

## **The On-going Tragedy of the Family Responsibility Office**

**Subject: Changes to the Family Responsibility Office or How to Make an Impact on Arrears and Fatherlessness at the Same Time**

### **Opening Comments:**

Please find enclosed a Report that our agency has written in response to the current decision to begin the posting of the pictures and relevant personal information of ‘deadbeat’ parents.

Kids & Dad Shared Support is a Registered Charity committed to **ensuring that children have both their mom and dad involved in their daily lives following a family separation.**

Research informs us that **28% of Canadian children are being raised without a dad and 50% of children from separated families only have a distant relationship with their dad within three years of the family breakdown.**

The connection between ‘fatherless’ children and poverty is obvious and yet only rarely acknowledged in any discussion around solutions for child poverty and the lack of opportunities for children; the more frequent and regular the involved parenting of dad the more positive the outcomes for children and moms.

### **Current State: Understanding the Issues**

In taking the additional step of posting photos, Minister Meilleur has looked at the \$1.3B in arrears and decided that this specific solution will make a difference. The Minister cited the Alberta experience (tried in that Province only) but gave no U.S. or examples from other jurisdictions. On the Government’s press release there is an implication drawn that other important children’s programs are delayed because of ‘deadbeat’ parents.

Clearly in this context there is no end to that argument (How about Hydro One Buyouts or Salary Increases for M.P.Ps) about hands in the pocket. The Minister is mixing apples and oranges by placing the most sinister of spins on parents in arrears.

If the Minister or any other advocate of the current approach is to be convincing that this is not a dad bashing exercise, they should make a strong statement outlining the compliance rate of dads to moms. **Research indicates that non-custodial mothers are more likely to be in arrears than non-custodial fathers (approx. 40% to 30%). The conclusion: the failure to pay is NOT a gender problem, except in the context of sheer number of payors being dads.**

**In this matter, it was disturbing to note the endorsement of Mothers Against Fathers in Arrears in the otherwise ‘scrupulously’ clean (deadbeat parents) Feb. 7 press release.**

The Minister offered the statistic that **the payors are 95-97% fathers and only 3-5% mothers**. She did not offer any percentages on what gender is more likely to be in arrears or any other statement to defend fathers from that over used headline. The above statistic is frightening in other ways and needs to be kept in mind as we go along.

Our work with separated fathers has been incredibly ‘exhilarating’. **Our fathers are determined to be involved dads and are willing to risk their emotional and financial resources** to find effective ways to accomplish that. They work hard; they attend parenting courses; they try to build a dad’s home; they seek counseling; etc.

And yet.... dads face so many obstacles to remain a full parenting partner in the upbringing of their children.

### **Government Needs to Seek More Perspectives:**

The Ontario Government’s recent announcement provides a number of ‘insights’ into their mindset on the world of separated families, namely:

1. That the Government is indifferent to recognizing the true complexity of the problem.
2. That no one is an advocate for separated dads within the Government.
3. That no fathers’ advocate has the ear of Government or the appropriate bureaucracy.
4. That the Government has no fathering or prevention of ‘fatherlessness’ agenda.
5. That the Government doesn’t understand the failings of the Family Responsibility Office.
6. That the Government doesn’t understand the damage to parents and children in the way that FRO operates.

## **The Failings of FRO: A Closer Look:**

In the fall of 2006 the **Ontario Ombudsman issued a scathing report on the operation of FRO. It focused on the failure of FRO to get money to recipients.** It also was concerned with the way FRO dealt with clients i.e. the way they were processed by case managers. In effect, the system was not well managed and there was a high degree of arrogance in the way they managed their caseload.

The Minister's response has been to acknowledge some of the failings, blame some on outdated computers and ignore some of the systemic problems. The Government through the Minister has gone with a headline grabbing action that appears to be focused on only 'part' of FRO's mission.

**The Government already uses other 'tougher' sanctions i.e. loss of license, up to 6 months in prison. If these sanctions are not making a difference, then it is likely the understanding and comprehensive solution to the problem is to be found elsewhere.**

Interestingly, the FRO website outlines their original mission **and** the principles by which they would operate. In these statements there is recognition that **clients are both payors and recipients and that all clients are to be treated with respect and sensitivity; that FRO is only partly an enforcement agency.**

Unfortunately, FRO is now known for incompetence, complexity, unfairness, secrecy and aloofness. While this assessment may seem too harsh, it is a conclusion drawn by payors AND recipients alike. That is not an easy task to accomplish.

FRO and the Minister will argue, as they did following the Ombudsman's Report, that they operate a successful system when considering the # of cases. The flaw in this defense is that the vast majority of FRO cases are straightforward and simply require a paper work transaction i.e. money in- money out.

