

Three Wise Men?

What did they actually say... and what did they actually mean?

Three senior Judges made headlines in recent weeks on a number of issues close to the hearts of FNF members. Litigants-In-Person in the family courts was the hottest, although one Family Division Liaison Judge broke ranks to make some astonishingly frank observations on the breakdown of family life and the sorry state of Family Courts.

First was to comment was Stephen Gerlis, a London-based District Judge, outlining 'Why handling your own divorce is a bad idea' for The Times in February. Although ostensibly focussed on divorce, the article seemed to encompass much more as Gerlis outlined ten reasons why acting as a litigant-in-person was a 'risky strategy'.

Reminding us that there are many professionals "well qualified and handsomely paid to understand how the system works and what the likely outcome will be.", Gerlis unapologetically asserted that "there is a way of doing things" in a Family Court and that "poor presentation is likely to antagonise the judge".

"Being on your own can send out all the wrong signals: that you're not taking the matter seriously, determined to be obstructive, penny-pinching, unwilling to compromise, just downright difficult."

Stephen Gerlis



He went on to brand resorting to self-representation through a lack of funds as "the most common excuse" and failed outright to understand why acting as an LIP is necessity rather than a choice for many. Gerlis' glibbest comment was that "Watching Perry Mason will not turn the man or woman on the London Underground into a fully-fledged trial lawyer.", showing a disregard bordering on contempt for the time, energy and emotion that those involved in family court cases devote to their cause.

Also addressing the issue of self-representation in the family courts was the Lord Chief Justice. In his annual report and subsequent press conference, Lord Phillips commented that: "I view with concern the steadily

increasing numbers of litigants in person, due in part to difficulties of getting legal aid. This problem is particularly acute in relation to the family jurisdiction.' He went on to note that "Our system is that we rely on the lawyers to do the research for us. When you transfer that task to the judge, you make the job more difficult and time-consuming." Both men display a worrying lack of insight into the realities of representing yourself in a family court. Their deliberate focus on the 'insider knowledge' of long-standing professionals is unlikely to find favour amongst those seeking Family Court reform.

Families Need Fathers CEO Jon Davies commented that "To suggest that acting as a Litigant-In-Person is a money-saving exercise, rather than a desperate necessity, is an insult to those who find themselves

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FAMILIES NEED FATHERS

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From the Chair by John Baker

The problem with power...

...is that it attracts just those people who should not have it.

It does not have to be like that. There was one transfer of power reported in, I think, Denmark. A female prime minister stood down in an orderly and amicable manner, handing over to a man. It would not make a lot of difference, it was said. The new Prime Minister had had to leave a Cabinet meeting early, to pick up his child from nursery. One of the problems with Britain is that we are ruled by a group selected - mostly - by having put their careers above their children. Otherwise they would have lost out in the competition for the top jobs. Not surprising, therefore, that they think it's natural or normal for men (and yes, they are still nearly always men) to do this, and they are not to be bothered by it. Until the UK is more like Denmark, groups like FNF representing parents who put their children first will be working against the grain of the attitudes of those who wield power. Such people nearly always hang on until compelled to hand it over.

There is not much 'power' in being chair of FNF. In an organisation based on volunteers, one cannot tell anyone to do anything and expect it to happen. It's the ability to persuade and motivate that counts. But anyway I am handing over the responsibility. FNF has different values from those in top jobs. This is without conflict, without compulsion. It's a recognition that it is not healthy for any organisation for anyone to stay on too long. I have done my turn. I will remain a trustee and go on offering whatever knowledge, skills and experience I have to the charity and my successor - if colleagues and the membership want it.

Has there been any achievement? Surely some. Internally, we provide pretty good, and surely improved, support to people in need and distress. Externally we are now part of policy making. We have yet to transform the culture, but it is certainly different from my early days. It was some 10 years ago now that I went, for example, to a conference organised by the National Association of Probation Officers. The meeting was on combatting discrimination in the writing of court welfare reports. It dealt with ensuring that there was no prejudice against ethnic minorities, disabled people and lesbians. In the plenary I got up from the floor and said simply that FNF had no problems with anything that had been said, but should not the possibility of prejudice on grounds of gender have been addressed? This question provoked the following statement from the Chair:

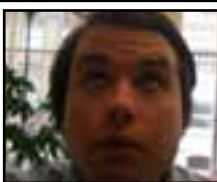
"The question of whether those attitudes which advantage men in most areas of life, and to which they are attached, may count against them in matters to do with children does not amount to sexism in NAPO's eyes. It is not a matter we see any need to address."

Now NAPO, which still 'organises' CAF/CASS staff, is the agency where there has been least change, but a repeat of this is surely unthinkable today. We have achieved something. Thank you.

It has been life-enhancing to work with you.



Editorial by Nick Barnard



Phew! Not much room for me this time! But there'll be plenty of opportunity in future issues, so I'll let Mr Baker make the most of his swansong. What I will say is that my first months here have been an absolute joy. (Almost) everyone I've met has been extremely welcoming, helpful and, quite often, downright inspirational. This is my first McKenzie without Rebecca's guiding hand (one more big thank you to her) so perhaps I'll just let the magazine speak for itself. I hope you enjoy it and I look forward to hearing from you.

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before a Family Court judge attempting to stabilise their family life and ensure their children's welfare."

However, the most remarkable comments came at the Resolution (formerly the Solicitors' Family Law Society) conference where a senior Judge described the breakdown in family life to be "as destructive as the effects of global warming" and nailed a number of criticisms to the door of the Family Justice system. Speaking in Brighton, Mr Justice Coleridge began by acknowledging that "traditionally, Judges have kept their mouths shut" but that they have "duty to speak out" and express their views publicly.

On top of his well-documented observations that "Family breakdown is at all levels of society - from the Royal family downwards" Coleridge vividly illustrated his experience of the family courts as "never ending carnival of human misery, a ceaseless river of human distress."

His criticism was forthright that "the Family Justice system in this country has been and is being mismanaged and neglected by government.... The family lists never even begin to dry up. Instead more and more cases have to be pushed further and further down the system to ensure that all, what used to be thought of as the High Court work, gets done."

He was also quick to exonerate both Judges ("We have a cadre of specialist family judges at all levels who do the work with exceptional skill, care and dedication so the system is not suffering through lack of skill.") and the legal professionals involved, describing them as "a vital front line social service serving the community at local level, sorting out the problems of local people when their families fall apart or the social services move in to rescue a child at risk."

Instead, it was clear where the blame lay, as Coleridge demanded to know "What is government doing to recognise and face up to the emerging situation? What is it doing to halt the decline or even reverse it? The answer is; very little and nothing like enough. It is fiddling whilst Rome burns."

In many ways, Coleridge's criticism of that which is painfully obvious to many within FNF was refreshing, acknowledging that the system is "overstretched to the point of collapse and acutely and chronically underfunded at all points." The fix, he insisted, is straightforward: that "very significant resources of manpower and money have to be deployed at the expense of less important demands... [we must] Stop chipping away at the Family Justice system and trying to have it on the cheap."

However, it was Coleridge's first insistence, that "family breakdown and family justice needs to be at the top of the political and justice agenda", that rang the truest Whilst McKenzie does not necessarily agree with all of Mr Justice Coleridge's observations, nor did he address all the issues which so sorely require addressing, this is one area in which we are firmly united with him.

Your views from the Chat Forum

"This Judge has just, I would imagine, upset an awful lot of the people in his profession. He is, of course, completely correct with his statement, and it is reassuring to know that someone of his stature is seeing what is happening and trying to address it. Society needs about another hundred or so of this kind of judge to start the slow process of rebuilding the family/society."

"I am not sure of the motives here. He has got our attention with what he says, but then says that he wants more money for the courts! It seems to me that the courts cause the problems in the first place as a way to line their own pockets by creating incentive for divorce with biased laws."

"Wonder how many SROs this judge has made to support children having both parents in their lives following divorce. I suspect he is typical of the sort of hypocrite one finds in the family law system."

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FNF Campaign Victory as CSA to help keep families in touch

The Child Support Agency has said it will assist parents who do not know where their children live. In a letter to Helen Lloyd-Jones, leading FNF Welsh activist, the CSA agreed that "the Agency can play a part in enabling non-resident parents to stay in touch with their children." An initial system to facilitate this is being formulated, likely to be a 'postcard' through which a separated parent can forward their contact details to their children's other parent.

Mother given suspended sentence for blocking contact

In an rare demonstration of judicial resolve, a Cardiff mother has been handed a 28-day prison sentence (suspended) for Contempt of Court after persistently breaching an Order of the High Court for Contact that had been endorsed with a Penal Notice. The sentence was passed after a further Order for contact with a second Penal Notice attached was also disobeyed and suspended subject to the mother's compliance with a further Order. The child's father has reported that the ordered contact took place and that a further application by the mother to have the Penal Notice removed from the original Order has also been refused. The father said "It is a sad day for all concerned when matters reach this stage, but despite claims to the contrary, robust measures can, and do, work."

Borough recognises male victims of domestic violence

Following representations from Families Need Fathers, Lambeth Council has confirmed, through the leader's office that their new 'Sanctuary' scheme which offers support to victims of domestic violence by helping them stay in their own homes with additional security, will apply to both male and female victims. In addition to this, men who require access to emergency local authority accommodation because of domestic violence, can access housing, providing they meet the criteria.

Council of Europe to investigate family law?

A motion has been tabled to the Council of Europe proposing an investigation into the state of family law in the UK, and possible breaches of human rights stemming from it. John Hemming MP, a key campaigner for family justice said "This is good news for families in England and Wales. This is the first step towards getting a Supranational body to properly investigate the way in which Human Rights for parents are being abused in the UK. This is likely to lead to a proper inquiry that hopefully will allow parents and children to tell the Council of Europe what the UK has been doing to them."

