

## **"No-Fault" Is Not The Problem, But Slavery - We Need a Federal Office of Parental Rights Enforcement (OPRE)**

The best and only constitutional way to promote family bonds is with enforcement of the right to be a parent. When parents know they will no longer be rewarded by leaving a family or marriage condition, they'll try harder to make it work together as a family.

As a Christian I believe in marriage. It is obedience to Christ's teachings that has held my current marriage together when I might have otherwise given up. My first wife abandoned our then new family partly from lack of such belief, and primarily because she knew she could exploit a gender biased court system. But marriage is irrelevant to the business of family courts. The primary concern of family courts should be enforcement of the constitutional right to be a parent to one's children, regardless of the marital status of parents.

The fact that fault divorce existed for a long time prior to its abandonment does not necessarily mean it was a good thing, even if there was a lower divorce rate. Fault divorce was an illegitimate legal animal per the U.S. Constitution because marriage is a religious matter with which government should not be concerned. Enforcement of a marriage contract is like enforcement of a communion ceremony. It's absurd under a secular legal system. The family, except in cases of adoption, is a function of biology.

Government does have a legitimate interest in defending and promoting family bonds to make sure kids are provided care, but it has no business governing a religious institution - marriage - in a country based on separation of church and state. Yet now even homosexuals think "civil unions" mean progress. I would not wish government interference on anyone's personal relations. There's got to be a better way to get whatever rights they seek.

The requirement to obtain a license to marry is absurd. It is a three-party contract with the state as the third party. That's a wierd, totalitarian requirement which, if it ever had a valid purpose, no longer serves free adults. The joining of a man and woman is a private matter for them to

define as they so choose, without having to obtain permission from the state. And however they define it should have no bearing on their right to parent equally any children they produce, whether or not they remain in the same household.

Government has no legal right to interfere with parent-child relations in intact families. If parents decide to separate, government still has no more of a right to interfere in parent-child relations, unless either parent has been convicted of some crime deeming him or her unfit to be a parent, by a jury of peers, and not by a single judge.

Perhaps no fault arose out of an increasing awareness of the unconstitutionality and perhaps absurdity of fault divorce, and was inevitable. We should not presume that return to fault divorce now would lower the divorce rate. We cannot or at least should not attempt to turn back the hands of time.

The nature of the law is to evolve. Slavery died due to societal pressure for evolution of the law. The divorce industry should die, likewise, through clarification and enforcement of the constitutional principle of equality, of the sexes, and of the fundamental right to be a parent. See: The Constitutional Right to be a Parent  
<http://www.childrensjustice.org/cases1.htm>

Unequal custody existed even before "no-fault", with the "guilty" party perhaps losing custody. Now, typically custody is "awarded" based on who wears a dress, or who has deep pockets to be plundered, or whether one can afford to purchase it with 10s or 100s of thousands of dollars to attorneys and psychologists. Except for a parent who is convicted of some crime and therefore found unfit, all parents deserve a level playing field with equal rights to maintain good relationships with their children. Unequal custody is child abuse. Family court judges who routinely order it against fit parents are child abusers.

Under the old fault system, married partners stayed together for fear of the social stigma of divorce. Now, that fear of shame has been replaced with a reward system, where women file for divorce in the vast majority of cases,

often prompted by an attorney's promise to share the loot in full knowledge that an outlaw judge imposter will rape the fit, loving father of his right to parent, plunder him of his assets, and enslave him with an extortion order.

Understand this: the term "child support" only applies in cases where 1) a parent voluntarily agrees to pay it, or 2) a parent has to be dragged into the responsibility to support a child. It is Orwellian double speak - a lie - to call extortion child support when it involves a fit parent who was already supporting his or her child prior to the state kidnaping the child, which is what usually happens.

What we now call "no-fault" divorce is not truly no fault. If neither parent is at fault, neither parent should win or lose. If it is "no-fault" divorce, why are lawyers getting 10s or 100s of thousands of dollars per case in attempts to prove parents are at fault? In my own divorce, despite the fact that a false assault charge had been dismissed in criminal court, I was falsely "found" to be at fault - slandered - in civil court. That is, I was falsely villainized in order to pretend some justification for the kidnaping of my three children, and then ordered to pay extortion, falsely called "child support".

