

You  
have two  
hours  
with your  
daughter.



You  
cannot  
initiate  
physical  
contact.



Your  
every move  
will be  
monitored.

Welcome to the world of  
court-ordered supervised  
visitation, where thousands  
of American fathers  
are considered guilty  
until proven innocent.  
*A Best Life* special report.  
By Maximillian Potter  
Photographs  
By Guido Vitti

# A Visit

It was a Saturday morning in June 2004, and for 42-year-old Dan Jenkins\* that meant he was permitted to spend two hours with his children. Jenkins, a director of training for a major financial-services firm, knew well the rules of the court-ordered arrangement that allowed him to see his son, 14-year-old Josh, and daughter, 10-year-old Ali, for 120 minutes once a week. First and foremost, Jenkins had to arrive at the designated "visitation center" on time. Thirty seconds past the 10 A.M. start time and he'd be turned away, forced to wait at least another six days to see his kids. Leaving nothing to chance, Jenkins awoke early in his Natick, Massachusetts, one-bedroom apartment, where he lived alone, surrounded by pictures of what was once his suburban home and happy, stable family. He grabbed his car keys from a bookshelf filled with dusty model rockets he'd once built with his son.

The visitation center was about 15 miles away, at a Boys & Girls Club in Marlborough, Massachusetts. If you dropped in during the week, you'd have found toddlers in day care, or Cub Scouts gathering, or kids horsing around in the teen center. But on Saturdays, the former public school building was rented to the staff of Children's Supervised Visitations Inc., and the vibe wasn't nearly as social. An armed security guard eyeballed Jenkins as he entered the front door, made his way to the check-in, and paid his \$60 (\$30 for each hour he would spend with his children). The clerk at the check-in inspected Jenkins's bag for any proscribed items, such as sharp objects and family photographs. The CSVI staff had informed Jenkins that family pictures could elicit "confusing and perhaps painful memories for the children."

Directed into the otherwise unoccupied teen center, furnished with a couch, a few tables and chairs, a foosball table, board games, and a television, Jenkins took a seat, knowing that according to the rigid protocol, it would be another 20 minutes before his

ex-wife would drop off their children.

Another rule of this supervised visitation was that the mother and father could not see each other during the "exchange," to avoid conflict. While Jenkins waited, a child, who likely was arriving for another arranged visit with a parent, happened to dart into the room. Jenkins heard a CSVI employee shout from the hall, "You can't go in there. You don't want to go in there with *him*." The comment humiliated and angered Jenkins. He was tired of being regarded as some kind of monster, of being treated as if he were guilty of something.

At last, Josh and Ali entered the room, accompanied as usual on these visits by a CSVI monitor. As the kids put down their backpacks, the monitor, a thirtysomething woman with a clipboard, watched to ensure that their father did not initiate any physical contact. Hugging or kissing was permitted only if the children made the first move. The monitor watched and scribbled notes as Jenkins and his kids picked out a board game and began to play. She watched and scribbled notes as they talked about school and friends. She listened for any "inappropriate" discussions. If the monitor couldn't hear their conversation, she asked them to speak up.

Back before his divorce and the allegations—*unsubstantiated and false accusations, the court later determined*—that forced him to meet with his children like this, Jenkins used to comb and braid Ali's long curls. She asked if he would do it now. And he did, until the monitor demanded that they stop, summoning Jenkins to her for a "time-out." Within earshot of his children, the monitor informed him that she was not comfortable with him touching his daughter's hair. And then, just like that, their time together was over. Precisely two hours after it began, the monitor motioned to wrap it up. Josh understood. Resigned to the rules, he hugged his father and robotically walked from the room. More emotional and strong-willed, Ali was reluctant to leave. As much as it pained him, Jenkins prodded her to go. Ali threw her arms around him, lingering for a

moment, then turned and scooted off.

As soon as his kids were gone, the monitor informed Jenkins that she would be writing him up because he'd pressured his daughter to hug him. Jenkins knew the power of the visitation report: A family-court judge might use the monitor's "facts" to terminate his contact with his kids. For a few moments, he protested. "All I said was, 'It's time to say good-bye to Daddy,'" recalled Jenkins. "There was no *pressure*." But Jenkins quickly remembered there was no use arguing with the visitation monitor. Not if he wanted to see his children again.

## The Supervised Visitation Boom

Programs like Children's Supervised Visitation Inc. are opening with the frequency of Chipotle franchises. The United States is in the midst of a supervised visitation center boom. According to the Supervised Visitation Network (SVN), which is the association of directors and workers in the field, in 1994 (the first year of an official tally of supervised visitation sites), there were 56 member programs operating in 28 states. Today, only 14 years later, there are nearly 500 of them nationwide. By SVN's count, there are 112 member centers in California alone. As a 1999 study reports, 64 percent of the nation's supervised visitation programs are private nonprofit operations, 14 percent are public agencies, and the rest are for-profit practitioners. It's worth noting that SVN's count falls short of quantifying the trend, as not all supervised visitation programs register with the association. And centers frequently open and frequently close down. For example, the CSVI where Jenkins and his children met is now defunct.

