



**5th International Conference on Shared/Presentation Audience Script  
December 5 - 6, 2020 OnLine Presentation**

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Hello and Welcome

My name is Catherine MacWillie

I am the CEO of Custody Calculations, Calendars & Orders

A Public Benefits Corporation

I will be presenting on How Make Up Time and Other Options Could Be Game Changers in Family Law. Before I begin, I wish to provide the following information: My background, training and experience, is that of a law enforcement officer. My presentation is based on that perspective.

I will be covering four areas in my presentation. One: Reassess and Reevaluate. Two: What Are the Options and How Would This Work? Three: Protecting the Parent-Child Relationship

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With Both Parents. Four: The Fiscal Crisis of the Courts An Opportunity for Change, which will be followed by my closing comments.

A script of the presentation will be made available with an expanded narrative incorporating additional material for a broader understanding of the various options and their applications. Instructions to obtain the script will be provided at the conclusion of the video. Please note some editing to the script has occurred since the presentation. Most notably is the suggestion to consider a change in the phrase from proactive enforcement to proactive intervention/prevention if that would be more acceptable to the courts and divorce professionals in a particular state or country.

I have 38 years' experience dealing with family law. 24 years as a law enforcement officer with the Los Angeles Police Department; responding to radio calls, dealing with divorce and custody. I was a first responder on scene to conduct child abuse investigations and other specialized units impacted by family law. For the past 14 years, I have been a child custody consultant and divorce coach with clients across the United States and internationally.

I have testified in criminal and juvenile court as well as family law and dependency court, also known as children's court in some states. While still an officer, I spent 10 years researching the cause and effect of family law. In the process, I identified that divorce and custody may be responsible for 25% of all crimes: homicides, suicides, abductions, child abuse, domestic violence, violation of restraining orders, violation of court orders, stalking and more. To put just one of those numbers into perspective, that is 3,500 to 4,000 homicides a year are related to divorce and custody.

It is said that the difference between family law and criminal court is that; in criminal court, you see bad people at their best, while in family law, you see good people at their worst.

With that said, let's begin.

Every business and every individual is functioning under a different set of rules in today's covid-19 environment of severe budget cuts, in a barely functioning economy. What was unthinkable a year ago is the new normal, at least for the foreseeable future.

### **Reassess And Reevaluate**

This challenging environment might just be an opportunity to make changes in family law that we might not have been open to previously. Changes that are available to us now as we reevaluate and rethink how we deal with violation of court orders. How we protect the parent-child relationship, how we support parents who adhere to court orders, as opposed to those parents who do not. Replacing what may or may not have been working as effectively as we need in this new environment with options that would for family law, families and children.

Families are certainly ready to move forward without the emotional and financial hardships that have so devastated families, sometimes for generations, that is so prevalent to the process now. We have only to look at the sheer number of grassroots organizations that have sprung up in nearly every city across the country calling for reform over the past several years. Not including the number of internet sites, rallies, books, and conferences, also calling for reform. On the other side of the table, judicial officers, divorce professionals, the AFCC and other organizations, have long sought ways to improve the divorce process for families with and without children.

The unintended consequences, however, being that each year new legislation is passed, more rules and resources are added for families to deal with. Resulting in more money being required for parents to be part of their child(ren)'s life and not just parents in name only. Could these options, not previously recognized, impact violation of court orders before and after they occur? Could they help keep a child connected to both fit parents, regardless of where a family was in the process? Could these same options impact false child abuse allegations that are escalating in family law? Could we help move families through the divorce process and stabilize them with these options?

Aren't we ready to support parents that adhere to the court orders, as opposed to supporting the actions of the parent who does not? In a word, yes. For that to happen, early interference proactive enforcement must be tangible and consistent. Currently, parents violating court

orders rarely, if ever, face consequences for their actions, even when a contempt motion is filed by the targeted parent. Because contempt motions are rarely successful. This impunity only encourages the other parent, who feels protected and supported by the courts, to escalate their behavior. How could they think otherwise?