We have a system that pretends children's best interests are important, but obviously that is a sham and Orwellian double speak - a lie. Regardless of any alleged fault, usually neither parent deserves unequal custody, nor does any child deserve to be unfairly separated from either fit parent. Fit parents are those without any criminal convictions deeming them unfit. This is not to say that parents who have been found guilty of a crime are all unfit because even they can atone, repent, pay for crimes, etc. But no parent should be divorced from a child unless convicted of some crime by a jury of peers. This must be the standard in order to meet the well-established fundamental and constitutional right to be a parent.

The solution, therefore, is not to reinstate fault divorce, but to remove the incentives which prompt parents to leave the family. Remove incentives which exploit the selfish human desire to gain control of the children and family assets. Remove or change federal policy statutes that promote sole custody for mothers, like the Violence Against Women Act and Title IV-D of the Social Security Act, and state statutes that unconstitutionally pretend to

“allow” discretion for judges to issue unequal custody orders against fit parents.

Families will be more likely to stay together when treasonous family court judges are forced to stop trampling on the constitutional rights of parents and are subject to the requirements of the U.S. Constitution: once fundamental law is established in these outlaw kangaroo courts.

Again, the law evolves. No fault divorce is not the problem causing family breakdowns and the high divorce rate, but rather lack of enforcement by treasonous family court judges of the principles of the U.S. Constitution and the Bill of Rights inside their courtrooms, just as lack of enforcement of the principle of equality laid down in the Declaration of Independence was the problem for African-Americans. It took centuries for their rights to be recognized in law, due primarily to economic forces holding on for dear life to slavery based on race.

Today a similar condition exists. But slavery and human trafficking is now based on gender and/or the fact of parenthood, instead of on race. In most cases, men are the present day slaves. Some women are also treated as slaves, but in fewer cases than men. Women initiate most divorce cases in order to exploit the blatantly gender biased system. But children are the pawns of the multi-billion dollar divorce and family destruction industry, whether they are kidnapped from mothers or fathers, or both, unless any parent is found guilty of a crime by a jury of peers.

Just as the economy in the South was based on racial slavery, economic forces of the divorce industry (the blame game of the current system of de facto fault divorce, providing profits and funding to attorneys, psychologists, child protective services, child support agencies, etc.), subsidized by acts of Congress like VAWA, are out of control, based primarily on a policy of inequality for men which is destroying families.

To strengthen families, we must enforce the U.S. Constitution inside family courts and repeal or fix unconstitutional acts like VAWA and state statutes that promote unequal custody, not return to fault divorce. We can't turn back the hands of time. Fault divorce dealt with marriage, and the issue of

marriage is irrelevant to the issue of the constitutional right to be a parent.

Government should get out of the marriage business, and into enforcement of the right to be a parent to one's children. Children need both fit parents to be treated as equals. This is the only possible constitutional remedy for strengthening families and ending the plethora of negative effects of fatherlessness: teen pregnancies, suicides, incarcerations, psychological problems, etc. Family is a matter of biology. Marriage is a matter of religion which is legally of no concern to the state or federal government.

If we are serious about promoting and strengthening families, we should either abolish the federal Office of Child Support Enforcement and replace it with a federal Office of Parental Rights Enforcement, change the name and mission of the OCSE to the OPRE, or at least establish an OPRE.

In short, the fix involves 1) Ending federal funding that promotes family destruction, 2) Equal parenting for fit parents who have no criminal record, 3) Trial by Jury in all cases that involve the fundamental, constitutional right to be a parent, 4) Cameras in all courtrooms and allowing parties to use their own electronic recording equipment in court (there are cases where records have been altered).

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[www.ExiledFathers.org](http://www.ExiledFathers.org)

[www.youtube.com/markyoung12](http://www.youtube.com/markyoung12)