

Divorce in Collin County:

*Fathers fighting
for custody*

By MIKE NORRIS

Staff writer

Nearly five years ago in Plano, 37-year-old Tom Rouse began a hard-fought divorce that lasted more than three years. He first lost, but then won, primary custody of his then 3-year-old daughter.

The Neiman Marcus customer service analyst was so inspired by his victory that he wrote a survival guide for fathers who may face this same arduous test and has become active in a Dallas-based advocacy group, Texas Fathers for Equal Rights.

In Amarillo, 11 years ago, 35-year-old Kent Logan became a "visitor" to his three children - ages 8, 10, and 16 - after agreeing to what at the time was considered a standard visitation schedule of the first, third, and fifth weekends each month, plus a few holidays and summer weeks.

Logan didn't write a book. But he did form a group, Do Right Dads, to help make the case for fathers who pay child support willingly and promptly - only to see their children drift into estrangement and sometimes even turn against them.

Two years earlier in Austin, Eric Anderson, then 29, won primary custody of his four-year-old son. He was in court for two years.

Anderson went on to become executive director of the Texas Children's Rights Council, a group founded in the 1980s to provide advocacy

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in custody and abuse cases.

In his own way, each of these now middle-aged men have played important roles in the gradual expansion of fathers' rights in the often vicious and almost always personal arena of child-custody disputes between divorced spouses and parents.

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Going to court

Rouse, now 42, and Leslie Davis Rouse, now 30, were married on June 3, 1996. In July, she was pregnant with their daughter. He left in October, claiming his wife had "mocked and humiliated him," and filed for divorce in December of that same year.

Collin County District Judge Curt Henderson gave Leslie Rouse temporary primary custody of their daughter, Brooklynn, but did not issue a final decree for nearly three years as the dispute dragged on.

"I think Judge Henderson got tired of seeing us," said Leslie Rouse, a DPI Teleconnect customer care representative who lives in Garland.

But Tom Rouse mounted a determined court fight, mustering all available resources - rearranging his work schedule, calling on Texas Fathers for Equal Rights, and even obtaining a state home care license that he says was the only one granted to a man in Collin County.

"I really wanted to be the primary parent in joint custody," he said. "I wanted Brook from the start."

In his unpublished manuscript, Rouse recommends fathers seeking to become primary custodial parents equip themselves with a tape recorder, cellular phone, camera, video camera, spreadsheet and word-processing software, Internet access, and a fax machine.

He also calls for them to

guardians; to have a sympathetic lawyer; and "to have your children with you when you file for divorce - possession is nine-tenths of the law."

The justification for these combat-like logistics, he said, is that "courts are mother-friendly."

Fathers, he said, can expect charges of domestic violence, child abuse, and stalking; civil protection orders; police visits; and an array of other devices used to keep them from their children.

An independent report by a Dallas psychologist suggested that, while the Rouses' custody fight had its expected share of personal attacks and recrimination between the spouses, both parents did try to achieve the child's best interests.

"Both parents provided warm and responsive care of Brooklynn, as well as firm and sensitive discipline," said the report by Alexandria H. Doyle, Ph.D.

Another independent report by a social worker, Ed Rodela, came to the same conclusion.

In March, 2000, the divorce became final, and Henderson awarded Tom Rouse primary custody of Brooklynn, now 4, as well as primary control of her educa-

tion, although, in practice, the child's time is almost equally divided between her parents.

Ironically, although their current relationship is amicable, both parents believe they were disadvantaged in adjudication. Some issues remain unresolved.

Tom Rouse believes that, because of the historic belief that women are better than men at child-rearing, fathers must mount longer, more expensive court fights that are more difficult to win. He did not want a jury trial because of what he considers widespread negative stereotypes of fathers.

"I felt that keeping Judge Henderson on the case was in Brooklynn's best interest," he said.

Leslie Rouse, who also has a school-age son attending school in Garland, has accepted the terms of the divorce decree at least for the moment.

"There's a lot of good fathers and bad mothers out there," she said. "Sometimes Dad should have custody."

But she did not consider the process fair because, in her view, it did not establish a long-term solution.

"The arrangement is not stable - three days here, three days there," she said. "This is

very confusing for the child."

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**The dilemma
of 1-3-5 dads**

Five years before the Rouses' went to court, Kent Logan signed on as a "1-3-5 dad" - so called because visiting privileges in standard divorce decrees are on the first, third, and fifth weekends.

Since then social customs, laws, and general public attitudes toward fathers' roles in families have changed, markedly in some cases.

The 1-3-5 visitation agreement has not necessarily fallen into disrepute.

"We definitely need a better solution," said Logan, but courts have begun taking a far more flexible attitude toward custody arrangements.

The first-, third- and fifth-weekend schedule, which also usually includes some holidays and time in the summer, is generally thought now to reduce the quantity and quality of children's time with their fathers.

