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Kansas State Capitol Building, Room 346-S  
Topeka, KS 66612  
**Re: Support SB 257 (Shared Parenting)**

Dear Members of the Senate Judiciary Committee,

My three young children, and thousands more like them, value this opportunity to reveal a glaring problem buried in the heart of current family law—a legal erratum which tears families apart and overwhelmingly leaves children without the benefit of two loving parents.

The current, outdated, presumption of ‘primacy’ (one parent deemed the ‘primary caregiver’ over the other) has created two major problems. First, it creates pernicious incentives that lead to endless litigation, frayed emotions, and wasted resources. Second, and more importantly, it marginalizes thousands upon thousands of able, willing parents—minimizing or excluding them from the most meaningful work in the world. The price for both of these problems is borne disproportionately by our state’s children.

My story:

I am a business leader and a doctoral student; I’m a graduate of the Air Force Academy and Harvard University; I served honorably in the armed forces and I have a spotless criminal record. Most importantly, I’m the father of three adoring children. Despite this blameless history, three years ago I was evicted from my home without notice, forced to pay over \$57,000, and most distressing of all, was denied the opportunity to meaningfully parent my children. To this day I have no idea what my children felt when Papa didn’t come home that night. Did they think I had abandoned them? Were they scared? I couldn’t speak with them or even give them a hug goodbye. As the months passed, I endured the nightmarish scenario of witnessing my children fade from my life as I was relegated to a merely “visiting” parent. I could no longer do homework with them; I could no longer teach them piano; I didn’t know their day-to-day struggles, fears, or joys.

Why would such a torrent of negative repercussions fall upon an outstanding father and upright citizen? The reason is that the current legal code demands it. My ex-spouse, unilaterally and without notice, filed for divorce. Under this scenario, the courts are required under Temporary Orders guidelines to default to making one parent the “primary residential custodian.” My awful story, and the pain my children endured, flows from this statutory premise.

Thankfully, nearly three years later, I was able to steadily reclaim my parenting role through the courts. My children largely have their father back in their lives. We have a court-appointed case-manager who can help referee co-parenting issues. The dust has begun to settle and my kids and I can begin to move on with our lives. We are in a new home, their grades have improved, my oldest daughter has stopped chewing her nails to bloody nubs, my son has stopped his violent outbursts, and my youngest daughter is on her way to sleeping the entire night without wetting the bed.

But the trauma and agony of this systemic problem will never entirely go away. We will never reclaim those lost years in the formative golden period of their youth. It is a tragedy because *this did not have to happen*.

I succeeded in remaining relevant in my children's' lives despite, rather than because of, the current legal framework. Many other parents are not so lucky—they are summarily evicted from their homes and ostracized from their families simply because the courts do not condone equal, shared parenting. I'm a reasonably well-educated and reasonably well-off individual who clawed his way out of a terrible legal bind. I can well imagine, however, the desperate plight of parents with fewer resources who are driven from their homes and families because the system reflexively assumes one – and only one – parent should be the primary influence on children in a broken home.

My Appeal:

Forty-three states received a “C” or below rating from the [National Parents Organization](#) for legal parental equity. In state after state, there are tens of thousands of parents who are marginalized or completely eliminated from their children's' lives under hostile legal codes and crushing financial burdens.

I beg you to support SB 257, which asks courts to begin from a presumption of parental equity. By passing this legislation, you are taking a tremendous step in giving a voice to the many parents that have been unable to get a shared parenting agreement under the current family court laws.

This legislative adjustment solves the two problems created by the current antiquated family court statute. First, it will significantly reduce the emotional upheaval and litigation expense incurred in the single most contentious issue in family court—custody. Nothing is more inflammatory than the emotional whirlwind created by the current “primary parent” scheme. If separating couples must squabble over furniture and bank accounts, so be it—children do not need to be pawns in the ugliest of human disputes. Second, it ensures both parents remain relevant in their children's' lives. Research overwhelmingly shows that children need and crave a meaningful relationship with both their parents. This legislation ensures (except in cases of demonstrably poor parenting), that courts do not exclude or marginalize one parent in favor of the other. Children of broken homes suffer enough without having one of their parents effectively removed from their lives. Please help them.

Respectfully,

Paul T. Schwennesen

CC: Senator Fitzgerald