
Maura M. Gathers
3722 SW Spring Creek Lane
Topeka, Kansas 66610
mauragathers@gmail.com
785.383.7747

Official Testimony to the Kansas Senate Judiciary Committee

Kansas State Capitol Building Topeka, KS 66612
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RE: SUPPORT SB No. 157

Honorable Chair- Senator Rick Wilborn
Vice Chair- Senator Eric Rucker
Ranking Minority- Senator Vic Miller
Honorable Committee Members

Good afternoon Mr. Chairman and other esteemed members of the committee,

I would first like to thank you kindly for taking the time to read my testimony as I acknowledge your time is of the utmost value.

On behalf of the children of the great state of Kansas, I write this letter to respectfully urge you to support the tens of thousands of Kansas parents who are being marginalized in the lives of their children under the supervision of Kansas' family courts by supporting SB 157.

Fragments of the family law system have simply become antiquated. Equality between genders has been extended to every corner of American society, with one huge exception: family courts and the related agencies. The goals of shared parenting are to protect the best interests of children and to support the loving bonds they share with both parents after separation or divorce. It is an issue which knows no bounds. It is neither the domain of conservatives or liberals, poor or wealthy, and pays no attention to ethnicity or gender. The issue transcends all demographics. These goals are shared, and should be supported, across all sectors of society.

I have been an advocate for shared parenting since I was ten years old, as I have personally experienced the seemingly civilized, yet harmful effects of systematic oppression which only further abuse the alienated parents, their children, and ultimately all of society. At a time when my mother and father were separating, despite their differences, I resented my mother for keeping our father away from us. I vividly recall my younger siblings crying out for him nearly every single night for at least two years. They made attempts to bargain and plead with my mother to see him more, to no avail. I recall my younger sister vigorously sweeping the kitchen floor, howling and crying as she swept, almost as if she were in pain. She was bargaining with a higher power, perhaps if she had cleaned more and done her chores her Daddy would want to see her more? I thought for sure that one day I would learn the truth, surely my mother wouldn't keep him away from his own children for any unwarranted reason. But I learned that the ugly truth was simply this: our system is broken and parental alienation is REAL. And the product of that broken system? A staggering number of *broken* children. Twenty-three years later and there is still not a day that goes by that my younger siblings do not resent my mother for robbing them of that time with my father.

It is imperative that we acknowledge that repression is violence. After having been a victim of parental alienation as a child, I vowed to never put my own children through such affliction. But that didn't prohibit me from having to witness my husband fight for his rights to have equal access to his three children by a former marriage. My husband is an upstanding member of this community, a principled man, and an incredibly loving and dedicated father. The horrific reality of witnessing his children being stripped of their right to equal access to both parents was demoralizing. No man, or woman, who clearly meets the criteria of a fit parent as deemed by the court should have to spend in excess of \$100,000 and 7 years fighting for something that is already their fundamental right. My husband's children ultimately won when they were finally granted equal access to both parents. Furthermore, it was suggested by the children's court appointed mediator that, not only is Mr. Gathers a suitable parent, he is the better-suited parent and, should he wish, the recommendation would be made to the court that he be granted primary custody. How could the courts have gotten it so wrong the first time, you ask? There was no interest in seeking clear and convincing evidence of his implied "incompetence". Our family court system shamefully failed those precious children, each of whom are still recovering from the psychological and emotional trauma imposed on them by a cataclysmic flaw in family law.

I, too, had children from a previous relationship. Two very young children, whom I chose to put first when I readily agreed to an equal parenting plan with their father. I cannot begin to imagine how their lives might have been affected had I selfishly chosen to use the currently unbalanced family court system to my maternal advantage. I am well aware of the manipulation tactics I could have dexterously employed to secure a role that surely would have benefited me financially, but undoubtedly would have destroyed my children both psychologically and emotionally. However, as you know, not all parents are willing to be as collegial. All the more reason to have a fair and balanced system in place. Sending parents into a family courtroom in which the norm is to grant 26 days of parenting time to one parent and 4 days to the other hardly seems fair and balanced.

I recognize that shared parenting is not appropriate in all cases. This is why a presumption in favor of shared parenting should be overridable when there is *clear and convincing* evidence that it would be harmful to the children. Our family courts are overburdened, often seeing families at the height of a temporary conflict between the parents. This in itself raises skepticism of the ability of our family courts to reliably determine what custodial arrangements are best for the children. Asking a court to focus only on whether there is evidence that shared legal and physical custody would harm the children presents the court with a much more manageable task.

Let us adopt the notion that this is not a fathers' rights movement. Nor is this any sort of parental rights movement. Rather, this is a *children's* rights movement. Children have the fundamental right to have equal access to both parents and to deny them of such is not only a travesty, it is an infringement on the child's inherent right to survival and development in which the court has an obligation to ensure. Such a right undeniably warrants deference, and absent a powerful countervailing interest, protection.

I implore you to acknowledge that children benefit most from the active involvement of both parents regardless of their marital status. It is crucial to recognize that (absent issues of abuse, neglect or abandonment) government policy and laws must be structured in such a way as to maximize the opportunity of all parents to contribute to the social, emotional, intellectual, physical, moral and spiritual development of their children.

Respectfully,

Maura M. Gathers

Cc: Senator Rick Wilborn, Senator Eric Rucker