### **HOWEVER**

The true measurement of FRO is how they handle the cases (really the people) that are complex and require judgment and compassion. As a former teacher, the analogy that I would apply is in that of evaluating a teacher. A teacher's skill should be assessed on how successful they are teaching the difficult child, not by the student who will learn no matter what we do. The same should apply to a FRO case manager.

**FRO has rightfully earned the reputation for being a fortress.** Case managers are isolated from their clients and rarely have a meeting with/or even a direct voice contact with their clients; their names, telephone#, etc., are unknown except to the inner management. It is telling because **it reveals the 'siege mentality' of FRO** and allows us

to peak into **their view** of their clients (payors and recipients) as angry, unreasonable and troubled individuals.

To understand this further I have attached a document that illustrates the frustrating process for clients. It also makes a statement about the relationship between M.P.P.'s and FRO.

Our elected politicians are allowed a middle person (a go-between) to speed up getting a reply (accurate or inaccurate) for a constituent, but are not given access that would allow a true give and take. **FRO really doesn't want their representations and our elected reps have tacitly accepted their place in the FRO pecking order by allowing the current convoluted process.** (Anyone looking at this process with any detachment would be reminded of the party game where a message is passed through a number of people and the message at the end bears no resemblance to the original communication.)

### **Recommendations:**

It would have been refreshing and helpful to hear the Minister partner her 'reforms' with a series of client friendly reforms that demonstrated a real understanding of the problems in the system. Some of the required changes are in the way FRO operates and is administered; other changes are grander and based on a view of the needs of children and parents.

1. **Changes to existing support orders must be made simpler. These changes include changes in income +or-; changes in child residence; etc. If this is not done then the long delays, financial unfairness and the damage done to children and parents will continue unabated.**
2. **Regional Offices** should be set up. Separated families deserve to know their case manager and be able to access them. At the moment, their only contact with FRO is through an answering machine or with a FRO lawyer at the Court House. As an aside, our clients' experiences have found the FRO legal reps to be angry, intimidating, adversarial and holding a stereotypical attitude of FRO's clients.

As an example, a Regional office could be set up as an experiment for the Golden Triangle. The local area MPP'S could play a significant role in the set-up and monitoring its effectiveness from their constituent's point of view.

Each office would have its own advisory/oversight/appeals board chosen from the public.

3. **Lawyers Not Required.** The response to many of FRO's defenders is that a client can hire a lawyer and go to Court. That is a ridiculous proposition. The vast majority of individuals, payors or payees, have little or no money; most have a number of intimidating experiences in Court; many individuals are damaged by what has occurred in their life, post-separation; many are from minorities and/or

are lacking language skills or an understanding of the legal process. Finding ways to remove lawyers from the FRO related process would do more to support clients, payors and recipients, than virtually any other step.

### **Comments:**

The grander issue around FRO centers on the rules that they are 'required' to enforce or interpret, and the interconnected issues around child poverty, single parent poverty and 'fatherlessness'.

**The so-called "40%" rule is a prime example**, for it is the source of much of the deadbeat parent (dad) problem. It simply states that a parent who has their child less than 40% of the time will pay the full amount required on the Federal Child Support Guidelines i.e. **39% = 0% access time. There is no recognition of that parent's costs for food, clothing, etc. in the way it is administered.**

In effect, it is making a statement to that parent (usually dads-remember our 95-97% statistic): **You are not considered to be a true parent.**

**The 40% rule plays havoc with the issue of child custody and the best interests of the child. Mothers (usually) and their lawyers seek 61% custody to ensure full support payments.** Fathers find out about the 40% rule and may seek to increase their access time.

The Kids & Dad Shared Support experience is that when dads seek 50/50 custody, they do so with the belief that this is best for their children. These fathers have a parenting record that would support that approach and (can't imagine a different approach) want to continue what they were doing in the marriage or are willing to do in a post-separation setting.

**The 40% rule clearly meets no standard of fairness or justice.** Its continued existence must therefore be based on the 'belief' that children should be with their mothers i.e better parent. The father may or may not be relevant as a parent, thus the state's main interest is in the transfer of financial resources to the parent with 61% of the time. The possible poverty of the payor parent and/or their impact on positive parenting outcomes for their children is irrelevant.

**Fact: A single dad not living with his children is categorized as a single male household.**

Fact: When a parent loses their license they face additional FRO and Ministry of Transportation penalties of \$600; possible loss of job/income; depression or suicidal thoughts; **UNABLE TO SEE THEIR CHILDREN; etc.**

When a parent goes to prison they face the possible loss of their job; loss of home; **not seeing their child** (ren); possible physical harm; depression or suicidal thoughts.