Fathers 'still shut out at birth'

Think-tank The Fatherhood Institute has warned that maternity services risk disadvantaging children across by failing to recognise, support and enable the contribution made by fathers from birth. Their report ('The Dad Deficit') outlines the benefits to be gained by involving dads from day one and identifies key changes, including provision for both mothers and fathers to stay overnight and training for midwives to engage with fathers. Fatherhood Institute CEO Duncan Fisher said: "Research clearly shows that the positive involvement of fathers right from the start is crucial; and that when professionals engage with fathers, particularly young or otherwise vulnerable dads, this makes a huge difference to mother and baby. What actually happens now is that

Modern dads 'have to battle' say NSPCC

A new report by the NSPCC has shown that being a 21st-century dad remains a struggle. In a survey of 1000 fathers, half felt that work pressures kept them away from their children, that society did not recognise the contribution they made as parents and that a lack of father-friendly support exacerbated the problem. The reported, entitled *Fatherhood?*, was backed by Families Need Fathers and the Fatherhood Institute and was launched alongside a photo exhibition in East London of young peoples' perceptions of fatherhood. NSPCC's Chris Cloke said "It is clear most fathers want to be there for their children and we know a good relationship between a dad and a child can benefit the whole family. Being a dad can be a daunting challenge for anyone and it's concerning many feel they are being left to struggle on without the right support and advice to guide them" See www.nspcc.org.uk for more, including photographs from the exhibition.

while the mother's responsibilities are reinforced at every opportunity, the first message many fathers get after the birth is: 'leave this place now!' The father needs to be held as responsible as the mother for their child's wellbeing, which means staff taking every opportunity to inform, help or challenge him (as they do with mothers) rather than brushing him aside."

www.fatherhoodinstitute.org

men and for women Lambeth are also developing materials for a media campaign to run through next year, and are interviewing male and female victims to get their input into the messages of that campaign This is a positive message to a group of men, often fathers, who are overlooked. Is your local authority being as pro-active? The new Gender Equality Laws mean they should! More information from Victim Support Lambeth. www.vslambeth.org.uk

“A Public Scandal”

Family courts are “sterile, impotent and utterly useless” says High Court judge

In McKenzie 78, we reported the sad and shocking story of Dominic Cole, the father who has spent twelve years trying to maintain contact with his daughter Hannah, now 13. Now, on the eve of McKenzie 79 going to print, a senior Court of Appeal Judge has slammed the family law system for allowing Hannah’s mother, through a “drip, drip, drip of venom”, to alienate her from her father.

The case, which has now lasted over 12 years and has been heard in front of over 25 different judges, has culminated in Hannah, due to the “vicious” influence of her mother, falsely believing that Dominic sexually abused her and stating that she no longer wishes to see him. This is despite Dominic being cleared of any wrongdoing over ten years ago.

Lord Justice Ward rejected Dominic’s final appeal against the ruling that there should be no contact between him and Hannah, on the basis that her misguided belief that Dominic had sexually abused her would make contact distressing. However, he was unreserved in his criticism of the system which had allowed the situation to arise. “The father complains bitterly, passionately and with every justification that the law is sterile, impotent and utterly

useless – we have to acknowledge there is a degree of force in what he says. But the question is: what can this court do? The answer is nothing. This is a truly distressing case. It may not be untypical of many, but in some ways it borders on the scandalous. It is certainly tragic.” he said.

He went on to clearly identify Hannah’s mother as “the source of this state of affairs by corrupting this girl so viciously” and declared it to be “a public scandal that these things go wrong.”



LJ Ward also took the unusual step of ordering that a copy of his judgement be sent to both Hannah’s mother and solicitor, with a direction that the solicitor communicate the message to Hannah, and report back to the judge.

Dominic, who is considering taking his case to the European Court, told McKenzie “I am bitterly

disappointed at the outcome of the hearing, which condemns my daughter to a life blighted by a false belief that her father has sexually abused her. I was, however, gratified that Lord Justice Ward acknowledged that this case was, in his words, a public scandal and I hope this culture of consistently failing to support children and fathers is tackled.”

FNF Chair John Baker said “FNF is encouraged that a senior member of the judiciary has firmly spoken out on the very real failings of our family law system to protect the relationships between children and parents, but equally horrified that such a tragic case was necessary for it to happen. FNF calls on the family law system to take heed of Lord Justice Ward’s comments and take strong and decisive action to prevent more loving relationships being needlessly destroyed, and the long-term damage to children which occurs as a result.” LJ Ward’s comments are particularly pertinent following International Parental Alienation Awareness Day, held last Friday (April 25th) - see page 7 to find out more.

NAMES AND IMAGES HAVE BEEN CHANGED TO PROTECT IDENTITIES

Family Law Survey Update

It is widely believed that family courts operate in a haphazard and piecemeal fashion, with scant regard for the best interests of children - or society at large. The problem is, how do we prove it when the entire process is cloaked in secrecy?

An essential element of this is to find out what the family court users think themselves. To find out, Families Need Fathers and the Equal Parenting Alliance are collaborating in the collection of data for a survey of family law. Although the survey is ongoing, it is interesting to take a brief snapshot into some of the findings.

The survey has been running for just over a year now and so far we have had about 300 people complete the survey, with 119 of them being involved with applications for contact.

An area of interest to many is that of false allegations. After all, a system of law should be based on evidence and

facts. If false allegations alone are being used as the basis for decisions then how can a court ever expect to make a proper decision?

Our survey asks some quite detailed questions on false allegations. (Of course, we are collecting data from a self-selecting sample and we have no way of verifying the truth of their answers. However, it’s still quite possibly the best (and only) data available).

We deliberately only ask about false allegations that affect contact, but even then, we are surprised to see as many as 71% of applicants say that false allegations affect the contact their children receive with them. The most common types of false allegation affecting contact applications identified in the survey so far are physical abuse of the resident parent (64%), emotional abuse of the resident parent (55%), the applicant lacking parental skills (55%) or being likely to abduct the child (39%),

harassing behaviour (39%), physical abuse of the children (33%) and the applicant’s poor mental health (33%)

Although 89% of respondents eventually ended up with staying contact with their children, it would be all too easy to complacently accept this as evidence that the system does indeed work (after all, don’t these children eventually end up seeing their parents?) The reality, of course, is different. This is not the footprint of a functioning system but a simple demonstration of a **failing one**. Children who should be maintaining a relationship with their perfectly ‘good-enough’ parents are being denied that opportunity, often for months or years, without good reason. A court that is unable to assess evidence clearly cannot be functioning in the best interests of anyone.

Steve Gouldstone

Visit www.FamilyLawSurvey.co.uk to find out more or to complete the survey

NOTICE BOARD

Fundraising

Thank you to everyone who has been supporting FNF's online fundraising initiatives through Amazon, Everclick, Recycle4Charity and Three Mobile. The money keeps rolling in, and you can find out how to keep contributing at:

www.fnf.org.uk/get-involved/fundraising

Publicity Materials

Order stocks of FNF's new promotional materials from the office: 020 7613 5060
admin@fnf.org.uk.
Currently available: triple-fold leaflets, A2 & A3 posters and membership booklets



VOLUNTEERS

Would you like to speak on behalf of FNF in local committees, to the local press and so on? We need many more such people to reach people who need help, to get our message across and to recruit members. There is now a simple agreement which will enable people to do this officially on our behalf, provided they fulfil a few basic criteria and keep themselves up to date with and support our values and policies. Contact the national office or your local branch committee to find out more. FNF is particularly in need of representatives in Scotland - so please get in touch if you can help.

Articles for the Blind
McKenzie is now available in audio format and is free to sight impaired members.
Issues 65 to 78 currently available.
Contact Nick on 02076135060 or nick.barnard@fnf.org.uk

FNF Boldly Goes...

if you'll excuse the split infinitive, in addition to the hub of activity at fnf.org.uk and on the FNF Chat and Self-Help Forums, there are two new ways to keep up with Families Need Fathers on the internet.

First up is our new Youtube channel, which you can find at <http://www.youtube.com/familiesneedfathers>. Head there to see FNF Trustee Carl Kemmeni appearing on BBC News 24 with Huw Edwards, FNF's Parliamentary expert Craig Pickering on BBC South Today and a very special welcome video from our very own CEO Jon Davies. We'll be updating it with more interviews and introductions from staff, trustees and volunteers over the coming months as well.

Secondly is our very own Delicious page. If you're not already familiar, Delicious is a live link-sharing page that anyone can use - whenever we come across something of interest in the FNF Office (whether it's a news story, an interesting article or an update to FNF Online) we post it there. Which means you can keep up-to-date with what we're doing in real time, rather than having to wait for an update via e-mail, the forum or McKenzie. It's also a great accompaniment to the magazine - all of the Judge's speeches and articles featured in our front page article and many other related items are available there. It's really pretty simple, so have a look and see how it works.

www.youtube.com/familiesneedfathers
www.delicious.com/familiesneedfathers

Book Reviews Wanted

Have you recently read a book that deals with issues surrounding divorce/separation? Would you recommend it to others?
If so, send McKenzie the details - or better still, send in a review to editor@fnf.org.uk

C-MEC IS COMING

The elegantly-named Child Support and Other Payments Bill is still wending its way through Parliament. This will introduce the Child Maintenance and Enforcement Commission (C-MEC), the successor to the Child Support Agency.

The Bill will emerge from the Lords in May and then go back to the Commons, chiefly to allow the Government to make any last-minute changes it wishes. There looks little chance of a row between the two Houses, so the Bill should complete its passage by June, the deadline for any Bill introduced in the previous session.