Contempt motions in most states have only two or three options: fines and jail, with a few states providing a bond in some limited situations. So when custody, for example, is withheld on an ongoing basis, not only are there no consequences for the parent withholding, but there is almost never any make up time for the targeted parent who is blocked from seeing the child.

### **Make Up Time**

Even when the courts do allow make up time on a motion, it is usually only a fraction of the time that was lost. With a few days spread out so far between dates that it has little to no impact on the parent withholding, to curb their behavior or to benefit the targeted parent who has been denied custody. Or, for that matter, to signal to the child that the withholding parent has acted wrongly.

In fairness, few motions are filed requesting make up time equal to the custody time missed, certainly not double or triple the make up time is sought. Even when agreements are made in advance, that the targeted parent will be returned time lost, this rarely occurs. Who cooperates with therapists, guardian ad litem or other professionals with the promise of make up time under the policy of “best interest of the child” as opposed to the other parent who simply violates court orders at will?

In my experience, the usual reason provided is that the accumulation of time has grown so large that the other parent will be negatively affected. Why is the same sentiment not applied to the targeted parent who has been denied custody?

### **Perspective of Child**

There is another aspect to contempt motions which is not recognized and that is from the perspective of the child. Each instance of a violation of court order without a consequence, reinforces the lack of support and power of the targeted parent in the eyes of the child. This negatively impacts the child's relationship with the targeted parent. The child will not feel sufficiently protected so that they are able to have a relationship with both fit parents. Believing that the other parent will withdraw their love from them. This should be considered in these scenarios, and goes directly to the issue of best interest of the child. I will address this shortly.

### **What are the Options and How Would this Work?**

In this first scenario, instead of filing a contempt, the attorney would file a motion known as a Request for Orders in California; although terms for the motion vary by state. Essentially, the motion is seeking specific actions that would not be available through a contempt. Using withholding as the example, the motion would list the number of incidents, dates and times that the other parent withheld custody. Along with any other information that might have occurred on a specific date that should be taken into consideration by the courts etc.

The motion would identify that, due to the actions of the other parent, the targeted parent was requesting double the make up time going forward and double the make up time for custody time lost. If the other parent continued to withhold custody XX number of new times after the ruling, make up time would increase to triple the time lost in an effort to deter the other parent from further acts of withholding. I will address additional options in combination with make up time in just a few moments.

If additional violations are applicable at the time of filing the motion, they could also be included. This might include the inability for the targeted parent to speak to the child when they called requesting one additional day of custody for each violation. Increasing the

number of additional dates of custody until the targeted parent is successful in speaking to the child on each and every call.

**More Fragile Until Ultimately Broken**

The motion would identify that it was in the best interest of the child to allow the relationship between the child and the targeted parent to have additional time to protect the relationship, due to withholding by the other parent. That additional time is necessary for the targeted parent and the child, otherwise, the relationship will become more and more fragile until ultimately broken by the other parent without this possibility.

The actions taken by the other parent withholding were meant to accomplish just that. Break the relationship. The actions were willful and intentional, as evidenced by the numerous dates of withholding. If the other parent supported the relationship, as so many parents say so often, between the target parent and child, custody would have occurred as ordered by the courts.

If this is a recent court order, the motion might identify that less than XX number of days, weeks, months have passed since being issued. The other parent has demonstrated a complete lack of compliance. Left unaddressed, the other parent will continue to escalate to a level where it causes harm to the child and their relationship with the targeted parent. At the very least, withholding of custody does not allow the targeted parent to maintain a relationship with the child.

If this is an out of court settlement or was obtained less than XX number of days, weeks, or months prior, the other parent had no intention of cooperating or supporting the relationship between the parent and child; as evidenced by the violation of court orders by the other parent so soon after obtaining signature etc.

