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Victory for fathers' rights in divorces

Aug. 1, 2008

By Jenny Andreasson
The Voice

Mike Weller refuses to be reduced to a "weekend dad" after his divorce, and a recent change in the law is likely to bolster his push to get equal custody of his sons.

A bill approved May 28 by Gov. Charlie Crist evens out the parental playing field, which has traditionally handed mothers primary custody in a divorce, leaving fathers with little say.

"Every other weekend — that's how often you see a friend," said Weller, a Winter Springs business owner whose wife filed for divorce July 7. "When the law is dictating that one parent is better than the other, the kids see that."

Sponsored in the House by Rep. Jim Frishe of Pinellas County, the new language of the law replaces the term "custody," denoting control or ownership, with "parenting plan," denoting a shared responsibility to provide care.

"We took the approach to not have custodial or non-custodial," Frishe said. "We're just going to have parents, who then agree on a parenting plan that focuses on the child."

Parents were fighting over the labels, not the children, he said. By removing the labels, there is nothing to fight over. "It will also help to unclog the courts a little, I hope," he added.

Unless neglect or abuse is proven to be involved, mothers and fathers will get equal rights — a move away from the system that favored mothers in custody cases.

"Women typically get custody because we still think in traditional ways — men provide, women nurture," University of Central Florida women's studies instructor Farrah M. Cato wrote in an e-mail.

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Women often do a greater amount of the parenting, such as housework and carpooling, Cato wrote, "but that doesn't mean that women are better parents, or that men can't or shouldn't be involved."

Weller, who has 5-year-old and 6-month-old sons, wants to be involved in parental decisions, such as what schools they'll attend or what medical treatment they'll receive. He also wants him and his wife to coexist at special events, such as birthday parties and holidays.

He said the 70-30 parent rights arrangement is forcing more and more fathers to just walk away because they feel like they're good enough to pay child support but not good enough to be in their children's lives.

UCF's Cato hopes the new law shows parents the benefits of equal parenting.

"The law is catching up;" she wrote, "it might even help push us to another level by recognizing in a pointed way that children need their parents — regardless of sex or gender — to engage in the shared responsibilities of parenting."

The changes in the law don't technically take effect until Oct. 1, so Weller is left wondering if he can use it to his advantage.

"I'll do whatever I need to do to get 50 percent interest in my kids as far as their lives go. I don't want to be told by a court system 'no,'" he said.

Rep. Frishe recommends fathers such as Weller act as though it is already enforced, using it to guide any legal action. "He should keep focused on what's right for the children."

Parental playing field leveled

Mothers and fathers will have 50-50 rights to their children in a divorce beginning Oct. 1. Visit MyFloridaHouse.gov for more information about Child Custody and Support House Bill 1075.

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