The Bill is pretty much the one introduced last year, with its draconian approach to sanctions on non-payers, its retention of an arbitrary formula for calculating payments (on a gross basis, not a net one) and a bureaucracy at the heart of it that looks set to suffer the same fate as its predecessor.

When we asked members what you

wanted us to lobby on, top of the list was shared parenting costs. For the present regime means that 'non-resident parents' (in the awful jargon of the legislation) can have their child one night in two and still end up paying their ex. The Government has resolutely and timidly taken the line that, because 'stakeholders' don't agree on this issue, they cannot act. At our suggestion, The Conservatives tabled an amendment to smoke the Government out on this in the Lords. Jon Davies then wrote to James Plaskitt, the new Minister responsible for child support, suggesting he convene meetings of interested organisations to try to hammer out a new consensus. The Australians reformed their whole child support system using a similar model. His reply was resolute, standing by the same timid stance as before. Lord Skelmersdale has asked for a further amendment to press the Government to use some initiative on this matter, so the campaign is not over. The

Government already has the powers to reform the system. All it lacks is the will.

Looking at CMEC more generally, there doesn't seem much that is really new, despite the rhetoric. There's a new chair but the chief executive of the CSA has become the first Commissioner of C-MEC. The senior staff have to re-apply for their jobs, but most seem likely to get them - and junior staff too will switch from the CSA to C-MEC. In some ways, that's a good thing, since a C-MEC without any experience would be a nightmare for parents and children. One big change that is welcome is that those on benefit will no longer be forced to use the system whether they want to or not. But with a maintenance regime still essentially the same as deployed by the CSA, it seems that many of us will still regard the system as unfair and arbitrary. The campaign for genuine reform will have to continue.

Craig Pickering

FNF, JUMP and MATCH unite once more

Three years after the first International Parental Alienation Awareness Day and the majority of attitudes amongst judges, CAFCASS staff, social workers and others involved in crucial decision-making relating to children's welfare have not changed towards Parental Alienation. Children are still being deprived of loving and loved parents and those in charge of children's welfare are doing nothing.

Parental Alienation refers to a situation in which one parent turns their child/children against the other, intentionally or unintentionally, resulting in the child's supposed and stated desire to reject all contact with that latter parent. Parental Alienation has tragic consequences as a child can lose a parent for a long time, or forever.

The findings from the FNF, JUMP and



MATCH survey show that current arrangements for the parenting of children whose parents are separated, polarise the children between the one with whom they 'live' and the one with whom they are allowed limited and strictly defined contact. Many members, as Non-Resident Parents, have experienced their court-designated Contact Order being very easily disrupted or ignored when one parent is committed to honouring it and the other is committed to sabotaging it.

From the experience of those questioned authorities involved in children's residence and contact arrangements fail to recognise when children's wishes not to see a parent

are genuine and when they are induced. Even when the system does recognise they are induced, it commonly fails to tackle the problem properly or thoroughly.

An important first step in this direction is to acknowledge that there is such a thing as Parental Alienation. Secondly, and perhaps more crucially, is to recognise the circumstances of how and when Parental Alienation might arise. Ultimately, it is imperative to be able to identify and tackle it.

Becky Sibert

The full report is available at <http://www.fnf.org.uk/publications-resources/research> or by contacting the FNF office.

Please also see below for new resources on Parental Alienation.

New Parental Alienation Resources

- Dr Ludwig Lowenstein, leading expert on Parental Alienation, has updated his website with new papers on the causes of and solutions to PA - see www.parental-alienation.info to find out more.
- Jordans Publishing have also given kind permission for FNF to reproduce the chapter on Parental Alienation from their book *Psychology in Family and Child Law*, which has been reported as both an informative and useful authority. Members can download it full from <http://www.fnf.org.uk/publications-resources/articles>

Housekeeping

It keeps you running...

Congratulations to Hayley Battle, who raised over £500 for Families Need Fathers by running the Bath Half Marathon in March. Hayley, whose sister and partner were assisted by FNF, was delighted to be able to make such a great contribution and extremely grateful to everyone who sponsored and supported her.

... and climbing ...

The exertion doesn't stop there. Gary Sargent, a member of seven years standing who now enjoys shared residence with his children, will be scaling Britain's tallest mountain Ben Nevis. Gary and his companions will be setting off on June 14th (just in time for Father's Day) and hope to raise over £1,000 for Families Need Fathers. Like Hayley, Gary is making use of Justgiving



Hayley with co-runner Ann Arrowsmith.
T-shirts kindly donated by GX Signs, Brighton.

so by Justgoing to <http://www.justgiving.com/garysargent> you can help him in his quest. Remember that your donations also qualify for Gift Aid - so everything you give is worth an extra 28% to FNF, with no extra cost to you. Good luck Gary!

Finally, move your eyes right to see a great opportunity for you to pull on your plimsolls in the name of FNF. McKenzie is exhausted just writing about it.

... and running!

The eighth annual ASICS British 10K London Run will once again take place on 6th July 2008 through the heart of central London! The route will take runners past central London's world famous historic and iconic landmarks. Taking part will be Olympic athletes and celebrities from stage and screen, as well as tens of thousands of fun and recreational runners. Over the past two years, FNF has received over £1,000 in sponsorship money raised by participating members. Taking part also raises awareness of our charity and its cause - it's not a bad way of getting into tip-top shape either!

Interest in this event has been growing year on year and by all accounts is great fun to take part in - it would be great to get an FNF team together. FNF will pay your entry fee, provide T-shirts and sponsorship forms and help to publicise your participation.

If you are interested in finding out more, please contact Nadja on nadja.singh@fnf.org.uk / 02076135060

www.justgiving.com/garysargent

Hello from... **Becky Sibert, Policy & Information Officer**

“Five weeks as FNF's new Policy and Information Officer! How quickly these weeks have gone... has it been four weeks already? Well, I want to begin by saying how welcome I have been made to feel by everyone at FNF and how happy I am to be here!

Although I had the benefit of Georgina for two weeks (until we waved her off to Spain), nothing could prepare me for all that the role demands! I have met several MPs already, attended branch meetings, undertaken Telephone Helpline Training, met with other organisations within the sector, completed a report on Parental Alienation and that's just the start of it... There has not been a dull moment and I don't think there will be!

Now I have been inducted into FNF properly and I have a good understanding of the different aspects of work I will be responsible for. I am now very much looking forward to getting stuck in, continuing the brilliant work done by Georgina before me to really consolidating our efforts on policy and lobbying. It seems to me that progression is 'in the air' for FNF as a whole. I am happy to be a part of such a passionate and committed team, who are thoroughly dedicated to effecting change!”



Becky in the FNF office, modelling one of fifty FNF t-shirts generously donated by IDd, Sheffield.

Problemshared: Residence Orders

Part two in our series of items on FNF's policy and the contribution shared parenting should make to social betterment.

• **One** mother we know, on hearing that she had been given a sole residence order for her children rose from her seat, clasped her hand together and waved them in the air calling out "Yes!" as if her team had just beaten Chelsea. She had earlier said "Why can't [her husband] just accept that the children belong to me?" And the judge, to her, had made it clear that she was right. It did not make for easy or co-operative parenting afterwards. Most parents who are victorious in the family courts are less crass - or less honest - in public anyway.

• **However**, this is what the award of a residence order to one parent, and a contact order to the other is all about. It is there to make clear that the children have just one parent, one home, one relationship, that matters. They live with one parent. They are allowed 'contact' (a pretty crude term in itself) with the other. Legally, a 'residence order' confers no rights on a parent that cannot be conferred just as effectively by some other order or in some other way without sticking crude labels on the parents or on the relationships that they have with their children.

• **That** could be reversed. There is no motivation for not giving both parents residence that could not be better addressed in some other way. For example, where it is necessary to specify when the children are to be with one parent and when with the other, both could be given 'contact orders'. These could be as equal or unequal as anyone wanted. There is nothing to stop

an order saying that the children should spend every school day and every alternate weekend with one parent, and every second weekend and half the school holidays with their father. But the award of residence orders to both parents would make clear than when they were living with their mother they were living with her, and when they were with their father, they were living with him - not 'having contact'. A new practice of giving both parents residence orders could be instituted forthwith by judges - if they so wished.

"Legally, a 'residence order' confers no rights on a parent that cannot be conferred just as effectively by some other order or in some other way without sticking crude labels on the parents or on the relationships that they have with their children."

• **It** is not actually a novel idea. Before The Children Act which introduced the new terms, those used were 'custody' and 'access'. There were some courts, mostly in Wales (then and still now more child-friendly in these respects), which gave joint custody to both parents unless there was some reason not to. Joint residence orders were, according to the brief by the Government, to be the normal order. It was only a Department of Health circular to courts, after the Act had been passed, that stated they should be exceptional. For years they were almost unobtainable, on Catch-22 grounds. To get a joint residence order you had to show such a degree of co-operation between the parents that you fell foul of the principle that there should be no order unless one was necessary. It was Dame Butler-Sloss, and all credit to her, who made it possible to get one more readily. But such orders are still in a small minority and her successors seem to be more backward.

• **Sir** Mark Potter, for example, thinks that children should have one home where they spend all their time if and when they are going to school and much of their leisure. This for him entails the parent who is there having a residence order. Now, Sir Mark is an expert in the law applicable to business and in his recent talk to Resolution on the family court he is now in charge of, he made no reference to any research, authority, writing or discussion (other than in legal rulings) on children or childrearing. But even if this is his view of how the lives of children should be organised, why should it not be written into the parenting arrangements for them, rather than giving just one parent a residence order?