**Placing financial considerations ahead of all the research on how children thrive following a separation continues to be one of the most unconscionable policies in our society. The 40% rule must be replaced by a proportional approach to the Federal Child Support Guidelines.** This change would reduce the fighting over access and allow children to be left out of the bitterness caused by the current system. It will allow each parent to contribute to building their own home for their children. (See **Mom's House, Dad's House**; See **Judith Wallerstein, What About The Kids**).

The original development of the 40% rule is shrouded in secrecy in the office of the Federal Justice Department. Our higher Courts seem to have accepted this 'concept' that is clearly discriminatory against involved, non-custodial parents by **ignoring** its beginnings and accepting it as just '**being**'. Highly respected lawyer Gene Colman has pointed out this concern and its 'basic flaw', which could be considered the original sin negatively affecting children of separation and divorce.

**'Fatherlessness' is now being recognized as the most significant social change in Canadian society. Research finds that 28% of Canadian children are being raised without an involved father and that figure includes 50% of children from divorced families. The figure in raw, human numbers results in an additional 40,000 fatherless children for each year of continued inaction.**

### **Where Are All The Voices For Children and Families?**

Research and common sense tells us that the **negative outcomes for children and their extended families are serious and often last for a lifetime (e.g. abandonment, depression to name a couple).**

What is also frightening is the unwillingness for any one with influence to advocate for the necessary changes. The current FRO reform provided that opportunity but the silence of our leaders continues to be 'deafening'.

In the past year, Kids & Dad Shared Support has worked with probably 150 clients with close to 250 children, mostly dads, some grandparents and a few mothers. Each is grieving over the loss or potential loss of their child or grandchild. Let it be understood, the grief is over wanting to have their children, not over having to take them.

The frightening tragedy in Barrie, Ontario last fall should have triggered a call for action; **instead that same deafening silence has prevailed. Two toddlers, loved by mom, dad and grandparents were slain** (Mother is charged with murder). The parents were involved in a 'deadly' custody conflict that included all the usual professional suspects in a drawn out custody dispute.

**The reality is that every village, town and city has similar, potentially deadly, certainly destructive conflicts.** The adversarial approach and the fear of loss of their children is an explosion waiting to happen for parents, extended family and most of all children.

### **Personal and Agency Approach:**

I am a husband, father of two adult daughters, a son and grandpa to my 8-year-old granddaughter. They are the light of my life.

I lived the separation experience and with the fear of losing my close relationship with all of them. I could make a direct link that my separation led to the premature death of my parents who were grandparents to 5 children. Our work with separated families reveals that **all of the problems that lead to negative outcomes are human made and thus can be solved by caring humans using the tools and support available in this community.**

Our mission is based on two beliefs, namely, **that most ‘parents love their children more than they are angry with the other parent’; that most ‘parents will make the changes necessary to be an involved parent following a separation’.** I have been a witness to both in my work. Our task is to help parents to find ways to do the above.

As such, our work at Kids & Dad Shared Support is to help parents to accomplish the widely held professional findings that children have the best opportunity to thrive and become resilient, responsible and happy young adults when they have an involved mom and dad in their lives.

Our commitment and our passion are to overcome and remove the obstacles that hinder progress for families and especially children from separated homes. The purpose of FRO should be to act as a positive force for families; unfortunately for too many families the Family Responsibility Office has lost its way as outlined in its mission and principles statements. **In doing so it has become an agency of fear and bankrupt in ideas and policies to accomplish their mandate for their clients.**

To actually do something about what I have said **requires political will, passion and risk taking.** It requires the defying of the current paradigm that currently dominates government and Family Court and asserting the widely understood belief of Canadians that children need both their mom and dad, whatever their family form.

In closing, I refer you again to the opening statistics offered by the Minister i.e. 95-97% of Court ordered support payments are dads to moms. **It tells us a lot about the current marginalizing of fathers to be a lifelong parent to their children.** The political and legal attitude is clear in this statistic and leads directly to fatherless children, poverty and the FRO ‘problem’.

The following is an excerpt from someone that I have never met, but have come to know through his heart broken parents. They forwarded an email message that their son recently sent to his child on their birthday. He has seen his child four times in almost 11 years.

**Excerpt from a son, father and Canadian soldier to his child on their birthday.**

**“I remember on this day when you were born. Daddy cried. I was so happy to have been given a baby. Put your hand to your chest and you will feel me there. Every beat of your heart is my loving you.”**

**Making the changes to a system that too often devastates families is essential if our society is to make inroads in meeting the true, best interests of children.**

Barry Lillie, Kids & Dad Shared Support