Frankly, there is no definitive, comprehensive tally for the supervised visitation programs that have been set up at schools, churches, libraries, community centers, and private business addresses, or in municipal buildings solely dedicated to supervised visitation. In 2006, in rural Franklin County, Ohio, the community broke ground on a \$3 million 15,000-square-foot visitation center. The editorial board of *The Columbus Dispatch* praised the construction, succinctly capturing the unfortunate reality and need for the visitation center, and for

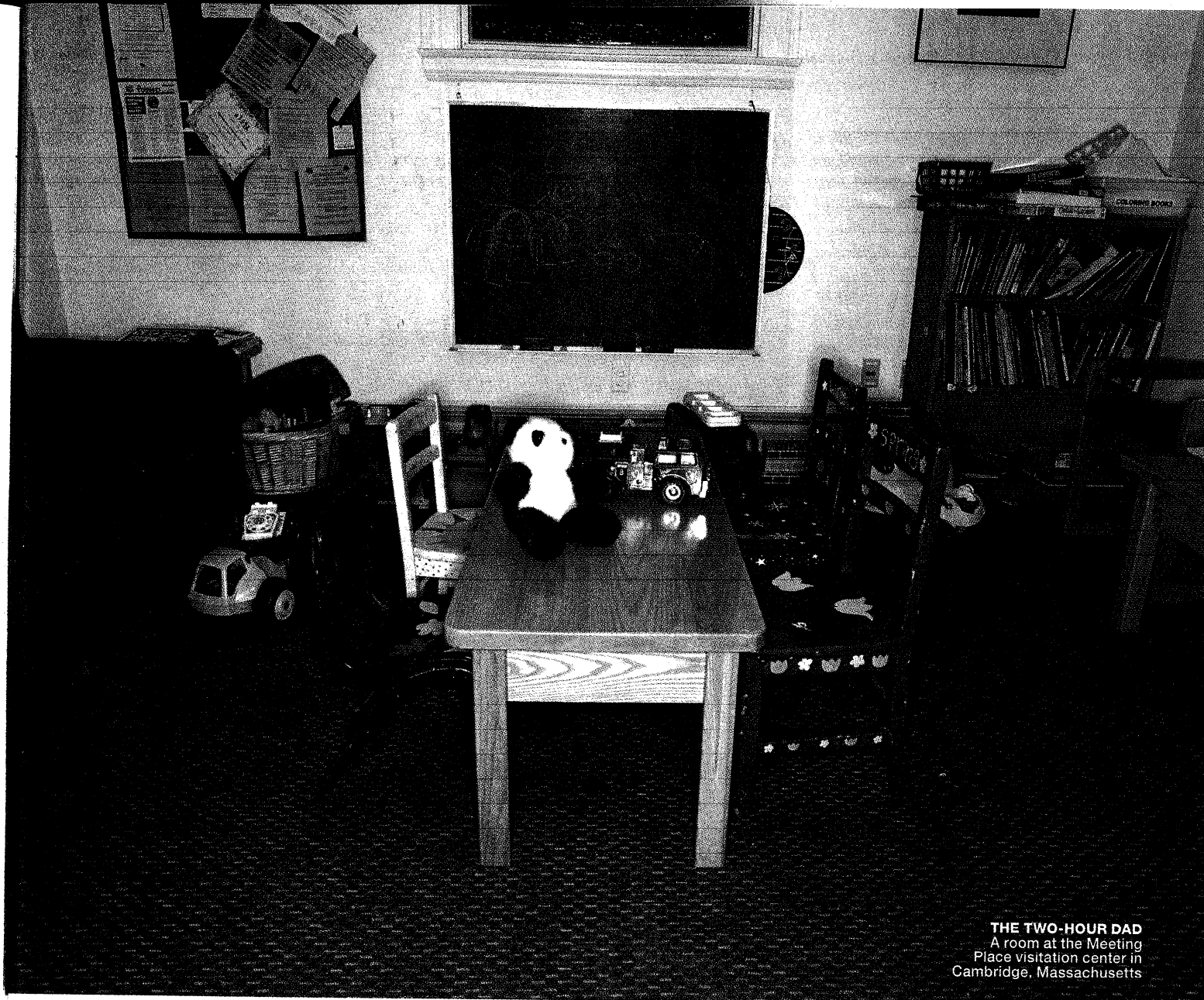
\*This name has been changed. Additional reporting contributed by Amy Levin-Epstein and Jesse North.

The Best Advice  
My Father Gave Me

### DAN RATHER BROADCASTER

"We were fishing for speckled trout when I was 16 or 17. In a lull between bites on our fishing lines, we wandered into a conversation about life and work. 'Whatever your job, get there early, stay late, and work hard in between,' he said. 'You may or may not get to the top of whatever work you're doing, but if you do that and never stop believing in yourself, you'll be all right.' A school of fish appeared and that was the end of it. But I never forgot what he said, and I've never stopped trying to live his creed."





**THE TWO-HOUR DAD**  
A room at the Meeting  
Place visitation center in  
Cambridge, Massachusetts

that matter, for visitation centers in general: "Visiting with one's child in a government institution, under the watchful eye of someone who has the power to keep parent and child separated, isn't conducive to quality family time. But the circumstances that surround families in crisis, in which children have been neglected and hurt, don't allow for natural parenting. Because some cases require supervision and control, Franklin County Children Services' plan to build a visitation center is worthwhile."