• **The** upside of joint residence orders are that they tell the children and the parents that they both matter. Hence, they are important but mainly symbolic. But in certain situations they have important practical consequences. A parent without a residence order has no hope of social housing big enough for him or her and the children. With the important precedent reported in the last McKenzie (Holmes-Moorhouse v Richmond-upon-Thames LBC) there is the chance of getting a home large enough for the children to stay overnight or longer - and hence for a real parental relationship to continue. They also put you in a better position with schools, doctors, dentists, other official agencies and with employers over parental leave.

• **The** FNF conclusion is that, unless one of the parents is unfit, or not involved, then both of them should be given residence orders and parenting time orders should set out the times that the children spend with each of them.

John Baker



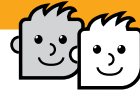
Branch News

Equality Grant



FNF has been awarded an exciting new grant which will elevate our campaigning and policy work to a new level. The grant, from the Equality and Human Rights Commission, totals over £30,000 and is intended to help develop the case for FNF's core policies, particularly shared parenting, in the context of discrimination and human rights. The resources will be used to produce a set of Shared Parenting guidelines to aid the judiciary and policy makers and to work with key local agencies and authorities to ensure that the benefits and importance of Shared Parenting are understood and implemented into key practices. See opposite page for yet another new grant coming FNF's way, and well done to Nadja for her vital work in securing both.

Both parents matter



support when families part

Garry Tinsley now has his feet very firmly under his Both Parents Matter desk. This project funded by the Tudor Trust, will be working in association with Southern Region CAF/CASS, children's centres and local authorities in the home counties stretching from Milton Keynes to the Isle of Wight.

Garry will be offering FNF's full range of parent support workshops and participating in a wide range of events hoping to support families going through divorce and separation whilst changing attitudes amongst those who work with them. The intention is to try and divert parents and carers away from the misery of the family courts and into more constructive ways of settling their differences.

McKenzie Friend Policy

At the last meeting of the FNF National Committee a paper on the position of McKenzie friends was discussed and agreed. There is still some work to be done but the main elements are:

- FNF will be starting one-day training courses for volunteer McKenzies, a simple introduction to the courts and what being a McKenzie friend, at its simplest involves.
- We will be publishing a code of conduct that FNF volunteer McKenzies will be expected to follow and which we can publish to the courts.
- We will begin to distinguish between 'Volunteer' and 'Professional' McKenzies when producing information for members.

- That a suggested menu of expenses be agreed for volunteers to avoid embarrassment, such as mileage rates and lunch allowance.

Families Need Fathers wants to offer members a range of McKenzie friends, from someone to simply sit with you in court and take notes, to a list of professional McKenzies who will offer support at an agreed fee from C1's to the Court of Appeal.

The full proposal paper can be seen at FNF Online at <http://www.fnf.org.uk/law-policy/mckenzie-friends/mckenzie-friends-open-page>

The details are being worked on now and we will endeavour to provide updates as they are agreed.

Your children obviously love you and want to share their time with you equally, so I am granting that



Furthermore, I am reducing your CSA payments to take into account your extra costs



Ha ha ha April Fool



McKenzie Friend Pressure Pays Off

Attempts to ensure that all litigants-in-person have the right to be accompanied by a McKenzie friend have made significant progress. As reported in McKenzie 78, FNF wrote to Sir Mark Potter, President of the Family Division, outlining incidents in which our members had been refused assistance in court, despite judicial guidance to the contrary, and expressing concern that such unfairness continued.

In response, Sir Mark Potter, President of the Family Division wrote to FNF Branch Development Officer Steve Stephenson describing the examples cited as "an unfortunate state of affairs" and revealing a plan to issue new Presidential Guidance on the admittance of McKenzie friends. The guidance was duly published and goes further than ever in confirming that all those appearing before a family court have the right to be assisted in all but the most exceptional circumstances. Sir Mark specifically noted that "the presumption in favour of permitting a McKenzie friend is strong" and outlined several common instances which should not be taken as grounds for refusal, including the confidentiality of the case, the McKenzie belonging to a particular

organisation or the other party being represented - a common objection encountered by McKenzies.

The President Guidance represents a great step forward for litigants-in-person, but also for the lobbying power of Families Need Fathers. Congratulations and thanks are due to those who have contributed, over many years, to ensure that those encountering the family courts get a fair hearing.

The full text of the guidance is available through FNF online at <http://www.fnf.org.uk/law-policy/mckenzie-friends>

Burton-On-Trent

The Burton-On-Trent branch venue has changed. The meeting will now be held on the third Wednesday of the month at Wetmore Whistle, Wetmore Road, Burton on Trent, Staffs, DE14 1SH. Forthcoming guest speakers will be Flint Bishop (local solicitors May 21st) and Alan Critchley (CAFCASS July 16th). Contact Fraser on 01283 537058

Local Funds For Local People

FNF has raised money to use for local branch events. The purpose of these is to generate interest in your branch, raise more money, raise awareness of our issues, or promote relationships between parents and children. Other criteria may also be taken into consideration. Some ideas for the cash:

- entering fundraising events such as a marathons
- producing materials to promote your branch
- holding events on Father's Day

To talk through ideas and suggestions, please contact Steve via the office or on steve.stephenson@fnf.org.uk



The Central London Branch Thames Boat Trip has been one of the most popular FNF events of recent years - contact your branch committee to find out what's going on in your area. Turn to page 17 for some ideas on how you can contribute to the FNF cause on Fathers' Day

Helpline Update

The Families Need Fathers National Helpline is one of the main ways in which members of the public are able to get assistance in dealing with the seemingly impossible situations they find themselves in. Although we have many calls from FNF members, the majority of our callers have only just heard of our organisation, often having been recommended by a friend, their Citizen's Advice Bureau, their GP, perhaps even their solicitor, or have found us on the web. Many have spoken to all kinds of organisations but have felt fobbed off. The feedback we consistently receive is that when they call us, they are relieved that at last they have found someone that has a real empathy and understanding for what they are going through.

As FNF becomes more well known, and as we have more referrals, the number of calls coming through to the helpline grows - in fact, they've increased by over 50% in the last two years. This is why, as ever, we need to find new volunteers! We have an excellent team in place, but the number of calls coming in almost always exceeds the number we can handle. If you would like to find out about how to become involved, or know of someone that could make a good candidate for the helpline, please e-mail me at alex.borchardt@fnf.org.uk.

I would like to extend a warm welcome to our new volunteers Steven, Peter, Brian and Vera and also thank Ruth Glover who has been taking daytime calls. We currently operate from 6-10 p.m. on weekdays, but are putting plans in place to provide full daytime and evening coverage, seven days a week by 2009.

Alex Borchardt, Helpline Coordinator

Leave To Remove: A Lawyer's (all too personal) View

By Gregory Richards*, formerly a commercial Solicitor, who successfully defended a Leave To Remove application involving his own children and now practises matrimonial law.

As an insolvency partner in a London-based global law firm, I was accustomed to advising clients on the many legal issues resulting from corporate failure. However, nothing I had experienced in my many years of commercial practice quite prepared me for the experience of being involved in this most shocking by-product of marital failure.

Leave to Remove (sometimes referred to as “international relocation cases”) occurs when, following divorce or separation, a parent applies to the English Court to permanently remove the children from this jurisdiction against the wishes of the other parent. Such an application may result from the wish to return home either to the parent's or a new partner's country of origin or a wish to emigrate for career or ‘lifestyle’ reasons. Many cases involve applications for emigration to far flung English-speaking countries such as New Zealand, Australia, South Africa and America.

It is estimated that approximately 1200 Leave to Remove (“LTR”) cases are heard by the English courts each year. That figure does not include the very significant number of cases in which one parent accedes to the other's wish to emigrate, having balanced their advised chance of success against the financial cost of litigation and its effect on the ability to fund any overseas contact which the Court awards. With the growth in immigration and international marriages, there will be a corresponding increase in LTR cases. From the many fathers I have spoken to, it is clear that the legal advice they receive is universally negative regarding their chances of successfully defending LTR and very quickly the only real issue in dispute becomes how much or how little contact the mother is willing to grant the father once she has emigrated.

Those fathers who unsuccessfully defend LTR applications (as high as 90%) face the permanent impairment or termination of their paternal role. At best, the price these fathers pay for accepting society's role of full time wage-earner rather than primary nurturer is to become ‘Disneyland Dads’: seeing their children perhaps once or twice a year during school holidays. At worst, a total “parentectomy” of the father from his children's lives is one of the ‘risks’ (as accepted by the Court of Appeal, which drives this policy of paternal exclusion) that has to be run if, following divorce or separation, the mother's happiness is to be assured by acquiescing to her wishes.

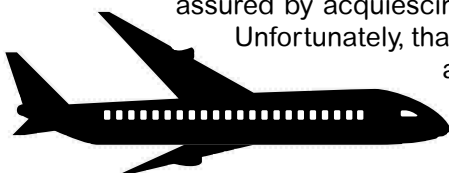
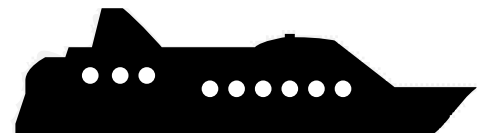
Unfortunately, that risk crystallises all too often.

