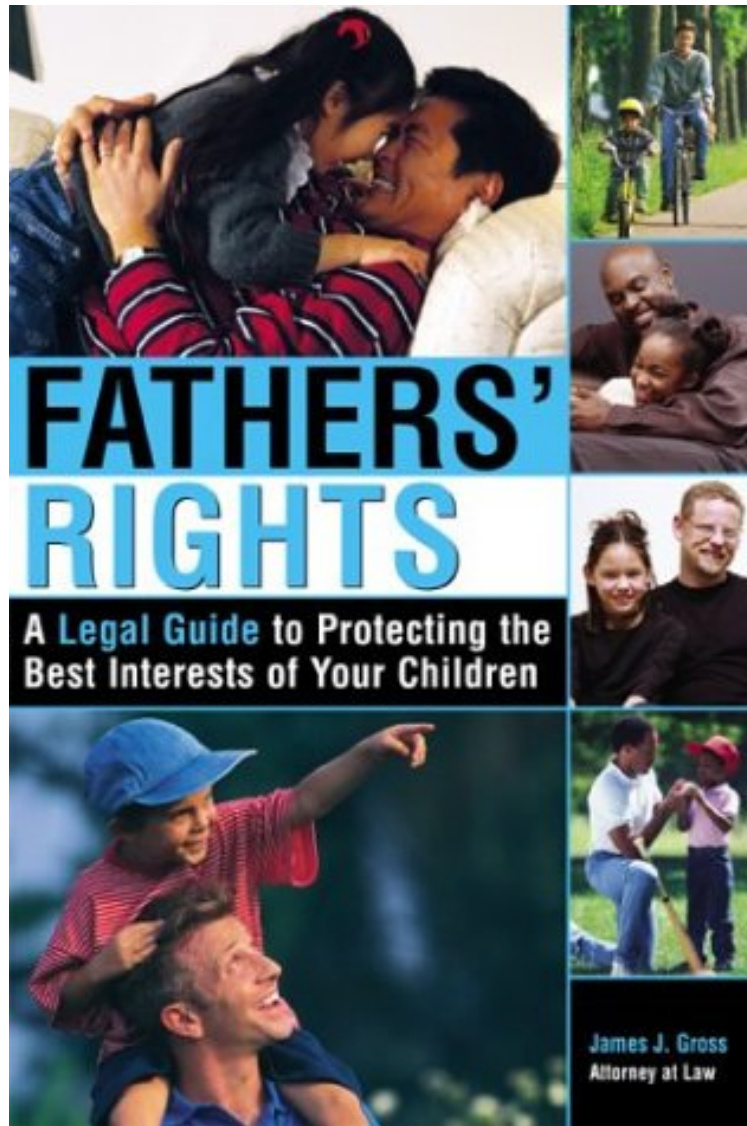


Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children

James Gross

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James Gross : Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children before purchasing it in order to gauge whether or not it would be worth my time, and all praised Fathers' Rights: A Legal Guide to Protecting the Best Interests of Your Children:

5 of 5 people found the following review helpful. A must-have for fathers By Masaling I bought this book before retaining an attorney. Other than helping me choose and communicate effectively with my attorney, this book was

particularly helpful with the following issues. Mr. Gross first emphasizes the importance of separating legal issues from non-legal issues, and the importance of establishing an effective support structure accordingly. We need an attorney for legal issues, but we need friends, family, and therapists to address your emotional issues. This may sound so obvious, but I found myself from time to time tempted to mix those different sets of issues. This book has always reminded me to "put legal and financial issues in one basket (for my attorney), and emotional issues in another basket (for family and friends)." Thanks to this book, I have been able to receive great legal help from my attorney without wasting my money addressing issues that do not even help my legal case, and receive unconditional emotional support from my friends. In the majority of the book, Mr. Gross explains how the family law system is set up, what options are available, what to expect in different legal procedures, what to consider when we take an action, etc. His explanations are very clear and succinct. He provides a lot of concrete pieces of advice (what to do and what not to do). The range of topics he covers is very wide; so, I encourage you to look at the table of contents. In this light, this book was extremely helpful educating myself with the legal system, and made my communication with my attorney very effective. I found his appendices very useful. While there are a lot of commonalities across the country, different states approach/view the same legal issues differently. Mr. Gross fills this gap in Appendix C: Custody Presumptions and in Appendix D: Custody Factors. Last but not least, I like the author's tone of voice. He acknowledges emotional issues that divorcing/separating fathers go through, and his sensitivity is reflected in the overall tone of the book. If you're "freaking out" about custody issues, this is one of the best books that I strongly recommend.