The concept of supervised visitation is born of the tragic reality that is the nation's overwhelmed family- and probate-court system. As researchers Nancy Thoennes and Jessica Pearson describe in one of the

## **The concept of supervised visitation was born of the tragic reality that is the nation's overwhelmed family-court system.**

few studies on the trend, over the course of the past two decades or so, factors such as the ever-increasing number of divorces, the skyrocketing number of out-of-wedlock births, and increased awareness of domestic violence have meant that family-court judges have been hit by a tsunami of child-custody disputes. Nearly a third of U.S. divorces and

separations spill into a legal feud over the kids. Studies have shown that a number of those cases are "high-conflict" disputes, meaning custody battles based on a claim of physical or sexual abuse that one parent alleges against the other—abuse of a child or of a parent.

Family-court judges are charged with rendering decisions that are, as the nationwide legal doctrine goes, in "the best interest of the child." And while the doctrine's phrasing sounds self-evident, making the right ruling is another matter entirely. One recent winter morning, in the Middlesex Probate and Family Court of Cambridge, Massachusetts, the very same courthouse where Dan Jenkins's visitation saga began, I witnessed a high-conflict custody dispute

### **The Best Advice My Father Gave Me**

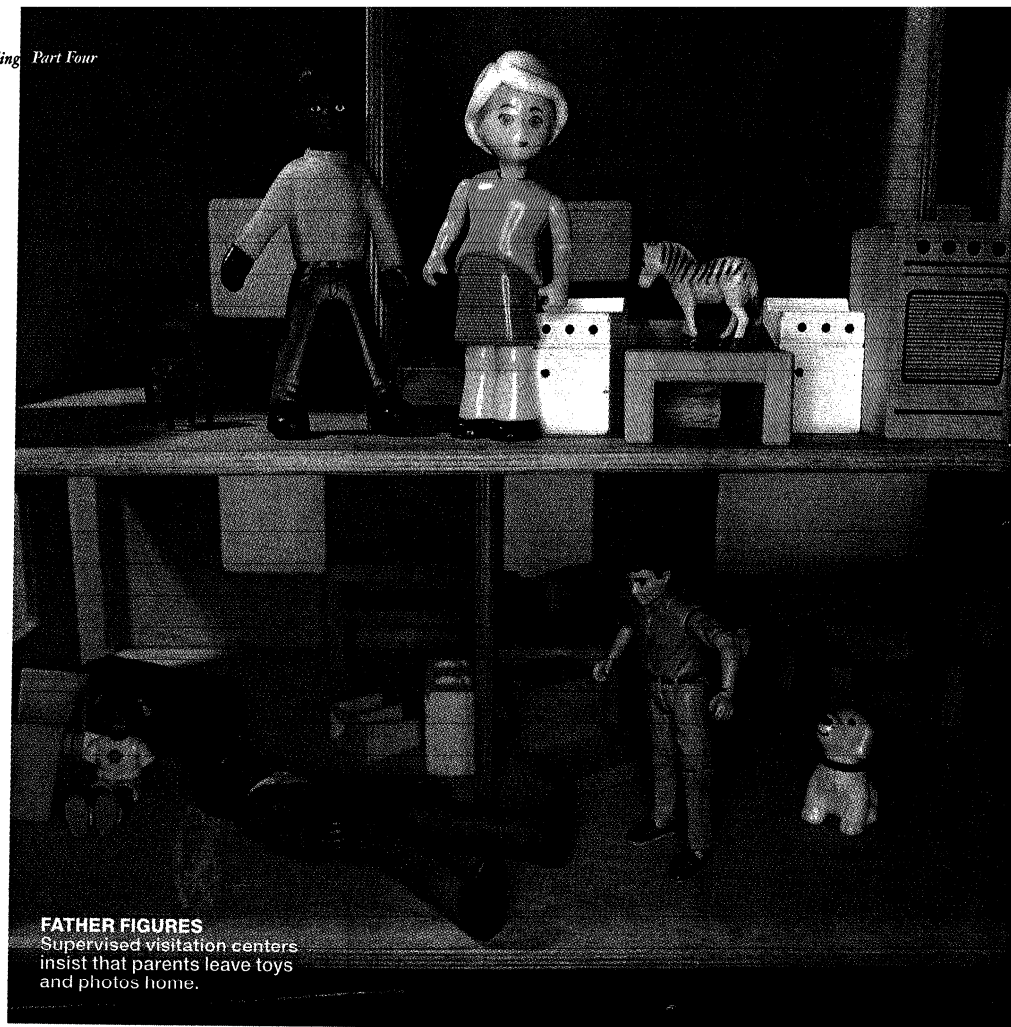
**JOHN LEGUIZAMO** ACTOR, M. NIGHT SHYAMALAN'S *THE HAPPENING*

*"My father said to me, 'Buy the worst house in the best neighborhood.' My mom and dad went into real estate early on and lived by this theory. And I have followed it myself in my home purchases. I also apply it to my work. Sometimes I take a not-so-great role in a great movie and I try to revamp it and rework it, massage and finagle it, till the role is as good as the rest of the other real estate."*