### **Make Up Time At The Discretion of The Parent Denied**

Please note, it is very important the motion identifies that make up time is to be at the discretion of the parent denied custody. The motion address any dates that are not available to the targeted parent. This might include religious holidays, Mother's Day, Mother's birthday, Father's Day, Father's birthday, child's birthday, family reunions. The exception being holidays and the child's birthday including but not limited to dates identified by the courts. This is to avoid having to return to court for specific dates of custody for each violation when make up time is to be taken.

In the time I have available, I am unable to go into the detail that is necessary on the various options that I would suggest to the courts. Instead, I will provide a short overview on a few items and encourage you to request a copy of the script for additional details.

With regard to the other parent who is violating the court order, the goal is always to encourage compliance at the lowest level of response(s) possible to stop further escalation that could harm the child, the parent- child relationship and stabilize both family units in the best interest of the child.

### **Single Days of Additional Custody For Each Incident.**

This would be for issues such as the inability to contact the child for telephone calls per the court order. The suggestion to the courts could be that each day the targeted parent is denied to speak to the child, they would be awarded one additional day of custody. This would increase to two days or three days until the other parent complies with the court order. The same would be applicable to early or late pick ups and drop offs for exchanges.

As with all of the options and requests to the court in this list, it could be with or without fines. This will depend on whether or not a contempt is filed in conjunction with the motion or after the fact, which I will address later in the presentation and will repeat several times.

### **Double the Make Up Time or Twice the Dates of Custody for Each Incident**

Withholding custody during religious holidays holds a stronger emotional impact on the child and the targeted parent when denied. The suggestion to the courts could be to request double the make up time and request the same holiday missed being awarded to the targeted parent two consecutive years in a row. The targeted parent would actually receive three consecutive years, as every other year in the third year becomes the custody time of the targeted parent again.

In the event of further escalation and failure to comply with the court order, the request to the courts could be double the make up time again with increased fines if a contempt motion is filed in conjunction with the motion or at a later date. The same outline applied to religious holidays would also be applicable to the child's birthday if the targeted parent is denied custody for the same reason. Because there is a higher emotional impact on the child and the targeted parent when denied.

The suggestion to the courts would again be two consecutive years in a row for the child's birthday but would result in three years custody for the child's birthday to the targeted parent. In the event of further escalation as with the religious holidays a second ruling of double the make up time with increased fines can be applied etc. Double the make up time would also be applicable to false child abuse allegations, false domestic violence allegations and false restraining orders in a request to the courts. The determining factor for make up time would be if the investigation was unfounded, which means it was determined that the child abuse did not occur, not sustained, the permanent restraining order was not granted, there was no filing of child abuse allegations, domestic abuse and/or not found guilty in criminal court.

### **Triple Make Up/Three Days Per Incident**

If there continues to be an escalation of withholding, false child abuse allegations, false domestic violence, false restraining order, the request to the court could increase make up

time to triple. With increased fines, if a contempt motion is filed in conjunction with the motion or at a later date up to, or including, a change in custody.

### **Miscellaneous Issues Where Custody Will Vary Per Incident**

Failure of the other parent to provide information to the targeted parent about appointments in advance, and following the appointment providing information of what transpired to the targeted parent in the request to the courts, this could include four additional days of custody per incident.

An additional four days of custody in the request to the courts could be applicable for each issue of false, inaccurate or incomplete information to the targeted parent about appointments, follow up appointments names, contact information, address, telephone number for doctor, dental, mental health provider etc. Including activities, date and times of practice, game, locations and teams, etc.

Further failure to obtain compliance in a request to the courts could include the targeted parent being awarded sole decision on the issue(s) where the parent failed to provide the above information on one or several of the issues for one year. Increasing to two years or longer, if necessary, in addition to fines if a contempt motion was filed in conjunction with the motion or at a later date. If the other parent fails to contact the targeted parent and obtain their consent on a parenting issue in advance, the request to the courts could be for five additional days of custody applicable to each incident in the request.

