

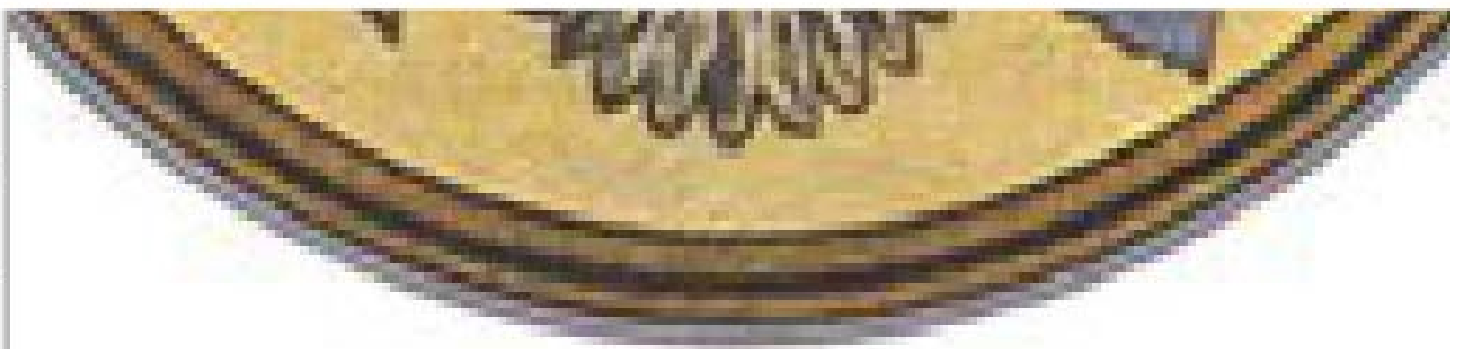
Pro Se Guide to Family Court



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D a v i d A . B a r d e s

David A. Bardes



Pro Se Guide To Family Court

By David A. Bardes, *Sui Juris*



*"All tyranny needs to gain a foothold is for people
of good conscience to remain silent."*

Thomas Jefferson

www.proseguidetofamilycourt.com

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DEDICATION

To my beloved mother, Eunice Hood Bardes, whom at my age of twelve when I was dragged in front of a family court judge who asked me which of my two parents I no longer needed, I turned my mother into a visitor and started the greatest regret of my life. Mom, I am sorry that I did not tell the judge that I needed both parents. I had unknowingly joined the first generation of family courts victims in the United States.

To my beloved children, DAB and APB, to whom by no fault of their own joined the second generation of family court victims in the United States. I am doing everything I can to prevent your children from becoming a third generation of family court victims.

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Chapter 1

Introduction

*“The whole concept of putting families on trial
sends out all kinds of alarms.”*

1.1 Why Did I Publish This Book?

I published this book because I wanted to make a deal with you. The deal is if you buy this book, I'll give you what you need to get what you want from Family Court and when you get what you want from family court, you will never need to go back to Family Court and that will give me what I really want, which is to starve the family court to death by removing all the litigants that they need to destroy in order to earn their living, thus the economics of removing all the litigants from their courtrooms will bring the entire family court industry racket, including all the minions that feed off the litigants misery as well, come crashing down to the reality of self-destruction. My ultimate goal, therefore, is to destroy family court one book at a time.

1.2 What I Need You to Do With This Book?

What I need you to do is to put your ex-spouse in "check," not checkmate, just "check," but from a position of check, you can peacefully negotiate what you want from your ex-spouse and with that, never go back to family court.

I am not going to teach you how to become a lawyer, as that is impossible because you are not a lawyer. What I am going to teach you is how to be *Pro Se*, because that is what you are.

To do this, I need to teach you to be a family court *Pro Se* litigator and then I can teach you about the concept of "Constant Litigation." Almost the entirety of this book is dedicated to family court litigation, and then in the last chapter I conclude by exhausting the concept of "Constant Litigation." To start off, however, I will give you the gist behind "Constant Litigation."

1.3 What is "Constant Litigation?"

Constant litigation is the ultimate tool that a BAR lawyer possesses and it is what makes them so effective in court. And that is, that if the lawyer is made unhappy in court, they can come back to court with the same issues, albeit changed slightly, and litigate the case again and

again, almost without end, for years if they want to, until either the judge gives them what they want to make them go away, or they will force the opposing party to raise the white flag of surrender and negotiate a settlement to the issues of the matter. Lawyers can do this because their cost of litigation is zero; they don't have to pay lawyer's fees as they are lawyers.

What I am going to teach *Pro Se* litigants, is to become family court litigators, so they too can practice constant litigation and keep coming back to family court again and again, for years if they have to, until the judge finally gives them what they want, or their ex-spouse will raise their white flag of surrender and negotiate a favorable settlement. Better, the cost of litigation for a *Pro Se* litigant is also zero, just like the lawyers, because the *Pro Se* litigant does not have to pay any lawyer fees.

Even better is the fact that lawyers take a risk from practicing constant litigation too frequently as their law licenses can be put in jeopardy due to certain lawyer rules that minimizes constant litigation. The *Pro Se* litigant, however, has no law license to lose, as their right to engage any court in the United States was granted for life when they became full citizens at the age of 18. A *Pro Se* litigant can never be prohibited from using any court the United States.

With that said, there are some limits that the *Pro Se* litigant has to follow in practicing constant litigation, they face the fact that a judge, if they sense constant litigation, can just dismiss their case, and advise their fellow judges to dismiss any other cases that are subsequently submitted.

The other limiter is the risk, albeit slight, that a judge would send them to jail on a contempt charge, even though they cannot technically be in held in contempt. A family court judge could get away with this because family court judges can do anything they want, as they don't follow any rules or obey any laws. I go into great detail to explain all of this throughout this book.

The reality is that whenever parents enter family court there is always the risk that the judge could send them to jail for anything they want to,

and this applies not just to the men, but also to the women as family court judges enjoy sending the women to jail just to make an example of them and to balance out the numbers. So just as you risk crashing each time you fly in an airplane, you always risk jailing each time you go to family court, even though the risk is small, it always exists.

As long as you enter the family court with good faith and clean hands, which I go into detail to explain, you will be able to minimize your risk of being jailed. But since the risk cannot be reduced to zero, I have added a supplemental chapter at the end of this book that details how to prepare and survive in jail should you ever find yourself going to jail.

Now that I have made this brief introduction and provided some caution, I can proceed to turn you into a family court litigator. Only after reading this book, including the final chapter on constant litigation, can you then make the decision, weighing in your desires to be a fit and able and involved parent in your children's lives, and mixing in the costs, benefits, and risks, to be able to make a final and informed decision to proceed to meet your ex-spouse on the field of battle that we call the family court.

Lastly, early on in the book, I provide three existing alternatives to even going family court in the first place, with the hopes that you and your ex-spouse can use either of them to save both of you from family court. Otherwise, this book is dedicated to those that are going to have to prepare for family court, but just in case when you finish the book you decide then more than ever, that you really don't want to go to family court, I'll give you yet another and final way to avoid family court.

1.4 What does "*Pro Se*" mean?

Being *Pro Se* means that you are going to court by yourself and without the representation of a lawyer, but if you ask a judge, or a lawyer, or search the internet for what the means, you will find the common definition of "*Pro Se*" {Pro'say} as meaning "For Yourself." This is incorrect. Unfortunately, in my youth I had to take six years of Latin and Roman history, so I had a feeling that definition was not right. My Latin dictionaries did not help much, other to confirm that "*Pro*" and "*Se*" in that order violated the rules of Latin, so it can't really have a

valid translation. I had to do deep searching of historic Roman texts to find the usage.

I can now say with some certainty that the term “*Pro Se*” is used only once in Roman texts. It was used by the famous Roman orator and poet, Ovid. In Roman times, lawyers were called “orators” as orators had to be highly educated and effective at communication. Ovid may be considered Rome’s most effective orator as he stood up in court and argued his cases in complete and accurate poetry stanzas. The words and stanzas he spoke followed all the rules of poetry. He wowed and shocked the court to such an extent that Rome exiled him to a far away island for the rest of his life. While on the exiled island, Ovid wrote the bulk of his poetry for which he is so famous. It is in one of his well known poems that he used the term, “*Pro Se*.”

In Latin, the only time you can break the rules is to make a joke as in satire. In the sentence where “*Pro Se*” is found, it was used satirically and without getting too deep into the context, Ovid defined “*Pro Se*” as meaning “trying to hold on.” It is ironic that the United States courts use “*Pro Se*” because that is exactly the situation *Pro Se* litigants face in the courts. A judge once started my hearing by saying, “Mr. Bardes, are you representing yourself *Pro Se* today?” All I heard in my brain was, “Are you trying to hold on today?” And that was just about right.

The correct Latin term that really applies to self-representation is “*Sui Juris*” {Sue’ee Jer’us}. In Latin, the definition of *Sui Juris* is “To me, to me, belongs the truth.” In Latin the use of repetition means emphasis, so the double use of “to me” connotes importance. Today, the meaning of *Sui Juris* translates as, “I am a citizen and I claim all my rights, especially to the Bill of Rights, and I call upon the court to recognize my rights and privileges that comes with citizenry.” The correct use is made orally in court at the beginning of a session by stating your legal name, then claiming *Sui Juris*, as in, “I AM David Bardes, *Sui Juris*.” This puts the court and all officers of the court on notice. The use of “I AM” sends the notice that you are claiming your rights to exist as a natural citizen born with all your natural rights. Also, your pleadings can be signed with “I AM” followed by your name then the use of title of *Sui Juris*. This use of *Sui Juris* faded out long ago and is no longer in use. The only

place you might find the use of *Sui Juris* is somewhere buried in your state's constitution. As an example, the last sentence in the South Carolina constitution states, "*All citizen's deemed Sui Juris.*"

My advice to you is to not use *Sui Juris* unless you want to have some fun stumping people that have no idea what it means; just embrace the use of "*Pro Se*" in court and in your pleadings. As an example of the spoof usage, I titled the byline of this book, "By David A. Bardes, *Sui Juris.*" I did this because I thought it would make a potential buyer think that I was somehow a lawyer to which they would buy the book thinking I was a legal authority when in reality I am a *Pro Se* litigant as well. If I fooled you I am sorry, my motivation was, as I have already explained, is to help you and your children from becoming further victims of family court, as well as to bring down the entire family court enterprise racket. I caveat this spoof by saying and proving to you later on, that I do have 8 years of legal study, 4 years of family court litigation experience, and 5 years of federal court litigation experience including taking a case to the United States Supreme Court. I go into further detail on my legal knowledge and experience later on and also explain why a BAR lawyer could never write this book and why, but I want assure you that what I have been able to do *Pro Se*, is freely available to you because both of us are equal before the law as being *Pro Se*.

1.5 Assumptions Supporting This Book

I assume you love your children and want to be viable and very much involved in their daily lives. I have to make this assumption because there are many parents that don't want to be involved and aren't willing to do anything and everything to remain viable, but the fact that you are reading this book means you have great interest, so my assumption is grounded.

I also assume you are going to be a *Pro Se* litigant and that your ex-spouse is going to have a top flight attorney in court. This book has the greatest use if you are going to square off with an attorney. Going up against a lawyer is very difficult and I explain why, but you will be able to disable the lawyer for short periods, and if you keep up the attacks, you may disable the lawyer for the rest of the hearing. I will explain how

to attack the lawyer in later chapters and will give you examples in the litigation chapter. Otherwise, if your ex-spouse is going to be *Pro Se*, then that is great as it gives you more advantages and a quicker path to being able to get what you want from family court.

1.6 Who is the Target Audience of this Book?

This book applies to many different audiences and I will explain, but first I want to state that this book should be the first thing you read and also the last thing you should have to put to use. The reason why it should be the first thing you should read is to either convince yourself not to put yourself into the jurisdiction of the family courts in the first place and how to avoid the family courts altogether. This book does provide and describe three options you can use as alternatives to family court.

The reason why you should use the information in this book as the last thing you should put to use is that you may have no choice, as you have no money for a lawyer and you are shortly going to be subject to the family courts and are going to have to represent yourself as *Pro Se*.

With that said, this book first applies to those divorced, or soon to be divorced, couples with or without children and with or without current legal documents governing their behavior. Next, the book applies to all married couples that have strong marriages as both husband and wife and have no plans to divorce. These folks face a grim 50% chance in having to rely on this book in order to save themselves, their property, and their children's futures. One of the greatest fears married couples face, but will not admit, is that they already know of the horrors they would face should their marriages fail. Therefore, this book can both cause enough concern to make sure their marriages do not collapse, and at the same time give them comfort that should the worse happen, neither will go anywhere near family court, but rather seek the available alternatives to family court.

The next group that can benefit are young couples engaged or may become engaged to be married. This book can allow the couple to discuss in advance what they would do in the event of the termination of their

relationship. When fears are alleviated both can commit more fully to each other and with more certainty.

The last group that this book can help is for every graduating 12th grade high school student upon becoming a United States citizen at age 18. This book can cause pause before engaging in casual sex as it teaches the responsibility that is mutually consented to by both the women and the man when they proceed with sexual intercourse for pleasure that leads to parenthood. There is just no such thing as a 100% effective contraceptive. The risk of becoming parents is always present.

1.7 Distribution of this Book

I choose to publish this book from just about everywhere books are found including all the new techno-book gadgets. The book is available as a paperback book that can be ordered from Amazon.com, bookstores, major online and offline retailers, wholesalers, and distributors, libraries and academic institutions. The book is also available as an electronic eBook for immediate downloading to a computer or computerized book reading device. I do realize that many *Pro Se* litigants may only find out about this book the night before their family court hearing, so I want them to be able to buy it immediately and read it cover to cover, staying up all night if necessary, so they can at least go into family court with some weapons and shields.

The book has a main website at www.ProSeGuideToFamilyCourt.com, but since I don't know when you are going to read this book, the website may or may not be in existence. If it is, I have posted links to all of the available purchase locations. I also may have a Facebook page, in which you can check yourself.

The cost of the book should be the same at all locations and that is a retail price of \$19.99. The only exception should be some eBook outfits as I am not really sure what they will charge. Some publishers and providers can run their own pricing as most of the money goes to them. I can't tell you who has a special as I don't know myself. Either way, thank you for your purchase and the royalty.

1.8 Do *Pro Se* Litigants Have Any Power in Family Court?

Yes, *Pro Se* litigants have a number of advantages and disadvantages in family court. I explain them throughout this book. I will give you two of the advantages and one disadvantage, but will explain them and the others in more detail later on. The biggest advantage a *Pro Se* litigant has is that they are not bound by restrictions that otherwise hamstring a lawyer and the judge. The second is that they are allowed to make mistakes. Both of these advantages will become relevant later on in this book. The biggest disadvantage for *Pro Se* litigants is if the judge and lawyer sense that they have a good handle on the basics of law and litigation, they will be more than happy to ratchet up the pace and difficulty of litigation so as to stay well ahead of them in court. When they do this I will tell you how to slow down the pace of the hearing.

Knowing all this, I say over and over again in this book that your use of the knowledge and your successful use all depends on how and when you use it and only in a humble and sincere manner. If you go into court and proceed to beat the judge over the head with your new found knowledge thinking you can overpower him and give him no choice but to rule in your favor, you are going to face some grim results very quickly.

1.9 Why Did I Write this Book?

Lastly, I run the risk of being accused of what is called the “Unauthorized Practice of Law.” The reason why I may be the first *Pro Se* legal scholar that has published a *Pro Se* guide to family court is because I no longer have the fear of being accused of the unauthorized practice of law, or being accused of providing legal advice. In fact, I welcome the opportunity to push any claims straight to a jury, be it either civil or criminal, where I will be more than happy to explain why I had a duty to my fellow citizens and why I was willing to take the risk in the writing and publishing this book. However, I did take seriously my duty to provide accurate legal information and advice so as to minimize damage. I also refuse to insult you by saying you should use this book at your own risk. If I did not expect and want you to use this book I would not have published it.

1.10 The Unauthorized Practice of Law

In publishing this book I run the risk of being accused of the “Unauthorized Practice of Law.” The legal term, “Unauthorized Practice of Law” is not clearly defined anywhere. Some states have written laws describing that it is illegal and punishable in a court of law, but the ultimate definition depends on the final ruling of a judge, and that is nothing more than a judgment call at best. That only presents the paradox that a *Pro Se* litigant has no way of knowing in advance that they were breaking the law, because the law is not defined until the judge says it is and then it is too late to correct or avoid. The other idiom is the statement that only lawyers can practice the law, so *Pro Se* litigants can’t be accused of practicing the law because only lawyers can do that, and we are not lawyers, we are just *Pro Se*. I trust you see the idiocy.

If you take the unauthorized practice of law to the extreme, the only citizens that cannot provide legal advice are the lawyers themselves. Once a lawyer becomes a lawyer, every word out of their mouth can be construed as legal advice, to which someone might use to injure themselves, and to which the lawyer’s liability insurance may be put in jeopardy of suffering claims, and even further, the lawyer’s license to practice law can be placed in jeopardy. This causes lawyers to be hyper sensitive to the point of sending you rejection letters or documents of representation to protect themselves, or to demarcate their safe ground to provide legal advice respectively. When a *Pro Se* litigant talks about legal issues to another *Pro Se* litigant, all you get is a conversation between two citizens and it just can’t be construed as much more than free speech.

1.11 Why a Lawyer Could Not Write this Book

You are getting the idea why lawyers could not write this book and that is a lawyer, if they wrote this book, would break their own laws and put themselves, their personal net worth, and that of their law firm, and their license, at jeopardy of being subject to great risk and injury.

Further, I could not even have a lawyer edit this book to confirm or correct the legal advice that this book presents. To that end I have

taken great efforts with my duty to present the legal information with care and accuracy. My actual volume of legal knowledge extends beyond that presented in this book, but I did not take the risk of providing something that might put you in jeopardy of causing injury. I provide the details of my legal knowledge in a later section.

The only disclaimer I am going to shine a light on, is that you are going to have to read this book first, then go research your state laws to see if it applies to your state. Family court is a state law and there is just no way a single book could address all the variances by state.

1.2 My Legal Experience

To explain the source of my legal knowledge and experience, I am going to have to tell you my sad story. We all have our sad stories, I have heard so many that it still hurts to hear them, so I apologize to make suffer through mine. My story is rather hard to believe and I will give you a link at the end to prove it to yourself. I am going to summarize large portions of the story for simplicity purposes because you did not buy this book to read about me, as I have said the purpose of this book is to help you and your children.

White male married to my high school sweetheart in 1990. Two children, a boy and a girl, born in 1994 and 1995 respectively. By 1997 I had worked my way up my career path to where I was working on the 101st floor of the World Trade Center with a billing rate of \$425 an hour. My corporation flew me around in the corporate jet to important meetings. In 1999, my wife had an affair with the nannies husband and ran off to South Carolina with the nannies husband and my children. She sued me for a divorce. Divorce granted and signed in early 2000. In June of 2000, I resigned from my position in New York City and started my own company in private practice. Once I was profitable I moved the company to South Carolina so my children would have a father in their lives.

My child support was high but the child support is only a fraction of the total costs. When you add the child support, health insurance premiums, insurance deductibles, non-covered health care costs, dental, vision, school tuition, school expenses, recreation, travel and vacation expenses, my annual child support costs came out between \$40,000 and \$50,000 a

year. My business netted after payroll, expenses, and taxes, about \$60,000 a year. My finances were razor thin, but I consumed very little for myself. My business was highly leveraged as I had to borrow a lot of money to start, but I never missed a payment for my children.

In 2004, South Carolina accused me of being in massive child support arrears. I proved to South Carolina that I was not in arrears and with the proof they believed me, but it was not enough to stop the many child support enforcement abuses that bear down on parents accused of arrears. No sooner had I proved that I was not in arrears, did the abuses begin. My driver's license was cancelled, vehicle registration cancelled, my business licenses were revoked, passport revoked, ability to travel stopped, ability to fly on an airplane or rent a car denied, car insurance cancelled, life insurance cash values stolen, the arrears were reported to the three credit reporting agencies, business creditors warned, all credit cards cancelled, debit cards and checking accounts shut down, business accounts closed, loans called in for payment, mortgage recalled, vehicles repossessed, property seized, flow of any funds between private and governmental agencies intercepted, garnishments begun, liens and levies against real and physical property, stocks and bonds and dividends stolen, the IRS was called in to abuse with their joyful actions, and the list goes on and on, but you get the picture.

The most damaging of the abuses was the reporting to the three credit agencies as well as the business credit agencies. In reality, our government is not allowed to collude with private enterprise for the mutual destruction of citizens for pleasure, it is illegal. I had a thriving business with two employees and when my working capital was cut off and the loans called, I had no choice but to lay off my employees and liquidate the business and all financial and real assets in the attempts to minimize the loss. It was not a matter of going broke but rather how deep in debt I was going to end up. After nine months of brutal punishment, I was living in my van and I was hundreds of thousands of dollars in debt. When the van was seized I lived in tents. South Carolina eventually turned off the abusive actions in the ninth month, but it was all too late by then.

My depression, that started when my wife ran off with the nannies husband, took two years and lots of medication to crawl out from, came back with a furious roar when I was wiped out. I was broke and disabled with mental illness. I could not get a job because when the employers ran my credit report and they saw I was hundreds of thousands of dollars in debt, they would usher me out of their building without saying goodbye. Worse, since I had been a business owner, the stink that resulted from having to explain complete business failure as a result of child support arrears, scared off the bravest of employers.

I was very unhappy, so I threaten to sue South Carolina for my injuries. When they realized that I had a valid case, they put up tremendous defenses. Another problem I had was that three states were charging me with child support and I had no money for any of them. Federal law only allows one state to charge child support at any given time, but states don't like the federal government and have no interest in following their laws.

Pennsylvania, North Carolina, and South Carolina all had me in arrears and that triggered five trials in three states, as well as all the order to show cause hearings, pretrial hearings, pretrial conferences, and contempt hearings. I had to drive back and forth between all three states to attend their trials and hearings. It is from these hearings that I gained my initial legal experience. I had also joined the online support groups of *Pro Se* litigants and I began to do advocacy work helping other parent's with their cases, based on what I had confirmed worked in family court.

I was then chosen as the state leader of the fledgling family rights movement which at the time was in its infancy. When South Carolina figured out about my advocacy work and seminars and speeches, they put me under investigation by the SBI and a state car was parked on my street which followed me everywhere I went. My picture was posted at the state offices and the guards with machine guns were advised to be on the lookout for me. They knew I was preparing a lawsuit to seek redress and remedy for the loss of my business and income.

In my second trial in South Carolina I was declared not guilty and the judge ordered South Carolina to sit down with me around a conference table to come to a settlement as to my losses without having to go to court. This enraged the state prosecutor and a death threat was issued against me. I did not know it at the time, but the judge's order to settle my claim without filing a lawsuit effectively became my death warrant. The state prosecutor had no plans to sit down with me, and instead he planned my death by involving a crooked family court judge and the jailers were prepared to carry out my murder the minute I entered the jail. The judge's order to sit down with me were ignored and instead a third trial was scheduled.

During this third trial and on cue, the crooked judge ordered me to jail six minutes into the trial. I never even had the chance to present a defense. Four sheriff deputies carried me off to jail. Once in jail, I did not even make it to my mug shot when I was pulled out of line and taken away and locked into the jail's hypothermic torture chamber. After nine hours they lowered my body temperature to 88 degrees, my heart stopped beating, and I stop breathing. When they confirmed that I was dead, they left me in the chamber for two days so they could explain my cold body to the coroner. Jails use hypothermic torture chambers to kill inmates so as to create a death explainable by the coroner as death from heart failure. A guard was posted at the door to the torture chamber to make sure no one rescued me. The risk the jailers faced was discovery by sheriff's deputies as they carry the authority of the sheriff and have full access to any parts of the jail.

However, on the morning of the third day, two nosy deputies did discover me, they entered the cell and when they detected no signs of life, they performed CPR. Somehow I came back to life and the deputies carried me out of the cell and took me to an old part of the jail, laid me on a mat and covered me with a blanket.

At few hours later, at 6:00am, the new guards arrived and found the torture chamber empty which caused a panic. They asked what happened to the dead white guy in the yellow shirt. No one knew. Worse, I was in street clothes, had no ID arm band, and no one even had a mug shot so they would not even be able to identify me if they found

me. All they knew was that I was wearing a yellow shirt. All they knew was that a dead white man in a yellow shirt somehow came back to life, passed through a locked door, and then disappeared into thin air. The jail alarm was sounded and the entire jail was locked down and headcounts taken. No sign of the dead white guy. After two hours of panicked searching, they found me on the mat on the floor behind the shower. When they pulled the blanket off, sure enough they found the yellow shirt. The problem was that I was no dead.

I am not going to go into more gory details because it would take a whole book to explain them all, but when the guards found me and I was not dead, they took me to a secure area and began killing me again. I was barely alive and was drifting in out of consciousness. They beat me by kicking me in the head and torso. When that did not work, they grabbed my head and repeatedly slammed it against the cement floor, hoping that I would die. When that did not work they hit my chest with three tazers at the same time to try to stop my heart. They had to have me die by heart failure. Eventually I was taken to the 4th floor hospital where the medical staff took their turn killing me. They knew that no one has ever re-warmed from a low of 88 degrees and lived to tell about it, so they denied any medical care and they just waited until I was dead. I was on the floor, was deeply bruised and bleeding, I had suffered permanent brain damage and did not know my name, was body was partially paralyzed, I had little feeling from the waist down, my chest was expanding in and out as my heart was in great stress, my body was convulsing with seizures, and my body temperature was 88 degrees so there was no way I could re-warm without experiencing a massive coronary event that would actually tear my heart apart.

Only by direct intervention by a powerful God did I not die. I spent a week in the jails hospital and I was still alive. It took my family 78 days to negotiate my release but not without a jailhouse contract stating that I would not sue anyone and that I would leave the State of South Carolina forever. I was threatened with jailing again if I set foot into the state. They would not let me rent a car or buy a bus ticket; they actually followed me to the airport and made sure I left the state on an airplane.

Not being deterred from being effectively executed by a state, I moved to North Carolina and began helping *Pro Se* litigants again but this time in both North Carolina and South Carolina. I also began deep legal studies because I wanted to take South Carolina to the federal court for the demise of my business, the torture, and the violations of my Constitutional Rights. After a year of legal study, I wrote a federal lawsuit, attached all the evidence, and filed my case in federal court.

Federal Judge Patrick Duffy, the head federal judge, and Judge Robert Carr, the magistrate, never even read my lawsuit; they just dismissed the entire lawsuit claiming a federal law that allows judges to ignore inmate's lawsuits. I filed my objections and said look, I am not a prisoner and I paid my filing fee in cash, and further if you had even bothered reading just a few of the first pages you would have seen that I was not incarcerated.

It was not until years later did I learn of Judge Duffy's deep involvement and leadership in the state's Ku Klux Klan, which dated back to his indoctrination in the South's premier paramilitary and state militia training camp, the Citadel. The Citadel places its graduates in leadership roles throughout the country to undermine the United States. Judge Carr's discovery was his suffering from early onset Alzheimer's and mental illness which causes him to have psychotic episodes in the courtroom. In my first hearing with him he completely lost all control and went on a ten minute psychotic rant which when it came to an end he had to wipe the drool from his face and had a hard time even knowing how to proceed with the hearing. The whole episode was recorded to the record.

I thought that I had discovered fraud in the family courts when in reality the family courts were just the training wheels for the federal courts where the abuses are far more massive. When the judges realized their mistake, my case was allowed to proceed. The amount of legal knowledge needed to litigate in federal court was intense and it involved having to deal with over a hundred pleadings, which required me to write over a thousand pages of law, case law, and legal arguments.

I took my case up through the federal district court, to the federal appeals courts, and then finally to the United States Supreme Court. On March 25, 2011, the United States Supreme Court, all nine justices, held a meeting to discuss my case and then they voted and denied to even hear my case. I was devastated. No one, not even the Supreme Court had any interest in stopping the states from the outright murder of their citizens, and certainly not the ones that took a courageous stand against the family court and social services departments.

The lessons I learned and the five years of intense litigation in all the federal courts, left me with enough information to write several books. This book is the first, in what will be a series, regarding the dismal condition of our courts and of our laws, that our nation suffers under. It is from this point in my story that I write this book.

I am disabled with permanent brain damage and have not one but two serious mental illnesses (Depression and PTSD.) Roughly half of my life's memories were wiped clean by the torture and physical trauma. I also have all kinds of physical and physiological problems. My neurologists allow me to take two powerful amphetamine tablets each day. The pills, which are just legal speed, fully turns on my brain and I have full access and use of my brain for about 4 or 5 hours for each pill. Two tablets a day gives me almost 8 hours of brain use. I can only take them for three weeks a month as the last week my body needs to flush the toxins so I don't build up tolerance. The mental illnesses reduce all of my physical strength to where I spend my day between my bed and my computer chair. When the pills wear off, I am not much of use to anyone, I just sort of sit in my chair and stare at the wall and not much of anything goes on in my head.

Again, I am not looking for sympathy as we all have our sad stories. The reason I needed to tell you what happened to me, from my direct family court experience, the advocacy work on other *Pro Se* litigant's cases, and the five years of litigation experience in federal courts, is to support the source of the information I am going to give you in this book. I can save you a lot of time and reduce your suffering, if you will accept what I tell you and put it into use for your betterment.

Further, I am not saying that I am a legal expert, or somehow on par with a lawyer, but I am saying that I can litigate in family court against lawyers and in federal court against several lawyers, all way to Supreme Court. If I can do that without formal legal training, with only half a brain, you should be able to do more. I am just not that unique. I was able to find out just about everything, except the Supreme Court information, on the internet and in the libraries.

Lastly, I want to bring up the subject of mental illness. Mental illness is one of the most commonly used attacks used in family court. Even the mere alluding to it can cause enough doubt in the judge's mind and be used in your disfavor. All family court judges are highly trained in watching and recognizing even the slightest behaviors of the most common mental illnesses. I am going to bring up the issue of mental illness and describe ways to deal with the accusations. I now have twelve years of knowledge in mental illness and since I am mentally ill myself, I have the right to speak with some authority even despite not being a doctor or therapist.

The fact is that even if you are mentally ill, you can still be a fit and loving parent worthy of custody and responsibility of your children. My ex-wife and my doctors will fully testify that I am very much mentally ill and yet am a fit and able parent to my children. In other words, if I can overcome great odds, so can you. If you are going to be accused of mental illness in court, you need to get a psychology evaluation and bring it into court to address it before it hurts you. That is the only sure fire way to dispel any attacks against you. I discuss mental illness later on.

Now to prove to you that my sad story is true, you can log onto the Supreme Court website at www.supremecourt.gov and search the docket using my last name where you can view my case docket to confirm that I had submitted a petition to the Supreme Court as *Pro Se* and without any formal legal assistance. Further you can go to my personal website to view and read my petition and torture story which contains all the proof and gory details of the torture. I can't tell you if my personal website will be up when you read this book, but if you search my name followed by "torture story" you should be able to find it as it is published

at multiple websites. The petition may also be found at the many BAR websites, so you may be able to find it yourself.

1.13 A Note on My Ex-Wife

The last thing you want to hear are stories about someone's ex-wife, especially if you are going to rely on this book knowing that I am someone's ex-husband. I have to get a note in on my ex-wife to dispel any bias that you may have early on. My ex-wife, whom I will call Kathy, and I did full outright holy war in the family courts for six years across three states. She won the war. When I got out of jail after having been tortured almost to death I raised the white flag of surrender. I put up a good fight but the whole being tortured and executed thing was just too much. These states play a nasty and deadly game. Thankfully, Kathy met me on the field of battle, I surrendered my colors and gave her my sword and she gracefully accepted my surrender and the war was over.

Kathy and I agreed to do something called "Shared Parenting," which is one of three alternatives to family court which I address later on. I became of such value to her and the kids, that when I reached low points dealing with brain damage and mental illness, she literally kept me alive by feeding food to me once a day. When it got really bad, she hospitalized me. Kathy is my best friend and biggest supporter. We have been practicing shared-parenting for six years. We have no custody agreements, no support orders, and we will never take our issues to any family court ever again. I wish you could hear her go off on the family court. If you think I am hard on the family court you should hear what she has to say.

If you can find her, you could ask her if all the information in this book is true, and if she so responds, you will get that confirmation and much more. In the supplemental chapter on shared-parenting, you will also read the testimony from our teenage daughter as to her take on shared-parenting from a teenager's point of view.

1.14 The Increasing Numbers of *Pro Se* Litigants

There are so many *Pro Se* litigants in the courts today that the judges are complaining that we are clogging the docket and slowing down the efficiencies of their already slow courts. The reality is that any United States citizen 18 years or older, has the Constitutional right to navigate any and all state and federal courts. Even the United States Supreme Court is on record admitting that more must be done to accommodate the increasing number of *Pro Se* litigants.