unfold. A recently divorced mother, wearing eyeglasses and a dark-blue pant suit, accused her ex-husband, who appeared before the court as a clean-shaven guy in a sport coat and slacks, of sexually abusing their infant son during the child's visit with the father. Being the custodial parent, the mother requested that the court terminate the father's visitation schedule with his baby boy. She told the judge that on occasion after she'd picked up the baby from her ex-husband, she noticed "fissures" in the child's anus. The father adamantly and respectfully maintained the allegation was outrageous. What little evidence the mother submitted—a report from the child's pediatrician—was, as the judge put it, inconclusive at best. According to the document, weeks earlier the doctor had noticed a rash on the child's bottom and prescribed a cream. The father swore to the judge that his ex-wife hadn't informed him of the rash and therefore the father had no idea he ought to be applying an ointment. The unattended irritation, the dad submitted to the court, was likely the cause of the "fissures," that is if there really were fissures.

In the back of every family-court judge's mind is the fact that experts have produced study after study showing that children grow up healthier and happier when they have regular contact with both parents. What's more, contact with both parents is especially critical for children enduring a divorce. Yet when family courts confront high-conflict hearings involving allegations that are as stomach-turning as they are unproven, what is a judge to do? "From a judge's point of view," says a family-court judge who requested anonymity, "every case is a crisis, and the main challenge for judges is not having enough information about the facts of the case."

To accept such allegations as truth is to ignore due process, but to immediately dismiss the allegations could prove harmful, or even fatal, to the child or to the other parent. In 2007, Benjamin and Jodi Barone, the parents of a little girl, were separating in State College, Pennsylvania. While meeting in the parking lot of a convenience store to exchange their daughter for a parental visit, Benjamin Barone fatally shot his wife and then himself. About a month later, the community rallied around the idea of establishing a visitation center—a safe, neutral place where couples could exchange custody of their children or, if necessary,



**FATHER FIGURES**  
Supervised visitation centers insist that parents leave toys and photos home.

## Despite the proliferation of visitation programs, the industry has no uniform standards, and the majority of cases are based on allegations made against fathers.

host and monitor a parent's visit with a child.

On the bench, the judge presiding over the fissure allegations flipped through the case file, seemingly looking for an answer he knew wasn't there. Exasperated, he commented on the lack of evidence of abuse, saying he would have to order a Department of Social Services investigation, and meanwhile, the father would be required to visit with his child only while supervised by a third party. He asked if the couple could agree upon a relative or friend to observe the father's visits with his son. The parents could not. Now more visibly frustrated, the judge said that while he did not feel it was "appropriate to terminate the father's visits with his son," he was left with little choice but to order a supervised visitation program.

As real as the need is for neutral and safe environments like a visitation program,

their frenzied proliferation has occurred, astonishingly, without uniform oversight or standards. "Despite growing interest in supervised visitation," researchers Thoennes and Pearson concluded, "the service remains poorly understood by family law and child welfare professionals.... There are many unanswered questions about the demand for supervised visitation services, the role of visitation supervisors, the relationships between the programs and the courts...." As a result, decent parents, dads in particular, are finding themselves in something of a parent visitation trap.

According to the report by Thoennes and Pearson, conducted by the nonprofit Center for Policy Research, in Denver, at least half of visitation-center workers around the country are undergraduate or graduate-level college students, and here's the source of

### The Best Advice My Father Gave Me

**JOSHUA BELL** GRAMMY-WINNING VIOLINIST

*"I've been performing since I was 7, and as long as I can remember, my father always had three words to say to me just as I was about to face my audience: 'Do your magic!' As my career grew, he would call from halfway around the world to say these words. Partially a good-luck charm, it also calmed me, gave me confidence, and made me feel special at that crucial moment when nerves and doubt might have set in. Sadly, my father is not around anymore, but those three words still echo in my head every time I walk onstage."*

trouble for fathers: Thoennes and Pearson concluded in 2000 that 77 percent of the parents in supervised visitations are fathers, and most of them are referred to the program because of allegations of violence against the mothers. The U.S. Department of Health and Human Services recently reported that in the past decade, about half a million families have been in the supervised visitation system. "The more you look into these cases where someone is upset, the context does not prove abuse," says a former prosecutor. "For instance, Mom can't stand Dad, she sends the kid off for a weekend with him, and when she picks up the child, she says to the 3-year-old, 'Did Dad touch you?'" If a kid is being bathed and cleaned, a touch does not mean it is for sexual purposes.

Go to any fathers' support group, or even a Web site for divorced and separated dads, and you'll inevitably find heart-wrenching and anger-filled personal accounts of fathers being treated like "criminals" in front of their children by "femi-Nazis." Talk to dads like Jenkins and you hear complaints about the centers being "unlicensed," "unregulated," and "stacked against fathers." Ned Holstein, who received his MD from Mt. Sinai School of Medicine, in New York City, and has a masters degree in psychology from M.I.T., started the family-court reform advocacy group Fathers & Families. He says that when his members gather for meetings, the business of supervised visitation is "coming up as a subject of grave concern."