### **Financial Responsibility Changed**

Escalation and failure to obtain compliance could also include in the request to the court that the other parent be required to assume full financial responsibility on that specific issue(s). Further failure to obtain compliance after the prior response(s) could include in the request to the court, to allow the targeted parent to be awarded sole decisions on the issue(s) not consulted on.

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Withholding of the child's school graduation tickets from the targeted parent is another area. Owing to the seriousness of this issue, being that there are usually only two graduations that are applicable to tickets, the request to the courts could be that the targeted parent would receive all graduation tickets the following graduation. The court could reserve one ticket for the other, depending on their cooperation with all further orders of the court after this incident. Failure to abide with further orders could result in removal of the one ticket at the courts' discretion.

In the scenario where the other parent withholds tickets for a high school graduation, because the child will be aging out, if there are additional children, their graduation tickets would be awarded to the targeted parent when they occur for all of the children one time in the request to the courts. This should include fines if a contempt motion was filed in conjunction with the motion or at a later date.

### **Issues Where Reunification Is Involved**

In cases where reunification counseling is ordered between the targeted parent, the request to the court would be to allow the targeted parent sole decision to choose the therapist for the child and themselves. As it is, the child and the targeted parent would be in reunification counseling. Not the other parent.

The request to the courts could also include the lack of cooperation by the other parent, including but not limited to; delaying, cancelling or scheduling appointments, not making payments if applicable to delay services, not bringing the child to sessions in a timely manner, removing the child from sessions etc. All costs for reunification counselling would become the sole responsibility of the obstructing parent.

The same would then become applicable in a request to the courts if there is an escalation and/or failure of first level of response for reunification counseling to a residential reunification treatment. The targeted parent would again have sole decision rights in choosing the residential treatment program in the request to the courts.

Failing to successfully reunify the child and the targeted parent, at the first, simplest and least expensive level of treatment with *reunification counseling* in the request to the courts, the other parent would become responsible for the full costs of a residential treatment program which is usually 4-7 days approximately.

If a residential reunification program is requested in the request to the courts, the program should not be limited to a single program. It must allow for the ability to move between several programs, owing to the time for court hearings affecting availability and other unforeseen issues that may come up, to avoid the time and costs to return to court to address a second time.

### **These Provisions Do Not Interfere**

I want to go back and address two additional points on the issue of false allegations. These provisions do not interfere with a parent's ability to file valid child abuse allegations, valid domestic violence allegations and valid restraining orders. What it does impact is a parent's ability to continue to file false allegations, actions again and again and again.

This step is necessary because law enforcement, the district attorney's office, social services and the courts take no action where a parent has filed a false child abuse allegation against the targeted parent regardless of the fact that there is a penal code in every state to prohibit this action and internationally, in most countries for that matter. Let me be clear, I am not saying that child abuse does not occur prior to, during or after divorce. It absolutely does. I am addressing only false allegations, and false restraining orders filed to gain an advantage in custody.

I touched upon this a moment ago. It is vital to remove the child's ability to view the targeted parent as less than equal in strength to the parent violating the court order, to ensure the relationship between the targeted parent and child. This imbalance occurs when the other parent is able to exercise power and control unrestrained over the targeted parent, lacking

any consequences, if the targeted parent is not supported by divorce professionals and/or court exercising options in a motion and/or enforcement of contempt in the eyes of the child.

### **Remove Rewards**

We need to stop the violation of court orders whenever possible and remove the rewards that benefit the other parent in increasing and obtaining sole custody by these actions. More importantly, early intervention and proactive enforcement protects the child. Removing the financial, emotional and lengthy process to obtain court orders to reunify the child with the targeted parent after the damage is done.

When it is far more entrenched, and far more difficult, if not impossible. With many parents having to wait until a child is long into their adult years to be reunified. Even then, there is still no guarantee. This can be owing to the monies associated with a residential treatment program necessary, which is very expensive for this level of reunification. Which is rarely covered by insurance. Or the inability to obtain the orders necessary for this reunification, especially if the children are older.