Otherwise, or until something happens to the better, the courts treat *Pro Se* litigants as some sort of toxin. Even the federal court judges will rarely read a *Pro Se* complaint before they just dismiss it and put it through the shredder and move it off the docket.

Family court is no exception and in many ways worse. The family court judges don't even have to listen to you, even though they are required. They don't care about your Constitutional rights because family court itself is unconstitutional, so you can't expect any sense from nonsense so the Constitution will be of little or no use to you.

Worse, if you file a pleading with the clerk and if they know you are *Pro Se*, your pleading takes the slowest path to the judges file if at all and rarely will the judge even open the case file before your hearing, while a lawyer's pleading will be delivered to the judge and the judge will be prepared to address in the hearing.

I go into the reasons why family court is not fair to *Pro Se* litigants and I do go into great detail as to how and when you can get the attention you need from the judges. I go even further into the subject to make you think like a family court judge so you can see yourself from the judges perspective.

1.15 Use of Legal Terminology

I present a large amount of legal terminology and I only have room to provide a paragraph or two of definition, knowing perfectly well that it takes a 300-page law book and a whole semester of a law course at law school to just get the legally correct definition. Worse, sometimes I have

to use a legally incorrect definition to get the major part of the meaning to you in the fewest number of sentences; however, when I do I walk it back and correct myself.

I try to not use too many legal terms in this book because family court is a loose and informal court, so the body of terms is somewhat manageable. I present the legal terms you do need to know just before I need to use them as I progress you to the litigation skills you are going to use in court.

In that effort, I have chosen to use some military terms to describe what goes on in family court. I use terms like, battle, fight, attack, defend, tools, weapons, defend, deflect, etc. It is just easier to explain and easier for you to understand.

1.16 Litigation Defined

In Latin, the word litigation means “burning brightly with fire.” It is an appropriate definition, as litigation is what you do in a live courtroom. The back and forth of the organized battling between plaintiff and defendant with the judge as the referee is called “litigation.” My job in this book is to prepare you to do battle and litigate in the family courtroom. You are going to have to learn to be a litigator especially when you do battle against a highly trained lawyer.

I go into great detail why you can’t over power a family court lawyer, but you can attack and disable and retreat, then reload and attack again and disable for another brief period. I describe this battle technique several times and go into actual roll playing in the litigation chapter.

1.17 Pleadings Defined

Pleading is a Latin term meaning “opinion, or asking in opinion.” “Pleadings” today is a generic term referring to any documents that you submit in favor of your case, either to the clerk or to the judge in court, to the extent they are your “opinion, or opinion in asking” for something. Putting your requests in writing, in pleadings, is far more effective than doing so orally in court, simply because a pleading should be addressed

and answered in some fashion. Family court judges are not that great at honoring *Pro Se* pleadings, but at least you will have them in the record and if unaddressed you can use to reverse or appeal an unfavorable ruling.

You have to bring extra copies of your pleadings into court and specifically ask the judge if he has received your pleadings at the beginning of the hearing. Thankfully, there are only a small handful of pleadings that can be used in family court and I dedicate an entire chapter on which ones you can use, how and why, and what they should contain.

1.18 Adjudication Defined

In Latin “adjudication” means “from/to the truth” or in modern use, “the matter has already been settled.” As an example, if you get a speeding ticket, and you went to traffic court and paid your fine, the matter has been “adjudicated” that is there is nothing left to do. Another example is if you are charged with a crime, had a jury trial, and served your time in jail, when you get out you can claim the matter has already been “adjudicated,” that is your debt to society has been paid and you are now free. Lastly, you can say that your family divorce, custody, and support issues are “adjudicated” in family court. I use this term frequently in the rest of the book.

1.19 Burden of Proof Defined

“Burden of Proof” refers to one or the other parties to a lawsuit or criminal proceeding. The party that has the “burden of proof” is the one that has to present evidence and testimony to an extent to either “prove” yourself innocent or the other party “guilty.”

Most of us have a basic understanding of this in criminal court. The “prosecutor” is the party that must “prove” the party charged with a crime to be found guilty by a jury. The person that is charged with a crime can just sit in court and say nothing at all, as they don’t have to prove themselves innocent, but rather the prosecutor is the party with the “burden of proof” and they have to prove the person “guilty.” In criminal court the “burden of proof” has to rise to a high level of being

absolute and clear and convincing beyond any reasonable doubt. Guilt has to be 100% certain.

In civil court, which I define in the next section, however, only requires the level of proof to be 50% or more in its ability to be convincing, and it is also the opposite party that has the “burden of proof” as the person that has been accused of wrong doing has the “burden of proof” to prove themselves innocent. The party that makes an accusation of wrong doing against the other party can just sit back and watch the accused try to prove themselves innocent.

Family court, in most states are civil courts in disguise, and the burden of proof falls on the accused party. As an example, if your ex-spouse claims you are a drug dealer, you are going to be the one that has to prove that you are not a drug dealer. Your ex-spouse does not have to prove you are a drug dealer, as all they have to do is make the accusation and then sit back and let you squirm with trying to get out of the accusation.

This use of burden of proof in family court is something that you can use to your advantage and it is also something that can be used against you. Most of this book details how to both lodge accusations against your ex-spouse and also to defend the attacks made against you.

Now to walk this back a bit. Some states will not tell you that family court is civil court but rather will tell you it is something else and I am not going to address the sublime definitions that some states use. What I can tell you is that unless you are charged with criminal contempt, family court is operated as if it was a civil court and the burden of proof falls upon the accused. Sometimes, however, the judge, who in family court can do whatever they want, may change the burden of proof on some issues or accusations made between you and your ex-spouse. If you get tricked up during litigation you may ask the judge to which has the burden of proof. As I am going to emphasize over and over again in this book, the *Pro Se* litigant has to speak up many times during a hearing just to ask the judge what they are expecting so you can correctly protect your rights.

1.20 Criminal Court vs. Civil Court

Almost all courts in your state and federal governments are either civil courts or criminal courts. There are many exceptions and there are others types of courts and I am not going to go into any of them because it is not necessary at this point.

Criminal court is the easiest to understand. All you can do in criminal court is charge you with a crime or not charge you with a crime. If charged with a crime, you have certain rights like, a public defender, right to present witnesses and evidence, right to a trial, and right to a jury of your peers. In fact you have so many rights in criminal court that it would take a thousand pages to just exhaust the list.

Civil court is called a “general court” and it is used to settle non-criminal disputes between parties. The parties can be private persons or corporate or public bodies. Family court is adjudicated as a civil court as disputes of marriage, divorce, property, custody, and support issues are considered as private disputes between two private persons.

In reality, since family courts do not follow any rules and family court judges don’t have to follow any rules, sometimes the judges operate their courtrooms sometimes as if they were a criminal court and other times as a civil court and then again as something that no one can really know what it is. For the *Pro Se* litigant is almost impossible to track as to which the judge wants to which you have to the judge exactly what they want so you can protect your rights more or less figure out what to say to whom and when. Worse, family court lawyers take advantage of the chaos to cause more confusion to the *Pro Se* litigant.

Today, the states prefer to use civil court processes over criminal court processes as the civil court moves much quicker and does not need to burden a jury over what are deemed minor or little issues. The problem with family court is that your family is being put on trial where the outcome of your life and your children’s life are most certainly of great value and importance, so it cannot be deemed minor or of little issue. The fact that you and your family are subjected to a loose and informal courtroom that has little or no rules to be restricted, to which you are given only mere minutes of the courts busy schedule, is the greatest

source of complaints against the family courts. In the litigation chapter I go into detail as to how the *Pro Se* litigant can slow down the entire hearing to meet their pace and to ask the judge just how much time has been allotted for the hearing to which you may have to ask for a rescheduling of the hearing to allow more time. I do this because I need you to take control of the courtroom so you can slow down and have time to carefully “respond” instead of just “reacting.”

1.21 State Courts vs. Federal Courts

The federal courts will not touch a divorce or custody case. They will just stamp your lawsuit “dismissed” and move on. The federal courts know that the Constitution forbids the government to get involved in an otherwise personal and private religious ceremony or obligations. They also know that both parents have equal Constitutional rights to their children and this fact is supported over and over again by United States Supreme Court rulings. Knowing this, the federal courts will not even allow a custody case to be heard. It is, however, possible to have other aspects of family court issues reviewed by the federal courts, but it is very complicated and complex and I am unable to go into it in this book.

States on the other hand, have no problem getting way to close and personal in your private life. In fact, the states and the federal governments are constantly suing each other over issues relating to states rights vs. federal rights. If you want to see the current case load of lawsuits between the two, call you attorney general’s office and they can fill you in.

This under lying battle between the state and federal governments manifests itself in family court. The United States Constitution is of little or no value to the *Pro Se* litigant in family court because the Constitution is a federal law and the states don’t like the federal government. As I go into detail in the section regarding judges, the state legislation that created family court is unconstitutional, so the creation of the court resulted in an unconstitutional courtroom, and thus the judge in family court actually violates the constitution to even be seated on the bench. That is why you cannot expect the Constitution to protect you in family court. Is all of this wrong? Yes, in fact I took this

issue all the way to the United States Supreme Court and they would not even hear the case, so not even the federal government really cares about the Constitution either. You can prove this yourself by repeating what I did; otherwise you will have to accept this reality.

1.22 Jurisdiction Defined

The legal term “jurisdiction” has so many legal definitions and applications, so to get the concept across I am going to use a legally incorrect definition. Jurisdiction limits and defines the type of people and issues a judge can get involved with and make a ruling over. For a judge to be able to make a ruling, his courtroom has to have “jurisdiction” over the subject matter, like divorce, his litigants have been in his “jurisdiction,” as in they all have live in the same state, and he has to have “jurisdiction” over your existing legal documents brought before the court, that is your custody and support orders have to be legally “registered” in your state.

If a judge does not have jurisdiction over his litigants, as if the kids live in a different state, and if your current custody orders are registered in a different state, than the judge does not have “jurisdiction” and he has to end the hearing until such time as jurisdiction can be achieved.

Jurisdiction is a very serious issue because if the judge rules on a matter and he never had jurisdiction, the judge is stripped of his immunity and can be sued as an individual. Unfortunately the state and federal governmentst will not let you sue a judge even if they did not have jurisdiction because they all protect each other’s interests and job security. Family court judges will proceed to hear and rule on cases even if they do not have jurisdiction. The only time jurisdiction or lack of it, can help you is at the beginning of your hearing. In the litigation section I am going to walk through the discussion you will have with the judge as to jurisdiction. If you bring up the subject in a calm and rational fashion there is a chance you can convince the judge to end the hearing until jurisdiction can be achieved.

Now to the “jurisdiction” of family court itself. In most states the legislation that created family court, limits the jurisdiction of the court to only handle issues relating to marriage, divorce, custody, support, and

in some states, charges of crimes or of bad behavior alleged against minors. You can make a good case that your state does not have the right to get all up close and personal and into your business of what is otherwise your personal religious commitments, that is your marriage and divorce. The federal courts already know this and the United States Constitution prohibits them from even entering into the jurisdiction of marriage and divorce. The states, however, have no interest in enforcing the federal government's laws, and they are secure in their belief that they have the right to punish and injure you and put you in jail and injure your children in their family courts. This issue has already been challenged and the states have won all the cases so far, therefore as far as this book is concerned, you are just going to have to accept the reality that your state has the authority to do all that they do.

1.23 The "Court" Defined

The legal term, the "court," as in its use of "Addressing the court," or, "Asking the court..." means you are talking to the judge, the court reporter, the bailiff, the clerk, to the transcript, any other officers of the court that are present. As far as my use of the term in this book I am mainly referring to your verbal conversation with the judge.

1.24 Clean Hands, Unclean Hands, Good Faith, Bad Faith

These are commonly used legal terms but they are very important because you are going to family court and presenting yourself with "good faith" and "clean hands." If the judge thinks you have other intentions as in "bad faith" and "unclean hands" then you may experience anything something dismissal.

The best way to establish good faith is to honestly seek the court for a favorable ruling, and present yourself in a sincere and honorable manner. Clean hands mean you have no mud balls to throw, as that would make your hands dirty. If you attack your ex-spouse with issues that are true or are of genuine interest to you than that is good faith, whereas if you make up falsehoods just to take advantage of the chance to attack, that is bad faith.

If you have a chance during the hearing you should record into the record something like, “Your honor, I come before the court today in good faith and clean hands...” Use the words repetitively if you can.

1.25 Victim Defined, Victim Class Defined

A victim is a person that has suffered an injury, defined below. A victim class consists of similarly injured people with something in common. In the family court I am going to point out that men are in a victim class, that women are in a victim class, and the children are in their own victim class.

1.26 Injury Defined, A legal Injury Defined

An injury is not just physical pain, but rather a financial loss, an economic loss, a loss of ability to earn an income, an emotional loss, a psychological injury or trauma, a loss of good name and reputation, the injury of having your rights denied, etc. When I claim a victim or a victim class, I also describe the injuries that the class suffers. The correct legal definition of injury takes up a thousand pages of law books to adequately define, but you get the basic idea.

The idea of family court reformation or the use of the alternatives to family court is designed to cut down on the continued creation of victims and to the growing of victim classes. For victims that have suffered injury, they have the rights to seek redress and remedy.

1.27 Redress and Remedy Defined

“Redress” means to “set right” something that has been wronged. “Remedy” is a court action, such as a court order, where the judge grants you the “redress” you seek by a court “remedy.” Legal redress can be payment of money, the enforcement of a contract, the prohibition of a party to act, etc. Remedies can be a court order, an injunction, an opinion, declaration of fault, etc.

I want you to use these terms in court before the judge, as in, “Your honor, I simply seek redress and remedy for the injury I have suffered....”

1.28 Generalizations

Many times in this book I make broad generalizations, mostly to describe statistical advantages and disadvantages that both men and women face in family court. However, there are always exceptions, and the exceptions are large enough to not fully justify too far reaching generalizations. I just have no choice but to claim what a majority of men and women may or may not have as far as advantages and disadvantages in family court. To the extent that I do paint a broad brush and if I don't walk back the exceptions just assume something called the 80/20 rule applies each time I generalize.

1.29 The 80/20 Rule

Here is an example of the 80%/20% rule. When family court was first invented, mothers received custody and support 82.4% of the time, while fathers received custody and support 17.6% of the time. That ratio has remained statistically unchanged for 30 years. This 80/20 rule not just applies to issues related to family court but also to almost every aspect in life.

If I say that all the mothers are automatically granted custody and support that is simply not true as the 20% of the fathers that receive custody and support is a large number and it just can't be ignored. For every generalization I make in this book the 80/20 rule applies.

1.30 Gender Issues

If I am going to write a book on family court, this issue must be addressed. First, some pronoun uses. I refer to the family court judge as "he" or "him" for simplicity purposes knowing full well there are many female family court judges. Of the twelve family court judges that I have faced in court three were female, the rest male.

I refer to the family court lawyer as "he" or "him" again knowing full well that there are many female family court lawyers. Of the family court and federal court lawyers I have met, it is about evenly split 50/50.

Otherwise, when I refer to a specific gender I am doing so on purpose to either point out a statistical advantage or disadvantage the gender may

have or I have a specific message for one gender or the other. I am equally hard and equally kind to both genders. Otherwise, I have scrubbed all other uses of gender and use neutrality as much as possible.

1.31 Footnoted Statistics in this Book

I don't want to be fact checked, I am not trying to make a point or prove a thesis, and I am not trying to convince you or influence you. I have acquired statistics from direct observation and I have acquired statistics from outside sources. If gathered from an outside source I will cite the source in the text and not by footnote at the bottom of the page or at the end of the book. Such page notes do not transfer to eBook formats very well.

1.32 State by State Family Court Laws

Each state does family court differently and each state has 400 pages or so, of family law. After reading this book you will need to do your own research as to your state's use of the topics presented in this book. Remember, I only have direct knowledge of the family courts in Pennsylvania, North Carolina, and South Carolina. I have tried to stay as generic as possible so as to not lead you too far off into something that will be of no use to you in your state.

With that said, I can share some knowledge on some specific states. The best state for family courts is California, not because they are better or worse, but rather the state has embraced three alternatives to family court, of which I address in this book. The alternatives are slowly spreading to the rest of the country, but as everything else from California, it will take time. The best state for non-custodial parents is Missouri as they support those parents that need to work to support their families. The second worst states for non-custodial parents are Ohio and Maine. The very worst states for non-custodial parents are Georgia, Florida, and South Carolina. The reason for the grouping of these Southern states is the centuries old hatred for the United States and its Constitution. The war between the states and the union may be over but the battles have just moved into the courts as the states are constantly suing the federal government and vica versa.

1.33 The Family Rights Movement

In 2003, I became the state leader for South Carolina for what was known at the time as the father's rights movement. The movement wanted to tackle the family courts perceived bias towards men. Due to the 80/20 rule there were many mothers that were organizing to end their perceived bias as well, and eventually both groups merged to become the "family rights movement."

The ladies were much more effective in the lobbying and organizing for real change and in 2006 I was asked to join the board of the nation's second largest equality feminists group. We had roughly 40,000 members of which 80% were equality feminists and 20% were equality minded men.

In 2010, I resigned from the feminist's group and if the family rights movement has a board of directors I became a legal consultant to the board. Today the movement has about 22.4 million members and we are on Facebook, Yahoo groups, and thousands of female, mix of female and male, and male groups organized locally and regionally across the nation.

What is working well inside the movement are the legislative projects which have committees grouped by states rewriting their family court legislation and the domestic violence legislation. Also, there are teams that working the capital buildings lobbying for family court and domestic violence reforms. All of us have done our best to rid the movement of what I call hard core woman hatters and hard core man hatters. These people are a pariah and they gather like flies to dead flesh.

In my current involvement on the board I am considered one of the "legal scholars" in the movement. I am semi-retired as I have paid a steep and painful price for doing advocacy work for *Pro Se* litigants, even to the extent that I was tortured and almost killed several times. This book contains everything that I want to convey to *Pro Se* litigants regarding family court.

1.34 Lawyer Magic

When I first started helping *Pro Se* litigants, they wanted me to give them all of the lawyer secrets so they can use them in court. I had to disappoint them as there are no such things as lawyer secrets, save a few tools that only lawyers know about, and I reveal some of them in this book, otherwise the lawyers simply have too many years of deep legal training and courtroom litigation experience. There is no way I can teach you to go head to head against a skilled family court lawyer, but what I can do is teach you how to attack and disable the lawyer for a brief period. If you are able to keep up the attacks sometimes you can take them for the rest of the hearing. I go into detail in the litigation chapter.

There is something that lawyers do have that a *Pro Se* litigant can never have or do. I call it lawyer magic and I only have a general knowledge of it but I will freely tell you what I know.

When a lawyer stands up in representation of a client in front of a judge there are several obligations that lock the lawyer and the judge into a position that each protects each other from making a mistake. The lawyer is actually an officer of the court and therefore their first legal liability is to protect the judge from making a mistake of law. As an example, the lawyers are not allow a hearing to proceed if the judge does not have jurisdiction. If a lawyer knows that the judge does not have jurisdiction the lawyer has to bring up the issue before they begin and stop the hearing from proceeding as is their duty as officers of the court. In family court neither the judge nor the lawyers even bother to recognize jurisdiction and even if they agree that the court does not have jurisdiction they will just run right over the requirement and proceed anyway.

When the *Pro Se* litigant stands up in front of the judge, there is tension in the air as the *Pro Se* litigant represents a risk to the judge. The *Pro Se* litigant is not concerned in the least with the integrity of jurisprudence. *Pro Se* litigants ask the judge questions that can get them in trouble. *Pro Se* litigants don't have reputations to protect or law license that can revoked. *Pro Se* litigants don't rely on the court for job

security. The last thing a family court judge is concerned with is recognizing a *Pro Se* litigant's rights.

Another lawyer magic item is that the lawyer cannot lie to the judge and the judge knows that a lawyer can't lie to them. When a lawyer brings up an attack item the judge assumes the topic to be true because if the lawyer had knowledge that it was false, they would not be able to bring it up in the first place. A *Pro Se* litigant can lie all day long and not really get into too much trouble; therefore the judge usually does not believe a *Pro Se* litigant's statements. Sometimes a judge will put the *Pro Se* litigant under oath but it is a silly notion as every word out of a *Pro Se* litigant's mouth is pure testimony anyway.

Another lawyer magic issue has to do with a lawyer's representation of a client. When you hire a lawyer they are usually very careful about giving you a letter of engagement, or similar document. If you read the fine print you will find out that they are not really representing you, as their first duty is to represent the judge as a duty of being an officer of the court. This is a gray area and can be debated, but if clients knew their lawyer works for the court it would cause confusion to the hapless public. As an example, if you are ever accused of a crime and are thrown in jail and you meet with your public defender, you can never tell him you are guilty of the crime because if he knows you are guilty they have to first make that known to the court as the lawyer has to tell the truth and if they have knowledge of guilt, they can't proceed to protect their client's innocence.

Other skills you may observe as lawyer magic are not really tricks; it's just the lawyer has too many years of formal teaching and litigation experience. Just to be able to get through four years of college, three years of law school, pass a three day exam, then be picked up by a law firm that provides a decade of courtroom litigation experience, proves that they are of deep intelligence and mostly a sound mind.

Lastly, do not go into court trying to look, talk, and act like a lawyer, because you are not a lawyer and no one expects you to be. There are, however, a few legal terms and knowledge that you do need to know and you can use them in court and they will make you look like you have an

understanding of the law, but you are better off talking in normal English sentences and using an everyday vocabulary.

1.35 Indigent, Indigence, Indigency Defined

The term “indigent” and the concept of “indigency” in the United States is so vitally important for you to know, because you are going to have to invoke the term “indigent” at some point in front of the judge in family court. The judge and the family court lawyer already know exactly what the term means so you can freely use the reference.

The term “indigent” in a loose Latin translation means “under the ground.” In America, it means you are dirt broke, you have no money other than the cash in your wallet, no assets other than maybe a used car, no checking account, no property that you can sell, no clothes or personal property that otherwise can not fit in a small carrying bag, no phone, no addresses, no computer or internet access, no television, and no income other than a small amount provided from sources such as Social Security SSI payments, VA benefits, disability payments, workers compensation, or retirement benefits such as pensions or annuities.

Most indigents are warehoused in boarding houses, homeless shelters, or someone’s guest bedrooms. I will focus on those that can be found in boarding houses as I have been warehoused in one after South Carolina left me indigent from the destruction of my business and income and after they tortured me in their jail, which I have already discussed. It only takes about \$600-\$700 a month to keep an indigent citizen barely alive. There are no welfare benefits, or other governmental safety net benefits for the indigent.

If an indigent does have \$600-\$700 a month in income, they can afford a boarding house room for \$75 a week rent. The citizen and thier children fit into one small room and share a bathroom with 25 other indigents. The room consists of a small bed, a chair, and a dresser. There is a shared kitchen but the pot and pan has burned food so badly caked on that a scrubby, even if one existed, would not be able to even clean the pot or pan. The refrigerator does not get cold and the freezer does not freeze, so there is no real way to store food. Since there is no transportation, you cannot go to a grocery store, the soup kitchen, the

food pantry's offered by charities, the library to use the internet, to the emergency room or to a doctor's office, there is no phone, no mail service, no coffee, no soda, the only thing to drink is warm water from the bath tub as the sink does not work. The shared bathroom has mold growing up the walls and ceilings and there is no toilet paper and no soap. No one delivers mail or food to the boarding house and the cops refuse to enter the boarding house, because if you knock on the wrong door, the resident see's you as instant source of new clothes, a wallet with money and a debit card, and keys to a vehicle parked outside. Occasionally, the coroner will come inside just long enough to remove a resident in a body bag who died from lack of being able to get to the emergency room for life saving medical care.

The residents that do have some income can afford food that does not need opening or cooking. That leaves crackers, junk food, and other basic food stuffs; there is no meat, vegetables, or fruits. Half way through the month the food runs out, or you have to pace yourself to only eat solid food every other day or every three days. The process of solid food intake is slowed to such a level that it stops you from defecating. The really sad part is meeting all the disabled fathers with children. The kids knock on your door to draw a picture for you for a nickel. The kids try to get some money so they can eat food, but no one has any money in the boarding house. When you can no longer afford the rent you are evicted to the streets where the only way to get to the homeless shelter is to flag down a police officer.

Now that I have given you a brief description of what life is like in the United States for indigents, let me describe what is probably known to you as living at the "poverty level." The definition of the poverty level is loosely defined but I'll use \$2,000 a month income plus the aid from roughly 18 governmental services and safety net programs that kick in when one falls below 200% of the poverty level.

Life at the poverty level should really be called the "luxury level." You can afford safe, private multiple room heated and air conditioned housing, hot water, cable television, phone, internet, computers, a car, gas, oil, and tires, real food and lots of it, including the ability to cook and eat real meats, vegetables, and fruit, cold soda and water, meals

three times a day seven days a week all month long, car insurance, cell phones, transportation to and from work, and finally enough money left over for a few luxury items, recreation, and disposable income.

As far as governmental services go, you have complete free Medicaid, free dental and free vision, free child care, day care, free education, welfare, section 8 housing and cash vouchers, food stamps, women and children extra food credits, unemployment compensation insurance, TANF and other cash based benefits, and the lists goes on and on, and the average number of governmental assistance and safety net programs that serve the poverty level totals about 18.

Now that I have given you the stark contrast, let me pull it together for you to describe how it works. As an America citizen begins to go broke, when they reach about 200% of the poverty level, they can go around town to engage all of the 18 governmental services to keep from being pushed too far down to the bottom. If you continue to free fall, at some point between the poverty level and indigency, all of the governmental safety net services cease and you are left with nothing. The reason why the services cut out below the poverty level is because at some point no one cares anymore, you become a forgotten person. It is a fatal flaw in our nation's safety net that few will even address.

Once you fall through the safety net programs you land at indigency, where you wind up in the boarding house where you hover just above death, until such time as the coroner comes to take away your dead body.

Some groups or classes of citizens have guaranteed safety net services that will keep them from falling to indigency while other groups and classes are prohibited from receiving any safety net services and simply free fall and land in the boarding house or the homeless shelter. The class differentiator used today is gender based, women will be caught in multiple safety nets, while men have no safety net and fall straight into indigency. To prove this fact when I lived in the boarding houses I did my own study so I am using actual data. Here is what I found:

The following data was acquired by direct observation from three boarding houses located in Burlington, NC as well as evidence collected

from governmental services offered in Alamance County, NC. The sample was composed of over 100 indigent's cases. If anyone wants to challenge the results, I'll be happy to give the addresses to the boarding houses and you can knock on all the doors and come up to their own conclusions.

The governmental safety nets catch the following groups to prevent indigency with up to 18 different state and federal governmental services:

Black, white, and Latino Women. Black, white, and Latino Women with children. Latino men, Latino men with children. Black, white, and Latino women disabled or mentally ill, Black, white, and Latino women with autistic children or other developmental disabilities.

The following groups slip through the safety net and fall into indigency with no help from any governmental services:

Black and white men, Black and white men disabled or mentally ill. Black and white men with children, Black and white men with autistic children or other developmental disabilities, some white women disabled or mentally ill.

Once a citizen slips into indigency, it is almost impossible to recover or revive them back to fully employed productive taxpaying citizens; the cost is simply too high. The only successful known way out of indigency is by direct intervention of Christian charities. I found no intervention services by Jewish or Muslim charities, but that is not to say there are none, just that I found none anywhere. Also, there were no Jews or Muslims in the boarding houses. The charities serving the homeless shelters were either Catholic or Protestant Christian based charities.

A minimum wage job in the United States after taxes provides a citizen with about \$900 a month, which is just above indigency at the \$600 - \$700 level. That is not much of a cushion. That's why these folks are living in the boarding houses as well, but they can afford food and transportation, but not much else.

Okay, now to pull it together into use at family court. In 2010, 16% of non-custodial parents were indigent and unable to recover. That's about 1.7 million permanent indigents and the number is growing about 200,000 a year. Half of the custodial parents live at or below the poverty level/luxury level. The other half of custodial parents live well above the luxury level thanks to the child support and other payments made by non-custodial parents.

Of the non-custodial parents, 80% pay all or most of their child support on time or have other non-court ordered agreements with the custodial parents, 16% are already indigent as we discussed and can't even feed themselves, so that leaves 4% that are actually "deadbeat dads" and "deadbeat moms," as these people have the cash but choose not to pay the child support.

Now take the fact that the federal government pays the states \$3.7 billion dollars a year trying to collect child support from people that are already paying their child support, or are so broke they are indigent, and that leaves only the 4% that are truly deadbeat. I discuss this situation later in the section on the history of family court; I just want to get the right facts out to you as they are many sources of erroneous reporting. These numbers come straight out of the US Census Report: Custodial Mother and Fathers and their Child Support, 2009, located at <http://www.census.gov/prod/2009pubs/p60-237.pdf>. Do not rely or believe any other statistical reports as the only service that collects this raw data is the US Census Bureau.

The conclusion of this section is that when you are facing the judge and he is about to make you a non-custodial parent or a custodial parent, to which both face a 50% odds of becoming a family that will exist at or under the poverty level or will become themselves indigent, you have the right to not be turned into an indigent. I will get into the victim classes created by family court later on.

1.36 The Power of the Written Letter

If you have spent any time with the legal community, you will hear, "put it in writing" over and over again until it is beaten into your head. If you have spent any time in the business community you know about,

“the power of a well drafted business letter.” Vast fortunes are still being made today using a single well drafted letter and a postage stamp. Family court can work in your advantage if you will put your requests in writing, so they can be handed to the judge, either before your hearing or during. In any court of law these writings are called “pleadings.” Legal pleadings have all kinds of rules that must be followed. Thankfully, in family court there are almost no rules and the volume of pleading accepted is very small. I dedicate a chapter towards the end of the book to the basic pleadings that you can use in family court.

The biggest mistake *Pro Se* litigants make is to write a letter to a judge. Judges cannot take any action based on a letter. There is just no way for the courts to process a letter. In fact, you should never write a letter to a judge unless your case has been fully adjudicated and you will never deal with that same judge again. Your requests to the judge have to be written following some basic rules and in the form of legal pleadings. Even if you write and submit your pleadings before the hearing, and keep extra copies so you can present them in court yourself, it does not guarantee that they will be honored and addressed by the family court judge. In regular civil court a litigant can demand that a pleading be addressed and the request will be honored, but in family court the judge is free to address or not address pleadings. The advantage, however, of having a pleading properly filed with the clerk is it becomes part of the record in which you may use to re-hear or appeal your case on the basis that your pleadings were never adjudicated.

1.37 Your Character

Character flaws are the most common source of ammunition that your ex-spouse can claim and attack you with in family court in support of their favorable ruling. Likewise, you have unique knowledge that you can claim against you ex-spouse. Just the fact that both of you lived together for so many years means you both already have a lot of stuff you can use in court. Even if you are an angel from heaven there are still things that can be used against you; little things like being a neat freak, washing the germs off your hands too frequently, or over medicating your children the first time they sneeze, can be twisted into

a negative. A well planned attack of many small meaningless issues can be something of concern to the judge in the cumulative.

You will, however, have a problem refuting the larger more important issues. Some issues are more prevalent to one gender than the other. As an example, for the ladies, there is just no safe way you can move in a boyfriend to your house. Unproven men around your children are the highest risk abusers and cause more deaths of children than any other demographic. The men do not have that problem when moving in a girl friend or step-mother.

For the men the hardest attack to defend is the mere mentioning of the words “depression” and “gun” in the same sentence. That is so damaging to the men that they only have maybe one or two ways to recover. On the opposite side, if a mother has a gun and she is depressed it poses no problem and does not ring any bells or alarms. I address many of these character flaws throughout this book, and provide ways to dispel or otherwise minimize the damage.

For those reading this book and know they have some character flaws that may be used against them, you need to do some soul searching and either decide to tell the judge that such behavior has ceased, or you are going to have to somehow minimize the damage and hope for the best.

1.38 Politics/Religion/Racial Issues

I address how to claim and defend politics and religion later in separate sections, but I do want to set the stage here.

I bring up religion three times in this book because religious beliefs and practices are used to successfully attack a person, so the topic is necessary to address.

Similarly, I only bring up politics once in a dedicated section on how politics can be used against you and how to defend the attacks. Rarely have I seen a successful attack of politics other than those of the far right and far left.

I do not bring up any racial issues in the main part of the book. In the supplemental chapter on how to prepare and survive jail, I spend quite a

bit of time on issues between blacks and whites. The sad fact is that we as a nation, stuff young, indigent, illiterate black men into the jails and we stack them three deep to a cell made of one. One day I counted 217 black guys and 4 white guys. There are several reasons for the discrepancy and I am writing an entire book just to address and tackle that problem, so save that for another day and another time.

1.38 Jails v. Prisons vs. Federal Prison

Again, I spend an entire supplemental chapter on how to prepare and survive in jail, but in case you don't want to read it, I'll bring some basic incarceration facts that you should be at least briefed.