## How He Got There

Jenkins is not proud of his one-bedroom apartment. "I know it's hard to believe, but I make a good income of six figures," he told me as he escorted me from his front door immediately into the space that serves as his living room, den, and dining room. "I used to have a house. But my ex got that. Financially, I'm doing the best I can under the circumstances." A man of average height, with a bit of a belly, eyeglasses, and a whisper of a voice, Jenkins walks with a limp these days. He told me that he has a bad hip and, because of his visitation saga, it has been hard to find the time to get treatment. "I've got to tell you, it was

pretty brutal," he said, referring to his year of supervised visitation. "I mean, it's not like I was a father who wasn't around his children. I was there. I was a good father. I love my kids, and I was being told I couldn't braid my daughter's hair. I was being called for a time-out. I wasn't allowed to hug my children. I was charged with no crime, and I would never harm my children, yet in the visitation, I was treated like a criminal that a toddler should not go near."

Jenkins agreed to talk about his visitation experience on the condition that his family's real last name would not be used. "There's a lot of sensitive information that I don't mind sharing, because this is an important issue," he said, "but it could be embarrassing to my children, who are minors, and they've been through a lot already." (Although his ex-wife could not be reached for comment, Jenkins's account is supported by court filings and Department of Social Services reports, as well as by interviews with his children, Josh and Ali.)

In 1998, Jenkins's wife, Sharon, informed him that she wanted a divorce. He suggested that they go to counseling, but she was adamant and they separated in 1999. While the couple worked toward their divorce, which was finalized in 2002, it was determined in family court that they would share legal custody of their children (including a now 20-year-old daughter, Jillian). Jenkins moved from the family home, where the kids stayed with their mother. While Sharon would be the custodial parent, they settled on a fairly typical schedule to share physical custody: Jenkins would have the children with him every other weekend and on Thursday nights.

Jillian had been a typical rebellious teen, though perhaps the angst was exacerbated by the divorce. She and her father began arguing. Jenkins didn't like the foul language she used. Jillian responded that her mother said it was okay. But the father and daughter had good times together too, bonding over model rockets. The Jenkinse's shared physical custody proceeded with postdivorce bumps until 2003, when Jillian began refusing to go with her father, and the custody arrangement imploded when she disappeared.

One day, in late February 2004, when Josh and Ali were visiting Jenkins, he remarked that he hadn't seen or heard

from Jillian in a while. Ali told her father that Jillian was "missing." When Jenkins took Josh and Ali home later that evening, he confronted Sharon and demanded to know Jillian's whereabouts. Other than assuring him that Jillian was safe, Sharon refused to disclose any more information. Within days, Jenkins had his ex in family court, and the judge ordered her to tell Jenkins where Jillian was, as Jenkins also had legal custody. It wasn't until the judge threatened to arrest Sharon for contempt of court that she revealed that Jillian was in a local psychiatric hospital. She had been cutting herself. When the judge asked Sharon why she had withheld this information from Jenkins, she told the court it was because Jenkins had physically abused the kids. Jillian was afraid of him.

The couple had been separated since 1999, divorced since 2002, and Sharon had never before been in court alleging any kind of abuse or requesting a restraining order. Still, now that the allegation had been made, the judge had no choice: He ordered a guardian ad litem (GAL) to investigate the claims of abuse, and the parents had to split the cost. Just as it was beginning, an anonymous caller phoned the Department of Social Services (DSS) to report that Jenkins had sexually abused Josh. Meanwhile, Jenkins's ex-wife made other allegations of abuse against him: She claimed that during the children's visits with their father, he locked Josh in a bedroom and made the kids wash piles of dishes.

Multiple investigations ensued. Investigators learned that there weren't even locks on the bedroom doors of Jenkins's apartment. He had an automatic dishwasher, and there was no evidence that he made the children clean piles of pots and pans. The sexual-abuse allegation had stemmed from a day when Josh complained of a rash on his groin and asked to be taken to the hospital, and his father simply insisted that he first see the rash. DSS concluded that all of the allegations against Jenkins were unsupported and so baseless that it would not forward any of the issues to the D.A.'s office for criminal investigation.

In May 2004, three months after Jenkins had taken his wife to court simply to learn Jillian's whereabouts, and just as DSS was clearing him of the allegations, Jillian claimed to the GAL that Jenkins

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MARK BURNETT CREATOR AND PRODUCER OF SURVIVOR, THE APPRENTICE, ARE YOU SMARTER THAN A 5TH GRADER?, AND 2008'S AMNE\$IA, MY DAD IS BETTER THAN YOUR DAD, AND JINGLES  
*"My dad told me to try anything. My mother added to this by telling me that the owner of Woolworth's began selling his wares out of a shopping cart. The fact that I, a high school graduate with no formal TV training and no connections, brought reality TV to America...it shows that America truly is the land of opportunity for those who are willing to take risks."*

had sexually abused her. Based on this new allegation, the family-court judge ordered yet another investigation. The judge saw no evidence for terminating Jenkins's visits with Josh and Ali, but decided that while this investigation was under way, Jenkins could see his other two children only through supervised visitation. (Sharon rejected Jenkins's family and friend third-party suggestions and offered none of her own.) And so, that June, Jenkins began traveling to the Boys & Girls Club, where a stranger with a clipboard monitored his every interaction. Already, Jenkins had given up his home. He was paying around \$420 a week in child support, but it once reached as much as \$750 a week—or about 30 percent of his income. Because of the allegations against him, he was paying several thousand dollars for investigations into his life and those of his family. And now, added to that, \$60 every week to spend two hours with his kids.