### **When Parents Become Aware**

When parents who withhold custody become aware that all of the custody lost will be returned at double and/or even triple the rate missed, and/or that fines in addition to make up time could be assessed/increased, many parents embarking on this type of behavior may pause before taking that first or second step if they do so at all. But only if the courts order double and triple the make up time on a regular basis and when applicable with fines. And not infrequently. Otherwise, in high conflict cases, a parent will roll the dice so to speak and take their chances as so many parents have done so successfully every day in courts across the country.

Contrary to what might be suggested, early interference or proactive enforcement seeks to protect the relationship between the parent who has violated court orders and the child whenever possible, if they stop offending in the best interest of the children.

### **Adhering To The Court Order**

With this format, responses to the parents could be determined without bias, known and unknown, that exists. One such example would be one gender versus the other etc. Instead, decisions would be based on compliance or lack of compliance to court orders as the determining factor and no longer to the parent who does not comply with the court order. But in support of the parent adhering to the court order. If preferred, this can be thought of and referred to as proactive intervention as opposed to proactive enforcement in the best interest of the child.

### **Enforcement Will Be Necessary With Each Valid Motion**

Believing the court will resume their prior stance of little to no action, the other parent may withhold custody again after the initial ruling of make up time is ordered. Which is why a valid motion must be supported each time filed. There will always be cases in which a parent will not learn easily, or refuse entirely, to comply with the court orders.

If the parent continues to violate the court order, the court has been provided every opportunity for the parent to amend their behavior and that parent has refused to do so with the full knowledge that they will/may lose time with the child and they were willing to do it anyway to break the relationship between the targeted parent and the child to obtain sole custody.

### **Contempt Takes Precedence**

Just a reminder for parents who may be unaware, that once a contempt is filed, the contempt takes precedence over all other hearings. This means that nothing will occur on the motion or any other hearings, until the contempt has been ruled on. This will delay by several weeks, or even months, other court dates. This time frame will vary by region and state during the current pandemic. Which is why it is important to determine the sequence of the motion and contempt.

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### **Child Must Be Protected To Love Both Parents**

We must demonstrate with early interference and proactive enforcement that the child knows that they are free to love both parents and this position is and will be protected and supported by the courts. This, as opposed to the scenario, that they must love only one parent and hate the other being protected by the courts. This is not something that the child will be able to articulate, but rather feel instinctively, in the struggle of power and control by the other parent against the targeted parent.

In scenarios where the case is entrenched with multiple violations, court dates, false child abuse allegations, an attorney would file a contempt in addition to the motion. I want to address why filing a contempt motion could soon have very different results than what we have now.

### **The Courts Need Money**

The courts need money. Lots of it. As much as 350 billion was identified in revenue shortfalls in 46 states in an article in Bloomberg Law by writer Keshia Clukey. Monies that could be partially replaced from contempt motions and sanctions in family law. And was proposed in recent correspondence to the Administrative Office of the Courts in each state and state bar association for their support on this issue. A copy of the correspondence is available as part of the presentation script. As identified earlier, each state has the ability to order fines. They just don't. Now they may need to. A move that has long been supported by some divorce professionals and parents for some time now.

### **Ohio**

In Ohio, violating a parenting plan starts off with a more general application and then drills down to the specifics of "failure to . . . comply with visitation order." For instance, code reads: 2705.02 (A) Acts in contempt of court, "Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer."

OHIO REV. CODE ANN. 2705.031 Initiating contempt action for failure to pay support or comply with visitation order.

(B)(2) Parenting plan enforcement penalties is under 2705.05. There is a step-up penalty in place under this section of the code. A first offense is a fine not more than two hundred fifty dollars , a period of not more than thirty days in jail or both.

(1) For a first offense, a fine of not more than two hundred fifty dollars, a definite term of imprisonment of not more than thirty days in jail, or both;

(2) For a second offense, a fine of not more than five hundred dollars, a definite term of imprisonment of not more than sixty days in jail, or both;

(3) For a third or subsequent offense, a fine of not more than one thousand dollars, a definite term of imprisonment of not more than ninety days in jail, or both.  
(<http://codes.ohio.gov/orc/2705>).