0 of 0 people found the following review helpful. Life Saver By Rob Anonymous I am in the process of fighting to keep custody of my son after recently transitioning out of the military and this book was huge help. I am representing myself due to the logic that no one cares more about the outcome of my case and the well being of my child than I do. Plus my son is only 5 and I will probably be in and out of court until he is out of college so I might as well at least attempt to learn and understand the system. My copy of this book is highlighted, tabbed, and dog eared throughout. There is so much useful tactical information as well as templates and samples to go off of. Bottom-line I highly recommend this book to any father out there that is willing to the distance to be a dad.

0 of 0 people found the following review helpful. lots of good advice for the dad battling in court. By Anthony Davenport Definitely took the sting out of the custody battle..lots of good advice

Under the laws of this country, both parents have joint custody of their children unless a court orders otherwise. Whether you are divorcing or separating from the mother of your children, you need to know your rights as a parent-or face losing them. *Fathers' Rights* takes a constructive and easy-to-understand approach to working within the legal system. This book walks you through the stages of litigation, from filing your pleadings, to presenting your case, to the judge's decision. In addition, it explains laws regarding child support enforcement, parental kidnapping, and other regulations designed to protect your children. *Fathers' Rights* answers many of the emotionally charged questions you may be asking yourself right now. Questions like: - What can I do if my wife has falsely claimed that I abuse my children? - Can I still see my children if my wife tells me to move out? - Do I still owe child support if I am not the biological father? - Will I only be allowed to see my children on weekends? *Fathers' Rights* is your guide to maintaining an important role in the lives of your children without putting them in the middle of a courtroom battle.

About the Author James J. Gross is co-founder and managing partner of the law firm of Thyden Gross and Callahan in Chevy Chase, Maryland. He has practiced family law and business law for 29 years. He has represented hundreds of fathers in their efforts to secure their parental rights. Mr. Gross received his Masters of Laws in Taxation from Georgetown University in 1982; a Juris Doctor from the University of Missouri in 1975, and a Bachelor of Science in Chemical Engineering from the University of Missouri in 1970. Mr. Gross was named as one of the top divorce lawyers by *Washingtonian Magazine* in 2004. He appears frequently on television and radio in connection with fathers' rights. He is the coauthor of *How to File for Divorce in Maryland, Virginia and the District of Columbia*. Mr. Gross writes the columns *The Daily Answer Desk* for *DivorceNet.Com* and *In the Courts for ShagMail.Com*. He is the Maryland legal expert for *DivorceInfo.Com*. Mr. Gross teaches divorce classes at the Montgomery County Commission for Women and presents programs for other family lawyers through the Montgomery County Bar Association. He was recently a co-presenter on *Shame as a Tactic in Divorce Trials* at the Association of Family Courts and Conciliators. He is on the Board of Directors of *Affiliated Community Counselors, Inc.* and the *D.C. Capitols Track and Field Club*, and was formerly the President of the *Metropolitan Washington Mensa*. He is a member of the Family Law Sections of the American, District of Columbia, Maryland, and Montgomery County Bar Associations. Mr. Gross is a trained mediator and collaborative lawyer. He is the co-founder and president of the *Collaborative Family Law Society of Maryland, Virginia, and the District of Columbia*. Mr. Gross, formerly in-house counsel to *Satellite Business Systems* and an attorney with the *Federal Communications Commission*, is rated AV by his fellow attorneys-the highest rating in *Martindale-Hubbel*. He lives with his wife, Holly; two sons, Jake and Nicholas; mother-in-law, Alison; niece, Megan; Golden Retriever, Cowboy; and Himalayan, Xena; in Potomac, Maryland. He may be contacted at tgclawyers@smart.net or by calling 301-907-4580. Excerpt. Reprinted by

permission. All rights reserved. Rights and Responsibilities You Have as a Father Excerpted from Father's Rights by James J. Gross 2004

Fatherhood, by law, gives you certain rights and responsibilities with respect to your children. You do not need a court order to obtain your rights as a father. You already have them. They are guaranteed by the United States Constitution and the laws of your state. As a father and as a parent, you have the right to:

- ? be an influence in your children's lives;
- ? be involved, interact, and spend time with your children;
- ? love and nurture your children without harassment from the other parent;
- ? decide where your children will live;
- ? participate in the parenting of your children;
- ? see the school and medical records of your children;
- ? attend and participate in your children's extracurricular activities;
- ? have custody, care, and control of your children;
- ? select your children's school and determine whether it will be home, public, or private;
- ? determine your children's religious faith and practices;
- ? determine your children's doctor, dentist, and medical treatment;
- ? follow your own beliefs and parenting style during your time with the children without interference from the other parent;
- ? guide and discipline your children; and,
- ? decide what is best for your children.