Sitting on the couch in his apartment, reflecting on his visitation experience, Jenkins leaned forward and said, "Now

Place, I talked with Straus. He is a thin professorial man who speaks softly, in the measured tone of a seasoned therapist. "You have to understand," says Straus, that when it comes to a custody dispute and allegations, "there are multiple, often incompatible realities that we have to be able to hold."

Straus came upon the idea of supervised visitation after he graduated with a doctorate of mental health from the University of California at San Francisco in 1982. He took an internship with the child-psychology department at a children's hospital in Boston. His earlier interest in law led to a job with the Cambridge family court, where he did custody evaluations. He was the sort of investigator who would have evaluated the Jenkins case. "It was like being a geologist in a room full of crystals that have been blown apart," he says. "And you get to see what the lines of cleavage are that have just exploded." It was the early '80s, and day after day, Straus witnessed judges making "impossible" decisions with little time to determine whether allegations were true or false. Meanwhile, there was no safe

all the time. We get situations where they're only at the stage of allegation. We get a hell of a lot of cases after there's an allegation, but there have been no findings. So we have to allow for incompatible realities. And it may be true or it may not be true."

The idea that child-access supervisors should remain "neutral" is recommended by the SVN. However, the SVN's recommendations are only that—recommendations. Visitation centers are not regulated by any federal laws, nor are they officially endorsed by any related clinical board, such as the American Psychiatric Association. Some states, such as California and Florida, have state-recommended minimum standards and practices, but most states are not bound by legislative mandates, and regardless, there is no authority that tracks whether visitation centers comply with the recommended standards. In short, visitation centers around the United States make up their own rules.

While directors such as Straus may expect that their caseworkers maintain neutrality, other program directors aren't as professionally detached. The training manual

## **"This monitor is not a child psychologist or a psychiatrist. She is a woman with a clipboard who knows the terrible allegations against me."**

keep in mind, this monitor is not a child psychologist or a psychiatrist. She is a woman with a clipboard who knows the terrible allegations against me. I am guilty of nothing, just trying to hold my family together and be with my kids, and whatever she writes in that report can go to a judge who can cut me off from my children."

## *How "We" Got Here*

One of the founding members of the Supervised Visitation Network is Robert Straus. He is widely regarded as one of the architects of the visitation-center field. His own visitation program, Meeting Place: Supervised Child Access Service, in Cambridge, Massachusetts, is considered a model program. The Meeting Place was one of the first of the 14 SVN-registered visitation centers in Massachusetts. It occupies half a dozen rooms of a three-story yellow Victorian house that's surrounded by the off-campus houses of Harvard University. Straus leases the space from the Guidance Center Inc., a nonprofit family-counseling center. One recent morning at the Meeting

Place, I talked with Straus. He is a thin professorial man who speaks softly, in the measured tone of a seasoned therapist. "You have to understand," says Straus, that when it comes to a custody dispute and allegations, "there are multiple, often incompatible realities that we have to be able to hold."

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His center employs a security guard and a core staff of four people who hire and manage 10 to 12 "child access supervisors" who do the eyes-on monitoring. On average, in a nine-month period, the Meeting Place handles about 30 cases. Although the center works with foster care and open-adoption cases, 80 percent of its work is divorce and custody situations referred by the family courts, which is emblematic of the nationwide trend of supervised visitation centers. With each new referral to the Meeting Place, a senior staff member interviews both parents separately in an intake process and hears both sides. A visitation schedule is established, and a child-access supervisor is assigned and provided with the "intake file," which is a report of the allegations and a case history provided by the court. Straus says he doesn't have any specific numbers of how many of his cases turn out to be based on false allegations, but as far as handling unproven allegations, he says, "That's one of the toughest situations, and we get them

for one visitation center, Mending the Sacred Hoop, in Duluth, Minnesota, reads: "There is more to operating a center that addresses domestic violence and parental visits than simply monitoring parent and child time and being the third party who passes the children from one parent to the next. If a program is going to address violence against women, their position should not be that of a 'neutral, unbiased observer.'"

Even for the visitation directors who do attempt to emphasize objectivity, many of their caseworkers, as was the case with Jenkins's monitor, lack training and experience. While there are a number of visitation sites, such as Lutheran Family Services, in Richmond, Virginia, with paid employees who have at least a bachelor's degree, there are many supervised visitation programs staffed by volunteers, or part-timers, or minimum-wage full-time employees with limited "clinical experience." In some cases, the visitation supervisors have little more than a high school diploma. Robert Jerlow is the founding president of Kids First Visitation Services, one of the largest privately run visitation businesses in the United States, with 19 sites in California, Arizona, Nevada, Colorado, Oklahoma,

and Texas. When it comes to staffing, Jerlow, who also runs a detective agency, says, "We follow the standards of Orange County, California, but they are low." The requirements for a Kids First monitor, says Jerlow, are as follows: "You can't have a felony conviction. You must be over 21...." California standards require 40 hours of training as far as handling monitoring.