If a parent violates a court order in New York, the parent may have to make up visits, pay fines, or even experience jail time just like the other states listed here.

Let's start with Texas. Chapter 157 is used for enforcement. A parent may be required to pay a fine, spend time in jail, and make up time if they violate a child custody possession order.

Violations of a parenting order “may be enforced by all remedies available for enforcement of a judgment, including contempt, but are not enforceable as a contract.”  
[<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.153.htm> ] Further, a party in violation of a family court order may face both civil and criminal penalties.

### **Colorado**

In Colorado, parents who do not comply with a parenting time order can face a fine or jail sentence, and be ordered to pay a bond to ensure compliance with the court ordered

parenting time. Florida also has financial remedies available. Here is an excerpt from the appellate courts:

“B. The Former Wife's failure to comply with the terms of this order and all of the Court's prior orders currently in effect will subject her to civil contempt sanctions including fines and imprisonment.” [McFatter v. McFatter, 193 So. 3d 1100, 1103 - Fla: Dist. Court of Appeals, 1st Dist. 2016]

COLO. REV. STAT. § 14-10-129.5(2)(c). The court can require the violator to post bond for security to insure future compliance. And under section (e) “An order finding the parent who did not comply with the parenting time schedule is in contempt of court and imposing a fine or jail sentence.”

The statute does not specify how much jail time. Section (e.5), however, specifies that “a civil fine not to exceed one hundred dollars per incident of denied parenting time.” These fines though, like some of the other states, do not go to the other party, they go to the state treasurer who “shall credit the same to the dispute resolution fund created in section 13-22-310, C.R.S.” (Section 3)

### **Texas**

Texas limits each violation to six months and \$500, not to exceed 180 days in jail. The South Dakota statute limits fines to \$1000, and jail sentences to three days. See S.D. CODIFIED LAWS § 25-4A-5 (1999).

### **50 to 60 Million in Large States**

In some states, fines and sanctions raised might reach as much as 50 to 60 million. In smaller states, revenue might be 20 to 30 million. This is a best guess, if you will, at the moment. Now, what government agency do you know that has ever said no to new revenue? Especially with these numbers.

This is a policy change that may shortly be supported by bar associations, divorce professionals, parents and organizations. Including the Administration of the Courts that oversee the court system in each state, benefiting everyone.

The contempt would be with the knowledge that the court, under a new policy, would likely enforce court orders with fine(s) and that the fines may increase for multiple offenses within the same contempt or new one. That remains to be seen, depending on the timing of the filing. In the meantime, the motions can be filed.

### **May Become Necessary To Increase Fines**

It may become necessary for the courts to increase the amount of fines in addition to triple the make up time in combination with other rulings, until the behavior is curbed with this new understanding. Based on a case by case assessment, the court may even from the onset, consider make up time at triple the rate missed and higher fines. Initially, the courts may over enforce court orders for purposes of revenue. Regardless, the effect would be the same - which is that children and families would be stabilized. An outcome good for all.

### **At the End of the Day**

If a client/parent is unable to see their child on current court orders, how would new court orders make any difference? Scaling options/responses provides alternatives not usually considered or even on the courts radar. These options are far more likely to be acceptable over the limited and more severe actions usually sought. Which is to seek jail or a change in custody or both. The result being that the courts will grant the motions and contempts. Interrupting the process of alienation or willful defiance to verbally or physically reject the targeted parent due to early proactive enforcement. If the child is older when they enter the system proactive enforcement will ensure that the other parent has no choice but to comply and therefore the child will comply.

### **Impact Actions in Advance of Their Occurrence**

This process could be speeded up and facilitated if attorneys and other divorce professionals began to request double and triple make up time. This, along with other increased days of custody and fines when applicable to be part of temporary, final and new court orders to enhance proactive enforcement and interference in the breakdown of the parent-child relationship and destabilization of the two family units.