The best place you could ever be incarcerated is in a federal prison. They are similar to an extended stay hotel, complete with a pillow and sheets. This is because the federal government has to honor and not violate federal laws especially those of the United States Constitution. Some believe the only thing the federal government can do is restrict your liberty.

The next better place is your state prison. In state prisons you do get real food and more of it, plus you have some freedom and access to facilities. However, state prisons are the most dangerous to your life and limb. States do not believe that they are restricted by the United States Constitution, and the Constitution is not present anywhere in a state prison.

The worst, the absolute worst facility you could ever find yourself housed is your local sheriff's jail. There are many reasons for this and I go into detail in the dedicated chapter. Just accept my case where I was locked into the jails torture chamber until they were sure I was dead; when they pulled me out and I was not dead, they grabbed my head and repeatedly slammed it onto the concrete floor in order to make me dead, when that did not work they hit me in the chest with three tazers to try to make my heart stop. Another torture case is that of Texas father who was attacked by a group of guards, stripped of his clothes, and repeatedly tazed in his genitals until his skin burned black and the room filled with the smell of burned flesh. When the father filed a lawsuit in the federal courts it was dismissed without explanation. So

many citizens are killed in the jails that it is almost common. The lesson is there is no way to protect you from the local jail, and the state and federal governments will deny any form of redress and remedy if you try to take your case to court.

The most common charge that the family court judge will use to jail you is that of contempt. The bulk of the contempt law is old and well established, but the concept is based on the fact that once charged, you have to be given a way to “purge” the contempt charge and therefore release yourself from the contempt and from the jail. The case law says, “you have the keys to your own freedom.” In child support cases as example, if you pay your arrears, the judge will sign your release and you can go home. The problem is the family court judges abuse their contempt privileges and just jail you for little or useless reasons with no way to purge yourself from contempt and from jail. I mostly see this applied against women and mothers, as the judges like to set examples of the mothers and it evens out the numbers against the men.

If you are jailed without the ability to purge your contempt they are ways to challenge the contempt charge and be released, but the methods require a real lawyer to make it work, so I will not broach the methods being *Pro Se*. You are going to need a lawyer at that point.

The conclusion of this section is that no one is safe in family court and both parents should take some basic steps to prepare for a jailing each time they go to family court.

1.40 The Anger Issue

This section mostly applies to the men, and I am really hard on the men here, but with good reason. It may apply to the ladies to some degree, but when a mother gets angry in family court it is usually only after being slow to anger and there is a good reason for her to be angry. The men, on the other hand have a tendency to come to court already whipped up and pissed off.

Gentleman, I know that being subjected to the brutality of family court is unnerving, unjust, and unconstitutional, but you are going to have to figure out a way to come to court with a cool head, calm demeanor, and

steady disposition. I had to write this book to give you exactly what you need in advance of your hearing to be able to communicate to the court in a sane and rationale manner. I have seen too many *Pro Se* men, lose their hearing in the first five minutes. Worse, and I cover this later under the judges section, the judge expects you to lose it and thus makes their decisions against you even easier. Even if you are at the point in the hearing where you know you are going down in flames, of which I have a section dedicated on that, I need you to keep a clam head, carefully put some statements into the record, just accept the results, thank the judge, and pack your bag and exit the court keeping your head high. You will just have to go home, reload and come back and try again.

The point of the conclusion of this book, is that you can keep going back to court again and again, albeit a few rules that apply, so no one hearing is going to be permanent or cause permanent damage. Knowing that gives you enough assurance to keep your cool during any one hearing, but you have to be sincere and give the court your attention with the expectation that you will win whatever it is you want to achieve, otherwise if you tell the judge that you are going to hit the court again and again until you get what you want, the judge will just say “fine,” rule against you, bang the gavel, and let you sulk until you can reload and come back.

You cannot show any anger in court because it shows that under stress you explode. The judge knows the raising children is more stressful than family court, so all you are doing is convincing the judge that you are not fit to raise your children or even be around any children.

1.41 Suicide, Suicidal Thoughts

If you have turned to this section first, or if someone gave you this book at a critical time in your life, or if you otherwise are having suicidal thoughts or plans to carry out your suicide, then please read this section carefully, then start from the beginning and read the entire book in one sitting.

As I have already stated, I suffer from depression so severely that it has its own name, “dystemia,” or “constant” depression. I have had to learn

how to function in life living one step above not wanting to live anymore, so I am speaking to you directly as I know what you are feeling and going through. I feel your pain. My message to you is that whatever you do, do not feed into the thoughts of suicide, stop the thoughts immediately by outright rejecting the thoughts altogether, and injecting a happy thought into your brain instead of letting the negative thoughts take over. My happy thought that I still use is the thought of being on the beach with my children after a long day in the sun, and after swimming in the surf. You can pick your own happy thoughts and good part is that they can and will come true if you give it time.

In the worst possible situation you may never see your children until they turn 18 and emancipate, age 18 is a very young age and it comes up quickly, and you will have the rest of your life to spend time with your kids on a beach like I have imagined. The memories of the bad years will fade with time, so do not make life ending decisions at this point, I need you to tough it out for now.

This process of rejecting negative thoughts has a clinical name and it is “learning to reject negative thoughts,” duh, that’s simple. You don’t need to practice it for a long time to make it work as it works the first time you do it, and it does not get old. Depending on how bad your situation is, you may have to sit in a chair and monitor your thoughts each time one enters your head. If you sense a bad thought, zap it with a good thought, but by all means to not let the bad thoughts carry you all the way to committing suicide, that is the last thing you need to do as it just makes your children orphans. What you children want the most is for you to be there when they get into their late teenage years and even more once they graduate from high school and become citizens.

When I first realized that I was depressed and in trouble I sought the services of a professional. It did not take too long to realize that the mental health profession is divided up between the psychiatrists and the psychologists, or as I call them the “shrinks” and the “therapists.” All shrinks do is medicine management and the therapists do the hour long therapy sessions with no meds. My advice to you is to go to the shrink first, and you don’t have to be picky as they all do the medicine, and tell them that you want to start whatever medicine will help avert suicide,

to which they will be happy to start you off on something. The reason I say to start with the meds is that the meds take weeks to take effect. In the meantime while the meds take affect you want to find a good therapist. Here you can be picky and you may have to interview several. Tell them you first want to learn how to reject and dispel negative thoughts, and then when you are able to refute suicidal thoughts you can then work on improving your situation.

The ladies have no problem with going to a therapist but the guys avoid it with a passion. In my *Pro Se* litigant Facebook and Yahoo support groups will lose about two fathers a weekend to suicide. Men will drive themselves to end their lives just because they think going to a therapist is somehow a sign of weakness. Nothing could be further from the truth. The example that a therapist taught me a long time ago was the President of the United States. When a person is first elected, they are assigned a white house doctor and therapists. Apparently, the only way to handle the intense pressure, the weight of the free world, and the depth of every decision, is that a therapist is detached to monitor and constantly coach the psychology of the president. The point that my therapist made was that it was just as important to keep my psychology in tip top condition to surmount my life's pressures, especially when faced with the family courts and their aftermath.

The problem of "suicide by family court" is that it is shared by both genders, although the genders have different "flash points." A flashpoint is an event that triggers intense impulses so strong that one may not be able to control the consequences. Both men and women have different flashpoints so I can't list them all, but I will name a few for each gender and one that is shared in common between the genders.

The most common flashpoint of both genders is the moment they realize that their partner is going to file for divorce. As an example, just today on the news was a story of a mother that immediately after a heated argument with her husband who wanted a divorce, she strapped the four kids into the mini-van and drove right off the dock into the Hudson River. The ten year old son was able to open the window once underwater and swim to safety, the others died. The same examples

apply to the men as well, as they will kill their children first, then kill themselves, or kill their wives somewhere in between all of the killing.

A second flashpoint for men is when they proverbially catch their wives in bed with another man. This flashpoint has a name, as it is called “mercy killing” and many men have been found not guilty of murder by sympathetic juries. A third flashpoint for men is after they have been stripped of all custody rights and can only see their children twice a month. The heartache they feel between visitations is so severe that they will wait until the next visitation and then kill the children and them themselves.

For the ladies, one powerful flash point is when they feel the need to bond to another man in order to form a new relationship, to which they may kill their children to make the new man happy. The most widely known case of this was Susan Smith, who was a South Carolina mother that strapped her two kids into the back seat of the SUV and pushed the vehicle into the lake which drowned the children; she claimed her car was carjacked. Apparently, Mrs. Smith wanted to enter into a relationship with a new boyfriend who did not want to be involved with someone else’s kids. The other most widely know flashpoint for women is when the burden of raising the children alone becomes simply too much to handle. The classic example of which I can’t remember the details was a California mother of three toddlers that strolled all three kids to the end of the pier, and carefully picked up each child and dropped them 20 feet into the churning waters of the San Francisco Bay. All three children died and they only were only able to recover one body for burial. Another example is of a South Carolina mother, as was Susan Smith, that last year, not very far from where Mrs. Smith drowned her children, after getting involved in a screaming match with her ex-husband, and then getting a load-full of verbal abuse from her own mother as to her lack of parenting skills, strapped her two children into the back seat of the car, and pushed the car into a lake. The mother then walked incoherently to the next street and told the police that her car was carjacked.

The reason I bring these horrible stories to you is to convince you that you are not alone with your suicidal thoughts and that if you let the

thoughts run their course it will lead you to a very bad place. The truth is if you reject the thoughts and replace with anything other than the bad thoughts then your situation, no matter how bad, will not last forever. If you are contemplating suicide you need to get some professional help, you can reach out to anyone and say, “I need help, I am about to kill myself.” Even, if you go down to the local fire station and ask for help, they will have all the numbers to the local crisis hotlines, and they can watch your kids for you while you get some help. Also just call your local hospital any time of the day and night and ask for the local crisis hotline. Call the number and say, “Look, I am about to kill myself, what can you do to help me?” Lastly if you are not going to get help and continue on insisting going it alone, then practice thought replacement, by 1) Rejecting the negative thought, 2) Replace it with something good and fun, then 3) Move on to your next task. Repeat again and again if necessary. You owe your kids the right to have a living mother and father.

For those of you that are reading this and know someone that is or will be going through a flashpoint, give them this book with this section bookmarked, and then be proactive and call your local crisis hotline as they have mobile staff that will come out to your friends home, will assess the risk, and then engage the services necessary to quell the dangers. This may include a few days of rest in a crisis center. A few days of bed rest can save your friends life. Do not be afraid of jumping to conclusions or alienating your friendship, as the mobile crisis unit is perfectly trained and able to discern even the slightest risk whereas you can only gauge a possible risk. Do what a friend would do, save their life by making the call. My ex-wife, Kathy, made that call twice and had me hospitalized and I love her for it.

This concludes the first chapter of this book. We have covered a lot of ground. You now have enough basic knowledge and terms to let me begin using them as they apply to the law. The next chapter digs deep into legal training. As in all parts of this book I cannot provide the 300-page book and a semester of law school classes that are necessary to exhaust each topic and despite that restriction I am going to push forward anyway.

Chapter 2

Your Legal Training

“Judicial integrity has become a contradiction of terms.”

My first duty to prepare you to do battle in an open courtroom is to explain just what went wrong where and how which ended up being subjected to family court. Secondly, I need calm you down enough so you will be able to think clearly and rationally. There are so many forces at play in the family court courtroom and the hearing is of such short duration, that I have to carefully set up the courtroom in your head, as that is the only way to stay on top of the hearing.

In order to do this I have to take you way back in United States history to the creation of the “Public Trust,” then move forward to the 1920’s, then jump to 1960’s, then bring you into the present. There are only three legal topics I have to first define, they are the tender year’s doctrine, no fault divorce, and then the deadbeat dad/mom industry. After I take you through the creation of the family courts, I can conclude with the introduction and concept of rights, with emphasis on the rights granted in the United States Constitution. Then I ground you in the basis of Constitutional law, we can then move forward quickly from there.

The reason I am going to take you back to 1776 and move forward from there, is I have to explain why you don’t have Constitutional rights in family court, then to further explain that you really do have such rights, but that it all depends on how and when you ask for them and even then you may not have them, and why. The dynamics of the forces working against you in family court are so complicated that they can render you immobile in the courtroom. I have to identify all the forces so you can repel and ignore, or engage when you can.

2.1 What is The Public Trust?

The correct definition of the term “The Public Trust” has nothing to do with trusting anything, it refers to something that can’t be destroyed, that is it is in a “trust.” I am sure you have heard politicians and law enforcement banter the term here or there, but the reality is very few people even now what it means or when it came into existence. Therefore, I give you the definition for purely informational purposes and to set the ground for the introduction of rights and the concept of rights which I take on in a few sections from here. The definition of the

public trust is important as it sets your duty to your fellow citizens first, and then to your nation secondly.

There are many *Pro Se* websites on the internet that try to make the case that you are really not a citizen of anything, or are somehow a free national and are not subject to the state, or the United States, or to its courts. All of this is nonsense and referring to it in court can cause you injury. The reality is you are a citizen of the United States, a resident of your state, and you are fully subject to all the courts of both. With that, let's begin.

The last sentence of the Declaration of Independence formed the "Public Trust." The Declaration of Independence is not the law, it does not convey any rights, but rather was a declaration of war. The only part that survived the war was the last sentence. The sentence reads, "And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor." Essentially, the patriot family's, which at the time only comprised of 25% of the colonialists, pledged their lives, their children and their children's children, their money and property, and lastly something called "sacred honor". To understand what "sacred honor" and "divine providence" means, you have to hearken back to the founding of Protestantism. Of the roughly 250 or so patriot families, all but one was Protestant. "Sacred Honor" to a Protestant means your ability to present yourself blameless before God on judgment day and to be found worthy of eternal life. Quite literally, the patriots put their rights to their salvation on the line in the pledge to each other. The term, "divine providence" to the Protestant has to do with God's knowledge of future events which he is in firm control. The founding patriots believed that God had destined the new country to be created and that it would be greatly blessed.

I don't mean to take you too deep into any one religion, so I'll back off. Once the "Public Trust," or "We the People," or just, "The People," went and fought and won the war, they reconvened to form their new government. The first Constitution they drew up was such a catastrophic failure, that they ended up having to start all over again with a new one. The second Constitution started off where the Declaration of Independence ended, and the new Constitution started with, "We the People...do this and that." So, the Public Trust, or "We the People" existed more than a decade before the Constitution was even

drafted. And when the “We the people” voted on the new Constitution its ratified stance created the United States government. That’s why all the power in the United States still resides with the “people,” and not a government or a church, because the “people” came first, and still exist as the “people.” However, once the Constitution was ratified, all of the colonialist become “citizens” subject to the authority of the governments that the Constitution created.

That is why I am a “citizen” of the United States, yet only a “resident” of the State of North Carolina. The “public trust” today consists of a little over three hundred million people. To become a member of the Public Trust, you only have to be born in the location where the Public Trust lives, or go through a citizenship class and a citizenship pledge. The conclusion I want to make in this section is that “we the people” existed 14 years prior to the United States was created, therefore if someone were to say that your duty as a citizen is to your fellow citizens first and to your country second, that would be a true statement, albeit debatable to some degree.

The second point I want to conclude, which will be presented in the next few sections, is that the “People” or the “Public Trust” never consented to have their families, their liberty, their marriages, and property be subjected to any form of family court because those rights were secured before the Constitution and subsequently the governments were created. Families were off limits.

I walk this back by saying that now that family courts exist, to our fault by buying into it without objection, we are bound and subjected to the oppression of the family courts until such time “We the People” get together and vote to repeal the legislation that created family court. Until then, the Constitution or our individual objections are of little or no value.

2.2 Equality Feminism vs. Hard Core Man Hatters

I need to speak to this subject because as I go into the history of the creation of the family court I have to define what I call the “Hard Core Man Hatters” and dismiss any association with equality feminism. As I have already claimed, I am an equality feminist and I have served on

the board of the nation's second largest equality feminist organization, despite being a man.

Equality feminists believe in the level playing field between the genders with none greater or none lesser. With that said, I can now safely define something called the "hard core man hatter." These women are so toxic and full of such poison that you can't even get near them; all you can do is send letters to the elected officials and legislators tagging these women as hard core man hatters and to add their names to the no contact databases. These women believe in the superiority of all women, achieved upon the destruction and killing of all men and the emasculation of their young male children to prevent their maturing into manhood.

With that said I balance the topic with the realization that there are men that are called "hard core women haters" whom can be found close to the men's rights organizations. These men are an equal threat as they believe in the killing of all "feminists" and they are stock piling weapons and ammunition and are planning for the next American Revolution. All these power kegs need to blow up is for someone to make a call to arms. When I got caught up in a men's right movement and listened to the plots to assassinate women leaders and to the forming of state militia's to take out whole sections of government controlled by these women, I immediately went for the nearest exit and left and have never looked back.

I want to bring up the subject of these dangerous men and women because they both can be found congregating all around the family courts, the domestic violence industries, and the social services departments. The point I want to make, before I continue, is that I have no tolerance and I find repugnant and I refuse to even be found in the same vicinity of either the hard core man haters or hard core women haters.

Before I launch into the history of family court in the United States, I have to define three movements that the hard core man hatters undertook to maintain the statistical advantage the women had achieved in the functioning of the family courts.

2.3 Tender Years Doctrine Movement

The tender year's doctrine was the first movement undertaken by the hard core man hatters to continue the awarding of all custody of the children to the mother by stripping away all custody rights from the father. The concept of the doctrine was based on the presumption that while the children were young, or of tender years, the mother was the best parent to have custody because they were naturally gifted with the whole baby making magic thing in the first place and were naturally territorial protectors by providing nurturing, food, and safety.

The family court judges were told to enforce the doctrine and they did so for decades. They used the doctrine to justify the awarding of full custody to the mothers. Eventually the fathers and state legislators challenged the stupidity of the concept as a large percentage of fathers were able to provide an equal amount of nurturing, food, and safety. The doctrine was abandoned.

2.4 No Fault Divorce Movement

No fault divorce was the second movement undertaken by the hard core man hatters to continue justifying the awarding of all custody rights to the mother. What had happened was a level of parity had been achieved between the number of women that wanted to ditch the family and the number of men that wanted to ditch their families. Both genders were equal in the fault for calling for a divorce.

At that point the women did not want to lose the automatic awarding of the children and the money, so they pushed the concept that neither the men or the women had to justify the destruction of their families to a family court judge because if the judge listened to the men that had become a victim of a cheating wife, there existed the chance that the judge would award custody and money to the innocent and otherwise loyal father. Thus the creation of no fault divorce where the innocent fathers would find no sympathy in court that might otherwise award custody and money to the victims. No fault divorce was a success as the family court judges kept awarding custody and money to the women.

No fault divorce is now the law in almost all states and it prevents the court from making decisions based on either party's reasons for seeking a divorce. The problem with no fault divorce and why it is still under attack is that it creates too large of a victim class of both injured innocent men and injured innocent women, as the 80/20 rule always applies. The damage to these victim classes has been so severe that men are not marrying and based on the current trends marriage in the United States will be over by 2041. The last two years are showing that the demise of marriage has been accelerating to where its demise will occur earlier than 2041. There is no way to save marriage in the United States as the point of no return in its ability to be saved passed a decade ago, and the replacement of marriage has already been put into effective use. I explain what the replacement is later.

2.5 The Deadbeat Dad/Mom Movement

The definition of a "deadbeat" parent is someone that has the cash but won't pay the child support, and a "deadbroke" parent is one that has no money and can't pay anything. The last nail in the coffin to destroy marriage in the United States was the creation of the deadbeat dad movement. The hard core man hatters had to find a way to keep being awarded the full custody of the children and the awarding of free money. The whole concept of awarding to one parent that cheated on and ditched the family, both the children and the money, by stripping all custody from the poor parent that did nothing wrong and then burdening the poor parent with child support and all other costs using court orders that have no failsafe or hardship provisions, is just idiotic. Worse, if the poor parent loses their job they are thrown in prison and labeled as vile scum that won't support their children.

This double blessing of the mother and the double cursing of the father, has now created a victim class of 12 million non-custodial parents, of which 80% are fathers and 20% are mothers. Of the 12 million victims, 1.7 million are indigent and have no way to recover due to the harsh deadbeat dad punishment mechanisms created by the hard core man hatters designed to beat the non-custodial parents into keeping paying the child support and all other costs to the double blessed parent. This is this current situation we find ourselves in as a nation.

The success of the creation of the deadbeat dad/mom movement has proved to be so successful that it is just a presumed fact that all men are to pay child support and can never see their children, while the concept of “single mothers” keeps producing entire congressional acts of love that have lavished a trillion dollars of blessings upon the single mothers, and to the single fathers, as the 80/20 rule applies.

The success that hard core man hatters were able to pull off was convincing the states and federal government to institute all kinds of punishment and abuses to befall upon the fathers burdened with child support orders that have no hardship provisions. Here is just a brief list of what the ladies have created. When a father loses his job, his driver's license is revoked, his car tags can't be renewed, his car insurance is cancelled, his business licenses to earn a living are cancelled, his good name and reputation is trashed to the three credit reporting agencies, his business is shut down and destroyed, his ability to travel is prohibited, he can't fly on an airplane, he can't rent a car, his passport is revoked, his credit cards are cancelled, his debit card and checking account is closed, his loans are called in, his credit is shut down, his assets are seized, his vehicles are seized, his personal property is seized, his mortgage is foreclosed, his paycheck is garnished, all flow of money between financial institutions and the state or federal government is intercepted, his unemployment insurance payments are frozen, the IRS is called in to abuse him, he can't get a job because his credit is trashed, he can't cash a check, his life insurance cash values are stolen and the insurance is cancelled, his Social Security disability benefits are intercepted, he can't get a cell phone, he can't get utilities in his name, liens and levies are placed on any property left over, the police and sheriff deputies are sent out to hunt him down, and finally a bench warrant is issued in his name and he is jailed for three years. In the biblical sense of the word, he is prohibited from buying and selling. If anyone wants to know where the anti-christ is going to found, he will be hanging out with the hard core man hatters.

The only saving grace that has been working in favor of the fathers from all of the abuses is that the mothers are releasing the fathers en mass from the confines of the child support court orders as that has been the

only way to protect the fathers earning power from being totally wiped out and be rendered useless to anyone. The number of fathers under the burden of child support orders has been decreasing in proportion to the states and federal government's increasing creation of new and creative abusive punishments all under the control of the hard core man hatters.

80% of the fathers pay all or most of their child support, while 16% are indigent and have no money for anyone, so that leaves 4% as being true deadbeats. Therefore, the \$3.7 billion dollars that the federal government spends each year in child support enforcement is wasted trying to collect money from the 16% that are already indigent and are unable to recover and crawl out because the abuse punishments prevent them from even getting a job.

This is why the demise of marriage is accelerating and alternatives to marriage have already been in place for years. The hard core man hatters have succeeded in ending marriage in the United States and that might not be a bad thing. I address some of these replacements for marriage in the next section.

2.6 History of the Family Court in the United States

The roots of family court began in the 1920's, or the "roaring 20's" as it has been so named. The citizens broke free from the confines of traditional life dictated by duty to family and church. The citizens broke out the booze and had grand parties on a frequent basis. As what happens when you mix wealthy men burdened with family and wives to the introduction, dancing, and frivolity with young single and beautiful women, the result was men that were willing to ditch the wife and kids and run off to live a more exciting and care free life with the younger women. These men went to their religious institutions to acquire a divorce, but the religious leaders told them that they took an oath before God and witnesses to stay married forever, so they were stuck. The men then went to the state legislators who told them that the secular government can't meddle and had no jurisdiction to what were personal religious commitments. This drove the men to travel to Cuba and France to solicit a sympathetic priests to issue an annulment. If the right amount of cash was offered, regardless if the man was not Catholic, they

would obtain a church sanctioned annulment. The men would return home, serve their wives with her walking papers, and then pack his bags and leave. This created a victim class of mothers whom had not yet entered the workforce on an equal basis to be able to support themselves and their children, so they were banished to the streets.

This process lasted for decades and when you add in a recession and a few wars, you come close to the age of freedom for women to obtain work, start careers, vote, and to organize and lobby, you find yourself in the 1960's. The mothers in the victim class wanted some protections from being thrown out on the streets, and the cheating men wanted to continue their sexual pursuits, so both met at the state and federal legislator's doors at the same time. The federal government mulled it over and said that the Constitution does not give the government the authority to adjudicate over what was a private religious commitment. The federal government said "no." Not taking "no" for an answer, both the mothers and fathers went to their state legislators. These states legislators, wanting to please their continuants to be able to continue earning their votes, and without the confines of the United States Constitution that would otherwise get in the way of the state's business, were convinced to write the legislation to create what would become their states "family courts." Knowing it was unconstitutional, and with some caution, the states labeled the courts, "experimental" just in case they were challenged in the courts. There was little opposition as both the men and women were able to end their marriages at the convenience of the local courthouse. Thus, the family court was created at it was open for business. That is how our families could then be put on trial.

Once the family courts were put in force, the mothers joined the fathers who wanted to ditch the family and run off with a more viral men or more beautiful women. They both wanted to cast aside the confines of marriage and ditch the family and kids. The judges after listening to the hapless excuses either gender was using to justify divorce, would grant the divorces but would not allow the fleeing spouse to dump the loyal spouse just to leave them indigent and without support to raise the children. The judges would routinely grant full custody to one gender and burden the fleeing gender with steep lifetime alimony and child

support until the children emancipated, and all other sorts of payments. The men and women were than more than happy to pay anything just so long as they could run off with their paramours.

The early statistics showed that in 80% of the cases, the mother was granted full custody and were granted lifetime alimony and child support, while in 20% of the cases, the fathers were granted full custody and child support from the ladies. At the time there was little use for joint custody, or split custody. To this day the 80/20 gender custody spilt has remained statistically unchanged over the past 30 years and joint and split custody has not been accepted as a norm.

During the decades that followed the courts creation, several forces were at play in the family courts. As more and more women entered the workforce, and the economy adjusted well to the influx as the work the women performed was valuable and resulted in a stimulus to the economy as measured in annual economic growth, ultimately producing an equal number of female workers and male workers, and due to many other economic variables, the net effect was that the average family needed both parents to work for profit just to keep one house with children sufficiently supported. With little or negligible increases in the standard of living, two incomes were needed to keep one family afloat.

Another force at play was the reaching of parity in the number of divorces requested on behalf of men and women. Today women account for a little over 70% of the initiated divorces, while then men's percentage dropped to 30%.

In order for the women to maintain the statistical advantage of 80% being blessed twice with the children and support the hard core man hatters had to take drastic steps at three key points during the past 30 year history of the family court.

Their first intervention came about when the number of women that wanted to ditch their families reached parity with the men. When the number of men and women that wanted to destroy their families reached a 50/50 level, and judges still blessed twice the women 80% of the time, and cursed men twice 80% of the time, that meant that 30% of the fathers, who had been loyal to their wives and family, became

victims as they were cursed twice and had done absolutely nothing deserve the abuse that resulted. This 30% of the fathers being unfavorably cursed became the second victim class of the family courts.

In order to maintain the continuation of mothers being blessed twice and the men being cursed twice, the hard core man hatters, having to keep the men's victim class from being recognized and causing a cessation of the 80% of the mothers being blessed twice, created the "tender years doctrine" and issued mandatory reading to the family court judges and required them to take mandatory training classes, achieved the desired result of the judges continuing the 80% twice blessing of the mothers, and the victim class of the twice cursed men continued to grow.

The tender year's doctrine as I have discussed was based on the presumption that mothers were the only gender that can adequately care for children in their early or tender years. The doctrine worked and the family court judges obeyed the man hatters and then continued to award all the blessings to the mothers and continued the cursing of the men.

After a decade of continuous growth of the victim class of men, the opponents of the hard core man hatter's, were able to make their case as to the fallacy and idiocy of the tender years doctrine. The doctrine was abandoned.

This forced the man hatters to scramble to create something new that would continue the 80% the twice blessing of the mothers. They invented "no fault divorce." As before, the man hatters issued required reading to the family court judges and conducted mandatory training classes, the family court judges obeyed the man hatter's and began practicing no fault divorce. The result was that the victim class of cursed fathers could no longer even plead their innocence in court to try to convince the judge from cursing them twice, resulting in the continuation of the 80% twice blessing of the mothers.

The hard core man hatters were again successful and no fault divorce spread around the nation. Meanwhile the victim class of twice cursed men continued to grow.

The last major effort by the hard core man hatters to continue 80% twice blessing of mothers and the twice cursing of men, was the creation of the term “deadbeat dad” and creation of the racket that supported it. What they created was so successful that the whole nation simply accepted the fact that all men are supposed to be stripped of all custody rights and burdened with all child support and other expenses. It was just assumed that all fathers are guilty of not supporting their children so they should be punished simply by being fathers. This is where our nation finds itself today.

The problem that the hard core man hatters did not expect and will ultimately bring them all down along with the family courts is that their efforts created two more victim classes. The third victim class of family court were the single mothers, and even worse, the fourth victim class were their children. The victim class of their children has suffered injury so severe, the entire family court system and marriage itself are quickly going to come to a dismal end. It is now too late to save marriage in the United States, and we now have raised two generations of children victims, and it is all thanks to the greedy hard core man hatters that ran the entire show.

I will address the victim class of mothers and the victim class of children in a minute, but I want to address the opponents that have been fighting back against the hard core man hatters. First, the cursed twice fathers, who are currently experiencing two suicides a weekend from their destruction, along with the 20% class of cursed twice mothers, have been organizing not to overthrow the family courts, but otherwise to just abandon family court and to seek the alternatives to family court and to marriage. We currently have three alternatives and more are on the way.

The resulting demise of marriage is growing at such a rate that by 2041 marriage in the United States will be over, and I am not saying that is not necessarily a bad thing, as I know what is going to replace it and I think the replacement is far superior to marriage itself. Further, what is replacing marriage will not be subject to the family courts, so the hard core man hatters, and the weak family court judges that obeyed the

commands of the man hatters, will no longer be needed and will be rendered obsolete and moot.

The Victim Class of Single Mothers and Victim Class of Children

Back to the victim classes of the blessed twice mothers and the victimized children. As far as the mothers are concerned don't forget that the 80/20 rule applies as 20% of custodial parents are twice blessed fathers. The original impetus behind granting a custodial parent with full custody and the awarding of alimony, child support, and all other expenses, was to allow the mother to stay at home full time and raise the children, that is, not to be burdened with a struggle between career and children. As I have already discussed, once the economy embraced the female worker and found out how valuable they were, it was only a matter of years before both parents had to work in order to support one home. Today, the need for dual income to support a single home is almost ubiquitous.

The problem, therefore, began with the family court judge forcibly removing the father from the household, which left the single mother alone with the full duty to raise the children, but the economics meant the mother had no choice but to work a full time job, which resulted in "no parents" left to raise the children. The single mothers could only parent their children from the end of the work day to nightly bedtime, which at best would be about three hours. That meant the children would be raised by the government, by day care, and by the school.

This "no parent" problem is what happens when the family court judge destroys a "two parent" family. Since the family court judges are continuing to destroy "two parent" families into a "no parent" situation, the family court judges have effectively destroyed the very fabric of our nation, and so far two generations of our children have become victims in their own victim classes. The single mothers that thought they were getting a good deal by being blessed twice become perhaps the largest victim class that the family courts have created.

The fallout from the "two parent" households being turned into "no" parent households, has been so cataclysmically destructive and I will cite the statistics, but first I need to give you some exceptions to the

situation, as I have said all along in this book there are exceptions to the rule. President Barack Obama is perhaps the highest profile success story. President Obama, was for the most part raised by “no parents.” Technically his grandmother raised him, and my kudos’s go out to this wonderful women. This “no parent” victim going to Harvard to become the most powerful leader on earth is a great story and one from which our country takes great pride. My second example is me. I was raised by a single father that traveled on work all week long so I only saw him on the weekends, if then; I was raised by my sister. I was able to overcome the statistics, obtain a top ten education and by my mid-thirties, had worked my way up to the 101st floor of the World Trade Center, which was once a beacon of the success of capitalism in the free world. There are many examples but I’ll present only one more before I report the grim statistics. One single mother, who had to work three jobs, was able to raise six children who rose out of a poor neighborhood and the children all became doctors and lawyers and one daughter become the first minority superstar of the United States ballet world; sorry, I have forgotten the name of the ballet company or award that she received. Obviously, this mother overcame the odds and is a success story, but the averages only account for very few exceptions.

I can now report the grim statistics on the two generations of “no parent” households. The statistics are published in my different locations, but I am going to cite them from a single book authored by Ann Coulter in *Guilty*. I know Ms. Coulter is a controversial figure and I quote her statistics because they have been fact checked and she provides all the references and sources for the data. I quote the statistics found in Chapter three, “Victim of crime? Blame a single mother.” Here are the statistics quoted in Ms. Coulter’s book:

“The strongest predictor of whether a person will end up in prison is that he was raised by a single mother.”

“By 1996, 70 percent of inmates in state juvenile detention centers serving long-term sentences were raised by single mothers.”

