

“The hearts of the fathers ...” - a petition for removing the curse of fatherless America

To:

Various State & Federal representatives & leadership of the United States of America.

Dear Representatives:

The intention of this Petition is to ***encourage that every child has equal access to both of their parents while growing up***, and ***to encourage active fatherhood***, which is often discouraged by many family court actions.

The goal is that fathers are ***not disadvantaged***, financially strapped, or stressed by the legal system, so that they can ***prosper as active parents***.

Parenthood is not considered a basic essential right by government

Parenthood is not treated by the courts with the same sacredness and importance as a fundamental right, like free speech. **Being a parent** is bestowed by the Creator; it is a most **basic right**, considered fundamental because its source is God. Just like 'freedom of speech' in the Bill of Rights, parenthood is a right the government should not abridge, curtail, or diminish.

The Current situation: too many one-parent homes

Family Courts need a revamp to **encourage active father-child relationships**. The family court systems do not aid fathers; they often remove fatherly access to children. For whatever reason, the legal system has made the mother the **primary parent** with superior rights. While some may be happy with this outcome, it is the children who suffer, living in court-mandated one-parent homes. This leads to a curse on society, because **children do much better living with both parents**.

As the Biblical prophet Malachi has said, **a lack of fathers leads to a curse**.

Malachi 4:6 NKJV

And he [the prophet, Elijah] will turn The hearts of the fathers to the children, And the hearts of the children to their fathers, Lest I come and strike the earth with a curse."

The Current situation: The Mother-only imbalance

According to the US Census Bureau, **the "Number of Children Living Only With Their**

Mothers Has Doubled in Past 50 Years." Currently, it is estimated about **15.3 million children live in mother-only homes** in America. Mother-only homes are 21% of all USA children, while father-only homes are **4.5% of children**.¹

"Children who grow up in a household with only one biological parent are worse off, on average, than children who grow up in a household with both of their biological parents, regardless of the parents' race or educational background." ~ Sara McLanahan and Gary Sandefur, Growing Up with a Single Parent: What Hurts, What Helps

Children of one-parent household **have more poverty, more incarceration, than those who were raised by both of their biological parents**.²

The Current situation: Financially strapped & stressed fathers

Family courts have become efficient in extracting money from bread-winners who are primarily men. Required child support payments crush many working fathers into **poverty and hopelessness**.

The brazen harshness of court decisions show up in suicide statistics. Among men and women who have recently divorced, **"for every divorced woman that committed suicide, over nine divorced men killed themselves."**³

A current poverty example: a Kentucky man who has 4 children

He informs the court that he earns \$18 an hour. Family court requires that he must pay **\$1,400 a month for child support payments**. The court uses a **calculation** that **presumes a 40 hour** work week. It didn't matter to the court that 40 hours was not the usual hours worked. They just use 40 in their calculations anyway.

He is **presumed** to have a gross income of \$2,925 before taxes. That leaves a net pay of per month of \$2,315 (estimated).⁴[\$2,315 net pay (-) \$1,400 child support = \$915.

Since his **actual work hours varies** (30 to 40 hours per week), the **actual cash remaining is between \$600-915 per month**. How can anyone survive on this?

When **apartments start around \$800** a month how does this work? How can this man provide transportation, and a proper residence with extra bedrooms for his children to use? Nothing is left for children in his life. **In 2025, this is court-ordered poverty**.

By the way, his gross income makes him **ineligible for food stamps** (SNAP). Kentucky **does not acknowledge** that child **support payments have been removed** from the income of a non-custodial parent's income in their determination of SNAP eligibility.⁵

Recommended legal changes:

- 1) When setting child support, **the calculation must include a cost of living allowance** for the parent's own needs. This ensures that the paying parent, including working fathers, can afford suitable housing for their **own livelihood and for visitations**.

A significant personal cost-of-living allowance should be granted to all individuals who pay child support, with the amount based on local market conditions. This allowance should include expenses such as rent, utilities, and transportation. It is essential that **those responsible for support payments are not made financially destitute**.

- 2) **The Child Tax Credit** should be **distributed fairly** between parents who financially support a child, rather than being **given entirely to a single parent**. A parent who pays support should be entitled to a portion of the credit, and the existing system of awarding it to just one parent--often based on a court decision--should be reformed. This would allow parents who share financial responsibilities to also share the tax benefits.
- 3) Courts have failed in their duty to children. If the family is valued as the heart & bedrock of society, it calls the **court process into question**. The standard of evidence in family court is so low that **unverified accusations can dictate the outcome**. The party with the most accusations often prevails, leading to reckless decisions. This is because the inquiry is fundamentally flawed; it is nothing more than a half-hearted search for the truth.

To protect children from harm, family court decisions must be held to **a higher evidentiary standard** than the current "preponderance of evidence" (51% certainty). With a parent's removal potentially **having serious, damaging consequences for a child's future**, any allegation threatening to cut a parent from a child's life must be supported by **compelling proof**.