At Robert Straus's Meeting Place, while he and the four members of his senior staff are impeccably educated, only some of the 10 to 12 child-access supervisors, the ones doing the eyes-on supervising, have college degrees. "We take people from the community. The only requirements are that they are able to take notes and they have some experience with children, and we do all the training." The SVN-recommended standard of training for a child-access supervisor is to complete 24 hours of training and to have practicum experience in observing visitation sessions. But SVN does not specify what the training curriculum ought to be, nor does it suggest that, say, a board-certified psychologist or psychiatrist do the training. (Straus pays his caseworkers \$12 to \$14 an hour to monitor, observe, and take notes on visitations.)

"This is one of the dirty secrets of visitation centers," says Dr. Holstein, of Fathers & Families: "You have a bunch of young people, often in their twenties, with no personal experience, no professional credentials, sometimes they're not even college graduates. They got a little knowledge from a course or two in psychology, sometimes with a good dose of misandry thrown in from women's studies. They hear terrible, but unproven, allegations that mothers make against fathers, and then they judge the fathers, writing their inexperienced opinions down on reports as fact. For a good father—for any good parent—who is sent to one of these centers, they're caught in something akin to the perfect storm, and it could cost them their children."

It's a perfect storm that almost devastated Jenkins. The lawyer representing his ex-wife obtained notes from a supervisor who stated that Jenkins had been whispering threats to his children, which Jenkins's ex-wife used to argue for termination of the visitations. In the subsequent hearing, however, it was discovered that Jenkins had not been whispering at all. The supervisor was hard of hearing.

The role that supervised visitation reports, and the supervisors themselves, should play in family-court proceedings is a

topic of great controversy. In 2002, lawyer Karen Oehme, director of the Clearinghouse on Supervised Visitation, produced a study titled *The Troubling Admission of Supervised Visitation Records in Custody Proceedings*:

"There exists, however, a gap between the practices of keeping and using visit records and the lack of judicial and legislative standards governing their admissibility," she wrote. "The resulting inappropriate reliance on these records in custodial proceedings can cause unintended consequences directly adverse to the best interest of the children and their custodial parent.... A 1999 study shows that nearly 80 percent of visitation programs serving divorced families make factual reports to the court, and nearly 60 percent offer recommendations about parent contact to the court. Thirty-three percent offer advice to the court regarding the validity of allegations such as parental neglect or sexual abuse.... Courts using reports in this fashion ignore the inadequate credentials of staff and the artificial nature of supervised visitation."

Thoennes and Pearson found: "Although many visitation supervisors indicate that they would like to play a more active role by providing greater feedback about families to the court (80 percent)...program directors are more ambivalent. They worry about whether supervisors, many of whom are student and community volunteers or B.A.-level staff, are qualified to make recommendations about custody, visitation, or other family services. They also fear that if supervisors play a more evaluative role, they will lose their perceived neutrality and reduce their ability to deal effectively with both parents."

## The Power of Purse Strings

Supervised visitation directors maintain that many of the problems, real and perceived, have to do with funding. And on that, at least, visitation advocates such as Straus and Oehme, and fathers-rights advocates such as Dr. Holstein, agree—though for very different reasons. The visitation system receives its funding (in the case of nonprofits) and contracts (in the case of the private sites) from a patchwork of state and federal grants and private donations, with the majority of funds coming via Washington, D.C. And there is a political agenda attached to these dollars.

*Continued on page 158*

## The (Unwritten) Rules of Family Court

The natural willingness to fight makes men terrible petitioners in custody cases. Here, a family-court judge lets us in on what she sees in her courtroom...and how common mistakes can cost you your kids.

1

Avoid arguing with anyone who is investigating your background or with courtroom staff. You don't have to like them, but you want them to like you. You have to look overly reasonable. This means working with service providers, lawyers, teachers, and pediatricians. You don't have to like bureaucrats, you don't have to go to lunch with them, and you're not going to be friends with them later, but you have to get something from them. If you fight with people, they're going to get their backs up and do nothing more than is required.

2

I see it all the time. Men say "I don't get angry." But then they become belligerent in court, and it's proof that they can't control their anger. It may get in the way of settling the case. If you misbehave, I can say, "Okay, I'm going to have an adjournment. We'll come back in a month." Guys come in and say "Oh, she's lying" or "That's not true!" when their exes testify. Don't interrupt. Each person is entitled to talk in turn. I'll tell people, "You don't have to respect my decision, but you have to respect that it's a court and I'm a symbol of the court. If you don't like

my decision, you can take it up on appeal." If a parent can't behave in court, what is he or she going to do in private?

3

I don't know your kids. I don't love your kids. But you both supposedly love your kids, and you should show it by respecting each other. There are parents who pick up and drop off kids at a precinct, not because they feel unsafe, but because they hate each other so much. Taking your children to a police station for this purpose is sending a bad message: Your father and mother don't like each other and they need armed guards to make the transition. If Dad shows Mom respect in court, it shows me that he's a good influence.