The law provides that fathers also have certain duties, obligations, and responsibilities. You have the responsibility to:

- ? support your children;
- ? provide your children with food, shelter, and clothing;
- ? see that your children obtain appropriate medical treatment;
- ? provide access to your children's schooling; and,
- ? protect your children from harm and neglect.

Children also have rights. Children have the right to:

- ? be fed, clothed, sheltered, and educated;
- ? be loved, protected, and nurtured;
- ? be free from the conflict of the parents;
- ? not be used as a spy, messenger, or bargaining chip;
- ? be a child without having to make adult decisions;
- ? inherit from their parents;
- ? have the benefits of relationships with the extended family of both parents;
- ? have two parents—both a mother and a father;
- ? spend as much time as possible with each parent unless a parent is unfit;
- ? develop a meaningful relationship with each parent; and,
- ? enjoy and love each parent without disapproval of the other parent.

PATERNITY Fatherhood may be legally established by court order through a paternity case. In a paternity case, the court determines the father of a child and decides custody, visitation, child support, and related matters. You do not necessarily need a court proceeding to establish that you are the father. If you are married and a child is born during the marriage, there is a legal presumption (in most states) that you are the father. In some states, that presumption is irrefutable. In those states, this can result in certain paradoxes. For example, if you are the biological father, but the mother is married to someone else, you will not be the legal father with rights to custody or visitation. On the other hand, if your wife has a child by another man during your marriage, you are presumed to be the legal father. You could then be required to pay child support for a child that is not yours biologically.

If you are trying to assert your rights to custody and visitation with your child and the mother disputes that you are the father, you can ask the court to decide. Paternity cases also arise when a mother is trying to obtain child support from a man who claims he is not the father.

Paternity Disputes You can avoid a paternity dispute by voluntarily admitting paternity and signing an affidavit of paternity declaring that you are the father. The affidavit is signed by you and the mother, in front of a notary, and filed with the court. Once the judge signs the affidavit, if required by state law, that will make you the legal father. This is true even if you are not the biological father.

If you do not believe you are the father of the child in a paternity case, you have the right to ask the court for a paternity test. Genetic testing has replaced blood tests for determining paternity. This is because blood tests could rule you out as a father, but could not say with certainty whether or not you were the father of a child. Genetic testing can pinpoint the father with almost 100% accuracy. The testing is done by using a cotton swab to take a saliva sample from the mouth. You can hire a private lab to conduct the test or you can request that the court order a test. The cost is around \$500 and sometimes insurance will pay a portion of the cost.

You have the right to ask the court for a determination of whether or not you are the father. You have the right to obtain custody of your child, whether or not you are married to the mother. You can also ask for a hearing to determine if you are fit to have custody. If you are the father of a child and the court grants you custody, then you will have a say in how the child will be raised. The mother of the child must consult and discuss with you the various parenting issues concerning the minor child, such as religion, education, medical treatment, and other decisions. You have the right to be informed as to the activities of the minor child and you have the right to participate in those activities. You also have the right to see medical records and school records.

If you do not wish to have custody or if the court does not grant custody, you still have the right to have visitation with the minor child. Visitation will depend on the facts and circumstances of your case. For example, if you have not had a relationship with the child or you have no experience in raising children, then you may have to start with supervised or graduated visitation. If you are the father of a child, you have the responsibility of supporting that child. If the mother has custody, then you will be required by law to pay her child support. Some states make child support retroactive to the date the mother files a petition in court for child support. Others allow retroactive child support to the date of birth and medical expenses for the birth.

If you are declared the legal father of a child, your name will be recorded as the father on the child's birth certificate and your surname will be entered on the birth certificate as the child's surname. If you are declared the legal father of a child, you are the guardian of that child. That means you have the right to consent to medical decisions, marriage, or enlistment in the armed services before the age of majority, invest money belonging to the child, and/or take legal action on behalf of the child.