That being said, in both LTR and the more usual type of disputed residence and contact cases which keep the courts busy, fathers do little to improve their chances of success. Many rely purely on the legal and procedural expertise of their lawyers (if they instruct them at all) to record their version of events. Instead, this should just be the means of recording and conveying the outcomes of the various non-legal strategies which should be used both in correspondence and in evidence to develop their case in order to redress the accepted bias against them. These litigation strategies were absolutely fundamental to the successful conclusion of my case. As a result, many fathers are on a hiding to nothing as the court hearing has no option but to play out as a one dimensional ‘he says, she says, CAFCASS say’ series of allegations, denials and counter-allegations. At best, such a hearing will miss the central issue on which the case should be run and, at worst, will lead to the judge, unable to determine where the reality in the parties' opposing positions really lies, retreating to the safety of legal precedent - in the case of LTR, this is never good news for a father.

Whatever your view of the interaction between LTR and individual personal (or rather parental) responsibility, I also believe there are a number of very significant problems with the way in which the family justice system applies LTR law. In my view, it is wholly unacceptable that these glaring deficiencies exist in such a serious area of law which is indisputably so biased in favour of the mother to begin with.

** Gregory Richards is the pseudonym of the author of this article, necessary in view of the confidentiality which surrounds Family Court cases and for commercial reasons. He may be contacted at LTR_familylaw@yahoo.co.uk*

You can read Gregory's full article on the systemic problems in LTR, including the absence of expert evidence, the role of CAFCASS, the need for independent representation of the children involved, the mother's advantage as primary carer and a consideration of LTR in the context of new partner relocation cases at FNF Online – head for www.fnf.org.uk/publications-resources/articles



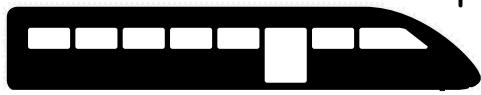
How I Did It

A One-in-Twenty writes for McKenzie



I am writing this article to give hope to any fathers who are hoping to block an LTR application.

My Italian wife and I were married in 1998. Throughout the marriage she was temperamental, difficult and prone to attacks of anger. Increasingly these were aimed at me and our children. The situation worsened considerably when she began to make unacceptable demands on me about the title of a house we are about to purchase. She began to threaten to divorce me and remove our boys to Italy if I did not agree to what she proposed. Eventually, she sent all our money for the house purchase, which was in an account in her sole name, back to a bank account in her parents' names.



I petitioned for divorce and made an application for sole

residence in December 2006. Her application for residence and LTR followed in January 2007. I only realised what I was up against when the Poel Group made a press release in February 2006, which stated that only one in twenty fathers successfully block LTR applications. Of the others, a depressingly large number lose touch with their children entirely. I cut out the article from the paper, mounted it on a piece of paper and wrote "I will be the one in twenty" on it.

The case seemed to take forever, with delays of months at a time for reports to be made. We were all living under the same roof, and my wife regularly denigrated me and my family to the children. She asked me to take the boys away for a few days. When I returned, I found she had invited her brother to visit and he had taken valuables from the house back to Italy. I counted off the time to the hearing in months, then weeks, and finally days. I started to wake in the early hours with a terrible empty feeling, as if the children had already been taken away.

The CAFCASS report went against me, recommending a sole residence order in my wife's favour. Although my wife had exhibited the same hysterical behaviour to the CAFCASS officer that I complained of as being damaging to the children in my witness statements, she attributed it to the tension of the case. I had complained of the untidy and often filthy state my wife, a non-working housewife, often allowed the house to fall into, and the CAFCASS officer blamed me for allegedly not being willing to do housework. I was unhappy with other aspects of the report but these two stood out. I made an offer of shared residence to avoid going to court, but my wife would have none of it. We had a week at court, which was extraordinarily expensive and the most stressful experience of my life.

I gave evidence over three days and could not speak to my legal representatives for the two evenings I was left on oath. Fortunately, my wife's case unravelled as the days went on until she was admitting, as the judge said "unguardedly", that she had never really been bothered about being successful in the application and that the children would miss me very much if removed. The final judgement was that LTR was refused and a shared residence order be made. I am happy beyond belief.

If my experience has yielded any advice for other fathers in the horrendous position of facing LTR applications it would be as follows. Dig in and be as involved with the children as you can. If that means remaining under the same roof as your wife until the hearing, then do it and put your own feelings to one side. Just avoid arguments and domestic incidents. I kept a diary throughout the divorce period and that was hugely helpful both to my solicitor in compiling witness statements, and to me in refreshing my memory before we went to court. Make sure you get witnesses who can testify to your close involvement with your children, particularly in the past, before the divorce proceedings began. Stress the strength of your own case, as well as the weakness of you wife's; my evidence about the quality of our children's current educational provision proved very persuasive to the judge. Think, think and think again about why you are opposing the LTR application and get it clear in your mind why you believe removal is not in the children's best interests. You cannot rehearse yourself for the witness box, but your sincerity should shine through and impress the judge.

Finally, I acknowledge the massive role of luck in all this. My wife and her family removed the money from the jurisdiction and intended to remove the children partly because they believed I had no funds to oppose them, as I am too well off to qualify for legal aid, but could never fund myself in a case like this. Someone close to me, who was horrified by my wife's behaviour and loves my children, stepped in to fund me and has been generous beyond belief. We were able to hire a good solicitor and a brilliant barrister, and this made possibly all the difference. Also, my wife did not really believe in her own case and never got properly organised so I know how different the result still could have been.

If you are facing an LTR application, good luck, be strong and be prepared to fight hard for your children. You may not succeed, as I was lucky enough to do, but you will always know, and one day hopefully be able to tell your children, that you were the best father you could be for them in opposing this unfair and unjust application.

Mr W January 2008



E-Petitions

Calling on the Government to hold an open enquiry into the failings of current legislation designed to ensure children's welfare through ensuring contact with both parents and extended families.

<http://petitions.pm.gov.uk/CAN-YOU-IMAGINE/?signed=c3da595.0b0e92>

PM's office response to petition calling for provision to be made for all victims of domestic abuse, regardless of gender.

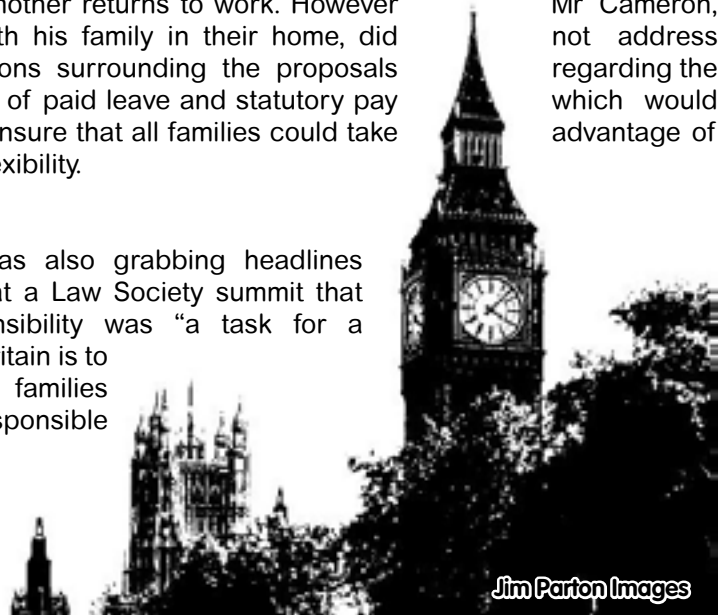
<http://www.pm.gov.uk/output/Page15219.asp>

Tories back flexible leave for new parents

The Conservative Party has adopted one of FNF's policy proposals regarding parental leave to care for newborn children which underlines Families Need Fathers' belief that both parents matter. Speaking before the Tory Party Conference, Mr Cameron outlined a model whereby parents would be awarded a collective pool of 52 weeks paid leave following the birth of their child. The mother would be expected to take the first 14 weeks off, with the remaining time to be split between the parents as they saw fit. This was in response to current Government plans to extend maternity leave from 26 to 52 weeks by 2010, with the option for the father to take the latter half whilst the mother returns to work. However being filmed with his family in their home, did the core questions surrounding the proposals increased levels of paid leave and statutory pay be required to ensure that all families could take the increased flexibility.

Mr Cameron, not address regarding the which would advantage of

Mr Cameron was also grabbing headlines as he insisted at a Law Society summit that parental responsibility was "a task for a generation" if Britain is to "build stronger families and more responsible communities."



Jim Parton Images

McKenzie 78 Updates

A date has yet to be set for the second reading of the **Human Fertilisation and Embryology Bill**, including the controversial amendment to remove a doctor's responsibility to consider "need for a father", to be replaced by a consideration of the "need for supportive parenting"

Also awaiting a date are **Richmond Council**, who are expected to appeal against the decision of Holmes-Moorhouse, which requires them to provide priority accomodation to a parent with Shared Residence.

The Office of Judicial Complaints has not upheld a complaint by Simon Eades that **Sir Mark Potter** acted improperly in providing a character reference at the trial of Barry Hyman, the barrister convicted of perjury and attempting to pervert the course of justice.

CSA Oddities #1

From the CSA Employee Contributions Form for Employers, as mused over by most of the FNF office.

1015488307	Total amount paid in tax year 06/07 to 07/08	£ <input type="text"/>	Total tax	£ <input type="text"/>
	Total amount of bonus and commission included in the earnings, paid in the 52 weeks before	£ <input type="text"/>	Total tax	£ <input type="text"/>

How much tax did **you** pay in the year 06/07 to 07/08? Answers on a postcard... If you can afford one.

Grandparents' Rights Coalition

On 17th March 2008 Families Need Fathers and six other charities wrote to the Government asking for legal safeguards to be introduced to help safeguard a child's right to family life should the parents become unable to provide care.

We are asking that the biological family be granted the following rights to safeguard a child's right to family life:

- The right to be automatically notified of care and adoption proceedings;
- The right to automatic involvement in care and adoption proceedings;
- The removal of the requirement for leave to apply (the need to ask the Court's permission prior to applying for residence, contact or special guardianship orders).