Seventy-two percent of juvenile murderers and 60% of rapists come from single-mother homes.”

“Seventy percent of teenage births, dropouts, suicides, runaways, juvenile delinquents, and child murderers involve children raised by single mothers.”

“Girls raised without fathers are more sexually promiscuous and more likely to end up divorced.”

“Children from single-parent families account for 63 percent of youth suicides, 70 percent of all teenage pregnancies, 71 percent of all adolescent chemical/substance abuse, 80 percent of all prison inmates, and 90 percent of all homeless and runaway children.”

“A study cited in the ‘Village Voice’ produced similar numbers. It found that children brought up in single-mother homes ‘are five times more likely to commit suicide, nine times more likely to drop out of high school, 10 times more likely to abuse chemical substances, 14 times more likely to commit rape (for the boys), 20 times more likely to end up in prison, and 32 times more likely to run away from home.’”

“Single motherhood is like a farm team for future criminals and social outcasts.”

I will walk back some of the attack against the mothers by saying that the results from single fathers are no better or worse than from the mothers.

The reality is that as a nation we have remained silent as the family courts judges ripped apart the very fabric of two-parent households into “no parent” victims. This left day care to raise our children, the school to raise our children, and worse, the government’s “village” to raise our children. All of the blame for the destruction can be laid upon the feet of the hard core man hatters and the family court judges.

Worse, the hard core man hatters and the family court judges are now actively creating the third generation of family court victims. The only good news is that the victims and the victim classes are starting to fight back in opposition to the hard core man hatters and the family court judges.

Couples today are actively doing everything they can to just avoid marriage and its resulting destruction by family court judges altogether. Young men, in bulk, are simply not going to the altar of marriage; instead they are entering into relationships with either no formal agreement or they are executing what are called “co-habitation” agreements, to which I will address shortly. For those already married and face a 50% chance of having their children destroyed they are flocking to one of the three available alternatives to family court. Otherwise marriage in the United States is over and it cannot be saved. The alternatives and the replacements to marriage are now spreading all across the country.

As an example of the success of one of these replacements is Hollywood’s most beloved couple, Brad Pitt and Angelina Jolie. Pitt and Jolie have adopted, I believe at last count, nine children, and they adjust their work schedules to make sure at least one of them, or both, are covering the kids for the greatest amount of time as possible. Pitt and Jolie, are only bound by simple and basic contracts that can be enforced in any general jurisdiction court. Their agreements contain all of the post-relationship asset, property, custody, and support issues. The couple will not go anywhere near marriage and they even held a fake wedding on a far away island, as it is rumored, so their children would think that mom and dad were married, and to also fool the tabloid press, in the hopes they would be left alone. The press and all those busy-bodies in Hollywood have been trying to figure out how the couple has been able to pull the success off, and how they are able to cover all their children with equal amounts of love and parenting time.

The answer is the couple made the decision not to marry; their entire relationship is constantly being justified by each earning the love, respect and adoration of each other not just as a couple, but also as to being a mom and dad. The fact that they are still together means that their relationship is very strong because if it decayed, they would simply take their legal contracts and engage the separation clauses and go their separate ways. They will never have a need for a high priced Hollywood divorce attorney, and no need for a family court judge, and best of all, both parents will survive the split without the creation of a “no parent”

household. Both Pitt and Jolie will remain fit and able parents to all their children.

The Alternatives to Family Court

Before I launch into the alternatives to family court, I want to make two points that may not seem important at the time, but this is where they belong. The first is that as soon as the United States became successful at destroying our families with family court, the rest of the world copied our family courts by cut-and-pasting the legislation that our states used to create their family courts. Two countries are in as bad of a shape as the United States; they are Britain/UK and Australia. Both countries are on their second generation of victims and they also are experiencing the high rates of suicide from their own family court's abuses. Their young citizens are also fleeing from the marriage alters, but they have not yet provided alternatives to family court as we have in the United States. Perhaps they are going to watch us to see how we will succeed in destroying our family courts.

The second point I want make is that marriage, divorce, custody, and support, are uniquely "state" based functions, as I have already explained. The federal courts will have nothing to do with adjudicating issues of marriage and divorce as the United States Constitution, backed up by many United States Supreme Court case rulings, forbid the federal government from getting involved in issues relating to the natural rights and the Constitutional rights that two fit and able parents have to their children. The states, on the other hand, and as we have discussed already, have no qualms in getting involved in the tiniest micro-management of our personal lives, regardless of the Constitution. Again, "we the people" never consented, nor gave up our rights and liberties, to have our families put on trial in the first place. Therefore, the alternatives to marriage and divorce are being utilized across the country on a state by state basis.

I now leave the subject of the history of family court and launch into the alternatives.

2.7 The Replacement of Marriage

As I have presented in the Brad Pitt and Angelina Jolie relationship, the couple made the decision to not marry and instead drew up basic legal contracts that addressed all of the necessary pre and post-relationship obligations. These “contracts” are able to be enforced by any state court of general jurisdiction as the state judge does not need to make any decisions as to asset splits, custody decisions or support orders, therefore there is no need to take their post-relationship issues to family court, but just in case they are dragged into family court, the family court judges already have the mutual consent of both parties as to all possible issues that the family court judges think they have the jurisdiction to adjudicate.

When a man or a women decide to live together and share a common dwelling, there are already basic “co-habitation agreements” available on the internet and can even be found in the local office supply stores. Each party maintains their own accounts and assets. If the relationship progresses toward a long term commitment, the couple can take their contracts into the next level which is to address joint accounts and joint assets, and how to split assets jointly acquired during the habitation period. If children are to be expected, the couple can take their contracts an even further level and that is to what is called a “shared-parenting” contract. The shared parenting agreement outlines post-relationship adjudication of all issues. There are now many examples of these contracts on the internet and many are tailored for your particular state. So far, these well drafted contracts have held up in court primarily due to the mutual consent of both parties being secured before being activated.

By 2041 marriage in the United States will be over at this point there is no way to save it. It is not true that we are not going to form live in couples and not have children, it just that the obligations of joint households and the parenting of children will not be subject to the family courts. As to the existence of personal religious commitments, there will be such ceremonies but they will be trivial and useless as far as the law is concerned, and frankly they have been useless for 30 years. The reality is the church has remained silent against the abuses and the

destruction of two generations of American citizen's and their children so their voices will continue to be of little or no value.

Our state and federal governments have run into trouble even defining what a marriage actually is, to which resulted in an apathetic definition of, "A union between one man and one woman." It ends up that this "union" amounts to only a handful of tax, insurance, and estate planning benefits, all of amount to not very much.

For those that are already in a traditional marriage relationship, there are three alternatives that you can use should you find your marriage subject to the family courts.

2.8 Three Alternatives to Family Court:

2.9 The 50/50 Split Custody Alternative

Natural rights and Constitutional Rights, discussed later on, supported by many US Supreme Court case rulings, clearly state that two fit and able parents have equal custody rights to their children. When both parents come equally before a family court judge, and neither has broken any laws, the fact that the judge makes one a loser and one a winner, is simply abhorrent. Legally speaking, the only safe ground they can take is to rule upon what is called "50/50 Split Custody." Technically it is called "50%/50% split and joint legal physical custody." The typical custody schedule is one week on and one week off. Each parent provides support, clothes, food, recreation, etc. during the week they have the kids, and child support is only ordered if one parent's income/assets are subjectively disproportional. Otherwise everything else is equal. In the event that one or both parents are not fit and able, that can only be determined by full adjudication in a criminal court by trial and jury, thus providing compliance to Constitutional protections.

The benefit of 50/50 Split Custody is that instead of the family court judge turning a "two-parent" family into a "no parent" family, 50/50 Split provides a "two-parent" solution, that is, at all times the kids have at least the full attention of one well rested and able parent. The 50/50 Split has been so successful, that family court judges are beginning to award such requests if both parents buy into it from the onset. The

judges also like the agreement as it does not create a victim, a loser, and a winner. Both parents and the children are winners. As in all things California, the 50/50 Split is gaining traction and is moving east.

If you first start out practicing the 50/50 Split, you may eventually wind up doing what is called “shared-parenting” which is a more relaxed and informal parenting relationship. Shared parenting is the next alternative to family court.

2.10 The Shared Parenting Alternative

Shared Parenting, or as is sometime called, “Co-parenting,” is the ultimate in post-divorce custody and support arrangements. It does, however, require some pre-requisites that might not be available immediately following a recent divorce. First, it requires that both the mother and father are finished doing battle with each other; the “war” has to be over. Next, it requires that both parents put the needs, wants, and desires, of their children first and foremost and well before any personal pleasures that would prevent a parent from doing what is best of the children. Lastly, it requires both parents to lift up, edify, and validate each parent to the children. The mothers edify the fathers, and to the fathers edify mothers. This validates both parents in the children’s lives.

Each couple that decides to practice shared parenting, will have a hard time putting the relationship in writing as the terms of the agreement are constantly changing as the needs of the children are constantly changing. The closest contract that can be drafted is a 50/50 Split Custody agreement. Otherwise a shared parenting agreement might just state, “Mom and Dad can do anything they want, just leave us alone.”

My ex-wife, Kathy, and I have been doing shared parenting successfully for six years. It has been so deadly effective that I have dedicated a supplemental chapter at the end of this book, just to give you one example of how it works. I will, however, share with you our teenage daughter’s testimony as to how she likes shared parenting in her life. I will not reveal her name and I wish to keep our privacy, but here is her testimony as to her take on shared-parenting, “I will never wake up with a mom and a dad under the same roof married. But since the shared

parenting, I can wake up with both parents having a cup of coffee and laughing like friends. I would have it no other way."

Again, I dedicate supplemental chapter on how Kathy and I were able to make shared parenting work.

2.11 The Divorce Guru Alternative

The term, "divorce guru" is not meant to be a ubiquitous term but rather it has not been given a formal name yet, that is how young the practice is at this writing. I will not give out the names of the firms that practice divorce guru, but if you search Facebook or the internet, using the term, "divorce guru" you will find a list of the firms in current practice.

The divorce guru is a complete alternative to going to family court. A divorce guru will sit down with you and your ex-spouse and walk you through all of the hard decisions of divorce, custody, and support like adults in a mature fashion. The division of assets, custody, and support decisions are all made in mutual agreement. The divorce guru then types up all the legal paperwork and the family court judges sign off with neither parent having to go to court.

The divorce guru's are so effective that they can take the most conflicted couple and get them to agree to what is called an "independently negotiated resolution" in as little as two hours. The reasons for using a divorce guru are numerous but mainly focus on cost savings, preserving pre-divorce wealth, saving time, and saving the children. Even the tiniest details are addressed and the boundaries of each parent are preserved. The term "custody" is avoided and replaced with "parent time." The end result is that the children have "two parents," instead of "no parents."

2.12 Statistical Advantages and Disadvantages That You Will Face In Family Court

Knowing what you know at this point, mothers still have an 80% statistical advantage in family court while the fathers face an 80% statistical disadvantage in family court.

But as I have made the case, the mothers, the fathers, and the children end up as victims in their own victim classes.

The rest of this book is dedicated to those that are going to have to show up in family court regardless of what you would otherwise rather do. I would rather have you work towards a 50/50 split custody decision as that averts additions to the victim classes, but I realize that many who use this book will be awarded full custody.

Knowing that, let's proceed to get you ready for battle in family court.

2.13 Introducing the Concept of Rights

The concept of rights dates to the ages of time, but if you have to put a date on them you could start in the early 1500's. The concept of rights was bounced around by heavy thinkers around the known world until the split of the Christian Church which divided rights into two loosely defined categories, the Protestants took to "natural rights" and the Catholics held onto a more church based or secular definition of rights, which today are called "human rights." The Catholics had a stacking of hierarchy in their church to the topmost position of Pope, so they had a hard time with the all man being equal before God thing.

The term "natural rights" without getting into splitting hairs, refers to "God given" rights. That is, all men are created equal and are of equal standing before God. These natural rights date back to the Protestant Revolution where it was discovered that all men could have a direct relationship with God and not be subject to intercessors like the church or priests that claim to be closer to God or assume a higher standing before God than the average adherent. The Protestants claimed that all man already possessed all that was necessary whole and complete before God.

The term "human rights" is more of a secular term and it has morphed into a leveling out of the playing field of humans, where none have the greater and none the lesser, but that all are subject to an ultimate power such as a master government or even to an entity called "mother earth." The great thinkers of history took this concept to places such as communism, one-world and one-government creations, and to the notion

of a free society. Today, the world leaders have enumerated the concept of human rights into secular documents such as the cannons of “International Human Rights.”

Back in the United States, dating back to 1776, Thomas Jefferson and his wife, Martha Skelton Jefferson, along with thongs of heavy thinkers and their wives, shifted through centuries of great thinkers and decided that their new country would be based upon the notion of “Liberty” that was possessed equally by all its citizens that were equal before God, and that only a small yet required and efficient government would be that was needed and this government would be charged with the protection of the citizens “liberty” interests.

2.14 The United States Constitution

The United States Constitution was the creation of the founding patriots and it was designed to protect the citizen’s rights to their natural liberty rights.

Today, the United States Constitution is of little or no use for those going before family court judges, but I need to describe how the functions of Constitutional law were supposed to work to benefit and protect the citizens.

2.15 Basic Constitutional Law

I need to give you a good understanding of basic constitutional law so I can tell you why it does not work anymore which then explains why your family court is unconstitutional and further why your family court judge is not expected to recognize your constitutional rights in court. Then I reverse a bit to tell you that it is possible for you to have some of your rights honored by the judge but that it all depends on how and when you ask for them.

When the founding patriots voted to enact the United States Constitution which then created the United States, the Constitution was the only law in the land. The Constitution was complete as it formed and charged all three branches of government, set up a system of checks

and balances, and also enumerated the rights of the citizens and that nothing could ever violate those rights.

After the Constitution became the “supreme” law of the land, the legislators in both the state and federal governments began to pass new laws. These new laws, however, had to be subservient to and could not violate any part of the Constitution lest they be deemed “unconstitutional” and therefore rendered illegal and void. The original checks and balances on the newly passed laws were that the citizens could challenge the new laws in the courts so the ultimate authority, the judicial branch, could declare a new law “unconstitutional” and thus void.

In the early days in the United States the whole process worked well, but today the state and federal legislators have pumped out so many laws and continue to pump out more and more laws every day, that there is no way the citizens could ever challenge the constitutionality of the laws in the courts. At some point in the past everyone just gave up. Only on a rare occasion, will you even find a lawyer take on the Constitutionality of a law and commit to the laborious task of taking a case all the way to the US Supreme Court for the final and ultimate ruling on whether a law is legal or illegal. Lawyers can’t earn a living taking on the constitutionality of laws; they have to earn a profit somewhere.

To illustrate the problem today we still only have one Supreme Court and since they can only take on one case at a time, the result is that they can only accept 1% of the cases brought to them. All the other cases go without any determination as to the constitutionality. Today the Supreme Court has been marginalized and is of little or no use to the United States.

On a rare occasion the court may take on a case that may have some importance to the country, but most of the cases they do hear on have little or no value beyond those parties in the case dispute, and there is just no accountability on the court’s use of their time and resources.

Because of this the states gave up and eventually the federal government gave up determining a law’s constitutionality.

My lawsuit, that I have described already, took the constitutionality of the family courts of South Carolina all the way to the US Supreme Court, including my asking the Supreme Court if the state can outright torture its citizens to death or not, or was doing so unconstitutional or not. All nine justices read my petition and saw the evidence and the voted to deny hearing the case. The lesson to be learned is that states can kill their citizens and there is nothing that the citizens can do to stop it from continuing.

Therefore that's why no one cares that family court is unconstitutional as there is nothing the citizens can do about it as not even the Supreme Court will do anything about it. That's why there is no expectation that family court judges will obey the law or protect your rights. I am going to reverse a bit and tell you that there is way that you can have your family court judge honor your constitutional rights but that it all depends on how and when you ask the judge. I certainly can't assure you that such will work, but I can tell you how you can make an attempt. The examples of how to do this are found in the rest of the book and I focus on actual word play in the litigation chapter.

2.16 Basic Contract Law

Next, I will address basic contract law because family court judges will adjudicate marriage and divorce sort of like it was a contract, but since marriage is not really a contract, it is hard to make sense as to how a family court judge can even come to decisions out of something that most of us consider as an oath before a God. Just how does one rule on God?

A regular basic contract is an agreement between one or more parties. The contract details just what the parties are going to do as well as who gets what in payment or kind to and for whatever the parties are supposed to do. If one or more parties do not follow the terms of the contract then that party can be charged with "breaching" the contract and the injured parties can seek remedy and redress in a court of law.

Saying this, the family court judges have to figure out a way to adjudicate your marriage and divorce as if the "contract" of marriage had been "breached" but at the same time not reduce marriage to a mere contract that can be simply voided. They have to treat marriage in a

special way as something to do with God, because if it was just a basic contract there would be no need for family court, you could just go to any judge in any general court and file for breach of contract.

In my case I was married in a church before God and witnesses, yet I was divorced by a stroke of a judge's pen, apparently the contract was over. Just what kind of contract I made and just how did I breached it no one will tell me because if they did family court might not be in business any longer. The whole concept is convoluted.

The reason I even bring this up to you, is because I want you at certain times to use some legal terms in front of the judge and treat the judge as if he were adjudicating a breached contract. Yet at other times I need you to address the judge as if the issue before the court were based on something of higher status and somehow beyond man's realm. I do not want you to get all religious in front of the judge as that can cause you more harm than it can help, but rather I need you to make the judge reach out of a comfort zone that they constantly try to operate within.

I primarily use this help you focus on your "natural rights" which we have defined as your God given rights, to claim the rights you have to equal custody of your children and to the equal sharing of the responsibility in raising your children.

2.17 Written Law, Case Law, and the Judges Law

This section is of critical importance and it applies to all United States citizens 18 years old or greater. It is also a legal topic that I am going to have to give you the legally incorrect definition to get the right concept grasped in the shortest number of words as possible, but I will walk back the incorrect parts. Here it goes:

The written law is not really the law. It is the law to the extent the police can charge you with breaking the law and put you in jail, otherwise the written law is not the law. As your state and federal government have been posting their laws online for all of us to read and try to understand, you have to understand that those laws are not really the law.

The law only becomes the law as parties sue other parties in the courts based on the written laws, of which the judge's renders each case based on its merits and the judge's final ruling becomes the actual law, but only to your case. These rulings the judges make on the written law are called "case law." So that means that case law is the real law?

The problem with case law is that since the law was decided by each judge and that the judge's ruling only applies to that one case and not to others, relying on case law for your new case has little value as it is not the real law in your case. You can use case law to try to convince your judge to rule in favor on your new case, so that is when it is important. Only when your judge rules on your new case, does the judges decision become the law, and only then in the confines of the set of facts regarding your new case and not to others. Your new case just becomes case law for others to use.

Then since the judge's ruling in your case can be appealed to a higher court, the new law is established by the judges in the appeals court. Then the appeals court ruling, which had become the law, can be taken to the next higher court. This process of taking your case up through all the higher courts will eventually come to an end when you reach the last court in the land and that is the US Supreme Court.

The decisions the US Supreme Court makes is actually the final law as there is no one above them, so it can't be questioned. If I were to say that the only law is the law is that which is determined by the US Supreme Court I would almost be correct. Does that mean the only law that you can really count on are the US Supreme Court decisions which become the final law? That too is almost correct. Where and when it is not correct is something I am not going to go into as it would take many books to explain, but the way I have explained it is almost correct in almost all cases.

It can take decades between the time legislators passes new written laws and the time it takes for the laws to be actually vetted in the courts to where and when the US Supreme Court renders their final decisions. Unfortunately, when a written law is found by the courts not to be the

law, there are no feedback mechanisms to the legislators to edit the posted law on their websites.

Is this a flaw in the system? Yes, it is. It would be much easier and less costly for everyone involved if the legislators could take their new laws and run them by the US Supreme Court first to at least get a nod yes or a nod no.

Until someone takes this task to fruition, I bring it to your attention because I don't want you go logon to your state's family law section to find a law in your state that you think will help you in your efforts to convince the judge to rule in your favor, only to be upset when the judge completely ignores your reference to the law. I am not saying that it will not work for you in your case, I am just saying that you cannot assume you are going to win anything based on the written law as it all depends how the judge rules on your case based on the written law. You are going to need more than the written law to win your case.

You are going to have to say something to the judge like, "Your honor, the law of North Carolina does support me, but I would like you to give me the chance to convince you that it applies in my case..." I can now use this reality in the rest of the book.

Lastly, I want to make a note on the availability of the written law in your state. The bulk of written law is not available to the public, and much of it is hidden behind lawyer only websites and even there can only be purchased for a steep price. Some states do have their laws online while others do not. Most states no longer have public law libraries and unfortunately the best stocked law libraries are in prison so that won't help you. You are going to have to find out your particulars for your state and there is a chance that you may not have access to your state's written family law.

2.18 Law Enforcement

I could not end my list of legal topics that I need to address without discussing law enforcement. The worst part of family court rulings is the fact that the sheriff's department and to that of the police, will get up close into your personal life and if they discover a mistake, you can be

dragged down to the sheriff's jail. Worse, the sheriff's deputies have job performance metrics based on their conviction rates and the number of citizens that they can drag into their jail.

My purpose in bringing up this subject is to explain the difference between police officers and sheriff's deputies. For those that already know, forgive me if I take up your time. The sheriff's deputies are technically officers of the courts, and as such, are charged with the enforcement of court orders. They also serve legal notices, and deliver other papers and perform other services for the courthouse. The deputy's authority rests with the county sheriff, who is a uniquely charged law enforcement officer with very broad yet specific powers. The sheriff's are assigned to maintain and operate a local detention facility or jail. They are charged with the enforcement of the local and state laws, and are to follow instructions from the courts. Sheriff Deputies are sworn siblings of the sheriff and carry the authority of the sheriffs.

The police on the other hand are a whole different story. Police departments are usually located in larger city areas and can encompass several counties whereas sheriffs are limited to a single county. The police officers are required to enforce and obey the law, but they have more latitude in the use of force and legal restrictions that otherwise crimp a sheriff's deputy. The police will break down a door and enter with their guns drawn, while sheriff deputies will knock on the door first.

Before I get into more trouble describing the difference between the two, I want to bring up the subject in case either is called to your home before, during, and after your divorce and custody arrangements. If the sheriff deputies show up you should first describe the legal status between you and your ex-spouse. You can say that there is an existing court order in force between the parties, or that a final court order is pending, or that both of you are currently married and may or may not be seeking dissolution in court. If you do have a valid court order, you can bring it to the attention of the deputy who is supposed to, but often is not the case, read the order and separate you and the kids and your ex-spouse based on the terms of the court order. If you leave it up to the

deputy to decide, you are better off backing away from whatever it is you have done to cause the ruckus, as the deputy may have a reason to just arrest one of you and take you to the sheriff's jail knowing that the courts can then address the situation.

If the police on the other hand show up on your doorstep, they are not really concerned with your court order, they will just ask whom has the custody at the present time or they will give custody to the mother by default. What they really are concerned with is if a crime had been committed to which they will either process the crime or leave.

My final point in bringing this up is that both of you, or both genders, need to be very careful in calling out law enforcement. Limiting the use to scenes of violence, or even to potential violence, is a good idea and fully justified, but calling law enforcement to settle an argument over who should have the kids and for how long, or to otherwise try to use law enforcement for your personal gain or to curry favor in upcoming family court hearings, can really backfire on you in court. The deputies and the police know when they are being abused and they really don't like to have their time wasted and worse, since many police officers and deputies are killed in the line of fire by overheated domestic parties you may suffer unintended consequences. If your children are present, both of you may end up having your children removed from your home and given to the social services department who may toss them into foster care or be sold for profit in the adoption marketplaces.

2.19 Live in Boyfriends, Girlfriends, and Step Parents

Next I am going to bring up several topics that need to be addressed in this chapter.

Live in boyfriends, girlfriends, and step parents can be used against you in court and it is the ladies that have the most to lose. The ladies have a major statistical disadvantages to having live in boyfriends or even a legal step father. The reason is solely because the presence of any non-birth-parent man in the house around the children, places the children at a highest statistical risk of injury than any other type of person in the home.

In fact, there really is no safe way for the ladies to introduce a new man around children. This is all based on well known and widely accepted statistics of death, mortality, morbidity, abuse, and neglect. It ends up the most dangerous person to bring into your children's home is the live-in boyfriend. Below is the list of the order from the most risky to the least risky to introduce into the children's home:

- 1) Unmarried non-birth-father men involved in a sexual relationship with the mother.
- 2) Step father non-birth-father step-father in sexual relationship with the mother.
- 3) Birth mother and birth father equally safe.
- 4) Unmarried or non-birth-mother step-mother or girlfriend who is in a sexual relationship with the father.

In my *Pro Se* litigant advocacy work I have come upon one case after another of a mother losing absolutely everything in court all because she moved in a live-in boyfriend who ended up either doing drugs or having a criminal record that the birth-father was somehow able to obtain. Even when the mother kicks the guy out of her house and goes back to the judge for a rehearing, the judge still will rule against her merely because there is still the slightest chance that she would make the same mistake again.

For those mothers reading this, I have to tell you that there is no safe way to introduce a man into your children's home unless you can provide enough background information on the man, including but not limited to a drug test, criminal background check not just in your state, but nationwide, outstanding warrants check, fingerprints run through AFIS, credit checks, and a complete psychological evaluation with emphasis on propensities towards violence.

Further, if you are going to bring the man to court, you are going to have to dress the guy in a suit and teach him how to answer yes and no questions and allow the judge to carry a few minutes of conversation with him in court if possible. Family court judges have a sixth-sense towards sizing someone up in only a few minutes of observation. I used to do *Pro Se* ladies a favor and dress up in my business suit with a stiff starched white shirt and a red power tie, cut a clean shave, get a close

haircut, and then go to court where I was examined up and down by the judge just to alleviate the judges concern about a strange man in the children's home.

The guys have it much easier as the propensity of a live in girlfriend or a step-mother to conduct violence is very small compared to the opposite situation. The judge knows that the only real risk of the girlfriend or step-mother, is perhaps drug and alcohol use.

I do address in later section on how to refute allegations from your ex-spouse about your current boyfriend or girlfriend, as those attacks happen with great frequency. The truth is for both genders the only safe ground is to date outside of the house, do not engage in sleep over's at your house, and only move-in, or marry, until after all of the necessary due process is performed to your satisfaction.

2.20 The Guardian Ad Litem

The term "Guardian Ad Litem" in Latin means the "guardian of the dead" as in your "executor of your estate after death." It is another Latin term that if everyone really knew what it meant they would stop using the terms. In modern day family court the guardian is usually called in the middle of a custody battle where either one of the parents specifically asked for one, or the judge was unable to figure out which parent is better or worse, in which the judge can assign the whole unhappy process onto a disinterested third party. The "guardian ad litem" has to come up with some rationale to award custody to one parent over the other and why. These guardians are usually a lawyer, or other court officer, that has no psychology training but is otherwise supposed to represent the best interests of the children. Many guardians finally end up interviewing the children which by some sort of determination is made by osmosis or enlightenment. The whole guardian process is a waste of thousands of dollars of fees and many times hurts both parents when the social services department is called in because your child has a scraped knee to which your children are tossed into foster care.

Lastly, you can brush off the whole guardian ad litem process as being frivolous because a six year old son or daughter is incapable of making a

decision as to which parent they prefer over the other. Not until the later teenage years can a child even make logical or informed decisions as to where they want to live. When your children become young adults they will tell you that what they wanted most at age six was to have equal rights to both parents.

2.21 Parental Alienation Syndrome - PAS

Parental Alienation Syndrome, or “PAS” was originally called bad mouthing your ex in front of your children so as to poison the children against one parent or the other. This bad mouthing was originally found in most divorce and custody agreements as something punishable by contempt charges against the offending parent. The problem is that it is almost impossible to prove in court.

This bad mouthing process has morphed into new term called “PAS,” and is defined to mean, the slow, calculated dripping of untruths to your children to poison them against the other parent, all for the benefit of one parent over the other. Many states have gone to great lengths to define PAS while others still don’t believe it exists. The mental health community has embraced PAS as a sort of pathology that has serious consequences that can cause lifelong psychological damage to children from young age.

So far, several states have allowed one parent to lodge claims of PAS against the other and some judges have started to adjudicate PAS. Sometimes a guardian ad litem is called into make a final determination, other times the judge skips the guardian and just goes straight to the children’s counselors and therapists. Both mothers and fathers are losing their custody over PAS findings. Few are held in contempt and none have been jailed from what I have seen.

2.22 Affidavit of Perjury

I address the use of something called an “affidavit of perjury” not because it can put you ex-spouse in jail during a court hearing, but rather it’s presence on your table in the courtroom can help convince your ex-spouse from speaking untruths against you.

A “criminal affidavit of perjury” is a state specific form that if your ex-spouse lies in court and you can prove the lie, you can sit down, fill out the affidavit and submit to the judge. If it works, the judge has no choice but to have your ex-spouse arrested on the spot and hauled off to jail. The spouse is released as no prosecutor is going to pursue claims of perjury in family court, because there are just not enough beds in jail to fill with all the parents that lie in family court. So, the real purpose of an affidavit of perjury is to convince your ex-spouse not to tell blatant lies in front of the judge. Many judges will jail an offending parent as they abhor lying in their courtroom. Other judges will just ignore the affidavits.

To use an affidavit of perjury you need to search the internet for one for your state, and if none can be found for your state, look at the ones for the other states as they all look alike after awhile. Print a stack of them and bring them into family court and place them on your table. I go into greater detail in the litigation chapter as to when and how to pull one out and sock it to you ex-spouse. I have seen the affidavit of perjury work in about 50% of the time and its success was dependent on how the judge felt about a lie being put forth.

2.23 The Domestic Violence Industry

The term “domestic violence” is the bane of every man’s existence. Your states domestic violence council is the current hang out for the hard core man haters. As I have said hard core man hatters can be found wherever the government can abuse men. They are attracted like flies to dead flesh.

80% of domestic violence claims are false and are obtained for specious reasons. The other 20% are valid and the women are victims of non-lethal abuse or are just dead. In the last twenty-five years our nation has spent a little under a trillion dollars to try to reduce the incidence of domestic violence but our states still report the same number of dead bodies, 80% are women and 20% are men, each year so the money has been wasted. 80% of the money was spent abusing men that committed no violence, while only half of the remaining 20% went to victim support and advocacy services. The other half was consumed by the hard core

man hatters lobbying efforts and parties to perpetuate the abuse against the men. There are male victims of domestic violence, as studies show that men and women batter in equal percentages, but the hard core man hatters refuse to provide any victim services or advocacy work for the male victims.

I cover false claims of domestic violence that are used against both men and women in family court for the purpose of prejudicing each other before the judge, during the litigation chapter.

2.24 The Social Services Departments

If Satan has a home on earth, it is at the state headquarters of your social services department. Some states call them the “DSS” or department of social services; other states call them “CPS” as in child protective services, while others refer to other child and parent social services department acronyms.

These social services departments are the bane of any and all parents in your state. No parent and no children are safe from the grips of these departments. Their words and their actions are unquestionable and impenetrable by any court in the state. There is only one US Supreme Court case that has allowed a parent to sue an employee of the social services department and even with that it is almost impossible to take them to court. I should know, I threaten to take the South Carolina Department of Social Services to court and they took a hit out on my life and tried to kill me in their jail. When I got out, I did take them to court all the way to the US Supreme Court and the US Supreme Court refused to hear my case, so there is just little chance of winning a lawsuit against them. This fact empowers them.

My case is just one of thousands of stories that circulate on the internet about the state’s social services departments. Worse are the recent findings about how the removal of children from loving and fit and able parents only to be squandered for profit into the foster care program, or in the case of the cute babies, sold for highest bid in the adoption marketplace, have been enumerated and proven.

The conclusion of this section is that the social services departments are just too powerful, and there is little you can do other than to document everything they do to you and your children for future potential use in a court of law. As to gender bias, the social services departments victimize the mothers at a greater frequency and routinely target single custodial mothers for child snatchings and more often infant children as they fetch the higher resale price on the adoption marketplace.

2.25 Warning Against Doing your Own Investigations

To illustrate this topic I use my favorite example of what never to do. In Florida many years ago, a church deacon suspected his wife of having an affair. He hacked into her email account by just guessing the password, and he connected a little cassette tape recorder to the phone lines running under the house. Low and behold, he had the cheating wife arranging clandestine meetings with her paramour. When he sprang the news to all and everyone in the church in the attempts to keep his innocence in what would otherwise become a high profile but local divorce case, all of it blew up in his face as her lawyer sued him for defamation, invasion of privacy, as well as other serious charges which resulted in his wife absolutely cleaning him out of all assets and property as well a losing custody and being piled upon with child support.