The "clear and convincing evidence" standard (or a higher standard) should be adopted for all proceedings in family court.⁶ Kentucky courts currently apply this standard only to cases involving **the termination of parental rights** for adoption. If **parenting time and decision-making** are the most crucial elements of parental rights, should they not be held to the same high standard of evidence?

Custody and visitation decisions should not be based on speculation, fears, or unsupported concerns, but on evidence that is substantial and found credible. Moving to the **"clear and convincing evidence"** standard should help ensure that **unjustified concerns** do not become paramount.

- 4) **The standard of evidence in circuit court** on Domestic Violence Orders (DVOs) need to be moved higher. **The "clear and convincing evidence" standard** should be

adopted for all proceedings. These orders should only be issued when a **crime is provable**. **Un-validated evidence** should be excluded because these orders create years of separation between parent and children. Emergency protective orders (EPOs) need to be looked at, as well.

A **deferred prosecution** should not be used as basis for a **Domestic Violence Order (DVO)**. It is inappropriate, **since guilt has not been established**. Without a proven crime, unsubstantiated concerns should not be given legal priority. Removing children from their parents should only be done if a real crime has been proven.

- 5) Consistent with the court's practice of facilitating reunification for **mothers with past violence or drug offenses**, it should also prioritize restoring the father-child relationship whenever feasible, thereby making regular visitation a more common reality.
- 6) A court should not become a de facto third parent. The judiciary should not be allowed to intervene excessively in family life. Regarding decisions such as **spanking**, medical treatment, mental health therapy, religious observance, or firearm ownership, these choices **should generally not become court matters**.
- 7) Courtroom success for those without legal representation is scant compared with those who have attorneys.⁷ For the sake of the children, the courts must achieve a true balance, making **legal counsel accessible to both parties, even if at state expense**. This balance is necessary to facilitate the search for truth in family court and Domestic Violence Order (DVO) hearings. Ultimately, a parent representing themselves pro se puts the children at great risk, for when a parent loses, the children lose as well.
- 8) A motion to modify child support must be filed in the family court each time a child reaches **the age of majority**. Taking time off for a family court hearing for each child is a hardship. This should be **automatic** with Department of Child Support Services (DCSS) making the change in support and notifying the court and parents.

-- Return signed Petition to: J.M. Sarkozi, 816 Stanley Ct. Bowling Green, KY 42101. sark731 at gmail.com. If the petition is returned, my intention is to make copies of it for distribution to various officials.

Footnotes:

1 <https://www.census.gov/library/stories/2021/04/number-of-children-living-only-with-their-mothers-has-doubled-in-past-50-years.html> Also, See: The Effects of Absent Fathering on Children's Well-Being: Nearly 16 million children about 21% live without fathers. Posted April 11, 2020 | Reviewed by Gary Drevitch. <https://www.psychologytoday.com/intl/blog/progress-notes/202004/the-effects-of-absent-fathering-on-childrens-well-being>

2 <https://ifstudies.org/blog/less-poverty-less-prison-more-college-what-two-parents-mean-for-black-and-white-children>

3 The actual number is 9.68 divorced men commit suicide. This is the source article on divorce and suicide risk: <https://pmc.ncbi.nlm.nih.gov/articles/PMC1732362/pdf/v057p00993.pdf>

4 The amounts are approximate. The tax deductions are estimated, since I did not have access to his pay stubs. Sites: <https://mypaycalculator.net> or, <https://ky-us.icalculator.com/salary-calculator/annual/2025.html>

5 <https://kypolicy.org/banning-food-assistance-for-parents-behind-on-child-support-is-harmful-to-families-and-costly-to-state/>
<https://kypolicy.org/child-support-snap-ban-kentucky/>

6 <https://versustexas.com/blog/beyond-reasonable-doubt/> There are 3 levels of proof in used in court. From lower to higher proof: 1) A preponderance of evidence, 2) Clear and Convincing Evidence, and 3) Beyond a reasonable doubt.

Some summarize it as 1) Preponderance more likely than not , 2) Clear & Convincing -"Firm belief or conviction", and 3) Reasonable doubt - "Requires elimination of every reasonable doubt".

Family courts in Kentucky use the low evidentiary standard called, "a preponderance of evidence." This standard allows unproven narratives to be told by each party. The party receiving 51% by the judge is the winner. It appears to be little more than to cast allegations against opposing party. The party reaching a 51% score is the winner.

7 No actual study has been found about pro se outcomes in family court. Even so, just looking at federal courts on pro se outcomes, they found pro se 12% received favorable judgments, and only 3% favorable final judgments. <https://publications.lawschool.cornell.edu/jlpp/2023/11/04/self-represented-litigants-and-the-pro-se-crisis/>