Why is this necessary and why should FNF members support this campaign?

If you, as a parent, die, what happens to your child? Some parents believe that if they have named a guardian in their will, this is sufficient to ensure that a trusted individual or family member cares for their child should they be unable to. Less than 50% of adults have written a will, but a will is no guarantee.

Mental illness, physical disability, a debilitating health condition, imprisonment or addiction problems can also lead to your children being taken into care. The grandparents' rights campaign is a little like life insurance for your children.

Within recent months, investigations into CAFCASS confirmed what many of us suspected or have witnessed, that placement within the extended family is not always being considered by Social Services, CAFCASS or the Courts. In 2007

a ruling by the Local Government Ombudsman was highly critical of Birmingham Social Workers for not considering grandparents as prospective carers despite a Court direction that they should do so.

The Ombudsman found that the Council failed utterly in its duty to the child. In late 2007 an appeal court ruling refused Social Workers' attempts to consider biological family as carers in an adoption case or to even inform the family that adoption was being considered.

The campaign started with a petition to the Prime Minister. 1,673 individuals and representatives of organisations signed that petition. The Government's response was as anticipated, contradicting itself and ignoring the key issues raised.

Don't forget to fill in and send back the questionnaire - either on your or your parents' experience of being grandparents - enclosed with your McKenzie.

There are 60,000 children in care in the UK. If you compare statistics for 1995 and 2005/6, the number of children under 12 months of age taken into care has risen by 75% while the number of newborn babies taken into care has risen by a staggering 259%. The Government sought to reduce this trend by introducing adoption targets for Local Authorities with financial incentives if the adoption targets were met. 30 Local Authorities shared £18,000,000 for hitting their targets, but unsurprisingly the number of older children adopted dropped due to an increased 'availability' of younger, more 'marketable' children. Thankfully the adoption targets have now



been abolished.

Six charities have now teamed up with FNF to write to the Government asking that they introduce the changes called for in our petition. John Hemming MP tabled an Early Day Motion (EDM1199) asking for MPs to support our paper 'Grandparents' Rights Petition – A Response to the Government'.

FNF has been involved in this campaign since December 2006 and is calling on all FNF Members to write to, or email their MP asking that they support EDM1199. By all means send them a copy of this article to explain why they need to.

To find out more about this campaign, and how to contact your MP, please visit www.thecustodyminefield.com/21.html. Children need care, but they also need to know they are loved and wanted.

Mike Robinson

CSA Oddities #2

From the Forums

"Just got a letter from the CSA reducing my monthly payments as a means of clearing the arrears that they have also kindly halved.

I think they have halved my arrears to limit the reduction in my maintenance to clear them. I am going to write to the CSA and insist that I clear all of the arrears by further reductions in monthly payments."

Ladybird, ladybird, fly away home...

Nick Barnard meets one FNF member to hear his incredible and tragic story and how, with the help of FNF and some McKenzie friends, things might just be coming together.

Few things can be worse than coming home to find your wife missing, your children gone too and your house vandalised. But for FNF member Ray Parrish, that was just the starting point of a journey that over the next year would encounter almost fifty sets of solicitors, two McKenzie friends, countless court hearings, brand new legal precedents and shocking revelations:

"I'd never handled the post before, but over the next fifteen days after they were gone I was coming home to check it and finding out some weird things. There was a letter from the Church of Scientology... Loan sharks... Credit cards... All these loans I'd never heard about... I never saw any of the money because we were living hand to mouth."

It would later transpire that Ray's wife had been claiming to live alone in order to receive benefits, and Ray was not on the tenancy agreement of his own house. Upon contacting his children's school, the situation became more mysterious and more traumatic; Ray's eldest son had been absent for six months - his younger brother's attendance had also been poor. With no clues as to their whereabouts, ineligible for Legal Aid and unable to afford any of nearly fifty solicitors he encountered (the cheapest coming in at £142 per hour) Ray reported his family as Missing Persons.

However, the worst was yet to come. In early July, with still no word from his wife or children, Ray received a call from the police informing him that his eldest son had been arrested for arson. Returning home, he found his house gutted, along with three adjoining properties.

"Everyone was screaming, fearing for their lives. Now I seriously needed to find my children, because I was terrified that something would happen to them... I couldn't understand what was happening... My whole world revolved around my family and I was searching, with no one to help me... I couldn't think of any reason why she should be able to stop me seeing my children... I was normal, in my eyes... I felt I'd failed as a parent, because I didn't understand how this could have happened. My children haven't been going to school, my son's been arrested for blowing up the house... My work colleagues had to stop me from going into that police station. I wanted to take the rap for it because I didn't want my son's future ruined."

Seven weeks after his family disappeared, and having tried and failed to enlist the help of Social Services, Citizens' Advice Bureaux and the police to help him find his children, Ray was referred to the Central London branch of Families Need Fathers. The next day, with the assistance of branch members and a loan to cover the application fee, Ray gained an order instructing the police, social services and a relative of his wife to attend court the following week and disclose the whereabouts of his children.

The relative attended and told the Judge that, whilst he knew where Ray's family was staying, he was concerned for the children's safety. This was despite there being no previous evidence or suggestion that Ray had been anything less than a hard-working and devoted father, let alone a risk to his family. Eventually his wife was called before the judge where, despite her admission of various misbehaviours, her insistence that contact take place in a contact centre formed part of the Judge's order. Bizarrely, she then immediately allowed Ray supervised contact for most of the following weekend.

Flitting between hotels and his father's house, Ray maintained regular weekend contact with his children, and secured a Penal Notice ensuring that his children's names could not be changed, although his wife had changed hers.

By the time the final hearing arrived in January this year, yet more unsettling facts had come to light; Ray's wife and children were now living with her new partner, by whom she was heavily pregnant. Furthermore, Ray had reason to believe that her new partner was physically abusing his children and the pregnancy had led to an air of neglect towards the older children.

On reflection, Ray says he wishes he had more vigorously cross-examined both his wife and the CAF/CASS official at the final hearing. His attendance at court was further aggravated by the fact that the McKenzie friend who had accompanied so far was occupied with another case, and a last-minute replacement had to be sought. Nonetheless, the Judge issued a Shared Residence Order which remains in place today.

However, this of course left a question unanswered. With his house in ruins, how

Continued opposite

... your house is on fire, your children are gone.



From opposite page

could Ray fulfil the expectations of a Shared Residence Order?

Fortunately, Ray's McKenzie was equipped with the details of Holmes-Moorehouse vs. Richmond Council (see McKenzie 78) which had been established as a precedent just days earlier. The judge summoned Ray's local council and gave them two weeks to give good reason, on the basis of the Richmond precedent, why they could not house him as a matter of priority.

No justification came and, on paper at least, it seemed like a good result for Ray. But predictably, as with so many struggles faced by FNF members, nothing ever resolves itself so simply. Weeks later Raymond is still waiting for his local authority to acknowledge his entitlement, let alone begin the process of providing for him. However, Ray is far from giving up and, still with the help of his local branch, is continuing his fight to ensure that he and his children can have the relationship that they deserve. McKenzie wishes him the very best and looks forward to reporting on his progress in future issues. **NAMES AND IMAGES HAVE BEEN CHANGED TO PROTECT IDENTITIES**

What is the Ian MacKay Fund?

Ian MacKay, who sadly passed away in February 2006, was a longstanding member of Families Need Fathers who helped many to keep in contact with their children.

The Ian MacKay Fund exists to fund the work of McKenzie friends, particularly to pay their expenses when assisting those who might otherwise go unaided, and has been used as such in Raymond's case.

If you would like to find out more about the fund, whether with a view to requesting its assistance for your case or another you have encountered, or to making a donation, please see <http://www.fnf.org.uk/members-area/ian-mackay-memorial-fund> or contact the FNF office.

Get Involved On Father's Day



**FAMILIES NEED
FATHERS**

June 15th is, of course, Father's Day and McKenzie hopes that wherever you are, you and your children get a chance to further your relationship.

But why not also make Father's Day the day you make an extra effort to further the cause of Families Need Fathers. Even if you don't usually consider yourself 'political' or an 'activist', just one day a year really is enough to make a difference - and what better day to roll up your sleeves? Here's some ideas:

- The traditional: write a letter or e-mail to your MP (find out how at www.writetothem.com or just 'YOUR MP', House of Commons, London SW1A 00A) or to your local newspaper. It doesn't have to be long or complicated - just explain what's happened, how it's affected you and your children and what you think needs to be done. You might only write once - but if everyone sits down on the 14th and does the same, then our message will be heard. Also make sure you call radio phone-ins, and make comments on internet articles, that are talking about 'dad's issues' on the day.
- Promote FNF - get some publicity materials from your branch committee or from the office (see noticeboard p16) and drop them off at your local CAF/CASS office, Contact Centre and CAB... Ask local shops if FNF can have a poster in their window.
- Explain to friends and family what FNF does (if they don't already know!) and encourage them to join up - both their subscription and their membership will help us to help parents in need.
- Take the first step towards something bigger - ask your branch committee if there's a position you can take on, or contact Alex Borchardt (alex.boarchardt@fnf.org.uk/02076135060) to find out about becoming a Helpline Volunteer.

And, whatever you do, **make sure to let them to know that you're a member of Families Need Fathers.** McKenzie looks forward to hearing about what you get up to.

Being part of the change doesn't need to take over your life - just once a year will help keep children and parents in contact.

Self-help Page

The FNF Self-help forum sees a huge traffic of emails of support and advice (an average of 878 posts per month during 2007) between members on a variety of issues.