The lesson to be learned is that the only evidence that you can safely gather in your defense or offense is that which you would normally obtain in the due course of a typical day. If you get something by digging a little then that might be okay, but digging to deeply can work against you. Even the use of a private investigation firm, safely hired and paid by your lawyer, can pose to be problematic and can land you in hot water. Also, do not go online and assume the role of someone you are not in the attempts to lure your ex-spouse into revealing something lurid as that is a serious federal crime and can land you 10 to 20 years in a plush first class federal prison.

If you are going to conduct any sort of investigative work, you should limit your actions to keeping a time log or activity log documenting the time your ex-spouse leaves and returns and to where they said they

were going. If you are simply unable to keep your composure and your want to verify the actual location of your spouse at any given time, you should write down in your log that you made the decision to verify the whereabouts and you can only do this on a few occasions. The production of such logs in court can save you from being accused of being obsessive and possessive to the point of driving the cheating spouse into the arms of another. Otherwise, leave the investigative work to the professionals.

Conclusion

This now concludes your basic family court training. As I have said before, I have laid out the legal topics and terms in a purposeful order so that the accumulation of knowledge can be used on more serious issues. I know can take on the task of preparing you for the courtroom and then finally to the litigation chapter, where we go into the live courtroom battles.

Chapter 3

Courtroom Preparation

*“I never understood how I was married before God
and witnesses yet divorced by the stroke of a man’s pen.”*

3.1 The Basic Set Up of a Family Court Courtroom

The most important thing in the courtroom is your chair and table. Some courtrooms do not have a plaintiff's table and chair or a defendant's table and chair, just a designated place to stand for the whole hearing. In the event you do not have a chair and a table, specifically ask the judge or the bailiff for a chair and a table and if denied, ask the judge to reschedule the hearing to a time when one can be provided. When they ask for the importance, tell them the truth in that you need to be able to sit down and make notes between your rounds of talking. You can add a line that standing for extended periods causes physical pain.

The reason why I want you to have a chair and a table is that for a *Pro Se* litigant it will help you control the pace and flow of the courtroom. I go into more detail in the litigation chapter, but it has to do with the process of your sitting down tells the court that you are finished speaking while when you stand up you are telling the court that you are going to talk. If you are forced to stand the whole hearing then the judge and lawyer will just monopolize the hearing and you will end up not speaking when you need to speak.

The basic setup of the courtroom consists of the judge's bench, which is usually centrally located in the front of the courtroom. Next to the bench should be a witness stand, but sometime these are absent in a family courtroom. Also, absent is probably the jury box of twelve seats. Somewhere off to a side will be a court reporter, but as is the case the many family courtrooms today, there is no reporter present and the whole audio in the courtroom is recorded to a master tape recorder somewhere deep in the bowels of the courthouse. Also, recording are various video cameras that are also recording and saved along with the audio recording. Somewhere lurking about will be a bailiff or maybe two bailiffs. Positioned not far from the area directly behind you, are four sheriff deputies that are waiting for the right signal to jump on you and wrestle you to the ground and haul you off to jail. To the right side of the court is the plaintiffs or petitioners table and chair, and to the left side is the defendants or respondents table and chair. Sometimes it does

not matter who sits at what table as family court is informal and the seating is not important.

Behind the tables and chairs is the rail fence that separates the back of the courtroom from the active litigation area that is reserved for the litigants and the lawyers. In the back of the courtroom in the area persevered for visitors. Typical family courtrooms are closed to the public for all except court watchers, who have received permission to observe closed door court sessions. At the back of the courtroom, is a guard that monitors the back door to ward off wayward visitors during a hearing.

When you first enter the courtroom, go to your table, set your business bag down, find and pull up the chair, then methodically empty the contents of your business bag and arrange the stacks of paper on your table. If the judge tries to hurry you, ask him nicely to allow you the time to prepare for the hearing. If there is no chair, kindly refuse to proceed with the hearing until the bailiff can provide you with a chair. I start off the litigation chapter, the next chapter, by again starting you off in your chair behind your table. I can't emphasize the importance of the chair. If the judge will not provide a chair, ask for a wheelchair, if no wheelchair, ask the judge to continuing the hearing at a later date and only when the court can provide you a chair. If the judge presses you as to the need of your chair, tell him the truth, that you can only think clearly when you have chance to sit down and make some notes to yourself on your pad of paper.

3.2 Jurisdiction

Jurisdiction is something the judge has to have before he is able to conduct a hearing. Jurisdiction in family court is demarcated by the state you are in. Simply you, your ex-spouse, your kids, and your current custody/support order all have to be located in the same state. If mother and father and current custody support orders are in different states then the judge can't proceed and rule on your case until all of you are together in the same state. In reality, the family court judges don't really obey jurisdictional mandates and they rule over other states orders all the time. In case your judge does not have jurisdiction over

you or your family or your custody support order, all you can do is ask the judge to dismiss the hearing and if that does not work, make a note on your pad of paper that you set the lack of jurisdiction onto the record so you can appeal the hearing later on.

If you look up jurisdiction online, you will find many different kinds of jurisdictions, like “in person,” “subject matter,” and “in rem,” and so forth. Family court is only concerned to the extent, you, your ex-spouse, your kids, and any current custody and support orders are all in the same state or not.

Technically, the family court lawyers are not allowed to let the judge proceed if the judge does not have jurisdiction, but since the whole family court courtroom is a unconstitutional circus anyway, no one really is going to care other than you. As I state in the litigation chapter, I want you to bring up the court’s jurisdiction and put it onto the record despite the courts inaction to secure it themselves.

In the event you, your ex-spouse, the children, and the current custody and support order are in different states, then the court is not allowed to continue with the hearing until the parties have either moved to the same state, or have followed the correct federal law in transferring and registering a foreign support order in the state you are currently located. Traditionally, the state where the custodial parent is located and to where the children reside, is usually chosen as the “controlling” state and therefore all parties and documents have to be legally transferred and registered in the controlling state.

There is a really complicated federal law called “Uniform Interstate Family Support Act” or UIFSA, which is to provide guidance as to which state has the current jurisdiction over the custody and support orders. The act calls for a convoluted process of sending “transmittal” forms from one state to the other until the correct state has all the parties and all the documents and can proceed with court actions. In reality the states can’t stand federal laws getting in the way of purely state business so few follow the federal law in its entirety. Ultimately, all the states are to have to have a common database interchange so the custody and support orders can be moved from state to state

electronically quickly and easily. Some states have such computer programs up and running while others are anemic to the whole process and have put it on the back burners to someday get up and running.

The exception to the general rule that the controlling state should be where the children and custodial parent lives is in the event the custodial parent moves to a new state in such a quick fashion that the non-custodial parent barely has time to petition the court to stop the parent from fleeing the state with the kids. In this case, and this is not set in stone, the state the custodial parent fled from, will still have controlling jurisdiction until such time as the custodial parent and the kids satisfy the residency requirements of the new state, which can range from six months to a year. In any event the non-custodial parent that wants to prohibit the custodial parent from leaving the state with the kids has to act in a timely fashion to petition the courts to order to keep the custodial parent from fleeing with the children to the new state. I am taking a risk in telling you this as this is how some states work, but I am advising you to seek out your own state laws as it regards to custody and the registration of custody and support orders. Suffice it to conclude that it is a very complicated process and there are very few people that can even figure it all out from their states laws and those of UFISA.

As an example of how complicated it can become, I use myself as an example. I had three states claiming that they had jurisdiction over me and my support order, when in fact all the states did was photocopy my old order and claimed it was a valid registered order and each ignored UFISA altogether. I had three states charging me with child support arrears based on false claims of unpaid child support payments. I had to drive from state to state to all of the hearings, and the order to show cause hearings, and pretrial hearings and ultimately the trials themselves. In each hearing I told the judge that I did not know which state had jurisdiction and only a few judges even cared. When I eventually filed my lawsuit in federal court so as to determine which state had jurisdiction not even the federal court judges knew or were able to figure it out according to UFISA.

My advice to you is to do some homework before your family court hearing as to the proper jurisdiction in your particular case. If you think that your court does not have jurisdiction, you have to put it into writing in a pleading called a “motion”. Your motion is titled “Motion to Contest Foreign Registration of a Custody/Support Order.” Even if you submit such a motion it does not mean that the court will honor it, but rather it is, again, something that you need to put into the record so it can help you at a later time.

3.3 Know Your Rights Before You go to Family Court

Now that I have shared with you the concept of rights, and further that in family court you don’t have constitutional rights, you might wonder what rights you do have. I did say you do have many rights but that is depended upon how and when you ask for them. While I spend most of this book describing just how and when you can attempt to assert your rights, there is one right, above all others, that you can and must use and demand of the judge if not recognized or cut short.

This right is your right to be “heard.” The case law supporting this right defines a bit more as, “Your right to be heard in a meaningful way in a meaningful manner.” You may quote this definition to your family court judge should the need arise. This right is so powerful that you can start off a hearing by asking the judge to set aside enough time for the hearing so that you can be adequately “heard” by the court and if that period is all day or even two days, then the court has to make the accommodations. If the judge hurries you along or cuts you off you can say, “I am not yet done being heard,” or “I want to be heard,” “I have more to say,” or “please do not continue until I have been heard.” Technically, if you wanted to stand up and speak for three days the court has to allow it.

As to your other rights in family court that you may or may not have recognized, my best advice is to play a little dumb and then build up your question as to your rights in a careful but sincere manner, sort of like, “You honor, can you help me with something as I am confused for the moment as to what my options are at this very minute, I mean my ex-spouse has accused me of what is really a crime and I deny any

criminal actions, but I want to go further in protecting my rights by, or would it be right for me to ask the court for full access to the protections of criminal court in this situation, most importantly I want to prove my innocence to a jury?” You get this picture here. The idea is to put at least two sentences of build up before the actual asking for a rights as well as always framing the request for a right as a question to which the focus falls entirely on the judge to either grant or deny the right. Never burst out and demand a right as that will really hurt you. I provide sample quotes for you to use in court in the litigation chapter.

3.4 The Family Court Judge

As you can tell I am a bit hard on family court judges. I just can't get passed how they can actually do what they do and still live with themselves. They all have to have a screw loose somewhere. With that being said I want you to know enough about a family court judge so you can see yourself through their eyes and to try to know what they are thinking at any given time.

If you get a crooked judge and you want to get him fired then there is a set process on how you go about getting a judge fired and I have added a supplemental chapter on how to get a family court judge fired, which we have used successfully in getting several family court judges fired.

With that said I can progress into the murky world of the average family court judge. Some states do not have dedicated family court judges and merely rotate regular circuit judges into a day or a week of family court duty. If this is the case you are in a better position as a regular circuit judge will protect their integrity as being something of higher value than a typical family court judge.

If your state has dedicated family court judges you need to know that judges have career paths like in all other professions. For judges the lowest level is the administrative judge, while the highest is a US Supreme Court judge. A judge's intelligence as determined by their published opinions can advance or hold back a judge from working up their career ladder. Family Court judges fall in the lower part of the bottom rung on the ladder. Rarely can a family court judge advance beyond and out of the stigma and stink that surrounds family court

judges. Once established as a family court judge, there is job security and a high salary and lots of benefits and a juicy pension, but that is about the all of it. In other words a family court judge is a lifetime sentence. Some states end up rotating their family court judges around the state just to ward off nepotism and criminal activity that befall many family court judges.

In some states regular circuit judges are elected to a term of office, while the family court judges are chosen by some sort of governing body because few citizens will vote to keep family court judges. The term of service, made by mutual agreement of the governing body, is really just an employment contract to which the judge is protected from early termination or dismissal without cause. The governing body will espouse terms like “maintaining judicial integrity” or similar nonsense to fend off complaints filed by disgruntled litigants when in reality it is all about job security and as all things, money.

Many lawyers like to become judges as there are fewer work hours, no struggling to find new clients, safer job security, and the best part, more fun and ultimate power. Granted all jobs have their ups and downs, and all have their emoluments, but the judge’s role, even if it means a lower but steady paycheck, has some jollies from the power. A typical family court judge in South Carolina earns about \$130,000 a year as base salary and about \$40,000 in benefits and pension contributions. Depending on terms of service a family court judge could retire early as age 55 and receive a pension equal to 60% to 85% of their base salary for the rest of their lives.

Some family court judges are mentally ill and others are criminal. It is a known fact that roughly 20% of Americans suffer from some level of a mental illness, and judges are not immune from the statistics. In one federal court hearing I witnessed a federal judge, Magistrate Robert Carr, go into a psychotic episode that lasted ten minutes. All the defense lawyers could do is stand at attention and nod their heads up and down in agreement with the outbursts from the judge. None of them even had the nerve to call the judge out on his behavior. When the judge turned his outburst towards me, I just sat down and taped my pencil on the table. He started to punish me with sanctions and even began to

issue the sanctions until he finally came back to reality and discovered that I was not a lawyer and was rather a *Pro Se* litigant and can't really be issued sanctions in the first place. I was *Pro Se* and did not have to have threatened a law licenses and I was not about to remain standing while he totally lost all self-control. He eventually came back to reality and wiped the drool from his chin, regained his composure, and fumbled around on his desk to see what business had not yet been addressed. I had driven twelve hours just to witness a federal court judge absolutely lose it and who obviously suffered from an undiagnosed mental illness. The sad fact is that no one was brave enough to call him out and recommend that he submit to a psychological evaluation. The point is that not even the federal government will do anything about mentally ill judges, the same applies to your family court judges.

Next I can tell you exactly what the family court judge is focusing on during your hearing, and that is he is constantly sizing both parents up and down and left to right to detect any signs of all the things that can make for a bad and dangerous parent as well as those signs that signify good parents. What family court judges are really good at doing is making judgment calls based more on how you behave and not so much what you say. After a while the family court judges have heard it all before and there is just nothing you can say that can be all that unique. What will set you apart is how you are able to remain cool and level headed, the fact that you sit down in your chair between speaking moments and you are careful to make notes in you pad of paper before you respond back to the judge. Also, the fact that you talk nicely about your ex-spouse and even make kind comments that at one time you considered that person worthy of becoming a parent to your children sets you apart as being of sound character worthy of being actively involved in teaching your children the same sound thoughts.

The list of what the family court judge is thinking can go on for pages and pages, but the fact is the judge is going to have to make a judgment call based on pure instincts derived from a very short period of time to observe both parents. Many *Pro Se* litigants make the mistake of arming themselves with all kinds of fancy lawyer terms and fancy pleadings that somehow will force the judge into submission, and by making valid

but useless claims for rights, when in reality the judge just wants to know what kind of father or mother you are or will be. That's why I keep saying over and over again, that it does not matter what you say, but how you say it and when and why. All I need you to do is hold it together until the hearing is over. I even address the situation where you know you are going down in flames to which it is more important than ever to stay calm and cool, to take the hurt and keep looking forward, to weep if you must, but to recover and exit the courtroom gracefully. Why? Because, I need you to reload and come back to the court with the same set of issues, or to appeal your case up the court food chain, to not give up, to keep fighting for your children's future.

I explain in the final chapter the power of constant litigation and that it is the ultimate tool that the *Pro Se* litigant has at their disposal and it is there that I need to take you so no matter how bad your family court judge is and they are all bad in my book, you need to assume the best from your family court judge and earnestly try to win what it is you want from the judge, but if not, you can come back again and again.

3.5 The Family Court Lawyers

The family court lawyer that is representing your ex-spouse, on the other hand, is wide open for attack at all levels. Due to the sheer number of years the lawyer has over and above your knowledge and experience, there is little chance of going head to head in a direct litigation attack and winning, so don't even try. What I am going to teach you is more akin to guerilla warfare where you can run forward, attack, then retreat to safety. If practiced in the open courtroom you can effectively disable the lawyer for brief periods. If continued you can disable the lawyer to a point where he has no choice but to take the risk of putting your ex-spouse on the witness stand to which you then have full attack rights against your ex-spouse and the lawyer can do very little to protect them.

Until then I will cover some basics in dealing with the lawyer. First, the lawyer is not your friend; he has to be nice to you as that is a rule they have to follow. Lawyers have to treat *Pro Se* litigants in the same level of respect they offer to other lawyers. You, however, are not bound by

any rules and you are free to abuse at will. Before the hearing you can even lie to the lawyer in the hopes of screwing him up in court to which you can correct him in court to make him look stupid.

Just as judges have career paths, so do lawyers. The really smart go getter types move up the food chain until they reach the spot where they can win the really big lawsuits and split millions of dollars of damages with the law firm and take home a big wad of cash for themselves. These high priced lawyers thumb their nose down at even the thought of practicing anywhere near the stink of the family courts.

The practice of family court does not attract the brightest brains in the crowd and like the judges they all have to have a screw loose somewhere to even be able to swallow the pain and punishment they bring to bear on otherwise innocent captives. The only source of income is an hourly fee which most lawyers will tell you is a slow way to not get rich. That is why the average family court lawyer will steer you into a protracted custody battle as that is a home run for a family court lawyer. Even the family court judges will play along with a drawn out custody battle as it supports the continuation of what is essentially a criminal racket. It is sort of like a mobster telling you that they won't bomb your business if you pay them to not bomb your business. Family court lawyers and family court judges have an unholy alliance.

The work the family court lawyers do is not that complicated, the pleadings are really only a few in number and not that complex. The hours are steady and limited to the regular workdays. Most of their money and hourly billings come from the destruction of pre-marriage wealth, the drafting of documents as to divorce decree, custody orders and support orders, and to ongoing constantly disputed issues between the litigants. Family court litigation needs require only a few basic skills. The only emolument from the job is taking on and wreaking havoc on the poor *Pro Se* litigants.

3.6 Speak For Your Children

The most powerful testimony you can give in court and that can only be given by a *Pro Se* litigant is to speak with the voice of your grown and

adult children. Here are some examples that don't need further explanation.

"Your honor, it is not until my children reach the age of having their own children will they realize just how much of a victim they became based on the outcome of this hearing today."

"I want my children to have a better memory of their father/mother other than that the fact that he/she was absent from their lives and only paid the child support on time."

"Your honor, our children are going to hold their mother and myself accountable for the decisions we make here today..."

You get the picture. Never make the mistake of telling the judge that your child at age six wants to live with you and not your ex-spouse. Constantly talk with your child's adult voice. This also is a way to avert the judge from assigning a guardian ad litem because the concept that anyone can make a determination at age six to what the child wants or does not want is idiotic.

3.7 Your Rights to a Continuance

There is no law that says that your hearing has to be completed in a set time period even though the judge would rather move the hearing along to get to the next hearing. Once a hearing begins, it has to come to a logical close at some point, to which the judge issues "orders." The only two things that can slow down a hearing or extend it for a definite period of time, is to take a "recess" or to take a "continuance." A recess is for short duration usually measured in minutes or hours, while a continuance suspends the hearing to another court date where the hearing will be reopened and continued on that date. Sometimes a lengthy hearing will have several continuances before it is brought to close. Different states call their continuances by different names.

The point of a *Pro Se* litigant calling for or asking for a "recess" is to give you time to think about what you are going to say next. You can ask for a short recess by just tasking the judge to give you a few minutes to think about what it is you need to think about before you respond.

When granted you sit down in your chair and start making notes on your pad of paper. If you need more time you can ask for a longer period, and if you are really stumped, you can flat out ask for a continuance and explain to the judge that you need time to research on the internet what exactly are your options are at that point in the hearing to preserve your ability to protect your rights and to that of your children. Only ask for a continuance if you really need one, as some *Pro Se* litigants will draw out an otherwise basic hearing over several months just to waste the courts time and run up the ex-spouses legal bills in the hopes that they would drop the lawyer altogether or cave into the requested demands. For the cautious and sincere *Pro Se* litigant, a well planned continuance can make all the difference between utter ruin and a life saved.

3.8 Anger and Emotions

I discussed in the previous chapter about the dangers of anger in front of the judge, so I need not chew that corn again, instead I want to focus on emotions. Emotions that result in your weeping in family court are just fine, especially for the guys, a man that has no hesitation to cry in front of his children displays the father's ability to feel empathy, and empathy is perhaps that greatest common denominator of successful parents.

Guys should carry tissues in their pants pockets while the ladies can carry a portable package of tissues. For both genders, if the emotions boil up and you know the tears are about to flow at any minute simply ask for a brief moment from the judge and turn your head and let it out. Try your best to recover and wipe the tears and blow your nose, then launch back into the exact spot where you left off. If you have to take multiple short breaks then do so, just keep recovering and continuing. The judge knows that the issues before the court invoke deep and painful emotions, so they have sympathy and fully understand the tears. The fact that you keep recovering and continue despite the tears, shows great and deep character strength that bode well in your favor.

However, there is one area that you cannot let your tears or emotions drift towards, and that is the dreaded anger. Anger is your greatest enemy in family court. The biggest mistake both men and women often make is to revert to shock and awe or to a scorched earth policy where

you just lose all control and lash out at everyone. If you are at your greatest stress point you feel you are about to lose it, ask for a recess or even a continuance. The real reason you don't want lose it is because it will display the limits of your character which may also result in your losing it while parenting your children. It can disqualify your ability to be awarded custody.

If you are about to lose it tell the judge something like, "Your honor, I am overwhelmed at the moment and would like to request a recess of 15 minutes so that I may leave the courtroom and gather my composure so that I may return and resume the hearing with a clear head." Again, if the judge sees that you have self-control over yourself that bodes well for you as a parent.

A last note regarding emotions is to not display facial movements or emotional responses based on the attacks your ex-spouse or the lawyer may deliver against you. The judge can watch two people at the same time and they will be watching and judging you based on your reactions. In the old sense of the term, don't let them see you sweat. I had one *Pro Se* litigant ask the judge after a really bad attack, "I'm sorry your honor, can you ask the lawyer to repeat that, I did not hear it?" Likewise, do not be flippant or cocky as that sends its own bad message. Just keep your cool, wait until the attack is over, and then calmly take your next step to think clearly and respond and not react.

3.9 Why Pro Se?

The biggest mistake I see *Pro Se* litigants make in the court, is to explain to the judge that they are *Pro Se* because they don't have any money. That may work in a contempt hearing but in all other cases it can injure you. You can see the problem as how are you one going to provide for the children if you can't even pay for a lawyer. You need to tell the judge the truth which in almost all cases of *Pro Se* litigation is that you just could not justify the outrageous fees and the \$5,000 retainer would be a direct take away from your children. You can also explain that you could not find an attorney that did not want to otherwise justify a huge drawn out custody battle. You can also say you

are *Pro Se* because you wanted the court to hear your voice which would otherwise be silenced by a lawyer.

I do recommend that as *Pro Se*, and early on in the hearing, you should tell the judge the truth about being *Pro Se* because the judge is curious why you do not have a lawyer and your ex-spouse does. Otherwise it tells the judge that you either have no idea how much of a bad spot you have placed yourself in, or you are over cocky and will be proven foolish in short order.

3.10 Outstanding Warrants for Arrests

I have had too many *Pro Se* litigants arrested right in the courtroom, by crooked ex-spouses lawyers that want to fully discredit you from the very onset of the hearing. The problem is that the national databases that record bench warrants or other outstanding warrants are not available to the general public. They are, however, available to lawyers and law enforcement officers. There are online services that claim to give you access to the databases but I have not found any to be credible. The only way I know how to run your name through the records is to call the police department and ask nicely, or you have to go down to the police station, fill out a form, and pay something like \$3 for a full nationwide search.

I recommend that all *Pro Se* litigants run their names through the databases before you go into the courtroom. You just can never know what outstanding speeding ticket fines, or other fees and court fees have remained unpaid and to which your voluntary entrance into family court, gives the sheriff deputies the right to haul you off to the sheriff's little house of horrors that they call the local jail.

Another avenue that I have seen work in some jurisdictions is to call the clerk's office and see if they are networked into a common network with the sheriff's office networks. Many times they have the same codes and access to the national databases.

The same logic applies to criminal records. You need to know in advance just what issues are going to be used against you in court. The more you

now in advance the more you can prepare as to a defense. I address criminal record defense in the litigation chapter.

3.11 Support Modifications

For those parents seeking a modification in child support, either to seek a reduction or to defend a request for an increase, you are going to have to provide quite a bit of document creation before coming to court. For a reduction you are going to have to prove that if a reduction is not granted you will become indigent in x months. I have already exhausted the definition of indigency and now you know how and when to use it. You can tell the judge, “Your honor, I have carefully projected my budget going forward; I am going to be indigent in 9 months. If I can lower my child support to \$900 a month I will be able to remain solvent and productive to my children.” To defend an increase you have to prove that an increase would result in your becoming insolvent and indigent in x months.

You also have to log onto your state’s online child support calculators, to which almost all of the states now have them posted. These calculators are not mandated but rather serve as a guideline for the judges to follow, but if you can present the calculated results showing what actual child support you could bear that would keep you solvent and not fall into indigency most judges are reasonable.

Also, most states will not let you request for a change unless there is a “substantial change in circumstances.” This is another legal term that is not defined. You can just tell the judge that you only do your budget projections twice a year and that based on your most recent projections you are going to have to make a change.

Whatever you do don’t let the judge make a support decision number on the fly without careful documentation because they will always aim high and then watch to see if you wince or bulk too badly. You have to prepare in advance spreadsheets and detailed financial reports. I address the use of such financial statements in a later section.

Also, do not go down the road claiming how your child support payments are not really going to support your children but are rather ex-spouse

support and new boyfriends/girlfriend support or are being used to buy liquor and drugs for your ex-spouses habits. The judge already knows all of this and simply does not care about the abuses; there is nothing they can do about it.

If the judge wants to heap other expenses on top of the child support like health insurance premiums and deductibles, vision and dental costs, etc. you have to plug all of those figures into the state calculators and your spreadsheets.

As far as getting a second job issue that can come up, state that since you are already working 5 days a week, with a need for one day to rest, if you worked part time for only other day at minimum wage you will only stave off indigency for a few weeks. You have to prove that a second job will not provide the desired results. Again, you have to tell the judge that you cannot be forced into indigency as that is the worst possible outcome for your children.

Lastly if you face a contempt hearing tomorrow morning and you just found this book tonight, you only have a few options:

- 1) Pay all the arrears before the hearing, or pay part and then ask the judge for a payment plan for the balance.
- 2) If you don't have the money to pay all or some of the arrears, ask the judge for a four or six month extension to give you time to find work, get the medical care you need, seek job training, or otherwise get out from being indigent.
- 3) Tell the judge that you only barely hovering above indigency and that you have to at least maintain an address, a phone number, transportation, a roof over your head, some food to eat, because if you lose all of this you become indigent will be useless to your children.
- 4) You need to check with your state to see if they provide a free lawyer to try to keep you out of jail if you are indigent.
- 5) If nothing works throw yourself at the mercy of the judge, and if that does not work you may end up in jail or work release. To that unfortunate end I have added a supplemental chapter to the end of this book on how to prepare and survive in jail.

3.12 The Transcript

Most family courts today do not have a transcriptionist or court reporter present in the courtroom; they just record the audio of the hearing to a master tape recording device. In the event that you need to get a copy of the transcript, you may have to call the judges office and ask for the name and number to the judge's court reporter. When you make contact you will have to give the court reporter the exact day and time of your hearing so that they can locate the audio recording on the tape. They will usually give you a page estimate and a price per page of written transcription. In many cases you will want the transcript if you are going to appeal the hearing or reload again for another stab at a new hearing.

To that end you need to speak in family court in complete sentences without pronouns by using full names for your spouse such as, "Mrs. Bardes claims that..." Also, every word out of your mouth, for the *Pro Se* litigant recorded testimony which can help you or hurt you. If you hand out a pleading with copies to all parties, announce the title of the pleading so it is can be recorded on the transcript. Lastly when the judge issues his orders ask him to clearly state into the record the terms of the order, as many times, the judge is not the one that actually prepares the orders and many times the orders are prepared and signed at a much later date by someone that has a faulty memory, to which your only protection from errant orders are the transcript of the actual orders.

3.13 Weasel Words

The business world uses the term "weasel words" and the legal community calls them "disclaimers," but they are the same thing. Weasel words are a way to protect your testimony, either orally or in writing, from coming back and causing you injury.

As an example if you are asked a yes or no question, you should say, "To the best of my recollection the answer is yes," or "At the present time and to the best of my memory, the answer is yes." Never answer a question with just yes or no unless you are absolutely certain it won't come back later to hurt you.

If you are under oath and the judge or lawyer demands that you answer the question with either a yes or no, you have one option to try, like, “Since I am under oath and have to tell the whole truth, neither yes or no are the truth, it is a mix of both, let me explain..” Sometimes this will work and sometimes it will not. You can look up what are called “logic truth tables” as you may have to invoke them to be able to answer a yes or no question truthfully without using yes or no.

Other examples of weasel words are, “I do not recall at the present time...Let me explain...I am not certain...To the best of my memory... At the moment I do not recall...At this time I believe...My current opinion is...I don’t have enough information to say with absolute certainty...”

The purpose of weasel words is to prevent your testimony, especially the written transcript, from coming back and causing you injury.

3.14 Torts

Family court does not address torts or tort injuries; I bring them up as an example of issues that you can verify results in actionable items in regular civil court so you can see if any similar issues could be used in family court.

I will provide two examples. The first tort is “Intentional Infliction of Emotional Distress” or IIED. Since you have the right to protect your psychology from injury, you claim in family court that you ex-spouse has caused injury to you or your children’s psychology. Another tort is “Tortuous Interference in Business Enterprise,” here you have the right to not suffer injury that might lower your ability to earn a living. There are many kinds of torts that you can find on the internet to help you prepare your issues that you are going to use in family court against your ex-spouse. To that extent you can line up your issues against you ex-spouse to a tort, it may be worthy of bringing up as a valid injury.

3.15 Criminal Allegations, Admissions of Crime

If you already have a criminal record that contains already adjudicated issues I bring up that case in a later section as this section is to deal with criminal issues that are currently being adjudicated but may still

pose a problem or to the event that you may be accused of committing a crime in family court. The importance of teaching *Pro Se* litigants how to handle accusation of crimes is so vast that I cover the subject several times. Every time I provide services to *Pro Se* litigants and teach them how to refute the accusations, they still walk into court and in only a few minutes they have no idea that they have admitted not just to a crime but to multiple crimes. No one is going to prosecute you for admitting to a crime in family court as there are not enough jail beds to accommodate all those that admit to various crimes in court, but the problem is they convince the judge to strip all custody rights away from you and award custody to the other parent. If, however, the crimes are of sufficient degree, the family court judge may turn the transcript over to the social services department who may proceed to take action such as removing the children from their home.

That's why you need a crash course in criminal law. There is only one safe time to which you may admit to a crime, at all other times you deny, deny, and deny. The safe time to admit is when the prosecutor hands you a plea agreement and your defense lawyer gives you the okay, then and only then can you make the decision to plead guilty to a crime by signing the documents. All other times, including all the way through a jury trial you have to claim your innocence as even after a jury trial you have the right to appeal over and over again through multiple appeals and multiple jury trials.

The perfect example of this is Paris Hilton when she dropped her purse in front of a police officer and a bag of cocaine dropped out from the purse. She obviously had good training from lawyers as the first thing she said was that it was not her pruse. Later when she had to admit that it was her purse, she said a friend put a few items in her purse to hold. Another example is if a cop finds a bag of pot in your jeans, you claim they are not your jeans and you spent the night at their house and had to borrow them in the morning. If they find a gun in your car it must be your friends gun that was in your car earlier. The only way you can be stuck with a crime is if the gun or the drugs were in your hands. The same applies in family court; if you don't have drugs in your hands

you do not do drugs. You get the idea. Never admit to a crime in family court.

This is why you rarely will ever hear of an attorney or a judge being put in jail, in fact if a sheriff finds out that a lawyer was somehow put in the general population cell block, they will become angry at his guards and remove the lawyer to a private cell until the lawyer can get themselves out. That's why a police officer will pull you over for speeding the first thing the officer will ask you is do you know why you are being pulled over, most people say, uh, speeding – you just plead guilty to a crime and it will be used against you in a court of law.

You have to deny any charge of criminal conduct and demand and push the charges to a jury trial, keeping your mouth closed all the way. I discuss how to deny charges in the chapter on live litigation as you are going to have to learn how to do it.

The most common crimes that *Pro Se* litigants admit to in family court are the following, but the list is not an exhaustion. Most common crimes: Simple assault, assault, assault and battery, assault with a deadly weapon, assault with intent to kill, possession of controlled substance, intent to distribute, distribution of narcotics, possession of drugs within a half mile of a school, manufacturing controlled substances, contribution to the delinquency of minors, abuse, sexual abuse, simple neglect, gross neglect, undernourishment of a minor, criminal intent, conspiracy, conspiracy to commit crimes, withholding food from a minor, household not secure, loaded gun, illegal gun, unsecured gun, no gun license, lack of smoke detectors, dead batteries in smoke detectors, no fire escape, storing of flammable materials, public nuisances, unguarded access to pools and bodies of water, availability of alcohol for minors, providing alcohol to minors, and the list goes on and on.