4

You should consult with your lawyer before bringing in your new girlfriend or wife. The question before the court is your stability and what resources you can provide for the child. If you can bring the new person and there isn't going to be a fight and the person is stable, that's a good idea. If your girlfriend is coming in a miniskirt and you've known her for two weeks? Not such a good idea. AS TOLD TO AMY LEVIN-EPSTEIN



## YOU HAVE TWO HOURS WITH YOUR DAUGHTER

Continued from page 145

Federal dollars began flowing into visitation programs in 1996. Under the auspices of a welfare-reform legislation, the federal government pumped \$10 million into state governments for supervised visitation programs. Architects of the budget reasoned, at least in part, that if parents had access to their children, they'd be more likely to pay child support. In other words, if deadbeat dads saw their kids, or wanted to see their kids, they'd be more likely to keep up with their child-support payments. Then, in 2000, Congress approved the Violence Against Women Act of 2000, authorizing \$3.33 billion to fund myriad programs, such as Safe Havens for child supervision services, and marking \$30 million over the course of two years specifically for supervised visitation centers.

Family-court reform advocates such as Dr. Holstein insist there's an inherent corruption of good intentions tied to funding. "The system has been influenced by the ideology of certain women's groups that always perceive men as perpetrators and women as victims," he says. The way Dr. Holstein sees it, those federal dollars, lobbied for by the National Organization for Women, buy a systemic bias against fathers. "What has happened is the real and tragic problem of violence against women has been used as leverage to gain programs, policy, and governmental funding. Subjecting good fathers to supervised visitation has been accepted as aw-shucks collateral damage."

### Getting Better, Going Home

If the well-intentioned and necessary women's-rights advocates inadvertently pulled the heart and purse strings of public opinion and policy too far, the fathers are now beginning to tug back. What may shape up to be a reworking of the visitation machine is playing out slowly in family courts.

On a winter morning, I accompanied Tom Goulet, a 49-year-old divorced father, to Cambridge family court, where he fought to gain unsupervised visitation of his three children. Throughout the '90s, Goulet did well working for a company that helped launch the likes of Smartfood Popcorn, Boston Market, and Blockbuster Video, and he dabbled in commercial real estate development in suburban Boston. In late 1999, one of the real estate deals became enmeshed in litigation, and Goulet took his attorney's advice and put his family's assets into his wife's name. In the midst of the suit, she filed for divorce. After almost 19 years of marriage, Goulet never saw it coming. ("If I had," he says, "why would I have put everything in her name?")

Much of what ensued falls into the realm of "he said, she said"—what Straus calls the incompatible realities of divorce. Claiming that Goulet had created an environment of "fear" and asserting that he had grabbed her throat, his wife obtained a restraining order against him. He denied assaulting his wife and pointed out that on the day of the incident, he was the one who had called the police. No criminal charges were filed, but the restraining order prohibited him from contacting not only his wife but also their children.

In addition to being a member of several community boards and charities, including chairing the board of trustees for his church, Goulet routinely coached or attended his children's sporting events. A few days after the restraining order was imposed, he went to one of his son's baseball games and sat in the grass behind left field. His wife reported to police that Goulet had violated the restraining order by sitting within 100 yards of his son. Goulet was arrested. When he asked the police what he had done, Goulet says the officers informed him that he was about 87 yards from home plate.

In June 2006, after months of no contact with his children, Goulet appeared in family court and obtained supervised visitation with his children. The judge ordered the parents to settle on a visitation center. Goulet says his ex-wife didn't show up for the first session at Robert Straus's Meeting Place. She says there was no visitation scheduled.

Goulet agreed to pay a court-approved supervisor \$400 a week to watch him at his home on Sunday mornings as he spent two hours with his kids. Now with a few reports from his child supervisor and a positive psych evaluation, he was in court representing himself on this winter's morning to ask for unsupervised overnight visits with his kids. On the day that I accompanied Goulet to court for a hearing that lasted less than 10 minutes, the judge encouraged both sides to step into the hallway and work out the details. A few weeks later, Goulet sent me an e-mail that read, "Last night, for the first time in four years, I read my little girl a bedtime story and got to kiss my kids good night." But it hasn't been all sweet dreams since. Tom Goulet has been between jobs and missed some child-support payments, and his visitation with his children is in question again.

In the same family courthouse, however, Dan Jenkins won legal and physical custody of Josh and Ali. Last December, the Department of Social Services closed the case file on Jenkins, leaving him, at last, to be the unsupervised father to his children. Sharon had told the court that she wished to give up all of her rights to the kids. "In my case," Jenkins said with a wry smile, "it became obvious to the court that I was not the bad parent I'd been made out to be. But for other fathers, it's harder to get out of the visitation-center trap once they're in it."

On a recent Saturday, talking with Jenkins and his children, Josh told me, "I tried not to think that we were in a visitation center. I tried not to think of the circumstances. I just saw it as a way to be with my dad."

"You know," Jenkins chimed in, "I told my ex-wife's attorney that I'm the worst *pro se* opponent you've ever had, because I won't go away. You can bankrupt me, you can ruin my career, you can ruin my reputation, you can do whatever you want, but unless you put me in my grave, I'm not going away from these kids. Because they need me and I'm their dad, and I'm not leaving. Ever." Ali, wearing a pink T-shirt with TROUBLE written across the front, plopped down on the couch between her brother and father—her family. She twisted her curly hair and smiled. ■

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