The emails reproduced below are a selection of topics which have been under discussion in the last few months and may have been edited for content and privacy.



Days to nights?

Am I foolish to expect an increase in night-time care when my days are diminished once my child goes to school? I am currently off work for two days a week to look after my child as I only have one night stay per week. Do courts see the days as a positive involvement they should replace with nights?

Mark

There is nothing to stop you renegotiating with your ex contact days and times without referring it to the court. Remember you should have applied for shared parenting arrangement and orders are issued on the basis that parents need to be flexible so that a switch to contact at the weekends would not be considered unreasonable.

Anthony

My son is almost five and started school in January. I am still going through mediation and so far they have gone along the same route as my wife in that it is 'stable' for our son to be at home during the school week. At the last meeting I did get my wife to agree to reviewing the situation once my job and hours were stable and this I have done. My next move was to arrange a parenting plan mediation session for this week. If you can get to mediation this could be an option.

Tim

Your child has a well established predictable pattern of care with both parents so there is a history of shared care. There are lots of research papers and DfES papers that say children whose fathers are more

involved with their schooling do better - have a look at Time 4 Children on the CAFCASS website and at the case law on www.familylawweek.co.uk for some useful criteria to measure your circumstances against. You might settle for alternate weekends, pick up on Friday from school and drop off on Monday morning, and one night during the school week, and then attempting to increase this, perhaps via the courts after 6 months. It's so important to have the pick up and drop off at school, to be kept informed by teachers what's happening with your child and the school activities that your child is part of. It's so important that the child 'sees' both parents as appropriate and proper role models. I was lucky, it took years of effort, and it's a lottery in the family courts.

Mel

Solicitor, Barrister or McK?

I've tried the first two and overall have been left feeling I have not been properly represented and have not shared my view. I will be contacting a local McKenzie friend but wonder if being a litigant in person is just a cheaper way to not get the outcome I desire for my children?

Rhys

I think it's a question of what it is possible to achieve in reality. You or I may feel that one set of orders/conclusions is obvious but an experienced MK may feel differently, and advise you accordingly. One thing is for sure though; a solicitor or barrister may be less inclined to make a firm stand because s/he will be in front of that judge a great deal more regularly than you and may have aspirations in that field, which

you will probably not. Nothing stops you from having a MKF together with a solicitor in the background for a while to compare and contrast.

Jude

I have had similar thoughts about the degree to which I can be truly represented by people who actually have to develop very good relationships with the courts in order to preserve their long term career. It's a shame really, because it might seem more sensible to recognise and appreciate those who truly do their very best to achieve the best outcome. Then again, I may represent myself and through error or omission in process or protocol, royally mess things up... Decisions, decisions...

Simon

Success in family law is as much about presentation as knowing the law. But remember, there's a range of MKs, just as there are solicitors. Some have done law courses and are experienced at what they do, with many cases under their belt. Others are much less experienced. (Editor's note; some McKenzies charge for their services, but the majority do not) A few will give poor advice. Chat to anyone you're considering as an MK and ask about their experience and qualifications. And remember, whatever you decide about hired help, this is YOUR case, YOUR statements and so on. You decide what to ask for, what risks to take and what facts to present. Listen to what you're told, but remember, a hired hand is a hired hand and YOU are in charge!

Alexander

ALL EMAILS ARE TAKEN FROM FNF'S SELF-HELP MEMBERS' FORUM

The Charity provides two email forums for members: FNF Self-help - this forum is for members to read, offer and ask for advice about specific situations and FNF Chat - for general discussion of topics related to the issues our members encounter.

If you wish to subscribe to the Families Need Fathers email forums please email fnn@fnn.org.uk and enter into the subject/title bar: Subscribe forums. Please include in the body text your name (as registered with us) and your postcode - as a precaution to ensure that only bona fide members are involved and state whether you wish to subscribe to one or both forums.

JOIN THE FORUMS, CONTRIBUTE AND HELP ONE ANOTHER

McKenzie No. 79, May 2008, Summer Edition

So long, Sue

introduced by Jenny Cuttriss

I have been asked to write a tribute to Sue Secker, Support Services Officer, as her funded period of work for FNF comes to an end. What could I possibly say? So I asked others for their thoughts and here is a very small selection:

"Sue was my first contact with FNF. I remember the feeling that someone had given me hope and that I wasn't alone."

"I learnt a lot from my first meeting with Sue; to be child focussed, that it would be a long haul and I would need to be patient. She has always been honest and supportive and, although I didn't want to, helped me to see things from the other person's view point."

"Sue's part of the jigsaw of support was to keep me focussed on my child. Her softly-softly approach has worked, and allowed me



Sue in her natural habitat

to feel comfortable making the decision to work that way, when others had been advocating a more aggressive approach."

"I've been very impressed with Sue for her outstanding commitment to the issue of shared parenting."

"I first knew of Sue when it was suggested that the trustees should consider asking Sue to be a trustee. The reaction from some that we should have a FEMALE trustee was almost apoplectic. But she went on to produce the excellent FNF handbook 'For the Sake of the Children' and thereby launched the 'soft' side of FNF."

"Working fairly closely with Sue gave me an insight into her clarity of vision, her integrity, and her professionalism that have enabled her to develop what is likely to become one of our most useful inroads into the system, offering workshops with other agencies like CAFCASS."

"The FNF mission is very close to Sue's heart, because of her own various life experiences, and she is one of the most dedicated FNFers I have met."

"It is so encouraging that there are women like Sue who show so clearly that not all women are capable of such appalling behaviour and treatment of their children."

"Sue has helped me more than I could ever say in what has been the worst year of my life. She was the first person I spoke to when I found FNF - and has been a lifeline in a struggle that I very much believe I would have given up a long time ago if it wasn't for her invaluable help."

For me, I cannot sufficiently express my appreciation of Sue. Without her support, I believe our grandchild would no longer have a father and paternal family in her life. I don't think it is understood how much Sue has done for individuals on an almost daily basis. She has always been at the end of the phone, always ready to offer suggestions, support and consolation. Because I see her month after month at our local meetings, and at workshops where the people she has helped on the phone come, I've seen her in a completely different way to how many others do. I wish everyone could have seen the first grandfather who came to a workshop and was able to express his feelings for the very first time. His wife and son were there, and he 'only came because I'm the driver'. But the benefit? Enormous, I'm sure. I'm worried that what I can say in these few words is just too trite, too understating and not appreciative enough. What I do know is that many, many people will be at a loss when she is not around.

I first met Sue some seven or so years ago when I began working for FNF. She is known of course for the book she wrote for FNF, For the Sake of the Children. I have no idea how many copies of it we have posted from the office over the years, but I am convinced it has made a genuine difference to the quality of life countless separated parents and children have been able to enjoy through difficult times. The number of families who have been helped by that small volume is truly unquantifiable. FTSOC has also served as a wonderful advert for FNF, and for that we owe Sue an enormous debt of gratitude. My greatest pleasure in working with Sue has been watching and participating in the development of the FNF Parenting Support Workshops. I was lucky enough to attend the first workshop some years ago along with 10 or so other members. Sue was breaking new ground for FNF. The day was a journey of discovery for us all. A small group of fathers, most of whom met for the first time at the workshop, were able to share their feelings and their experience of separated fatherhood at a most profound level in a safe environment, and at the same time, as Sue writes on the FNF website page for the workshops, enjoy a few laughs. Sue facilitated the workshop with enormous empathy, sensitivity and a delicious sense of humour.

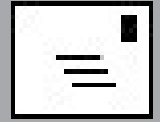
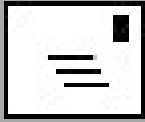
Since that first meeting, because of Sue's dedication and commitment, the workshops have gone from strength to strength. Working with FNF volunteers, Sue has developed a training programme for facilitators. There is now a team of FNF members who can take the initiative forward. The wonderful thing about the Parent Support programme is that it is not run by 'experts'. It is run, as Sue will most definitely assert, by parents for parents. This service that FNF is now able to provide is, in my opinion, quite unique. There is nothing else like it out there in the 'parenting' industry. We owe it all to Sue.

Sue is a great lady and an enormous asset for FNF. I'm pleased that she will now have time to spend with her family, but we are going to miss her. Perhaps it is my denial, but I still can't really believe that she is truly leaving. I certainly hope that one way or another she will be with us for a long time to come."

Peter Hill, FNF Support Officer



Sue with Nigel Planer at the launch of For The Sake Of The Children



Carers for the disabled

Does any member have experience of, or know of any case law relating to, a father's care of his daughter now aged 19 who, in legal terms, 'lacks capacity'? Care has been stopped on the grounds that she is a woman; I am (not surprisingly) a man and so it is suddenly considered inappropriate for me to care for her intimate and personal needs. Perhaps there are fathers who do care for their daughters beyond childhood who could respond as well. I believe that apart from denying my daughter her Article 8 and 14 Rights (and my own), the decision to cease all access on this sole ground may well be direct sex discrimination. I can be reached on paul.moed@virgin.net or 07917785047 and look forward to hearing from anyone who may be able to assist.

Paul Moed

Postnatal discrimination

My girlfriend gave birth recently to our first child, a healthy daughter. The wonderful occasion would have been perfect were it not marred by some outdated and hostile attitudes on the part of hospital staff towards fathers. My girlfriend went into labour at 2am and I duly took her to the hospital and held her hand whilst she was giving birth. The hospital staff seemed to treat me, as unmarried partner, with little short of contempt.