Lastly, if a family court judge asks you to admit to a crime you have the Constitutional right to plead to the Fifth Amendment which allows you to not answer the judges question, you just plead the Fifth Amendment and keep your mouth shut. The problem with this approach is that if you beat the judge over his head with the Fifth Amendment he knows you are guilty and will rule against you anyway. The only safe ground

you have is to deny all claims of crimes, no matter how minor, as this shows the judge you are at least consistent and the odds of you being guilty of all the charges is probably remote.

Here is the best way to answer a judge's direct question as to your guilt of a crime, as in the judge saying, "have you ever done drugs before?" or "When was the last time you did drugs?" To which you say, "Your honor, if you are going to insist that I plead guilty to the charges of crimes, it leaves me with no choice but to claim my right to self-incrimination and request and push for full criminal adjudications." If you have to memorize this answer then do so, or write it down on a piece of paper that you take into court with you.

Further, and this works only on drug accusations, "You honor I have here a six-minute instant saliva drug test kit, so in six minutes I can prove to you that I am not doing drugs." These saliva drugs test kits can be found on eBay for about \$8. Buy two, one to make your ex-spouse take the test right there in the courtroom with you. The tests go back about three days in detecting drug use, so if you can stay clean for three days you can pass the test.

Again I address exactly how you respond to the charges of crimes in the litigation chapter.

3.16 Existing Criminal Records

Registered sex offenders, crimes against children, or crimes involving guns or weapons or blood and death, are so damaging that there is not much you can do. Almost all other criminal actions can be explained in a sound and rational basis, and you have the right to bring up and discuss all the details about any criminal actions on your criminal report to the point they are not used to prejudice the judge. Any current criminal charges that are outstanding and not yet adjudicated, have to be explained in even more detail. Since you have the right to be heard, you can take as much time as you need to state your case.

3.17 Charges for Domestic Violence

Almost all judges know of the rampant abuse of false claims, but when the charges of domestic violence are lodged against you in family court, you have a choice to make, 1) Object, then hand out your pleading and tells explains to the judge that the claims made against you were ridiculous and were made in a timely manner for the current court hearing. Or you can do 2) Ask the court for 10 minutes of court time because you now have to explain verbally to the whole court exactly what happened and did not happen because you have the right not to be prejudiced by the court or allow the court to form a bias. Then apologize to everyone and go into the full explanation of what happened. Or you can do 3) Say to the judge, “Your honor, the claims of domestic violence were a fabrication for the sole purpose to bring it up at this very moment to which I refuse to be put on the defense. Please just accept the timeliness of the charges in relation to today’s hearing.”

The family court judges know all about the abuse of false domestic violence charges as they hear them all day long. You don’t have to convince the judge about the abuses, you just have to refute the whole issue and put it into the record. Otherwise, you do not have to spend any more time on it than you have to.

3.18 Claiming, Defending Religion

I have seen too many *Pro Se* litigants lose in family court by falling prey to a good lawyer that knows how to ask leading questions. Even a basic Christian of sound theology can be trapped into admitting weird and strange religious beliefs. The attacks go something like this, “Do you pray to God? Does God ever answer your prayers? Does God speak to you? Do you hear voices? Has God ever told you to harm your children?”

If your ex-spouse can paint you as a religious nut case they will use it freely against you. The common attacks surround what can be considered fringe worship practices such as, expelling demons, calling on the Holy Spirit to do those freaky things that the Holy Spirit does, group healing, speaking in tongues, angel stories, snake handling, spiritual warfare, and driving out demons with a wave of your hand. Then there

are the rounds of questions about God doing the healing or does the medicine and the doctor do the healing and do you withhold any modern medical treatments from your children.

There are almost no attacks on Judaism or Islam, just mostly on Christianity. The Catholic Church is rarely attacked, but the Protestant denominations are free game. The worst abuse is heralded towards the modern charismatic movements and churches, where the parishioners will gyrate their bodies in rhythmic movements that are based on possession of the Holy Spirit and where the person will speak in a nonsensical language as if possessed by something. This stuff freaks out the family court judges.

Judges are more concerned with religious brainwashing. If you are under attack for your religion being too harsh on young impressionable minds, you have to explain that when the kids reach a certain age they end up rejecting what their parents taught them anyway, they then pick up the pieces that they want to put back into their heads so they can claim their own lifetime religious beliefs. You can always use the Amish example, the Amish send their teenagers out into the world of the heathens with full exposure to drugs and alcohol and far worse. Yet when they came back to the Amish community they are free to go back into the world or they can embrace the Amish lifestyle and fully embrace their religion. Almost all the young adults make their decision to stay with the Amish community of their own free will and accord.

Otherwise if you are pulled into a full frontal attack, you can always try the plead it to the mercy of the court, by saying to the judge, "Your honor, I really can't be expected to defend all of Christianity, I deny any weird or strange practices, I just want to raise my children with a basic understanding of right from wrong, so please, can we end the attack on the religions stuff and just move on to more important issues?"

If you can't refute the attacks and move on, and otherwise still get stuck trying to defend every aspect of your particular belief and practices than you might be in trouble. To the extent the lawyer will get you to admit that your beliefs are based on strict adherence to scriptures they will attack the parts of the scriptures that call for things like stoning to

death an adulterous man or women, killing homosexuals, or parts where an angry God zapped wrong doers with flashes of lightning, therefore do you believe in stoning, killing homosexuals, or killing for not practicing the right way. The well trained lawyer will just keep the process going until the persecution brings you to tears. Your best bet is when the first time the topic comes up you should refuse to answer any questions and just claim that you are not a preacher or missionary and that if anyone has any questions they should direct the questions to the leaders of the church. You are just better off playing dumb and ignorant.

3.19 Claiming, Defending Politics

Being too far to the left or being too far to the right can pose a problem. On the right begets serious narcissism and too far on the left you takes you into the desiring of the one world order and one world government, with an open and free society. I don't want to take this issue any further because all I will get is hate mail, so I can only tell you what I have seen used in court and both polars are used in effective attacks. The way to defend these issues in court is to just claim you are a fiscal conservative, or an independent, or a bit liberal but not that progressive, and then leave your mouth shut and answer any further questions with a simple, "I don't know." If the attacks persist just tell the judge that "Your honor are my politics really on trial here today, this is just ridiculous, please, may we move on..."

3.20 Discovery Defined

The legally incorrect definition of discovery is a civil court process where for a limited time you can just about ask anything and everything of the opposition and they have to provide it, and likewise, the opposition can ask just about anything and everything from you and you have to provide it. Of course there are rules but most of the discovery tools that you can use are found in "depositions," "interrogatories," and production of evidence. Depositions are recorded live testimony taken under penalty of perjury and the testimony can be used later against the person when they are on the witness stand and under oath to tell the truth. Depositions help you find out who has what information that can either help you or hurt you. Interrogatories are just a list of questions that the

opposition has to answer or provide valid reasons for not answering. The production of written evidence help you prove your case and can also be used to find out what the opposition has against you and may be used against you in the trial. There are other tools that are not that important to go into any detail at this point.

Unfortunately, Family courts do not have formal discovery periods or processes because if they did you could adequately prepare in advance for all the attacks that otherwise remain a secret until the actual attacks occur. But that does not mean you can't claim some of the tools available to litigants in regular civil court, as long as you understand that the opposition, especially your ex-spouses lawyer does not have to honor any requests. As far as depositions are concerned you will probably have no luck in requesting them, the same applies to interrogatories, but what you can do is ask for a closed door meeting around the lawyer's conference table with the good faith effort that both you and your ex-spouse may be able to settle your differences before going to court. In this setting, you can ask questions and likewise be able to be asked questions by your ex-spouse.

Even though the discussion around the conference table cannot be recorded and used against one party or the other, it can give you some insight into what your ex-spouse and their lawyer have up their sleeves as far as strategy goes. As far as the production of evidence and documents go, you can make a good faith offer to your ex-spouse to share your evidence with them if they share their evidence against you. The idea is that either party if presented in court with mysterious documents will allow either party to request a continuance so as to allow the party to verify the documents first and then be given time to produce your own documents that otherwise can refute their production of their documents. Most lawyers will be amenable to such a production of mutual documents if anything to save the courts time in delaying the hearing until all parties can address the validity of documents. It also sends a signal to the lawyer that you have some general litigation knowledge and that you will ask for a continuance if they pop up mysterious documents in court to throw you off track. Other than that, the normal discovery tools of regular civil litigation are not honored by

most family courts. To the extent your state laws speak differently, you should follow all of your rights that are recognized by your family court.

In the event you are going to be subjected to a criminal court process in your family court and you are indigent, you should exercise your Constitutional Right to a free lawyer as provided by the court. Only a few states do not currently offer court appointed counsel to indigent litigants.

3.21 How Civil Contempt Works

Civil contempt is based on a longstanding already vetted volume of law loosely defined as “well established contempt law.” The almost legally correct definition of civil contempt is condition that the judge puts you in yet are able to provide or do something to remove you from the condition. This ability to do something to get you out of the condition is called “purging” from contempt.

The classic example in family court is the non-payment of child support. If you refuse to obey the court order the judge can hold you in contempt and detain you in the local jail until such time as you can purge yourself by payment in full of the child support arrears. The case law that supports such contempt states that you “hold the keys to your freedom.” Technically you can only be held in contempt if you have the ability to purge yourself, but in family court that is not followed. Some judges will just declare you are in contempt and throw you in jail and you can’t do anything about it until the judge changes his mind or until your lawyer can do a few things that may reverse the contempt.

3.22 Court Rules

Every court in the United States has “rules” that you have to follow. As an example when I filed my case in federal court I had to find and obey the “federal rules of civil procedure,” “the general rules of civil procedure,” “the district court rules,” “the local rules,” and even the judges have their own “rules.” If you take your case to the appeals courts then you have to find and obey all those court rules. The last court and highest court is the US Supreme Court and they have the all their rules in a little book and will be happy to mail it to you free of

charge. It ends up the easiest court to navigate in the United States is the US Supreme Court. Otherwise if you violate any of the thousands of rules from all the courts, your case can be dismissed for what is really just a technicality.

Thankfully, *Pro Se* litigants are not held to the same standard as lawyers, even in federal court. *Pro Se* litigants have to make the best effort to find and obey the rules and there are a few that you will be held to follow. Family court has no published rules that you have to follow, but you should verify this with your state. The only exception is that the family court lawyer will be happy to point out an error that you may have made and call out the judge to injury you. When this happens you have to immediately deny that you are required to follow the rules.

An example are some motions that have to be put in writing, but sometimes they may be made orally in court, but the letter of the law is that they are supposed to be reduce to writing. When you make a request orally the lawyer may ask the court to not honor the oral request because it has to be in writing to which the judge has to make a judgment call as to allow your verbal request or deny because you did not obey the rules. Again you may have to jump in and claim your right to make mistake if you don't know what you are supposed to do.

Each state is different and some states have basic rules while others adhere to a loose and informal family court processes and are not strict on the rules. Before you go into family court you should make a best effort to find out if your family court follows any specific set of rules. This book contains follows the most common rules of civil procedure and the basic ligation rules.

Lastly, there is plenty of case law that supports a *Pro Se* litigant's right to move a case forward and not be trapped by the rules. You can find them online.

3.23 Lawyers Have to Follow all the Rules, You Don't

In family court the lawyer knows they can break the rules and they do with great frequency, but there are a few rules that they can't break and you can take advantage of the loopholes.

Lawyer's can't let your ex-spouse talk to the judge and technically the lawyers are not allowed to talk openly to your ex-spouse, there are however some exceptions to this. If the judge asks your ex-spouse to talk directly to him, then technically you have the opportunity to ask your questions of your ex-spouse based on what the judge has asked your ex-spouse to speak towards. Remember, you have the right to question any testimony that is presented to the court against you. Better, your ex-spouse can be asked to take an oath and then to be seated in the witness stand. The last thing your ex-spouses lawyer wants is to do is allow a *Pro Se* litigant to fully question an otherwise unprotected ex-spouse. All the lawyer can do is object or otherwise try to stop their client from answering damaging questions. If this happens you can ask the judge to compel your ex-spouse to answer your questions. If you can ever get your ex-spouse under oath and burdened by your questions, you have successfully disabled a well trained lawyer and forced him to assume a defensive position.

Another rule that lawyers are not allowed to break but to which they all do anyway to which you can use against the lawyer is the fact that the lawyer is not allowed to fabricate evidence. If they do produce false evidence they run the risk of losing their license to practice law and can even be heavily fined. To take advantage of this rule is if or when the lawyer produces a sneak attack by presenting a document into the record, to which you can object and claim that the evidence is fabricated. You can say, "Your honor, I have never seen this document before and I claim that it is false and is a fabrication of the lawyers creative imagination, and unless the lawyer can prove its validity, I ask that it be stricken from the record and that the court issue sanctions against the lawyer for what is clearly a violation of their oath of office and a violation of the state BAR."

Another rule that lawyers have to follow and to which you can take advantage is in the false allegations launched against you by verbal attacks alone. If a lawyer lies to the judge or to the court, it is technically a felony and is punishable by criminal court processes. As is everything in family court, no prosecutor is going to go after a lowly family court lawyer, but you can still disable the lawyer from making

further unfounded accusations designed to put you on the defense. If the lawyer attacks you with something that is not true but that could otherwise harm you if you don't beat it down right away, you can claim that the lawyer is "committing fraud before court." You can say, "Your honor, the lawyer is committing fraud before the court and has no evidence to support his false allegations and if he cannot produce substantial proof of his ridiculous claims, I ask the court to place a warning upon the lawyer to prevent what is otherwise pointless attack designed to discredit my standing before the court."

I think you are getting the idea on how to jump immediately upon any and all accusations whether they are true or untrue. If the accusation has some truth you can tell the judge that there is some truth in the lawyers statement and that you are going to take the courts time to fully explain yourself so as to minimize ill thoughts against you, otherwise, you need to jump right on top of false accusations and hammer them down and render the lawyer disabled and cautious as to how they are going to present the rest of his long list of things that he is going to attack you with and over.

3.24 Detailed Financial Statements

Detailed financial statements provide a list of all your financial and property assets, investments, income and expense budgets, all debts and net worth calculations, and any trust or other income sources. I recommend that all *Pro Se* litigants prepare these statements in advance of the hearing but keep them in a file and don't present them to the court until you are absolutely certain they will work in your favor.

Here is a short list of when the statements would be useful:

- 1) To show the judge that you can afford to house, feed, school, and raise your children.
- 2) To show the discrepancy in wealth between the parents in the effort to obtain higher child support, health insurance, and other payments.
- 3) If you are seeking a child support modification, you can prove you are close to indigency.

- 4) If you are seeking higher child support from your spouse you can show the judge that you really need more money.
- 5) It works best if both spouses have similar financial conditions, and this is more the case now than ever before because women are accumulating sizable estates.

The judge has no idea what the financial situation of the litigants actually are, and if he has to guess it can cause you injury. The only financial questions he can work with are your personal incomes. But there are plenty of wealthy parents that are millionaires but earn less than \$20,000 a year. Judges appreciate these financial statements as it proves your honesty, which makes what you have say more believable, and that you have sound basic financial knowledge, and lastly it gives the judge something tangible to make a more equitable ruling.

With that said, production of such financial statements runs with it a risk that it may injury you so that is why you should prepare them and not pull them out unless you know it will help, or may have a chance to help you. You can find templates on how to put together your financial statements online.

3.25 Going for 100% Custody

As you can tell already I do not support the full awarding of custody to the blessing of one parent if both parents are fit and able to commit to parenting of your children. I do however, know that in some instances, one parent may not be fit and able and the other parent has to seek full custody for safety reasons. In that case I provide the following strategy.

If your goal is to get full custody there are three ways to do it.

- 1) Show how your children will be better off in your household
- 2) Show how your children will be worse off in their household
- 3) Or, just keep your mouth shut and let your ex-spouse dig a hole where you win custody by default.

The best way for a *Pro Se* litigant to get full custody, if otherwise fairly matched, is to take the court to a 50/50 split custody position first as is any parent's natural and Constitutional right, then launch into the

reasons as to why the court should extend from 50% custody to 100% custody. Otherwise, the force of full an outright attack to get 100% in one swoop requires a lot of damaging information on your ex-spouse that has to be proven to the courts satisfaction.

The third option of keeping your mouth shut is best used by a one parent that may have a statistical advantage over the other and they know the other parent is just going to dig their own hole and climb in all by themselves. Otherwise, I am not going to give any more help in the 100% custody efforts as I ethically can't support it as I know how it victimizes the children. I only offer one scenario that is still the hardest situation as to which I have not come with a way to deflect it or overcome it.

The wealthier the parent, or the wealthier the parents family, the better chance they have of winning full custody. I have seen too many wealthy fathers fly in for a custody hearing, strip all custody away from the hapless mother then get back on the plane with the children and fly off to a far away state. The poor mother is stunned and the shock takes days to set in. When I get these types of calls and pleas for help all I can safely say is to take advantage of the advice and knowledge of the practice of constant litigation that I conclude with in this book. As long as the children have not met the residency requirement in the far away state, the mother can drag the father back into court in the state the children were living, all in the hopes of giving the mother another chance at keeping custody. Otherwise, the mother may have to move to the children's new state and pick up practicing constant litigation in that state.

Chapter 4

Active Litigation

*"Not that you experience the courtroom rather
the courtroom experience you."*

4.1 Introduction

Now I take everything we have reviewed and put it to full use in the active litigation of family court.

To review a few items, remember I need you to “respond” and not “react” to the back and forth of attacks between you and the family court lawyer.

Whatever comes out of the lawyer’s mouth, you are going to jump on top of it by either denying the accusation, or admitting to part of it but only with a complete explanation as to why it should not be used against you.

Lastly, you have entered the courtroom and have located or asked for a chair to be brought to your table. If you can’t get a chair claim a disability that results in pain if you stand for too long a period, I know it is a lie, but it is a little white lie. If you can’t get a chair ask the judge to continue the hearing at another time to allow the court to provide you with a chair. I will explain the real use of the chair at the table.

When you are seated in your chair someone else is speaking, either the judge or the lawyer. When you want to speak all you have to do is stand up. You can stand up even if the judge or lawyer are speaking, which means that once the judge or lawyer are finished speaking, you want to be given the opportunity to speak. Technically, the judge is supposed to recognize your request to speak, but sometimes the judge will waive you off and not let you speak, to which you can either accept his rebuke and remain standing until you force your voice forward, or you can sit down and not speak.

Remember you have the right to be “heard.” If you are continued to be denied your right to speak, you can interject and insist that you have the right to be heard. You should politely ask, “Your honor, I request the right to be heard on this matter.” Legally, the judge is not allowed to move onto the next subject item until you have been given the right to be heard, otherwise you have the right to go back to the subject item that you feel you were not given the ability to be fully vetted. This is where the chair helps. When you are finished speaking, you just sit down and that means that you are finished and you relinquish the right to speak

back to the judge or the lawyer. This process of standing up and sitting down gives you non-verbal control over the courtroom. The *Pro Se* litigant has enough going on in their head and simply don't have the years of experience to know when you are able to speak and when to not speak, so the chair is a tool that gives the *Pro Se* litigant the ability to move the pace of the hearing in their advantage.

Pro Se litigants have the right to slow down the whole pace of the courtroom to a speed and level to allow you time to think and respond in the best way possible. Ask the judge to go slowly, ask the judge to tell the lawyer to take one step at a time and allow you to respond before proceeding, and lastly you have the right to sit down and make notes on your notepad of paper to write down what was said so that you can analyze and respond with exactly what you want to communicate in response to the lawyers or the judges statements.

Stare straight at the judge and lock eyes with his, keep your focus on the judge. Pay close attention to what he says. There is no reason to look in any other direction and especially not towards your ex-spouse and the lawyer. You can only talk to the judge so there is no need to look at your ex-spouse lawyer when they speak. The only time you should look away is down to your table with the stacks of your documents.

If there is anything going on in the courtroom that is a distraction to you ask the judge to remove the distraction. The four sheriff deputies standing behind you ready to drag you off to jail the minute the judge gives them his secret word, is a major distraction. Ask the judge to tell the deputies to go to the back of the courtroom and sit down. The bailiff or other court officials that are either walking around behind you, need to also be moved out of your space and remain still. If people come in and out of the courtroom ask the judge to lock the door. As a *Pro Se* litigant, you have the right to a quiet courtroom so you can concentrate on listening and being heard and be given the time to make important decisions. Only agree to proceed with the hearing if you are absolutely certain you have control of the courtroom.

Call you ex-spouse by their full formal name like, "Mrs. Bardes," or "Mr. Bardes." Don't use pronouns like her, she, my ex, my ex-wife, etc.,

remember you are recording your conversation to the transcript. As far as the lawyer is concerned just address him or her as “the lawyer” as in “if the lawyer is going to..” or “can you please ask the lawyer stop repeating something we have already discussed?”

Next, ask the judge for their name and the spelling of their name, write it down.

Next, formally introduce yourself. “Your honor my name is David Bardes and I am the birth father of my two children, it is nice to meet you.”

Next give the judge jurisdiction. We have already discussed jurisdiction and its importance; you will be doing the judge a favor by recognizing his authority over the subject matter and the parties before him, or you will be recording the lack of jurisdiction onto the record.

Then explain why you are *Pro Se*; this has already been discussed in detail.

Next, ask the judge to ask the lawyer to produce his license to practice law as you could not find his name online with the state BAR database in advance. Many lawyers today carry their ID in their wallet while other states only have certificates. The chances are the lawyer’s license to practice law is hanging on the wall of his office. Either way, wait for him to produce his license, then sit down in your chair, and check the expiration date, and write down his name and license number onto your pad of paper. If his license is expired or if he cannot produce his license to your satisfaction then ask the judge to dismiss the lawyer from the courtroom to let your ex-spouse to be *Pro Se* as well, or suspend the hearing until he can provide sufficient proof of his state license. The importance of doing all of this is to respect the state’s right to regulate the legal profession and it gives you the added benefit of reducing the lawyer to that of a state regulated contractor. It also puts the lawyer on notice that you know where and how to file complaints should he abuse you.

Next, tell judge exactly what you want from the hearing, don’t make the judge guess. Then ask the judge, “Your honor, do we have a time constraint today? How much time has been allotted? If the time is

shorter than you think you will need than tell the judge and ask for more time or you may have to reschedule until the calendar can satisfy you. You can say to the judge, “The reason I am asking for a longer period is that I have several issues to bring to the court today and I just to make sure I am going to be heard on all of them, else if we don’t have the time, maybe we should reschedule the hearing until we have the right amount of time, otherwise we may have to get a continuance.”

At this point the judge is going to grow tired of you taking control of his courtroom so just sit down in your chair and let the judge take over. You then assume one of three modes, one is to deflect attacks launched by the family court lawyer against you, the second is to follow the judge’s commands, or lastly, you will stand up and launch an attack based on your long list of issues that you have on your table.

Now I am going to bring up some weapons that you can use.

4.2 Initial Power Phrases

Be careful with power phrases, they all land hard on the person they are directed towards and this includes the judge. Use of power phrases allows you to claim the high ground immediately upon start of hearing and remain on high ground until you are just dragged down into the gutter which is where all these hearings end up going, but at least had a good start.

Say to the judge, “Your honor before I answer your question, I just want to get on the record that Mrs. Bardes is one of the best mothers I have ever known, and it just goes to prove that I chose the right person to have children with and it is all too unfortunate that we have had to come to court today for a decision as to the matter before the court.” Then shut up and remain silent.

You can also say, “I am a fit and able parent of good character and sound mind.” then shut up.

You can also say, “Mrs. Bardes needs my help in raising our children, I would like to come to a mutually acceptable arrangement so that both of us can remain viable in our children’s lives.”

Further, “Your Honor, I refuse to degenerate my ex-wife/ex-husband as she/he is a good parent and a good person, enough so that I took an oath to spend the rest of my life with her/him and it is very unfortunate that our marriage fell apart. She/he obviously thought the same of me, so please do not honor his/her efforts to degrade me as an unfit parent of dubious character. It is just all too timely to attack me at this time.”

Also, “Your honor, I have plenty of concerns and issues to address about my ex-wife/ex-husband, but I just refuse to stoop to such a low level as my children will someday hold me accountable for my actions I take today.”

If you are going to be brave and ask the judge to honor your Constitutional rights, you can’t just beat him over the head with them. You have to sneak up slowly, add a sentence or two before you ask about your rights. Like I have said your success in family court is not just dependant on your knowledge, but rather how and when you use the knowledge.

Here is such an example, “I am not sure, but I think that is a violation of my Constitutional rights, give me a minute to write this down. {pause} Your honor is this a violation of my Constitutional rights?” Or another example, “Your honor, if you are going to insist on injuring me, then... put me and my children into a victim class, then...” and, “If you are going to insist on not recognizing my Constitutional rights, then...”

4.3 When You Can Speak and to Whom

You can only speak to the judge, you can’t talk to the lawyer or your ex-spouse, unless your ex-spouse is put under oath and even if the judge asks you ex-spouse a question, you technically have the right to examine and question them as well. Your eyes should be on the judge and don’t even turn to watch the lawyer or your ex-spouse. I understand that this is difficult so I will caveat it by saying that the only time you can look at the lawyer is when the judge is talking to the lawyer, but when the judge is finished speaking to the lawyer, you should turn your attention back to the judge before the judge looks back to you. In other words you should follow to the judge’s lead. The only time you can address your

ex-spouse is if the judge puts them under oath, to which you then have the right to challenge and question her/him while under oath.

Who speaks to whom and when is very important, and for the *Pro Se* litigant it is a source of frustration of those that don't have years of actual litigation experience. That is why I want you to have a chair at your table and as I have already explained the use of the chair and standing up and sitting down will help you get the attention of the court automatically and it allows you to pay attention to the conversations of the court. Again, if you are not given a chair, you may have to ask for a continuance until such time as you can be accommodated. What you don't want is to have to stand at some podium for the whole hearing as you just will not be able to know when and how to take your time to talk; the judge and the lawyer will just walk all over you.

Either party may introduce a new topic as long as it applies to the subject of the hearing or it is something that has yet to be addressed in court. You are not supposed to bring up a new subject until all parties have had their turn to vet out the current subject. When you feel that the current subject is finished you may bring up the next issue. I walk this back by saying that the judge and the lawyer will bring up several subjects at the same time and although they have the ability to discuss multiple issues at the same time, you are simply not to be expected to track all of the issues. You are going to have to interject and slow everyone down and address only one subject at a time.

Many hearings end with unfinished business, but you have the right to ask the judge to give you more time as there may still be important items to discuss before the judge can make an informed ruling. Knowing this, the judge might not care as he has already made his decision and just wants to shutdown the hearing to make his final ruling. If you feel that the judge is closing down the hearing and you have unaddressed issues, you may have to record onto the record, "Your honor, I have not been fully heard."

You can't interrupt the judge, well that is not entirely true, but you can't do it often. You also can't interrupt the lawyer or your ex-spouse, you have to wait until they are finished speaking. The only time you can

speaking over the lawyer is to file multiple objections if and when the lawyer is on a tirade bringing up multiple issues at the same time. I explain how to file multiple objections at the same time below.

4.4 You Have to be Believable and Sincere

As I have said over and over again, your success or failure in family court all depends on how and when you ask for whatever it is you are seeking from the hearing. You have to come to court in good faith and with clean hands. The judge is keenly aware in evaluating your true intentions, so you must convince yourself of your sincerity before you can expect the judge to buy into it. You need to apologize to the judge if you make a mistake. You never have to apologize to the lawyer. Don't be too confident, play dumb if you have to. Don't be a jerk or smart ass. Don't try to play lawyer, don't use big legal terms unless you know how and when to use them. If you don't understand what the judge is saying, ask the judge to repeat what he said in more simple terms. If you have a question, say to the judge, "your honor, can I ask you a question?"

You can take further control of the courtroom at the very beginning of the hearing by asking the judge, "Your honor, I am *Pro Se* and have no formal legal training, so I am asking you to slow down the pace of the courtroom, that everyone speaks without using too many legal terms, and to speak slowly and only bring up one topic at a time to discuss, and to understand that I may ask someone to repeat what they just said, and to give me time to sit down and write notes so I have the time to respond correctly. Lastly, I have a list of items that I want to present to the court to be addressed today, and all regard acting in the best interest of our children, so I am just asking you to not close the hearing until I have exhausted my concerns. Thank you." The more truth you can get out and onto the record the better your chances of getting what you want.

If the lawyer says something to the judge that you don't understand ask the judge to explain to you what the lawyer just said. This is an effective way to disable a lawyer and lose credibility with the judge as if the lawyer continues to make statements that you can't understand the judge is going to grow tired of translating the lawyer's confusing language. Doing this effectively will restrict the lawyer from taking full

out attacks against you, as he has to filter his words through a separate process so you can understand. But remember, you have to be sincere in taking advantage of this “please repeat” *Pro Se* tool.

If the judge and lawyer know you have some legal knowledge they will step up the pace and talk just over your head, to which you may have to dumb them down so you can track the conversation. Sometimes the judge and lawyer will get several paragraphs ahead of your understanding, to which do not be shy by asking the judge to back up a few statements and then start over again slowly.

4.5 What is Litigation?

In Latin, litigation means “burning brightly with fire” and that is a fitting description as the *Pro Se* litigant is going to think that they are in the depths of hell itself to the point all they can focus on is getting out of the fire.

Litigation is a duel, where you take turns with the lawyer and your ex-spouse attacking each other. I know that my use of the term “attacking” will generate hate mail from the legal community but it is the perfect way to describe just what goes on during litigation. So, when one party attacks the other, the one receiving the attack must remain silent until the attack is over, then it is your turn to respond and attack back and the lawyer has to remain silent until you are done speaking. The only time you can talk over the lawyer in his attack is to say the word, “objection,” and I discuss how and when you can do that, likewise the lawyer can only interrupt you by stating the word “objection” and perhaps one or two more words.

The judge is the moderator and is able and will interrupt either of the attacks and although he is supposed to give you time to address each of your objections many judges will prevent you from being heard, this is especially true of family court judges as they don’t have to follow any rules.

The judge will limit the attacks if you are not able to keep up and are unable to respond. The attorney will launch rapid fire attacks to stun and daze you. Legally, the lawyer is not supposed to launch an attack

that is too far over your head, but they don't follow that courtesy either. You have the right to ask the judge to tell the attorney to only launch one attack at a time. "Your honor, if the lawyer is going to take a machine gun approach in attacking me in rapid succession, then I am going to ask the court to limit the lawyer to one attack at a time to give me time to address each item." This is part of your effort to disable the lawyer.

4.6 How to Attack Legally

Remember the best way to get what you want from the court is to build yourself up in front of the judge to an extent the judge can find you of good character and strong mind. Too many *Pro Se* litigants walk into court and take a shock and awe or a scorched earth policy in attacking their ex-spouse to which the lawyer is ready and easily deflects your attacks leaving you without any ammunition and you just look dumb. Don't make that mistake. You must start off your attacks with little and not very significant issues and build up to the very end where you launch your most important issues. Save your best ammunition for the very end.

This does not mean you should not go on the offensive and launch attacks, but rather you need to follow some rules of what is called "drip" attacks. You want to make a list of your ex-spouses character flaws and issues that bothered you for your whole marriage, but are otherwise not necessarily illegal. Use the ones that might cause a concern if they were present in the same household with your children. Also, between each attack, say something positive about your ex-spouse and how she/he is a good parent and that is why you married them in the first place. The attack itself is really targeted towards the lawyer as that is the person you want to disable. Remember, your ex-spouse is unable to talk.

The issues you raise in your attacks should be something that you know your ex-spouse did not have time to brief their lawyer. Your ex-spouses lawyer probably only spent an hour or two with your ex-spouse and only had time to prepare for the few but big attack issues. If you do have some big issues that may be deal killers you must save them for the end as the first attacks should focus on smaller issues that only in the

cumulative would amount to much. And then once you have disabled the lawyer, can you launch the grand finale with the big attack issues. To explain all of this to you I am going to present a role play in a typical custody hearing. For ease of communication I am going to assume that the mother has current custody and there is a father that wants some greater amount of custody. I am going to use “her, him, she, he”, etc. for clarity purpose, but I walk it back by saying the opposite gender roles and the issues I raise will work in the reverse.

Father speaks, “Your honor, thank you for letting me speak. I would like to start off by saying that my ex-wife is an excellent mother and that I knew she would be one as that’s one of the reasons I married her and had children with her, and by knowing that I understand that you are going to have to make a difficult decision today. Before I bring up a few of my concerns, can you please ask the lawyer if he has the report from my ex-wife’s psychological evaluation?” Then shut up.

Your ex-wife’s lawyer is going to realize that she never told him about any request for a psychological examination and the lawyer has nothing to refute and has to turn to your ex-wife and ask her what gives with a mental health evaluation. The judge is going to realize that the attorney is obviously not prepared and needs to waste the courts time by conferring with his client. When the lawyer turns back to the judge he has to say that the mother knew nothing about any mental health exam.

