

BY JEFFERY M. LEVING

Andy Duncan, a divorced father of two living in Gardner, Kansas, had fallen on hard times. He had lost his job as a commodities broker and was having trouble keeping up with his child-support payments. One weekend, he arrived at his ex-wife's Nebraska home to pick up his kids for their court-ordered visit and found no one there. His wife later informed him that, since he was behind on his payments, he would not be seeing his kids. As he struggled to meet his obligations, his ex continued to prevent his visits. When Duncan went to court, his wife was fined \$200 for interfering with his visits; he was jailed for nonsupport.

pay. And many others are withholding payments because the mothers—frustrated by the same adversarial legal system—withhold or limit visitation.

Once this hostile cycle of money versus visits starts, the children are the losers

ther-child relationship. Kids need so much more from a dad than his money; courts can only hurt families by sending the message that to be a good father, all he need do is pay up on time.

Kids are always the victims in support fights.

So how do we get dads to pay? Vilifying the so-called deadbeats isn't the answer, even though

serve to further distance him from his children, both physically and emotionally, and it certainly doesn't improve the odds of his paying.

So what will bring him closer to the children, make him more involved in their lives, and therefore more likely to hold up his end financially? Joint custody, whenever a judge thinks it possible. In these arrangements, both parents have a say in decisions that affect their child's welfare. The latest Census Bureau study found that an astounding 85 percent of noncustodial fathers with joint custody paid all or part of child support due, compared with 79 percent of fathers who had only visitation privileges and 56 percent of fathers who had neither visitation nor joint custody. The implication is obvious: Fathers who

In defense of deadbeat dads

Such unequal justice is common. As a matrimonial lawyer, I've been able to see firsthand how willing most people—judges included—are

Take a closer look before you judge a **nonpaying dad.**

to brand a "deadbeat dad" as one of the lowest forms of life on earth. All 50 states enforce tough acts to garnish his wages and throw him in jail. And, certainly, any man who refuses to help support his children is wrong, and any mother has the right to pursue every legal avenue to collect.

But is the father a rotten parent? Not always: Some fathers, like Duncan, can't

every single time. They lose by missing out on a full relationship with their father and by being manipulated by their mother—and they lose financially because the more estranged the father feels, the less likely he is to keep up payments.

In a divorce, the answers are seldom easy, but they are clear. To preserve the family—divorced or not—courts must protect the fa-

legislators seem to have decided that punitive action is the best way to go. But those well-publicized crack-downs yield poor results. Over the past two years, Florida has arrested more than 5,000 offenders in its Operation Non-Support. So far it has raised only \$576 per arrest.

Besides, while threatening a man with jail time will demoralize him, it will only

are active participants in their children's lives are far more likely to be financially responsible too.

The courts should be deeply concerned about gender bias and its damaging effects on children. Our society's foundation, and the emotional health of our children, depend on it. □

Jeffery M. Leving is a matrimonial lawyer in Chicago and coauthor of Fathers' Rights (Basic Books).