Response options would be applicable to both parties initially applying the same rules to both, until and unless it becomes necessary to identify the other parent and targeted parent. The goal is to facilitate compliance and acceptance of these provisions with the assistance of the courts and in settlement orders by all parents.

### **Pricing Families Out Of Being Parents**

We are literally pricing families out of being actively involved parents in their children's lives in our current configuration. proactive enforcement could be an alternative to that scenario and may, in combination with the options discussed, protect families and children during and after divorce that we have been unable to do thus far.

### **Curb Emotions, Reduce False Allegations etc.**

These options have the potential to curb the emotions caused due to ever escalating violation of court orders. Reduce false child abuse allegations. Reduce the collateral impact on schools, businesses, including but not limited to minor, misdemeanor and felony criminal behavior. Most importantly, protect the child's mental health and development, allowing them the ability to have a loving relationship with both fit parents throughout the divorce and custody process and afterwards. All the while, providing assistance to the court to help maintain days and hours of court and/or maintain programs that otherwise would be forced to be closed otherwise.

### **First Crime In Space**

We have had our first crime in space and it was related to. . . wait for it . . . divorce and custody. A couple going through a divorce is fighting over custody. One of them is an astronaut, the other a former Airforce Intelligence Officer. The astronaut goes into space for six months to the space station.

While in space, the astronaut uses NASA computers to hack into their partner's bank account and monitors their purchases and deposits. The astronaut then discloses this information while in space to their partner. The partner and their family go to NASA with the information and to the media, citing their fear for their safety and other allegations. The Office of the Inspector General for NASA was to conduct an investigation.

Here are some of the comments on social media that showed a sense of humor on the incident. "Let's talk about jurisdiction. Who's gonna sign the walk through on the warrant." "Wake up no one went to space." "We need to start rocketing some attorneys and judges up into space until this is resolved. They are so tough won't require a spacesuit Git-er-done." "I can see it now family law reform led by NASA or Tesla."

### **Script Instructions**

For additional questions or to receive your copy of this presentation, simply email me at my coaching address [DivorceCoachServices@yahoo.com](mailto:DivorceCoachServices@yahoo.com). The email address is also located on the contact page on my website [CustodyCalculations.com](http://CustodyCalculations.com).

In the subject line put, "Please send script from Shared Parenting Conference." Then your first and last name in the body of the email. Please identify if you are a parent or divorce professional, journalist etc. The script will be available for 21 days only, at no cost.

To learn more about Custody Calculations, Calendars & Orders as well as our new book "False Child Abuse Allegations. An Epidemic in Family Law. Are You Prepared?" sign up for our newsletters.

This is a book to protect innocent parents caught in a system, ill-equipped to deal with false child abuse allegations and parental alienation. For divorce professionals and the courts, it is a book of options not previously considered, that can be used now to help ensure a relationship between a child and two fit parents.

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November 19, 2020

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Mr. Eric Dobberstein, JD  
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Facsimile: 888-660-6767

Dear Mr. Dobberstein:

The current economic situation has sharply cut back legal work, in part because courts are facing severe funding constraints. The pandemic has affected legal businesses, and even attorneys' access to courts. Many courts have instituted hiring freezes; some jurisdictions have proposed taxing legal services and confiscating client security funds. Some states may even need to curtail court functions due to severely reduced government funding.

I would like to invite the State Bar of Nevada to promote a proposed solution that already exists and is ready for immediate use. Using the ability to raise fines from sanctions and contempt motions, large court systems could add as much as \$50 to \$60 million to courts' budgets in Family Law and where possible other courts as well. The courts can ill afford to continue past policies of ignoring these revenue sources in these difficult economic times.

Examples of fines for sanctions and findings of contempt in various states are outlined in the attached proposal to the Administrators of the Court. The members of the State Bar of Nevada will no doubt have numerous examples of their frustration in filing motions for contempt, only to have minimal to no enforcement.