Then the ball falls back into your court, the father says, “Your honor, that cannot be true as I have had a concern about her manic episodes in the presence of our children for a long time. I am not a doctor and that’s why I wanted a full mental health report for the court today. What that does is cause me to wonder if she still allows Uncle Ed inside the house where he is left alone with my young children unprotected? Can you please ask the lawyer if Uncle Ed has addressed his mental health treatment for his ailments?” Then shut up.

The lawyer is stuck again as he had no idea Uncle Ed existed more or less that there was a concern with the uncle being in the same house with the children. The lawyer has no way to refute you even with his superior legal skills and education. The lawyer is going to once again,

have to turn to the mother and ask about Uncle Ed. At this point you have disabled the lawyer twice and proven to the judge that the lawyer is really unprepared and now has to waste more of the courts time.

Whatever the lawyer comes back and says, you should ask the judge if he could put your ex-wife under oath and be placed on the witness stand as it might be quicker to address your full pages of issues, because if we have to play lawyer games with a lawyer that has no idea what this case is about, it may give us the ability to move forward at a quicker pace.

Doing this does several things, first the judge and lawyer knows that you have a whole page or pages of issues that any one in particular is not too much of anything, but rather many of them may tarnish the mother's ability to have custody. Second, what you really want to do is rip your ex-wife away from the protection of her lawyer, put her on the witness stand, and allow you to freely question her on every item on your list, including being wide open for the more serious final attacks. Her lawyer cannot take the risk of allowing you to examine her under oath. The judge is keenly aware that the court needs to hear the issues on your pages, so there is a chance he may grant such examination.

If that does not work, keep up with the meaningless attacks. "Your honor, why is the lawyer not prepared, at least I took the time to prepare so I would not waste the courts time?" Then say, "Your honor, can you please ask the lawyer if my ex-wife has taken her doctor's advice to limit her intake of alcohol to one or two ounces a day, instead of the many shots of vodka that she hides from the kids under the stove top range?" Now you have landed another attack that disables the lawyer, so he has to confer with his client again, and you have told the judge that your wife keep's toxic poison under the counter and well within the children's reach.

When the lawyer comes back and says there is no vodka bottle under the counter, you can reply, "Well that cannot be true. Now, I am going to have to get this into the record, your honor, can you ask the lawyer if his client drinks any amount of alcohol? Or maybe if you put my ex-wife under oath on the witness stand it would allow us to bypass the lawyer that clearly is not prepared for the importance of this hearing?" Again

what you want is to get her all alone on the witness stand where the only thing her lawyer can do is object to your questions, otherwise she has to answer any and all questions about the rest of the items on your list and then deliver the final blow with the really big issues.

If you have to keep doing this over and over again, even if you fail to get her on the witness stand, you have effectively taken control of the courtroom, rendered the best family court lawyer disabled and stupid, you have not said one unkind word about your ex-wife, in fact between attacks you can give her compliments, and you have not allowed a single attack on your character, and finally you have planted enough doubt into the judge's head about what kind of household your ex-wife has the children so living in. Best of all you are *Pro Se* and all you had was genuine concerns about the well being of your children.

At some point the judge is going to stop you and give the lawyer a chance to attack you. When you are attacked you go immediately into deny, deny, deny, refute, refute, refute, demand proof, proof, proof. I discuss how to deny any and all allegations lodged against you. After you refute the attack, go right back to your list of issues and continue, say to the judge, "may I continue with my list of concerns? May I proceed?", "May we move on?" etc.

You have to build your long list of relatively minor concerns before you come to court.

I can give you some more examples and the basic categories of issues, but you are going to have to take your years of living with your ex-spouse to put together your lists. The best attacks have to do with live-in boyfriends and girlfriends and step parents or even questionable people in the children's household.

Remember what I stated about there being no real safe way for a woman to move in with a live-in boyfriend. However, the father moving in with a girlfriend does not cause that much concern, but the attacks still can be launched.

Some other rather not serious issues that you can gather for your lists:

- 1) Tendency to masturbate with sex toys with the bedroom door open.
- 2) The unregistered sex offender that is left alone to babysit the children.
- 3) One night stands from loose internet dating sites.
- 4) Gambling games with the men that smoke cigars to which the children have to inhale.
- 5) Is that drug dealer still stopping by the house?
- 6) Did he/she go to rehab like she/he said she would. AA and NA weekly meetings?
- 7) Sexual fetishes including but not limited to S&M, bondage, punishment, group sex in the same house as the kids.
- 8) Prescription drug abuse, stealing the kid's stimulants.
- 9) Pornography websites with no child porn filters.
- 10) People of ill repute hanging around the house.
- 11) Guns, unsecured guns within reach of children.
- 12) Any combination of depression and guns.
- 13) Bag of marijuana she/he keeps in the bedroom dresser.
- 14) Bi-polar manic episodes and psychotic outburst at the children.
- 15) Anything on the criminal record is fair game.
- 16) Domestic violence of any kind.
- 17) Any incidence of physical or sexual abuse when the parent was young and to which was carried into adulthood unaddressed.
- 18) Heterosexual fascination with anal penetration with foreign objects which may allude to child sexual abuse.

You get the idea. Just keep attacking until your list is exhausted. Keep blaming the lawyer, demand to get your ex-spouse on the witness stand. Pepper your attacks with nice things to say about your ex-spouse. Keep telling the judge that you just want to get your more important concerns onto the record and placed before the court. Whatever you do don't go near the gay or lesbian issues or racial issues as all that does is admit to the judge that you have character flaws especially to that of ignorance.

Save your greatest attacks for the last, make sure everyone in courtroom can't do much more to refute your big attacks. At some point you are going to run out of issues to address and you have no choice but to the

give the lawyer the floor to which he will launch his attacks. The next section details what you need to do to deny, refute, and demand proof. But even with that you want to get your ex-spouse all alone on the witness stand where you ask just about anything you want until you dismiss him/her or the judge calls it quits.

4.7 Some Further Miscellaneous Attacks on the Lawyer

I have already addressed the below statement that you can use against the lawyer, but I want to repeat them here.

“Your honor, the lawyer is committing fraud before the court and has no evidence to support his allegations.”

(Fraud Before The Court is a felony charge that can cause a lawyers license to be revoked, rarely will they actually be charged, but at least you can put it into the record, get the transcript, and file a grievance with your state BAR)

“Your honor, would you please file sanctions against the lawyer as he has no evidence to support such claims”

(I cover sanctions in a later section)

“Your honor, his documents are fabricated evidence and he should be criminally charged.”

(Fabricated Evidence is another charge that can get a law licensed revoked and gives you the ability to file civil charges. As an example the prosecutor in the famous Duke Rape Case, was stripped of license to practice law, and then the innocent students won the right to sue in civil court and against the state of North Carolina.)

4.8 Deny, Deny, Deny, Refute, Refute, Refute, Demand Proof, Proof, Proof

Your ex-spouses lawyer has a list of his attacks that he is going to level against you and you have to take the attacks but you can respond with the same set of actions on each attack. The idea is to not let any of the attacks stick or hurt you.

You need to commit the following statement to memory, “I flatly deny any such allegations and demand that the lawyer provide proof or I request that the allegation be retracted and stricken from the record.”

The other response is, “There is only a small bit of truth in such allegations, and I now am going to take the time necessary to address the issue in detail so as to not cause me any injury.”

You can see that either of these two responses can cover just about any attack that is leveled against you. If you get one that you don’t know how to handle, you can make up a response on the fly, but the object is to either deny outright and demand proof, or accept only a small bit of accountability to which you can take the time to fully address.

4.9 How to Deny Depression and Loaded Guns

Claims of Depression with the easy access to loading guns is the single most effective attack that women use in court against the men. The opposite case where the woman is depressed and have access to guns is very rare and I have never seen the case arise. The truth is that there are so many suicides of men, men and their child, and even when a man kills his soon to be divorced wife, then kills his kids, then turns the gun on himself is such a commonality that you need only turn on the news to witness it for yourself. For those men that are currently depressed or if you think you are depressed, please give your guns to a close trusted friend until you are able to have the depression vetted by a psychiatrist. I suffer from depression so severe that they call it by a special name, “dystimia.” I used to own a gun but I gave it to my ex-wife Kathy just to show her that I was smart enough to eliminate any odds that may or may not occur. Kathy is not in any fear because I have proven to her that I have self control to remove any risk.

For those reading this book that may be accused in family court of both being depressed and near loaded guns and you won’t otherwise give the guns to a trusted friend, then there is only one option for you to take to refute the accusation. That is, you are going to have to get a psychiatrist to perform a mental health exam where the report claims that you are not currently depressed and not currently a danger to yourself or to others. You will have a hard time finding a shrink that

will put that in writing, but you are otherwise going to have to provide some sort of a general mental health clearance.

4.10 Overcoming General Mental Illnesses

I have two mental illnesses and I am technically disabled by them, yet I can obviously communicate in a sane and rationale basis. The judge knows the basic warning signs of about a dozen of the most known mental illnesses, and if he detects any of the signs from your behavior, he is not allowed to tell you, rather he has to keep the hunches to himself to which they may be used against you and you have no chance to appease his fears.

The only way to protect yourself if you do sense that the judge thinks you are inflicted with a mental illness, is to use the following statement, “Your honor, If I am going to be accused of mental illness then I have no choice but to ask for a continuance to give me time to hire a psychiatrist to perform and document a psychiatric evaluation, and further ask that Mrs. Bardes do the same. Only then can we proceed to with the matter before us.”

4.11 Retract and Stricken from the Record

Perjury happens only under oath. Everyone in family court lies, and the judge just tries to manage it the best they can, and eventually just makes a judgment call as to whom is more believable. You have to refute and deny all the false allegations as to set the precedence to the judge as to your truth telling or lying. For your rebukes you need to ask that they are “retracted” and “stricken” from the record so you have it on the transcript for use in future hearings.

4.12 Drugs and Alcohol Abuse are the Most Common Attacks Used, So Expect Them

The use of marijuana is so prevalent today that the judge just assumes it. The judge has two concerns about smoking pot. First it is still mostly illegal in all 50 states and is illegal at a federal level, so the judge has to examine you propensity to violate the law. Secondly, smoking too much pot renders you unable to move from your chair which means the kids

are running around neglected. The social services department has to remove the children from pot smoking parents not due to abuse but by general neglect. Even if the parents stop smoking pot it is very difficult to prove to someone that you won't smoke it again. Pot is a one way ticket and the judge has to deal with it if presented in family court. There is just no such thing as smoking just a little pot.

Since you are standing up in front of the judge and don't have pot in your hand you can safely say you don't use drugs. How long ago the judge may ask, to which you don't answer as that would be admitting to a crime, what you do is pull out an instant six minute saliva drug test kit and offer to prove to the judge that you are currently not using drugs.

Alcohol is a whole different issue. There is no real way to prove that you do not have a drinking problem so you are going to have to explain how you limit your intake of alcohol to prevent the onset of drunkenness. Go find the body weight charts and assimilation times for alcohol consumption, and then say to the judge, "You honor, at my body weight it takes me 45 minutes to assimilate one ounce of alcohol so I limit one drink or one beer per 45 minute period. This allows me to limit the amount of alcohol in my body at any given time. If I know I have to drive home I wait out the period to the point my body has little or no alcohol left to purge from my body. Only then do I decide to get behind the wheel to drive home." If you are pressed to provide more information, you will run into trouble.

4.13 Acting in the Best Interest of your Children

In today's family courts, the judges are required to temper their decisions in the best interest of the children. Therefore, you need to send this line back to the judge, "Your honor, because I have a vested interest in acting in the best interest of my children, I..." or "because I want to do what is in the best interest of my children, I..." Include the line in as many responses as you can.

4.14 When the Judge Interrupts You

When the judge interrupts you and if you are not finished making your point, you can nicely ask the judge, "Please let me finish" or "I have a

right to put this into the record” or “I have a right to be heard to my satisfaction.” then proceed until the judge interrupts you again. If you are seriously cut off from an important point, you may have to just cut it short and write down on your pad of paper the point you want to make that is still unaddressed so you will remember to bring it up before the hearing is over.

4.15 How to Handle Witnesses

If you were in a real civil courtroom, and if you were not advised of a witness in advance of your trial, you have the right to suspend the hearing to give yourself time to take the witness’s deposition and perform other discovery items on the witness. And finally when the witness appears in court you would have the right to put the witness under oath and put them on the witness stand and question the witness to your satisfaction.

The problem with witnesses in family court is that you have no advance notice and had no way to even know what their testimony supports or refutes until they actually testify. Worse the judge won’t let you examine and question the witness from the witness stand. Because of this many family court judges don’t like and won’t allow oral testimony from witnesses. Either way you can’t take the risk so you are going to have to take the hard line on the issue if witnesses are called to testify against you.

You have to at the very beginning of the hearing ask the judge to ask the lawyer to identify their witnesses and explain to you what and when their testimony is to be called. Then tell the judge that you were not given advance notice to take the witnesses deposition so either please disallow the witness from testimony, or suspend the hearing until you have had time to question the witness. If that does not work, ask the judge to allow you to examine and question the witness from the witness stand. If that does not work you are out of ammunition and are just going to have to deal with the attack of the testimony.

4.16 Affidavits

The legally correct way to handle witness testimony in family court is by careful use of affidavits. If your witnesses are willing to put their testimony in writing and under penalty of perjury, then you can follow the standard format for affidavits, get them notarized and save them for submission in the hearing. The problem with affidavits is that the judges may not allow them and your ex-spouses lawyer will motion for them to be denied as the lawyer will not have the opportunity to question the witness. It is a crap shoot and sometimes they will be allowed, but the decision is up to the judge's discretion.

The most common mistake *Pro Se* litigants make is to think that they have make their own affidavits, get them notarized, and then present them to the judge. The truth is that since you are not represented by a lawyer, every word out of your mouth in family court is pure testimony. Everything you say is recorded onto the record so you don't have to put anything in writing. The only thing the judge may do is put you under oath at the beginning of the hearing. If he does, go with it, and thank him.

I cover the basic parts of a legally acceptable affidavit in the pleadings chapter.

4.17 Objections, Overruled, Sustained

Your most favorite new legal term is "objection." When your ex-spouses lawyer makes a statement that you don't like or don't agree with, you can interject and say, "objection." Then you have the right to state your reason for the objection, or you can leave the word "objection" alone as a general rebuke. The word "objection" means that you disagree or don't like whatever it was that was presented to the court. There are many available standard objections but you do not need to memorize all of them for family court, as you can simply use everyday English to describe your objection. As an example, you can say, "Objection. I deny the false allegation," or, "Objection. I want to take the time to explain why the allegation is only partly true but mostly false." The correct format is to say, "objection" followed by anything you want as long as it makes sense.

In regular civil court, when an objection is filed into the record, the judge either says, “sustained” which means the judge agrees with the logic of your objection, or he will say, “overruled” which means he is denying your objection and he does not have to give you a reason why. In family court, the strict use of the objection, sustained, and overruled, rules are not adhered and a more relaxed use of an objection, or I should say that a *Pro Se* understanding of the purpose of an objection is usually followed.

In the event the lawyer launches a long tirade that seems to have no end, you can speak over the lawyers long speech and only when the lawyer completes a thought and then moves into a separate issue, can you talk over the lawyers words, and lodge the word, “objection,” into the record at the end of each thought that the lawyer states. You still have to wait until the lawyer is finished speaking and only then can you go back to each objection that you placed into the record and state your objection to the court. Many family court lawyers will use this trick to confuse a *Pro Se* litigant, but that is why I have already said that you have the right to ask the lawyer to repeat himself slowly and to make only one allegation at a time. Be very careful to address each topic or allegation that the lawyer brought up against you. You can also ask the judge to ask the lawyer to repeat himself.

4.18 Prejudice and Bias

The legal term “prejudice” has many definitions but the one you need to be concerned over is when a slight or overt allegation is launched against you for the purpose of tarnishing your image or character. Sometimes the attack is so pointless that it does not need to be fully vetted. Otherwise, when you are attacked, you can just say, “Objection, prejudicial,” or “Objection, that statement is so stupid that I am not even going to address its absurdity,” or “Objection, that is simply being stated to cause bias to the court.”

4.19 Ask and Answered

Another common tactic that lawyers use against *Pro Se* litigants, is to ask the same question in a little bit different way or launch the same attack that you have already answered all in the hopes that you will

contradict your first answer or elaborate further on the same topic. You have the right to only answer a question once or address a certain issue once. Should you hear the same question again or hear the same attack again, you can simply state, “Objection, I have already answered that question,” or state, “Objection, asked and answered already,” or “Objection, I have thoroughly exhausted that allegation.”

If you want to snipe at the lawyer, you can say, “May we move on to a new topic?”

4.20 If You Can Get Your Ex-Spouse on the Witness Stand under Oath

Most family court courtrooms do not really have a witness stand, while others may. Either way, you can ask the judge to put your ex-spouse under oath and allow you to ask her/him questions. This is an ideal situation and is something that the lawyers fear.

Just how you can go about examining a witness is far too complicated for me to address in any detail, but I can give you enough to be useful. Only ask questions that are relevant or will lead up to a relevant question. Take your list of issues that you have not yet attacked with and begin there. Ultimately, you want to lead up to the big attack issues. The best situation you can hope for with direct examination is to force the witness to answer a question that has two bad answers. To do this you can ask simple yes or no questions, if your ex-spouse refuses to answer, you can ask the judge to instruct your ex-spouse to answer the question with either a yes or no.

The best questions that you can ask start with statements with, “Is it a fact that...”, “Is it true that...” As an example, “Is it true that you spend up to six hours on the internet each night?” or “Is it true that you engage in sexually explicit online fantasy games and roll playing?”

4.21 Sanctions

To be honest I still am not fully sure how sanctions work and there is little discussion about sanctions on the internet. They are a new legal concept that has not matured. What I do know is that sanctions lodged against a BAR lawyer are a really bad thing and can cause more than

finest or penalties. The only reason I even bring this up is because you may need to ask the judge to issue sanctions, whatever they are, against the lawyer that does something sneaky. I have no expectation that the judge will issue sanctions but you can ask. The purpose of asking for sanctions is to disable the lawyer for a brief period as it makes them protect their livelihood and not focus on your ex-spouse.

4.22 The Guardian Ad Litem

If you sense that the judge is going to call for a guardian ad litem to make the determination based on your children's best interest to which parent should be granted custody, you need to shoot down the discussion of a guardian by saying, "Your honor, I just can't buy into the concept that a disinterested third party will be able to gauge from our children which of their parents will provide the best home and if I can speak for my daughter when she turns twenty as to which parent she would have chosen at age six, she would have said that she wanted equal access to both parents."

I just have to take a stand against the guardian ad litem, as I feel it borders on child abuse. Further you have to refuse to share the cost of the fees for a guardian ad litem. Remember, the real risk to the guardian ad litem is that the social services department is called in at the slightest hesitation of anything specious. The last people you ever want in your living room are the social services workers and a guardian ad litem.

4.23 Putting the Close on the Judge

"Putting the close" on someone is not a legal term, but rather is a general sales term. The idea is that you will not get what you want unless you ask for it. In family court, if you sense the opportunity, you can lead the judge to close the sale, like, "Your honor, what I would really like to do is try 50/50 joint custody for a period of three years, if it works it is great news, otherwise we can always go back to full custody." After you put the close on someone, you shut your mouth until the person voluntarily speaks.

4.24 If You are Going Down in Flames

The worst feeling in the world is to be in a family court hearing and you have a sense that you are about to be sacrificed to hell itself. The flow of emotions can seize and stun you. What I want you to do is to the best of your ability remain calm, keep your head up and focused on the judge, and the only thing I will allow you say to the judge after he bangs the gavel, is, "I am very disappointed." You then can pack your business bag and quietly exit the courtroom.

All is not lost, as you can proceed to practice constant litigation.

Chapter 5

Pleadings

“All law has to be reduced to writing.”

Most *Pro Se* litigants that reach out for help, want me to give them all the case law that supports their case and lots of other cases similar to theirs so they can see how other people have succeeded or failed. The reality is that there is very little case law that can be used in family court and it is really not necessary as it rarely convinces a judge to do anything. As far as cases being online, family court cases are not published so there is no way to provide cases that may otherwise help them. Even after I deliver this news, the *Pro Se* litigants will continue to search for something that is not there. What I really owe to these people, and what will help them, is now published in this book.

There is a healthy volume of case law on the books regarding *Pro Se* rights and acceptable practices. I'm not going to dig it up at this time, because you may not have to use it, all you have to do is refer to it in your pleadings using plain English sentences. Here is what the case law supports:

- 1) *Pro Se* pleadings don't have to be technically correct, that is they don't have to follow every rule.
- 2) Judges have to interpret what you "mean" and not what you actually write or communicate. You only need to be close enough to be legally correct. The judges have to use their own knowledge to fill in the blanks with written law and case law.
- 3) If a judge rules against you, or dismisses your case, the judge has to explain and point out where or what in your complaint was deficient. This is rarely followed, but it is the law.

5.1 Basic Pleading Advice for Pro Se Litigants

The best advice I can give a *Pro Se* litigant on their pleadings is to not play lawyer. Do not try to spruce up your pleadings with fancy legal terms. The judge already knows you are a novice and any attempt to play lawyer will not be met with great impression. You should stick with plain English sentences that communicate a message in the fewest number of words.

As to use of case law I just don't recommend it. In family court it just does not do much for you. If you are trying to prove a point of law in a collateral attack, then you can use case law to support your argument.

You should also scrub out any and all emotional terms in your pleadings. Do not bring your emotions into your pleadings, don't tell a sad story, in fact the more boring your pleadings the better. Lastly, use full legal names instead of pronouns, except in reference to minor children. When you refer to you ex-spouse, use their legal names, like, "Mr. Bardes, Mrs. Bardes, etc." As far as your use of your children's names you should refer to them using their initials only, do not put your children's name in any court submitted documents, as to an example, "... in regards to the couple's two minor children, DAB and APB."

5.2 Complaint vs. Petition

The initial pleading that you file in the courts to address a cause for action is a "complaint" or a "petition." A cause for action is a set of facts sufficient to justify a right to sue to obtain money, property, or the enforcement of a right against another party. Whether you use a complaint or a petition, it is for family court purposes, essentially the same thing. I am going to recommend to you that you use a complaint instead of a petition because for a *Pro Se* litigant the terms and parties of a complaint are more familiar and easier to reference.

Your complaint is basically a lawsuit, where you, the Plaintiff, are suing a defendant, for money, property, or an enforcement of a right. As an example if I want to sue my ex-wife for something, I would be the plaintiff and Kathy would be the defendant. My case would be shortened as, "David Bardes, Plaintiff, vs. Kathy Bardes, Defendant," or "David Bardes vs. Kathy Bardes," or even shorter, "Bardes vs. Bardes."

When you decide to sue someone you have to put almost all the issues and facts into your complaint. There are many rules and requirements that govern the creation of a complaint, but for the *Pro Se* litigant the shortest way to describe what must be contained in the complaint is, "Everything that is necessary to prove your case." For the relaxed nature of family court there are three main parts of your complaint, 1) Jurisdiction statement, 2) Statement of the facts of the case, and 3) Prayer for relief.

The jurisdiction statement is just a few sentences that give the court the authority to even hear your case. For family court cases, the family court

has to have jurisdiction over you, your ex-spouse, and your children. A sample statement can be, “The court has jurisdiction in this case because I, Kathy Bardes, and the two minor children live and have lived in the State of North Carolina for some time.” You really don’t have to be complicated with the statement.

The statement of the facts in your case contains a description of what has happened to cause the need to bring a lawsuit to court. Your summary of the facts should contain supporting exhibits.

The Prayer for Relief is a sentence or two where you are asking the court to rule in your favor and you explain just what it is that you want to court to rule. You can pray for money, property, or for the enforcement of a right.

Regular civil court complaints have many more required sections, but again, in family court you just need these three basic sections.

You must sign and date the complaint. You do not need to get the complaint notarized because as a *Pro Se* litigant you are able to testify to your own signature.

Lastly, you must provide a “certificate of service.” This is a statement made under penalty of perjury that you have mailed or otherwise delivered your complaint upon all the defendants. You must also sign and date the certificate of service. The statement can simply state, “I have mailed first class postage this complaint upon the defendant, Kathy Bardes, on April 25, 2011.” You then should include the full mailing address for the defendants. This certificate of service should be on its own single piece of paper. Some courts require that you get your certificate notarized; you will have to call your family court clerk to make that determination. You also may want to mail your complaint registered return receipt as you are going to have to prove that your defendants received your complaint otherwise the defendants are not under any legal obligation to answer your lawsuit.

You then need to file a copy of your complaint with the clerk of family court. When you submit your complaint, the clerk will issue you a case number and time stamp you copy of the suit. You need to write the case

number on the top of all the copies of your complaint. Some family courts charge a small filing fee for your complaint.

Most general civil courts require your defendants to “answer” the complaint in a certain number of days, usually 20. If your defendant does not answer your complaint they are technically in default and you would win your case automatically. As in all things family court, most jurisdictions do not require a formal answer to a family court complaint.

After you have received confirmation that your defendants have received your complaint, you can call the family court clerk and schedule a hearing on the issues you have raised in your complaint. You need to ask the clerk if the sheriff’s department is going to deliver “service” upon your defendants notifying them of the scheduled hearing. In some jurisdictions, you may have to mail a notice, others will charge you a fee to have the sheriff’s department deliver service and notice. Whatever you do you have to make sure your defendants have been given advance notice of the hearing or they are under no obligation to appear. When you go to your hearing you are going to have to prove to the court satisfaction that they can “hold” over on your defendants.

5.3 Motions

Once your complaint has been filed and delivered to all parties, your lawsuit is “ongoing.”

At anytime while your case is ongoing, you can file subsequent “motions.” A motion is simply a single request that you are asking the court to do something for you. In family court and for *Pro Se* litigants, you can basically ask the court for anything you want. Examples would be, “Motion to require defendant to hand over custody at agreed upon times,” or “Motion to enforce terms of divorce, custody, and support order dated 2/1/2000,” or “Motion to compel defendant to pay doctor bills dated 1/25/2011.” Legally all motions have to be answered by the court, either by “granting” your motion, or “denying” your motion. In family court the judge can do whatever they want even “ignoring” your motions.

A motion for family court is rather simple. The first page of your motions must contain a masthead. At the top of the masthead page you need to

print the case number, then lower and to the left you need to reference your case title, like, “David Bardes, Plaintiff, vs. Kathy Bardes, Defendant.” To the right you need to print the court name and district, county, or state jurisdiction. An example would be, “In the Family Court of Charleston, South Carolina, 4th Division. Below those headings you should print the title of the motion and it should be centered and bolded if possible.

The body of the motion should contain plain English sentences asking the court for whatever you are motioning the court for. You have to sign and date your motion and also attach a certificate of service in the same fashion as you did for your initial complaint. You can simply mail copies of your motion to the clerk’s office and to your defendants.

The judge can either rule on your motions before your hearing, or wait until the hearing. Most family court judges are so busy that they may not even get your case file until the day of your hearing. You can also prepare your motions and hand them out in the hearing, or you can make oral motions anytime during the hearing. For *Pro Se* litigants, it is advisable to put all your motions in writing as it keeps you organized and creates a paper trail that can’t be challenged.

Don’t forget that your defendants can file motions at anytime your case is open as well. When you receive a motion that your defendants have filed with the court, you can “object” to the motion and try to convince the court to “deny” the motion. Acceptable objections to family court motions are usually a countermotion or an objection to the motion. These are discussed below.

5.4 Counter Motions

You can answer a motion by filing a counter motion. A counter motion first answers the motion you received with either an acceptance or objection, and then turns around and files a motion back against the party that filed the first motion. An example could simple read, “Plaintiff denies obligation to pay doctor bills dated 4/25/2011 and counter motions by demanding Defendant no longer submit any doctor bills not approved in advance by Plaintiff.”

A counter motion follows the standard motion format with the masthead, body, signatures, and certificate of service.

5.5 Objections

You can answer a motion by filing an “objection.” An example would be, “Plaintiff denies that he owes any amount of money for doctor bills.”

An objection answer follows the standard motion format with the masthead, body, signatures, and certificate of service.

5.6 Affidavits

An affidavit is a statement made by a third-party witness or an interested party to the matter of the lawsuit. An affidavit is legally admissible testimony made under penalty of perjury. The title of an affidavit should read, “Affidavit of David A. Bardes.” The body of the affidavit should contain multiple short and simple statements where each statement is numbered and double spaced.

The first statement should be an introductory statement, like, “My name is David A. Bardes and I am over the age of 18, am a resident of the state of North Carolina, and I am making this affidavit of my free will and accord.” The next statement, numbered paragraph 2, should be a “relationship” and “support” statement, such as, “I am a close and personal friend of the Plaintiff, David A. Bardes, and I have and submit testimony in support of David A. Bardes.”

The rest of the numbered statements should contain the actual testimony of the person making the affidavit. The paragraphs should be as short and concise as possible but should contain all the information in support of the testimony. The end of the affidavit should contain the date, county, and state in which the affidavit is being made. An example, “This affidavit is being signed this day, April 25, 2011 in Alamance County, North Carolina.”

The affidavit should be notarized at the bottom and if a multiple page affidavit each page should be notarized as well.

5.7 Affidavit of Perjury

For a template of an affidavit of perjury you are going to have to go online and find one customized for your state. If you cannot find one search for one for the State of North Carolina as I know one exists as I used it for my use of the affidavit of perjury. You can follow the gist of the template and customize for your state.

5.8 Facts

Facts are not a pleading, but rather your pleading contain facts. For every fact that you present, the facts should be either your testimony or should be something that you can prove by either attaching documents supporting the facts, or can otherwise prove by the future presentation of documents that can prove the facts. The legal definition of facts requires a 300 page book to fully define, but for the *Pro Se* litigant there is really not much to it. An example of a fact would be, “On April, 25, 2011, I sent the enclosed email to my friend.” By attaching the email to the pleading you have supported the facts that you presented. Facts are used in almost all of your pleadings.

5.9 Prepared Orders

I am not sure why I am even bringing up prepared orders in reference to a *Pro Se* cases. It only applies to the final ruling by your judge in your hearing and are sometimes but infrequently based on motions filed and ruled upon without a hearing. If you want to prepare an order for a judge to simply sign and file with the clerk, you need to go online and find the order format for family court orders in your jurisdiction or state. An example of a prepared order could be an order prohibiting your ex-spouse from leaving the state with the kids until a hearing can be held to determine the right of the ex-spouse to leave the state. The only other time you might come upon prepared orders are if your ex-spouse’s lawyer submits them to the judge at the end of a hearing. If this happens insist on seeing the orders before the judge signs them as the lawyers are notorious about adding statements that were not adjudicated in the hearing. Technically judges are supposed to prepare their own orders but as we know no one follows the rules.

Motion to Reconsider

I tag this pleading onto the end of this chapter as you may use a motion to reconsider on a frequent basis. After a hearing has taken place and the judge ruled not in your favor, you have the right to file a motion to reconsider to give the judge a second chance to change his mind, cancel his previous court order, and rule in your favor by issuing a new order. A motion to reconsider must contain some fact or some issue that either was not brought up in the hearing, or was brought up but to which you were not adequately heard, or contains some error in the law that the judge made during the hearing.

It is very rare for a family court judge to reverse his orders, in fact, I have never seen it done before, but that does not mean it cannot happen. The benefit for the *Pro Se* litigant to file a motion to reconsider is that it puts into the record your right to request a re-hearing or preserves your right to appeal your case to an appeals court. In most states you can only appeal a case if there was an error in law that the lower court committed or omitted.

Chapter 6

Post Adjudication Advice

“Never teach a Pro Se litigant the law.”

6.1 Conclusion

Good, either you have come to this final chapter having first read the book, or you are cheating and turning here to see how I conclude everything in this book. Either way, if you want to carry off the ultimate power that a *Pro Se* litigant has in family court, you are going to have to read the book, if you have not already, to be able to pull off what you are going to have to do to save yourself and your children from becoming more victims of family court.

6.2 The Power of Constant Litigation

If you are unhappy with the judge's decision, don't worry because you have the power to appeal the ruling, or wait a week then file your case again and again and again and again until your ex-spouse gives up and finally agrees to sit down at a conference table and negotiate with you for the betterment of your children.

That's the danger that I faced in writing this book and why some people may really be unhappy with me. Because I am teaching you the power of what is called, "Constant Litigation." Constant Litigation is the ultimate tool that a BAR lawyer takes into the courtroom, because if the lawyer is made unhappy, the lawyer can come back again and again, until they eventually get what they want. Their cost of litigation is zero. That is why *Pro Se* litigants are abused in the courts, because an unhappy *Pro Se* litigant thinks that an unfavorable decision is somehow permanent and is something that they must suffer under for the rest of their lives, so they walk away as victims. The reality for the *Pro Se* litigant is that their cost of litigation is also zero. Better, family court is a loose and informal court and if the *Pro Se* litigant is not made happy, they can just go home, type up a new complaint and file it with the clerk of court and schedule a new hearing all over again. Should that hearing be unfavorable as well, they can go home, reload, and go at it again. In family court there are no rules as to how many times you can drag your ex-spouse into court; the answer is constantly without any limit. It can only be stopped when your kids finally emancipate.