My girlfriend had had this wonderful plan of giving birth naturally but during labour she was begging for an epidural. As they were waiting for blood tests before they could give her one they offered her a drug which they said would stop the baby when born from breathing and when born it would have to be put in intensive care. I immediately said no but before I could explain that we had agreed the health of the baby was paramount, I was told sardonically by the anaesthetist, "You don't have an opinion." Luckily my girlfriend, despite being high on nitrous oxide (the only pain relief the hospital had available) managed to decline the drug. I held my girlfriend's hand and told her how

proud I was of her, and how well she was doing.

The delivery was successful. The midwife mentioned the importance of skin-to-skin with the baby and placed her on my girlfriend's stomach. Then my daughter was removed, dressed, and given back to my girlfriend. I asked to hold my baby but was told it was important for mother and daughter to spend some time together. The hospital staff brought my girlfriend breakfast and then moved her to a ward. I was told to bring all her luggage and birth pack items.

Wherever I went I saw reminders of my exclusion. Although staff let me stay, the door of the ward had a sign saying that visitors (including partners) were not allowed - only mother and baby. A nurse came and explained the registration and health visit requirements to my girlfriend. I had my hand on my daughter's chest when she came in, and she immediately shot a sharp glance down there, presumably to check I wasn't strangling the baby. After that she did not glance at me once. As she explained everything to my partner I felt like waving to see if the nurse could see me. After the nurse had gone, my girlfriend said she had felt like saying to her, "there's someone else here too, you know."

We told the midwife the baby's name but she obviously didn't believe that it could have my surname, so the baby was tagged Baby Baker instead. This has continued since leaving the hospital and we've received letters addressed to 'the parents/guardian of Baby Baker' - who is this Baby Baker? Hopefully once we get the baby registered this will change. Until then, I am being made to feel like I am not the father of my daughter.

Tomas Angelos

See pages 4 and 22 for a news story and a review related to Tomas' letter.

Stuart's story

I've been a member of FNF for two years now and have had lots of help, especially from Ruth Glover (what a

tremendous woman!) and would like to thank her, and the group I attend, very much. This letter is to tell my story and help me and others in this weird and cruel world. I have a beautiful five year old daughter who is the heartbeat of my life. Three and a half years ago I went before a magistrate's court to ask for contact with my daughter, who I hadn't seen in a year for reasons her mother still doesn't have to answer - strange. This went on for six months, costing a small fortune for me but nothing for her mother as she was on legal aid, as she is proud of telling everyone. We were referred to the county court on the basis that her mother was hostile to the contact and to me.

Contact was what I got, but supervised by my ex. If she couldn't attend, her sister would come, causing stress for me and putting a strain on the time I had with my daughter. Soon I was on my own in court as I could no longer afford solicitors, but the thing that got me through the first few months at the county courts was my daughter. Eventually I found out about FNF, and what a relief - how a small world turned into a large one in minutes! That's where I met Ruth and I'm glad I did. We went to the county court ten times responding to allegations thrown at me, but that was just a distraction from the real reason for being there. It was an eye-opener as to what is up with the system - her mother did and said whatever she wanted, then I had to prove that they were lies. I did, every time, but there were no consequences for her. What a great justice system.

Eventually I got some extra time with my daughter and I now have her every Saturday, every fortnight for a Friday stayover, alternate Tuesdays and Mondays during school holidays. However, the Tuesday and holiday contact has been disrupted for a month, so it looks like I'm going back to court. But because the case is closed I have to pay to reopen it - even though she is in breach of order and has full legal aid. Where is our justice system now?

Stuart Crane

The marriage debate - another member's view

I read with interest the article on 'The Marriage Contract' that appeared in McKenzie 78. I would like to add that signing a marriage certificate essentially signs away your basic democratic, and even human, rights and freedom as an independent (especially male) citizen in this country. It provides the 'right' for third parties, such as the divorce courts and Government, to essentially change the nature of the 'contract' at any time during its life, and without any consultation with the 'signatories'. Indeed, these parties essentially dictate the applicable terms and conditions of elements of this 'contract' at the point of its dissolution. If you are a dad, married or not, and even then if not co-habiting with the mother of your children, then other dictates will be applied by the likes of CAFCASS and the CSA (aka C-MEC); further eroding your rights and financial wellbeing. Where on earth does one find anything that comes close to such a bizarre 'contract' other than that determined under English family law applicable to marriage and children issues?

At present in this country, it is clear that if you are a man (and God-forbid a father) on divorce, or

separation, you stand to lose your hard earned wealth and children; even without any gratitude, let alone compensation, for cases of years of supporting your ex-partner. As a father you will face being forced to pay higher CSA-dictated financial contributions of 'child support' compared to that paid before separation; exorbitant amounts that deliberately and bizarrely will not take into consideration earnings of your ex-partner, or even the costs associated with travelling to earn your salary or trying to see your children! You will also face eviction from your home, as being male will preclude child custody defaulting to you and hence the loss of home that ensues. You will also potentially lose contact with your children if your ex chooses to preclude you from their lives, or moves far away, or even chooses to make false accusations against you of abuse; something that even if proved incorrect will result in no recourse to legal retribution or correction. You will also potentially face being made to feel guilty unless proven innocent, and to always face having to defend yourself, and to fight to attain your basic human right to have access/custody of your very own children, to fight to avoid alienation, and even face your ex being able to defy court orders.

All this merely to mitigate the risk of financial claims against the state being made by ex-partners, with you being treated as a walking wallet, and the risk of extraction from your children's lives as 'being in their best interests'! The end result? Demoralisation, depression, bankruptcy, maybe worse. Your crime? Signing that dotted line, and/or taking the disproportional emotional and financial risk of having a family.

Solution? Enforceable pre-nuptial agreements. But I regret that these are not implemented in the UK as it will take away the power of Government to dictate terms, the gravy train away from the legal profession, and the Treasury support function undertaken by current divorce law and the CSA. Better Solution? Don't marry or have a family under English law. Even better solution? Dispense with all English family law and child support legislation and start again with a clean slate. Take away the ability of Government and the legal system to incompetently interfere in relationship breakdowns, and put it to the people to exercise a democratic right to vote on future legislation relating to both divorce and parent/children issues.

Philip Harvey

FNF Member since 1997

Fathers to be Handbook: A Road Map for the Transition to Fatherhood

Patrick M. Houser

Creative Life Systems Ltd, 2007
ISBN: 978-1903789100

Patrick Houser is a grandfather, and has two sons- the second of which was the first ever waterbirth in the US. This has led him to being an international advocate for birth choices over the past 25 years, in addition to owning a natural health centre, and being a director of The Source Foundation, a UK based charity promoting health and choice from birth and throughout life. His extensive knowledge on the subject led to him writing the Fathers-To-Be Handbook.

THESE ARE PERSONAL VIEWS AND NOT NECESSARILY FNF RECOMMENDATIONS

Reviews

It appears to be self published, which has meant that it has been difficult to promote and is not well known, but should not be overlooked it is a little gem of a book.

Although the content of introductory chapters seems rather blindingly obvious at times, it is well worth persevering with as it is well thought-out and contains some very useful insight in to how to avoid many of the mistakes that fathers make in allowing themselves to be sidelined during birth and their children's lives.

I would recommend this to anyone that is about to become a father, as it contains a wealth of information and ideas about what is ahead of them.

Alex Borchardt

FNF Helpline Coordinator

'A Mother Apart: How to let go of guilt and find happiness living apart from your child.'

Sarah Hart

Crown House Publishing
Limited UK 2008
978-1845900946

This was a very moving book, well organised and useful. Every chapter has a theme, and it can be read in sections, with examples of individual situations. The overwhelming impression of positive energy and making the best of a bad situation, coping with grief, change and loss. If the word "parent" or "father" had been substituted for the word "mother", it would describe perfectly the experience of most FNF fathers and their families.

Andrew Casey

FNF Administrative Assistant

Small ads

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by John Baker

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(Paul, an FNF member, has 25 years HR experience in the private and public sectors and will donate some of his fees to FNF)

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McKenzie

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Summer Edition

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Nick Barnard

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Families Need Fathers

McKenzie Reader Survey

Families Need Fathers is a membership organisation - it belongs to you and McKenzie does as well. So, in issue 77, we asked you what you thought of your magazine. Almost 100 of you replied, and here's what you had to say:

- Reassuringly, 99% of you said you **read McKenzie*** when it comes out and over 90% of you find the articles interesting, informative and relevant.
- Four-fifths of you agreed that the **balance** between legal issues and parenting issues was **about right**
- Almost 70% of you wanted to see more **practical** advice and **legal** information
- Your favourite sections were **News & Views, Self-Help** and **In The Courts**
- Your least favourite sections were **Around The World, Housekeeping** and **Celebrity News**
- Surprisingly, 51% of respondents **did not** want McKenzie printed in colour

Some of your comments...

Please don't incur any extra costs from the FNF budget on pointless colour or any other production 'additions'."

"Size to me does not matter! It is the content which counts."

"If you put McKenzie online, it would need some serious jazzing up. I'm happy to read it online, but my interest would probably drop over time."

Be loud and proud on the cover. I cry when I read it, which is good. Now we need to make others who can see their children understand why."

"I am pleased to say that I find McKenzie is well produced and helps me to keep positive in a negative situation."

We'll be doing our best to act on all your suggestions and put McKenzie together just the way you like it (although we may struggle to fulfil the request to publish twice weekly!) Whilst most of you said you'd prefer to keep receiving McKenzie by post, some of you did indicate that you'd like the option to get it via e-mail. Fortunately, we're updating our database system here at FNF and soon we hope to be able to offer you the choice of receiving your McKenzie by post, e-mail - or both! Watch this space and we'll keep you updated. Many thanks to Stuart Young for his assistance handling the responses.

*If you were the 1% who answered 'not sure', give the office a ring next time and we'll be pleased to tell you whether or not you're reading McKenzie.

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