who are unable or unwilling to represent you zealously and correctly.

Obstacle #6: Guilt

This may seem a less formidable obstacle than the others, but in its own way, it's far more insidious. Most men are raised to feel responsible for their families. They've been socialized to believe that they should be the breadwinners. The media have done many stories about deadbeat dads and excoriated them for failing to live up to their financial responsibilities. Certainly dads should live up to these responsibilities, but in some instances, they lack the money to do so: they've lost jobs, for example, or have incurred significant financial debt or are experiencing costly health problems. When dads lack the financial resources to make their child support payments,

a surprisingly large percentage walk away from their kids. They feel so guilty about not being able to meet their financial obligations that they can't face their children.

This is the worst possible response to guilt. It is far more dangerous to walk away than to acknowledge your financial difficulties and remain in your children's lives. Yet this guilt is difficult to overcome, especially if you blame yourself for the failure of your marriage and the negative effect it's having on your kids. To understand the power of guilt to separate dads from their kids, here are two illustrative stories.

Jerry came home early from work and discovered his wife, June, in bed with his neighbor. Although he found out that she had been having an affair for some time, he blamed himself for it. He told me he was convinced that his inattention and problems holding on to a good job had "forced" his wife to cheat on him and that he didn't want to try for joint custody or even see his kids much until he went through therapy and figured out his career.

Mark was even guiltier and in even greater denial than Jerry. Prior to the divorce, Mark's wife emptied their bank accounts, had an affair, and told their kids that their dad was a jerk and that they'd be better off without him. Incredibly, Mark justified her saying terrible things about him to their children by thinking that he had failed his wife, that he was overweight and not attractive to her, that he spent too much time on the road for his job and she was lonely, and that he had yelled at her because of her overspending. In their divorce case, he wanted to agree to her terms, which were blatantly unfair and included a miserly visitation schedule with the kids. Essentially he wanted to punish himself, and he was using the divorce settlement and visitation as a way to do it.

But the most guilt-inducing situation for a divorced dad happens when the mom is a classic parental alienator who has been speaking negatively about him to the kids. Perhaps she has told the kids that their father is the reason they can't go to camp this summer ("he's not giving us enough money") or that he is the one who tore the family apart. The children can't help but be affected

by whatever she says. One day one of the children becomes angry about something the father has said or done and says, “I don’t want to see you anymore.”

Trust me when I tell you that if your child says something like this to you, he doesn’t really mean it, at least not in the way you think. He may not want to see you in that moment when he’s angry, but it doesn’t mean he won’t ever want to see you again. Many dads, however, react by thinking, *He’s right; I’m doing more harm than good as a parent. I’ll respect his request and stay away.*

Obstacle #7: Anger

While some dads are vulnerable to guilty feelings, others are more susceptible to rage. Anger can erect major barriers to strong parent-child relationships, especially when this anger is persistent and deep. It’s not unusual for one or both parties in a divorce to be angry. Sometimes people become angry as they argue over who gets what—a dispute over a favorite painting or piece of furniture can trigger major arguments. It’s also typical for the person who asked for the divorce to earn the enmity of the other spouse, and this anger is especially acute if the reason for the divorce was that one person was having an affair.

This anger, though, doesn’t always affect children after the divorce is finalized and both people go their separate ways. Angry dads often calm down once their lives stabilize, they meet someone else, and they find that they still can see and enjoy their kids on a regular basis.

In some instances, though, anger at a spouse persists and even builds. This happens for many reasons, from jealousy of a spouse’s financial circumstances (perhaps she has a rich boyfriend) to bitterness over what she is telling the kids about you. It may also spiral out of control based on what your children tell you about your spouse. For instance, they may describe how happy she is since she met a wealthy guy who buys her presents all the time and

takes the family on great trips. And what really gets a dad's blood boiling is when they refer to the new boyfriend as "Dad."

Some men transfer the anger they feel toward their wives to their kids. They feel their children are taking their ex-wife's side and are furious at their lack of objectivity and don't see them out of spite. They may also have gotten into vicious verbal arguments in front of their children, and so to protect their kids from these angry fights, they stay away.

If you allow your anger to drive a wedge between you and your children, you'll regret it. Sooner or later, that anger will ebb, but you may have done irreparable damage to the relationships you have with your son or daughter in the interim. You should realize that your rage is something therapists are often good at dealing with, especially if they are specialists in anger management. Seek counseling if you find that your anger is preventing you from seeing your kids or engaging with them regularly and meaningfully. Recognize that you may have a right to be angry at your spouse, but you shouldn't let it interfere with your relationship with your children.

Question Your Rationalizations

Rationalizations help keep the seven obstacles in place. Consciously or not, divorced dads often create arguments for themselves about why it's better for their children if they stay away rather than visit more frequently. They convince themselves that they don't deserve time with their sons and daughters or that their kids don't really need or want to spend time with them. Although there are some facts of divorced life that you may not be able to change—you live apart from your children, you see them on only certain days and at certain times—you can take actions that enable you to overcome many of the obstacles that divorce and your own feelings place in your path.

Questioning your rationalizations helps you take these actions. Once you become aware that you're not doing what is in your children's best interest by staying away, you gain the perspective

necessary to act differently and in ways that benefit not only your kids but yourself. Look at the following questions and see if any of their rationalizations apply to you:

- Do you fail to provide your attorney with information that might help you gain better visitation terms because you don't think anything you do will help restore your formerly healthy relationship with your kids?
- Do you passively accept whatever your ex-wife tells you visitation will be because you don't feel you have a right to state your case?
- Do you hire an attorney who has little experience in family law because you don't think anything an attorney will do can make a difference?
- Do you spend most of the time you have with your kids watching television because you figure they don't really want to talk with you about anything significant?
- Do you believe that your attitudes and behaviors resulted in the divorce and "breaking up the family," and do you feel you should suffer because of it?
- Do you get frightened by how angry your ex-wife makes you, and do you sometimes avoid both her and the kids so the children won't witness your verbal battles?
- Do you encounter gender bias from a judge or therapist and figure it's justified because kids need their mothers a lot more than they need their fathers?
- Do you fail to show up at key events in your kids' lives because you are convinced they view you as an embarrassment and prefer you don't attend?
- Do you tell yourself that your kids need a break from you and that your absence for sustained periods of time will allow the emotional wounds of the divorce to heal?

If any or all of these rationalizations apply to you, you need to take whatever steps are necessary to get past them. For some people, pasting the questions up where they're highly visible helps as a reminder that they're rationalizing in ways that are detrimental to their role as a parent. For others, talking about them with a friend, family member, or therapist is useful. These objective third parties they trust can make them aware of the fallacies in their thinking.

Of all the rationalizations, though, the last one can do serious damage to a relationship with your kids. The longer you cut yourself off from your children, the more difficult it is to reestablish contact. As we'll see in the next chapter, make every possible effort to connect with your kids. They need you.

