



The Coalition of Fathers and Families NY, Inc.  
an affiliate of the American Coalition of Fathers and Children

*“Working to Keep Fathers and Families Together”*

## MEMO IN SUPPORT OF FAMILY COURT REFORM LEGISLATION

Bill Number: A6670

Sponsor: Assemblyman Kolb

FaFNY supports legislation that would keep both parents involved in a child’s upbringing regardless of the marital relationship. Right now in New York State there is no shared parenting statute on the books and the courts have no definition of what constitutes the “best interest of the child”. Family court judges are NOT required to state why they rule the way they do and it is virtually impossible to remove an incompetent judge as they serve ten year terms. This lack of direction has resulted in mother custody in 93% of all cases. *In 100% of cases the child is placed in sole custody (single parent households).*

This is having a drastic effect on children. 87% of children in poverty come from single parent homes. Children of single parents have a 77% greater risk of being harmed by physical abuse, an 87% greater risk of being harmed by physical neglect, and an 80% greater risk of suffering serious injury or harm from abuse or neglect than children living with both parents. 85% of children in penal institutions come from fatherless homes, and children denied access to their biological father are ten times more likely to abuse alcohol and/or drugs. The current sole custody placement of children is clearly a violation of fathers rights to parent their children and results in excessive suffering on the part of children.

New York State’s practice of awarding sole custody is clearly a form of child abuse. Statistically children fare best in virtually every category such as teen pregnancy, drug abuse, scholastic achievement, gang and crime involvement, physical and mental health, and overall self worth when they have two active involved biological parents in their lives.

Additionally, this adversarial system of deciding child “custody” causes increased litigation and re-litigation over time and increased litigation expenses (average cost of divorce in NY at \$70,000 as compared to CT at \$5000). This is clogging our courts and making them inefficient and inhospitable to families and children.

States with shared parenting on the books have also seen a decline in the divorce rate of up to 20%.

This bill when enacted would have an immediate positive effect on all members of the family, especially children by resulting in a reduced divorce rate, ensuring two involved parents when divorce or separation does occur. It would result in drops in the child poverty rate and child abuse and neglect rates. Litigation and re-litigation would be reduced. It is expected that this would aid the state’s fiscal situation through decreased expenditures on high priced social programs by reducing the need for same.

This Bill would:

- Eliminate the term “visitation” and replace it with the term “parenting time”.
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- Establish “shared parenting” as being in the best interest of the child.
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- Provide sanctions for withholding of parenting time (access interference).
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- Mandate mediation and family counseling prior to appearance in family court in any divorce involving children.
- Establish that both parents have an equal duty to support their children and that child support is for care and maintenance of children.
- Proposes that both household incomes be considered when assigning support amounts.
- Provides that child support be based on net income, not gross income (that is minus FICA, Federal and State tax liability).
- When non-prime resident parent has extended parenting time (ie summer vacation) support ceases until return to the prime residence.
- Local child support units must keep accurate records and issue quarterly statements to those who pay support.
- The court is not required to order support for any minor child who has become self-supporting, emancipated or married, or who has ceased to attend school.
- Establish an arbitrator through local child support collection to arbitrate accusations of arrearages in order to avert a court appearance.
- Every parent, except as prohibited by law or court, shall have access to records and information pertaining to the health, education and welfare of the child.
- Allows the introduction of DNA testing results in questions of paternity. If paternity is negative, the court is mandated to order immediate cessation of all child support regardless of the length of time it has been paid.
- Reduces the term of family court judges to 4 years (from the current 10).
- Requires that all Family Court proceedings be held in open court rooms.