I would appreciate your thoughts and those of your members on how this proposal could help the State Bar of Nevada support access to a functional legal system.

Yours sincerely,

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November 19, 2020

Robin Sweet

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Re: New Funding Source

Dear Mr. Sweet;

The legal system is not immune to the downturn in the economy. As states try to balance budgets, many courts have instituted hiring freezes and eliminated salary increases. Jurisdictions have proposed taxes on legal services and the confiscation of client security funds. Some states may even need to curtail court functions due to severely reduced funding.

A potential solution to address budget shortfalls already exists, ready for immediate implementation. Most states have historically not utilized the ability to raise fines from sanctions and contempt motions. The courts can ill afford to continue that policy in these difficult economic times. Large court systems might add as much as \$50 to \$60 million to courts' budgets; with smaller court systems raising \$20 to \$30 million dollars from sanctions and fines for contempt. This is a best guess at the moment; you may realize a greater or lesser impact.

Fines for sanctions and findings of contempt range from \$250 to \$1,000, or more. In Texas the Family Code Chapter 157 is used for enforcement of court orders. Parents may be required to pay a fine of up to \$500 if they violate a child custody possession order. The South Dakota statute limits fines to \$1000. In Ohio, parenting plan enforcement has step-up penalties. A first offense may include a fine not more than \$250, with potential fines increasing to \$1,000 for third or subsequent offense. In Colorado parents who do not comply with a parenting time order can face a fine or jail sentence, and be ordered to pay a bond to ensure compliance with court orders. Florida also has financial remedies available.

Mechanisms for the collection of these new funding sources could mirror those collections mechanisms already in place at the various courts. Initially, revenue may be greater than later. Parents may come to terms with the higher enforcement penalties of the new policy, with sanctions and contempts gradually tapering off. Revenue from this source will likely continue as there will always be some cases that are more difficult than others.

Courts are facing dire shortfalls across the country. Officials say that at least 46 states are facing or will face severe revenue shortfalls in the current or upcoming fiscal budgets. Revenue gaps are predicted to reach \$350 billion. As a result, painful choices are being made. A summit in Charlotte,

N.C., called “Justice Is the Business of Government: The Critical Role of Fair and Impartial State Courts.” Chief justices from 34 states and three territories sent delegates representing the bar and the three branches of government to develop strategies to support state justice systems.

As New York State faces a growing deficit, its court system is freezing all hiring, cutting spending, and denying most elected judges requests for recertification to stave off outright furloughs. Bloomberg Law reported on September 30, 2020 “New York Courts to Cut \$300 Million as State Deficit Grows.” Governor Cuomo has asked the courts to cut their budget by 10%, along with all New York State entities. The state anticipates a \$14.5 billion budget shortfall for the current fiscal year, ending March 31, 2021. The deficit is expected to be \$62 billion over the next four years, according to the state budget office.

“Since the onset of the pandemic, courts throughout the country have determined to stay open to deliver justice without faltering, no matter the adjustments and sacrifices demanded. But also to protect staff... and the public from the risks of disease. We are learning new technology and practices together,” reported Texas Chief Justice Nathan Hecht, President of the Conference of Chief Justices. It is a sentiment shared by bar leaders across the country, spurring them into action. The efforts of state and local bars—along with groups on the national level such as the ABA, the National Center for State Courts, and the Conference of Chief Justices—underscore the importance of judicial funding and the dire circumstances confronting many courts.

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This is a solution that may help families as well as save the courts. Parents and organizations have long pleaded with the courts to order fines on contempt motions and sanctions in family law. I have been dealing with family law for 38 years: 24 years with the Los Angeles Police Department, during which I spent ten years researching the full impact of divorce and custody. Since 2006, I have worked as a Child Custody Consultant and Divorce Coach.

I urge the courts to consider the benefits of this proposal. Should you wish to make further inquiries please feel free to contact me on my direct line 702-675-5120.

Sincerely,

Catherine W. MacWillie

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