This is why you will almost never see a lawyer or a judge in jail, as they know how to keep rolling their criminal jury trial over into a new trial,

then through levels of appeals and new jury trials. They also run the risk of the lawyer teaching the inmates the power of constant litigation and that would empty the entire jail. That's how defense lawyers can stay a death row inmate's life for 20 or 30 years, by keeping the case going on for almost forever. That's why a lawyer can charge you \$100 to make a speeding ticket disappear, because if they wanted to they could force the ticket all the way to a jury trial so the prosecutor will be happy to dismiss just to keep the lawyer from tying up and choking the already overloaded criminal courts for years of protracted litigation over a simple infraction. That's why a paralegal, once they learn about constant litigation, can buy a house, move in, and never make a mortgage payment for the rest of their lives, simply because they know how to file one appeal after another without having to pay any legal fees. They can just practice constant litigation for the rest of their lives and live for free.

That's why you, as *Pro Se*, in family court, now that you understand the concept of constant litigation, are the most deadly powerful weapon there is, as you now know that because most family courts are civil court, and that custody and support issues can be brought up again and again because neither party committed a crime, even if based on the same set of facts altered slightly, and because family court rulings are not final, that they are merely court orders and basic settlement/custody/support agreements, and that all you have to do is tell the court that circumstances have changed from the last hearing, will give you the right to petition the court over and over again until you get what you want. Worse, they know you are *Pro Se* and they know you don't have to hold to all the rules, and that your cost of litigation is zero, while your ex-spouse's is \$300 an hour until they lose the lawyer, and if they read this book as well, means both of you can either beat each other up in the family court over and over again, until you both grow tired and finally agree to sit down at a conference table and work out your issues like adults.

In fact, a *Pro Se* litigant is more deadly than a BAR Lawyer because if the lawyer practices constant litigation too often they run the risk of losing their license to practice law and their career is over. The *Pro Se*

litigant does not need a license to practice law as the rights that protect a *Pro Se* litigant were awarded to them for life the moment they turned 18 and became a citizen of the United States. Even better, is all the case law that mandates that a *Pro Se* litigant is not to be held to the same standard or to the rules as a BAR lawyer, allows you to make mistakes yet keep moving forward.

If you really want to have some fun, and if you live in sufficiently large metropolitan area, you could type up a complaint against your ex-spouse, go down and file it with the clerk of family court, get a case number and a hearing date, wait a week, print out the same complaint, file it with the clerk, get a new case number and another hearing date, then wait a week and re-file the same case again and get a new case number and yet another hearing date. Most family courts are so poorly run and the databases are indexed by case number and have no way to check for duplicate cases, and there are so many family court judges that your odds are you won't get the same one again, further your ex-spouse would have to spend a fortune paying a lawyer to run around just to put out all the fires, and if they are able to catch up, you can go file new cases so as to keep the lawyer constantly having to go down to the courthouse and pouring over the poorly coded databases just to see if there are anymore surprises. If the lawyer threatens you with some sort of action to try to prevent you or stop you, you can just claim that there are no rules in family court to prevent multiple actions and you are just a *Pro Se* litigant and no one told you that you could not do it, and that all you are trying to do is save your children from becoming victims, and if that does not work you can just play dumb, because you are *Pro Se*. When your ex-spouse figures out what you are doing they can either continue to pay the high legal fees of the lawyer, or waive the white flag of surrender and agree to meet you at the conference table to work out a fair deal.

Now that you know of the power you have, you can call your ex-spouses lawyer before the hearing even begins and tell them that you are going to engage in constant litigation but you are willing to sit down at a conference table like grown adults and negotiate a truce that is acceptable to all parties and completely avoid family court. If your

hearing is tomorrow you can now be calm and level headed and slow to anger because no matter the outcome, you can come back again and again. All I want you to do in the hearing is just hold it together and make it to the end in one piece, and that is what this book teaches you to do.

What you can never do is ever tell the judge that you are going to tie up your ex-spouse in court forever because that will put you in jail for a long time, no, you can only present yourself in court with clean hands and earnestly seek justice as the optimal outcome of each hearing.

You also can't threaten your ex-spouse directly as a threat is a crime in all states and that may put you in jail. What you can do successfully is tell your ex-spouse to buy and read this book before the hearing and tell them that you intend to fully follow what is outlined in the last chapter and you can even direct them to go straight to the last chapter and read it to get the idea of the purpose of the book. If he/she asks you directly if these are your intentions you can answer that you have to act in the best interest of your children and that you have the legal right to seek redress and remedy in any court of law, even on a constant basis if that is what it will take to save your children from becoming victims of family court.

Better yet, give them a copy of this book with a bookmark to this page and underline these paragraphs with a yellow highlighter. To those ex-spouses that were given this book to read and are reading these words now, I apologize to you in advance for forcing you to negotiate peacefully with you ex-spouse and I just conclude with a admission that I had to write this book as a duty to save your children by preserving both parents. If you flee the state with the children, he/she can drag you back again and again to this state until you establish the residency requirement in your new state, to which constant litigation can begin there in earnest.

Now you all know why a lawyer could never write or edit this book and that only a fellow *Pro Se* scholar could even get away with it. I published this book to keep both of you from being victimized in the family court and most especially because I owe it to your children, to

their right to two fit and able loving parents, and so they will have the chance of growing up and reaching for the great American dream. And lastly your children's children will not become the third generation of family court victims.

My selfish goal from the publishing this book, is the joy derived by dismantling the family courts one book at a time. I tried taking my lawsuit to declare family court unconstitutional all the way to the US Supreme Court to only have my petition denied. Since that did not work, I thought if I could remove all the litigants from the family court courtrooms that would choke off the source of the money that feeds the whole racket to which the resulting economics would ultimately crash the whole crooked system, to which I say good riddance.

Godspeed to you and your children,

David A. Bardes, *Sui Juris*, or should I say, *Pro Se*

These contacts may not be active at the time you read this:

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Supplemental Chapter

How to Get a Family Court Judge Fired

I can only give you some methods that have proven successful for me and others and it does not preclude you from coming up with more creative approaches yourself. So far we have targeted four family court judges and so far two of them have been fired, so we know it works.

The importance of being able to fire a judge dates all the way back to the patriots building in checks and balances between the three branches of government. The “check” on the judicial branch was that the people, as in “we the people,” could effectively remove bad judges from the bench. That’s why the US Constitution made it clear that, “all courtrooms are open to the people” and that there were plenty of seats in the back of the courtrooms for the people to observe the judge. This citizen obligation still exists today.

Today, courtrooms are all but closed to the public especially family court courtrooms as the claim for privacy somehow outweighed the Constitutional mandate. Worse, the judicial branch and all the lawyers invented something called “judicial integrity” and convinced the hapless public into believing it was somehow important to maintain, to which judges now are no longer elected, but are now protected for life terms from which the people have then been stripped of the checks and balances so carefully planned 220 years ago.

The reality is that in the United States all power is still vested in the people and that has not changed even in the slightest. Therefore, if you are a disgruntled litigant and you want to do anything and everything to get a judge fired, you have the full right to do so without being impeded in any fashion and even better you have a duty to the nation to use the check against the judiciary as well as a duty to your fellow citizens. If you want to go at it as a one man show by all means go for it. However, the best and quickest way to get a judge fired is to find similar victims, join forces in numbers, and ratchet up the efforts.

There are really only two things that you need to do to effectively bring down a judge, and that is, 1) A website calling the judge out, and 2) a well drafted letter writing campaign. Both tools are protected by federal law and Constitutional law.

The Website and Facebook Page

When I put up two websites on two different family court judges, I registered the domain names in the formal title of the judge's names, as an example, www.JudgeGarfinkel.com, and www.JudgeCate.com. I did this because the search engines will bring up a website search in the top position if the domain name is the same as the words searched for. Next I just made a simple and basic single webpage laid out like it was a blog. I wrote the content and posted the website. I can't tell you if my two judge's websites are still up by the time you read this, but you can see for yourself.

After a month or two when it was sunk deep into the search engines the web traffic picked up. What I did not count on was the fact that I was not the only person to complain about the judge's courtroom behavior. I also began to get phone calls and emails from fellow victims of both judges. I also received calls and messages from my Facebook page. As I was able to get more information about the judge I would add a new headline and message to the website blog. As my lists of fellow victims grew I added the other stories to my letter writing campaigns.

The Well Drafted Letter Writing Campaign

The most powerful business tool is well drafted letter mailed via first class mail. Vast fortunes are still being made from the start of a letter being mailed to the right person at the right time. I decided to apply this tool in my efforts to get the judges fired. After a few months I would re-mail the same folks with more horror stories that I received from the contacts made on the website. I figured that my recipients would at some point grow tired of reading about a crooked family court judge to an extent that they might do something like send my letter to the people that do the actual hiring and firing of the family court judges. Using the Judge Garfinkel site, as an example, the "South Carolina Judicial Selection Merit Committee" finally called the judge in and offered him

the option of resigning at the end his term, or he would be fired. Judge Garfinkel agreed to retire at the end of his term. We were so elated with the results that we have stepped up the website and letters in the hopes of getting him removed from the bench before the end of his term.

The reality is that a free website and letters that only cost me the price of a stamp, brought down Judge Garfinkel in 9 months. Even better is that if I can do it so can you.

Here are the lists of the folks that I mailed the letters:

State Level Mailing Contacts

All members of the judicial committee that hires and fires family court judges

All state legislators

The Governor

The States Attorney General and Assistant Attorney Generals

The Mayor and County Board Members

The Sheriff

The County and City Prosecutors

The US Senators, and House Representatives

Federal Government Mailing Contacts

The local US Attorney's Office

The local FBI Office

Solicitor General of the United States

White house, Office of the President

Supreme Court of the United States (all nine justices)

Issues to address on the website and letters

What works the fastest are claims of mental illness, crimes committed, and rights violated. As far as mental illness if the judge has displayed any signs of psychotic behavior in the courtroom, you can suggest that the judge submit to a full psychological evaluation and post the results to alleviate the citizen's concerns. If you can find a victim that can prove a crime or to which the judge had a conflict of interest, that is criminal.

Lastly and always reliable are the claims of Constitutional rights violated.

Concerns you may have

Claims of Defamation: public servants are not constitutionally protected people, they are public servants and serve at the will of the people, and they took an oath before the people. They are wide open to all kinds of scrutiny, as long as it is your opinion, or if you have proof of your allegations. You cannot make things up. Even if the judge is retired and drawing a public pension you can still go after them. Only if out of office and receiving no benefits from their employment by the people do you have to freeze the website and not add anymore content and stop the letter writing campaign as they have a right to not be injured any further as an ordinary private citizen. You can, however, keep the website up forever as a historical specimen.

Being Sued: If they sue you, you can counter sue them as they lose their immunity and you can sue for all of their personal financial assets and property. They have no protections from the law.

If a judge issues an injunction requiring you to take the website down, scan in the court order and post it at the website claiming that the judge and the state are trying to censor the internet. Post, "Is North Carolina worse than China!" If you do have fears from the court order, take the website down and transfer the whole website to Facebook. No judge in your state is going to issue an injunction against Facebook, as if they do their actions would go viral and their career would be over before they knew what hit them.

Will people protect the judge?

The sad reality is that if you go after a crooked family court judge, very few people are going to come to their aid, as no one is going to sacrifice their good name and reputation for any one family court judge. There are just no citizens left that have not either been directly injured by the family court, or have not had to clean up the aftermath from a loved one or friend that has been laid to waste by the family court.

Supplemental Chapter

Preparing For and Surviving Jail

The concept of jail is predicated on the fact that you won't like it there. In fact, the jail wants you to share with your friends that they won't like it there either. Most of everything you will experience in jail, right down to the smells and sounds, are designed to make you feel miserable. The only break you will get in jail from the constant efforts to make you to hate being alive, is at night when you are asleep. This fades at some point when all your dreams are about being in jail. To make matters worse, your sheriff is under extreme budget constraints because the taxpayers refuse to spend money on jails, so everything you experience in jail is designed to reduce costs, this applies to the bare minimum of food to keep you barely alive to the withholding of healthcare to where it is only applied to those inmates that are close to death. There are no Band-Aids or ibuprofen tablets; actually you may be able to buy ibuprofen tablets from the jail's commissary for a 2,400% mark up.

I have divided this chapter into two parts, the first is the preparation that you must do before you go to jail and secondly, the part about how to survive once you are in jail. This chapter applies to all litigants that go into family court and not just for those that are going to a contempt hearing. The family court judges enjoy sending even well behaved custodial parents to jail just as a way to even out the numbers. Lastly, the information applies to black and white men. I have no idea what happens in the female cellblocks other than the women are crueler to each other than the men. For the women, most of the topics I present will apply to the ladies as well, but I can't address specifics. Also, many jails segregate all Latino's into their own cell blocks because they are given extra benefits and more comfortable surroundings, because federal

prisoners have to be given Constitutional rights and privileges. That leaves me with only black and white men to address.

Jail Preparation

If you are going to a family court hearing and there is the even slightest chance that you will be thrown into jail you need to do some preparation.

Carry Cash

You can't carry your wallet into jail, but the cash in your wallet will be removed and deposited into what is called your, "canteen account." The only way you can buy items from the jail's commissary, or "canteen," is to have a positive balance on your jail account. Since the canteen is only available once a week, you will need a large balance right away so you can order from the canteen the first time it is available. Most canteens limit a weekly purchase to \$99 a week, so I would suggest you carry two weeks of canteen cash with you to jail. Carry about \$200 in cash to family court.

Bank Preparation

The only way to put more money onto your canteen account is to have someone deliver or mail a money order into the jail. Your inmate number needs to be written on the money order. You will need to designate a person on the outside to do this favor for you, but the problem is they cannot withdraw money from your checking account, so you are going to have to write a stack of blank checks, sign them, and deliver them to your trusted friend.

On a regular basis, your friend will have to cash a check, convert to a money order and then mail to the jail. If you do not set this up in advance, you will have to, from the inside of the jail, write a letter to your bank asking them to withdraw some money from your account, obtain a money order, and then mail the money order to the jail. This only works in about 50% of the time unless you have a banker that knows you and your handwriting, most banks will not mail money to any jail.

“Your People”

The term “Your People” is the first jail term you will encounter. Your people are the ones that are going to manage your outside life while you are inside. You can only communicate with your people by collect call and written letters. Occasionally they can visit you. You are going to have at least one of your people to have a landline telephone that has had the automatic collect call block removed from the line. Cell phones do not accept collect calls. If none of your people have landlines, then you will have no one to call once inside jail. That leaves you with only written letters to communicate with your people.

Prepare vital mailings before you go to jail

Since you can’t take anything into jail with you, you need to sit down at your desk and take a single piece of notepad paper and write down what is called vital data. Vital data includes you bank’s contact and mailing address, any phone numbers from your cell phone, mailing addresses of all family members or other people that you want to stay in touch with, your medication names and dosages, your doctors and other medical providers, a local bail bondsman, your lawyers mailing address, the mailing address to the clerk of family court, and just about everything else you can think of. You are allowed to have a few small photos of family members mailed to you in the jail, but they cannot be of undressed or bikini clad pictures as the jail will confiscate anything that could be construed to be of a sexual nature.

Give the paper and photos to your people with a self address stamped envelope and tell them that if you are jailed, call the jail and get your inmate number, then add the inmate number to the address on the envelope and mail it that day. You can also add any other paper based documents that you want mailed into the jail. You cannot mail anything with staples or paperclips or anything with a binding, not even magazines. You can’t mail paper, envelopes, or stamps. You can only buy such items from the canteen. Most jails will allow newspapers but the newspaper has to fit into a standard large envelope and has to come from the publisher and not your people.

Dental work

Have any needed dental work performed before you are jailed as once in jail if you even mention a problem with a tooth it will give the jailhouse dentist permission to yank out the whole tooth without even so much as a numbing agent.

Vision

If you wear contacts, carry your glasses with you to family court. If your glasses are out of date, obtain new glasses with the right lenses.

Medications

You need to write down on a piece of paper all your medicines and the doses. Also write down the names and addresses and phone numbers of all your doctors. You can't take this paper into jail with you, it is to be given to the nurse that does your intake screening during the booking process. You cannot take any medication into the jail with you and if you try the nurse will throw it into the trash can. The odds are it will take several days to start you back on your medications and sometimes the jail will substitute your medicine to the least expensive type or brand.

Your personal financial papers and matters

You are going to have to hand over your personal affairs to your people. Bills and rent need to be paid, your mail has to be retrieved and put inside your home. Any expected checks need to be opened and taken to your bank to be deposited. If you trust your attorney give them a power of attorney document so they can conduct your affairs in your absence. Make sure your people have keys to your home.

Notify Employers

Tell your employers, or a trusted co-worker, in advance that you are going to family court and therefore there is a risk you may be jailed. Don't alarm your boss, just tell them there is a slight risk and that if they receive a call from your people then you are stuck in jail and there is not much you can do about it.

Personal items and jewelry

Before you go to family court take off any jewelry that you don't want to lose. Take off your expensive watch, and leave you debit card with your people. Don't wear your best clothes or best coat as all your items are going to be stuffed into a small bag and stored for a long time. When you are released from jail you will only have those clothes to put back on.

Your car and keys

You are going to have to give your spare car keys to your people and the general location of where you are going to park your car, because if your people don't retrieve your car within a day or two, your car will be towed to a impound lot which will rack up fees in excess of the value of your car. If you have a real sense that you are going to be put in jail, then have your people drive you to family court. Otherwise your people will have to come down to the jail's personal property department and secure your only set of car keys.

Going from family court to the jail house

If you are sentenced to jail from family court, the sheriff deputies will jump on you with great joy and chain all of your limbs to your body. You will eventually be taken to the booking area of the jail.

The Booking Process

The booking process entails going from one station to another with each station performing some sort of task. There is the personal contents station where your possessions are logged onto a form, your cash is counted and deposited into you canteen account, and a series of stupid questions will be asked of you. Your fingerprints will be scanned into the computer and your mug shot will be taken. I recommend that you smile for your mug shot as you have a right to do so, this is because your picture will be posted on the website and published in the various newspapers and the last thing you want is a glum guilty looking mug shot.

At some point you will be interviewed by a nurse and it is at this point where I recommend that you not only lie, but you do it in the most believable way.

Medicine and Medical Services

The jail nurse holds the keys to your ability to have a bad jail experience or a really bad experience. Based on the answers to pages of medical questions your diet will be determined, your cell block danger level will be determined, your medication and the importance will be determined, and best of all your placement in a comfortable hospital bed instead of a steel rack will be determined. Don't feel badly about lying to the nurse as she/he will get the idea of what you are trying to do and many even crack a smile as you absolutely lie through your teeth. Most of the medical staff are on your side.

First comes your diet

When nurse asks you if you have any allergies or food allergies, say yes, explain that you are deadly allergic to soy or soy based products, worse, if you even get close to soy it sends you into anaphylactic shock so severe that you will have to be hospitalized. This will eliminate just about all the food items in the jail which is what you want, I discuss the jail food below. Tell the nurse that the only safe food the jail can safely risk feeding you is a turkey sandwich with lettuce and tomato and a bag of chips. You may end up eating turkey sandwiches for breakfast, lunch, and dinner, but at least you will get real meat, some vegetables and real bread. At least you will get something that your body is familiar with and can digest. Best of all you will have enough food to sustain life.

Here are some questions with the right answers:

Have you had a heart attack? Yes, two in the past two years.

Any seizures? Yes, grand mal seizures once a day.

Dizzy or lightheaded upon standing? Yes, I fall down sometimes.

You get the idea. Say yes to all the medical questions even if not true. What you want to do is to be assigned to either the jail's hospital or to

something called the “medical observation unit” which is a secret cell block akin to a hotel. The last thing you want is to be medically cleared for assignment to something called the “general population cell block.” You don’t want to go anywhere near a general population cell block. Bad things happen there.

Dressout

Dressout is where you take off your clothes and put on a jail uniform. If the jail uniform does not fit correctly insist on a different size as once your size is recorded to your record it is almost impossible to change it. Some jails let you keep your boxers, your socks, and a t-shirt.

Strip Search

Most jails have given up on the full body cavity searches, others have not. All I can say to the men is that we have it a lot easier than the ladies. Enough said.

Cell Block Assignment

At some point you will be given a personal possession box with a towel, a blanket, a bar of soap, a tooth brush, and tooth paste. You will then have to carry it to your cell block. Once inside the cell block you will be assigned to a cell. You have to pick up bed pad and carry it into your cell. If there are no open bunks, you have to claim an open spot on the floor. Your cell mates are nice enough because everyone wants peace in the tight quarters.

Flush As You Go

As you lie on your pad and look around the cell, the most obvious thing that jumps out at you is the toilet. The toilet consists of a large bowl that sticks out into the middle of the cell. There is no privacy, but I will fill you in on cell toilet rules. First you announce that you have to take dump. Your cellmates will cover their heads with their blankets. That is your clue to drop your pants and do your business. Next comes something called “flush as you go.” This is where during your whole time you are doing your business, you have to put your hand behind you and constantly push the flush button until you are done. This constant

flushing causes your stink to be sucked down with each flush so the smells will not fill up the cell. If one of your cellmate even smells anything, they will yell at you to “flush as you go.”

Commissary

Usually once a week you have the opportunity to buy items from the canteen. Your first week is mostly filled with basic staples, like a pad of paper, a pen, envelopes pencils, real soap, real tooth paste, deodorant, a hair brush, shampoo, socks, long underwear if it is winter, ear plugs, and maybe a portable radio. The rest of the money will be spent on food items, like crackers, cookies, chips, Vienna sausage, peanut butter and jelly, candy, and soda. These food items are very valuable as they supplement the jail food that you can’t swallow, they are a form of currency in the underground contraband market, and it will allow you to stay alive.

Jail Food

Jail food is so bad it will take you several days to a week before you can eat any of it. Most of it is called “blow up” food, that is it is compacted soy and sawdust matter that when exposed to hot water will blow up, expand, and take the shape of whatever food item is to be simulated. The problem is that the lazy inmates in the kitchen let the water get cold, or will not put enough water on the compacted matter so that by the time you get your tray, the food is a mix of powder or pellets floating in cold water. When you eat the food and it hits the warmth of your mouth, it will then expand and choke off your throat and a gag reflex causes you to spit it out.

The only other food item on your tray that you may find edible is the bread if provided or the rice. The problem with the rice is that the jail buys rice by the bushel and the big bags are stored in the jail’s kitchen. By the time a bag is opened, they are all sorts of various bugs that have already been consuming the rice. By the time it reaches your tray it is hard to identify which items are the rice and which are the bugs. The only way to tell is to see which are moving. If you can pick out all of the bugs, you can eat the rice.

Now to the issues as to your safety in jail

Segregation

All jails are supposed to be segregated, that is the dangerous killers are placed in their own cell blocks, while the medium offense guys are in a middle safety cell block, and the least offensive inmates are in their own cell blocks. Each inmate has a color coded ID arm band. The killers have red arm bands, the middle group has blue bands, and the family court guys have green arm bands. With that said the chances are you will not be placed in a cell block with violent inmates.

When your life can, or will be in danger

For white men

The danger to the white guys are not the black guys, quite the opposite, the black guys are a lot of fun and you will enjoy their company. The danger to the white men are the guards and other white guys. When I witnessed two guards beat an inmate to death ten feet away from me I was in shock, I had never seen someone beg for mercy while the guards delivered one deadly blow after the other until the inmate's life force decreased with each blow until the inmate died. The inmate's death was announced in the local newspaper as a suicide by hanging. It ends up that half the guards are good and half are dirty, and 20% are psychotic sociopaths. There is no form of mental health screening on the hiring of guards. The job attracts the sick people.

As far as other white inmates being a danger it comes down to the redneck white trash types. If you can handle being around these type then you will be fine, otherwise they are looking for trouble and they don't dare mess with the black guys as there are an overwhelming number of black guys and they would jump all over a wise mouthed white guy if pushed.

For black men

For the black guys the guards are not much of a problem because they are outnumbered 100 to 1. The danger for the black guys are the other black guys. When a black guy is slighted or otherwise offended by

another black guy, the offended guy will round up six or seven other black guys and then plan out an attack called, "being jumped." At the right moment the six guys jump on the victim and try to break as many bones in the shortest period of time before the guards break up the ruckus. The victim is then taken by wheelchair to the jails hospital.

Weapons

There are really no weapons in a jail as there is nothing available to use as a weapon. The wood pencils are those half height golf pencils so they prove useless. No one is going to stab you in jail.

Rape

Rape is not really a problem in jail either. There is just no area that you can carry out a rape attack. The only threat you could face is by you cellmate after the lights go out. If your cellmate makes a move on you, you just get up and walk out into the common area and tell the guard that your cellmate is looking for a boyfriend. The guards will immediately remove the offending inmate and they are removed from the cell block and taken away to where the HIV/Aides inmates are warehoused. Gay inmates are not treated very well in South Carolina jails and prisons. The only way gay sex can even occur in jail is by mutual consent by two cellmates who carry out their deeds after the lights go out.

Suicide Watch

Suicide watch is a place you never want to go to. Even if you are suicidal deny it at all cost. On suicide watch they strip you naked and then place you on the cold floor of a cold suicide watch cell. You are stuck there until you can convince the doctor that you are no longer suicidal.

Bad Cellmates

If you don't like your cellmate or are not able to get along, you can ask the guard to reassign you a new cellmate. If the guards figure out that any particular inmate is simple in incompatible with anyone they will

isolate the inmate in their own cell. You, however, will get a new cellmate. The guards want to keep the peace.

Protective custody

The last item I will address as far as safely goes is something called, “protective custody.” If for some reason you feel you are in bodily danger you can just go up to any guard and say, “protective custody, please.” You will be removed from the cell block and taken to the secured area where you will be locked into your own cell all by yourself. To avoid overuse of protective custody you are not allowed any canteen items, or reading items, or recreational breaks, otherwise you can call on protective custody at anytime.

Supplemental Chapter

Radical Shared Parenting

My ex-wife, Kathy, and I did full outright holy war in the family courts for six years in three states. When I got out of jail after having been tortured almost to death I raised the white flag of surrender. I put up a good fight but the whole jailing and torture thing was just too much. These states play a nasty and deadly game. Thankfully, Kathy met me on the field of battle, I surrendered my colors and gave her my sword and she gracefully accepted my surrender and the war was over.

Once we realized that our children were the real victims from the holy war in the family courts, we both agreed to put the children first and to suppress our needs, wants, and desires. What we had agreed to do is called “Shared-Parenting.” We have been practicing shared-parenting for six years and it has been so successful that our kids are so happy and well adjusted with the current situation that they have almost no memories of years of family court holy war. Kathy and I are writing a book on shared-parenting so we can share with others how we were able to make it work, and if we can make it work, so can you. Actually, I am writing a book on shared-parenting from a guy’s perspective, while Kathy is writing it from the ladies perspective. What the result may be is that we had absolutely different takes on the whole thing but what really matters is that it has worked beyond our greatest expectations. I am going to share with you a very brief overview of what Kathy and I have done so you get an idea in your head and maybe you and your ex-spouse can do it as well.

Before Kathy and I agreed to start shared-parenting, we first set down some ground rules. First I should say that the ground rules we decided to follow are not necessarily required of you and your ex-spouse, but rather Kathy, I, and our kids had been so injured by the family courts that we did take some radical steps so that we could focus on the kids.

First, we decided to not date others because we did not want to introduce additional parenting figures into the kid’s lives. We also agreed to not have any sexual relations of any kind. We also agreed to

share all bills and expenses equal an amount as possible. Then we agreed to not take any issues to the family court and that was an easy agreement as we have suffered enough injury from the courts. Lastly we agreed to have no legal agreements, no custody orders and no support orders. We knew we were taking a risk with the courts in having no agreements and further if the courts came after us we could be in real jeopardy, but our kid's futures were more important than any punishment that the courts could dish out. That was the extent of our pre-planning and we just assumed all the other details could be figured out as we went along.

Jumping ahead to the present, now that we have six years of success under our belts, if we were to reduce what we have built into writing such that a judge could sign, it would go like something like this, "Mrs. Bardes and Mr. Bardes can do anything they want at anytime and there is absolutely nothing anybody can do about it." That would be the extent of any written agreement. As far as child support has gone, I paid Kathy \$1,000 a month which was fully consumed by food costs, otherwise Kathy and I paid the bills and expenses as they occurred and they were paid by whichever one of us had the money in our accounts. If I had money I would pay the expense, if I was out of money, Kathy would pay the expenses. After six years neither of us have accumulated any more assets so that means all of our money was spent on the kids. We have never had a disagreement over money.

When we initially started out, we both tried to make decisions on a mutual basis, but at some point it just became impractical to micromanage ever little detail. At some point we decided to set our little family unit up as a matriarch. I let Kathy make all of the decisions for the kids, not because I was a magnanimous guy, but rather Kathy's child decision making process was superior to mine. In six years I can't even come up with more than a half-dozen times I have not agreed with her decisions. After awhile the kids stopped coming to me to see if I would try to change one of Kathy's decisions that they did not like, because the kids know I was going to back Kathy up no matter what I thought. What I did not expect was that because Kathy knew I would support her decisions regardless of what I thought personally, she would

consult me in advance of the big decisions to see what I felt about a decision not because she had to but because she cared about what I thought.

We also decided to set up only one house instead of two. Two houses were just too expensive to maintain post any divorce. I rented a one bedroom apartment and ditched the house to save money that could otherwise be spent on the kids. At one point Kathy kicked my son out of her house because he was going through those destructive years that boys go through. Kathy actually drove over to my place and handed me a bag of clothes and gave me a letter stating that I had custody of my son. I did nothing with the letter and rented a two bedroom apartment and moved my son in. Years later when my son and his mother had healed their relationship, I turned my son back over to his mother.

At night several times a week I would go over to Kathy's house and we all would have a family dinner together. Kathy did the morning driving and I did the afternoon and nighttime driving. I saw my kids every day. We took vacations together, we went camping as a family, and we went to the beach as a family. When I was around the kids, I would lift up and edify Kathy as their mother, and Kathy would lift up and edify me as the father. We validated each other's existence to our kids. We had every Christmas as a family. Both of our children are excelling in all areas of their lives. Their friends and their friend's parents can't figure out how Kathy and I have been about to pull it off, and when Kathy and I attend our kids social events together we behave as if we were a married couple.

I could go on and on for pages but I am going to save the rest for our mutual books that we are writing about how we were able to make it work. The reality is that all we did was agree to give our kids their childhood free from the harsh reality of divorced parents. Kathy and I have developed a deep respect for each other and even after the kids move out, she and I will still hang out together and finally travel together.

Kathy is not her name, I have used a substitute to protect her identity and privacy, but if you do enough digging you can probably find her and if you do you can ask her if all of this is true, otherwise you are going to have to take my word for it. I will however copy some text from an article that was written about our radical version of shared parenting.

"David and I were at holy war," Kathy told me. "And the kids were fighting all the time." The children weren't getting positive guidance because the parents were spending all of their energy fighting each other. And now? "We function as the perfect marriage, where he lives in his house and I live in mine," she replied, "and the kids get along great."

And...

One might wonder what all of this means to the children. APB agreed to share her views. "Compared to my old life, shared parenting is not just one of the best things that has happened, it is THE best thing that has ever happened to my family," she stated.

Kathy says, "If you put all of your energy and priorities on the children, then everything works out." APB, who maintains a straight 'A' average in school adds, "I will never wake up with a mom and a dad under the same roof married. But since the shared parenting, I can wake up with both parents having a cup of coffee and laughing like friends. I would have it no other way."

The best part of our story is that if we can do it, so can you. All it takes to start is the agreement to end the war. If you still have some fight left in you, it might prove more difficult, but the worst you can do is to not try.

ABOUT THE AUTHOR



David Bardes, a single father of two, took a courageous stand against South Carolina’s family courts and social services department, only to be targeted for assassination by a state attorney in Charleston’s notorious dark prison, “The House.” Bardes, falsely accused of child support he did not owe, was tortured for three days in the prison’s hypothermic torture chamber in which he barely survived only to be subjected to two additional attempts to kill him, before he was ultimately released by a ransom payment and a legal agreement that he would not sue anyone and leave the state forever. Bardes who escaped the state, suffered permanent brain damage and a whole host of psychological injuries, only to take South Carolina’s family court and social services department into the federal courts and pursued the case all the way to the United States Supreme Court. The Supreme Court, who turned down the case, sent the clear message that the state’s family courts have the free will to murder the citizens and not even the federal courts or the Supreme Courts will stop them.

Undeterred, Bardes has continued his efforts to help mothers and fathers successfully navigate their state’s family courts in the attempt to not create a third generation of family Court victims. In *Pro Se Guide to Family Court* Bardes delivers all the knowledge a *Pro Se* litigant needs to avert victimization and preserve their children’s right to two fit and able parents.