At the same time, it paradoxically creates the idea of

the "Disneyland dad" - the one in charge of fun, while mothers face the more difficult - but ultimately more meaningful—decisions in discipline, education, health and socialization.

"This worked to the detriment of the entire family because relationships were neither deep nor rich," said Richard Warshak, Ph.D., clinical psychologist, author, and family expert with University of Texas Southwestern Medical Center in Dallas.

Ironically perhaps, Republican-dominated Texas is now home to what Warshak describes as a "pretty liberal" statute that more closely approximates what Warshak describes as "shared parenting," which he considers a better approach.

Shared parenting has been the Rouses' arrangement since their divorce in March of last year. Although it may lead to occasional scheduling problems, they agree that it does divide their child's time roughly equally between them.

"In shared parenting, neither parent should have more

than two-thirds of the child's time," said Warshak, author of a forthcoming book, "Divorce Poison: Protecting the Parent-Child Bond from a Vindictive Ex" (ReganBooks), which he is scheduled to sign on October 20 at 3 p.m. at Barnes & Noble Booksellers at the corner of Preston and Park roads.

The acceptance by courts of shared parenting over, or at least in conjunction with, traditional visiting agreements marks a path along which fathers' rights have gradually expanded.

But, Warshak continued, "it is a mistake for parents to focus on numbers of hours because children don't experience it that way."

He conceded, as Leslie Rouse suggested, that very young children experience "confusion" when moving between two different homes.

This, said Warshak, "is one of the prices that children pay when parents get divorced."

But he added that scheduling problems are not, by far, the most serious threat to

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the mental health of children.**

"What seems to hurt children the most is if they're exposed to intense and personal conflict between parents," he said. "In general, the research has found that children can adjust to two homes after divorce."

Domicile restrictions — a relatively recent development in child-custody law — may help non-custodial fathers.

These restrictions generally require minor children to be kept in one geographic area while growing up. They can be used to prevent spouses who remarry or change jobs from taking children to other states.

Kim Giacomello, a former Plano resident, found this out when she remarried and wanted to take her children to Arizona. Collin County District Judge Nathan White's response to her request was to shift primary custody to her former husband, Gary Daniels, under the domicile restriction to which she herself had agreed.

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**Fathers' rights:
mixed results**

Shared parenting came a bit too late to help Kent Logan, now a 46-year-old

auditor and former high school math teacher. The youngest of his three children, who was eight at the time of the divorce, is just now getting to know her father in a meaningful way.

He regrets becoming a 1-3-5 dad. He soon realized that for him it was more desolation than Disneyland.

"I didn't get the visitation I felt that I should have," he said. "I didn't have the money, and it takes a court battle to get it."

"My daughter's almost 20 now, and we're just beginning to mend the loss of contact we had," he said. "Anytime you have one parent being the main person in the lives of children, then they're going to lean toward that person."

But such heart-rending stories of broken families do not always align themselves well with the realities of politics. It is one thing to recognize a need; it's quite another thing to pass a law to address that need.

The fathers' rights movement has had a mixed record so far. It faces criticisms from feminists, opposition from non-custodial mothers, and legislative defeats.

Feminists like Trish Wilson consider it little more than an attempt to expand "male privilege" at the further expense of women.

Wilson argues that women do not downplay the impor-

tant role of fathers but that "the fathers' rights lobby," which would include such groups as Texas Fathers for Equal Rights, "gives all non-custodial fathers a bad image" by focusing on such material concerns as how women spend child support.

In addition, groups formed to protect non-custodial mothers' rights espouse many of the same interests. Mothers Without Custody, for example, works to strengthen the role of the non-custodial parent in visiting.

In the Legislature, the fathers' rights movement is acting on new fronts, with mixed results.

A bill that would have required custodial parents to make child-support purchases by using a debit card — and thereby establish a reliable record of payments — did not get out of committee.

Opponents considered it an unnecessary intrusion into the finances of custodial parents and a possible source of new bureaucracy.

How child-support funds are spent by custodial parents, usually mothers, is a key point among fathers' rights groups.

Legislation that would have increased penalties for false accusations of domestic violence and for failing to produce children at times scheduled in divorce decrees did

not make it into law this year.

But efforts continue, and similar proposals may have a better fate in future sessions.

Not far from the Legislature in Austin, Eric Anderson has been custodial parent for 14 years. He continues his work for the Texas Children's Rights Council.

The bitter dispute over

custody fades into the past. His almost-grown son has new concerns.

"Now he basically wants the car keys and to go hang out with his friends," said Anderson. "He's 17."

Despite the criticisms, setbacks and continued predominance of mothers in child custody, fathers have made

"enormous inroads," said Anderson, who won his own custody battle in 1988, when it was still fairly rare for victories by men.

"I actually believe we've kind of turned the corner," he said.

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