

Making a difference in family courts

By Kathy Barrett
Contributing Writer

Boca Raton, FL - What do you get when strong women tackle tough issues? Success, says Lisa Macci.

Such is the story of Lisa Marie Macci, attorney in family and divorce law in Boca Raton and one of the founding members of F.A.C.T.s - Families Against Court Travesties.

Out of personal trauma, challenges and vulnerability, she says, women are often highly motivated to embrace and conquer tough issues - and that spells success.

This striking, dark hair professional and mother of six children (ages kindergarten to college) chooses her words carefully but with red-hot passion of concern for individuals and families who have been treated unfairly by the family court system.

The impetus for change in the court system was born out of her adversity and that of another attorney, Adele Guadelupe. "Both of us," Macci says, "went through awful divorces in the county. We saw that obviously there are problems with the family court system and problems with the courts in dealing with family issues."

"Unlike other areas of law," Macci says, "where you have (what are called) Bright Line Rules of Law, the family court really doesn't have that. And even when there are Bright Line Rules of Law, it seems like they don't enforce those as well." The standard abuse of allowable discretion is cited as one major flaw and source of injustice in the family court system, she charges.

Child custody is a particular problem, says Macci. Speaking from a painful experience, she says her divorce was not only difficult on her but "was really traumatic to my children - and it seemed that the courts' involvement didn't serve us in any way..."

In fact, she says, in the last ten years the abuses in family court are worsening. The F.A.C.T.s group was formed as the result of calls for legal counsel from NOW (National Organization for Women), who had been receiving numerous cries for help from women nationwide who were victims of court injustices. Macci and President of F.A.C.T.s Adele Guadelupe began discussing a court watch program and working on legislation to change the laws.

"Another woman involved with us was going through her own nightmare with the family courts as well, trying to protect her child from allegations that were made to her, from the child, about abuse from the father. As a result, she spent over 90 days in jail and lost all rights of contact with the child." There was never any effective investigation into the abuse allegations as far as Macci knows.

MACCI INVITES THE public to volunteer to sit in on court hearings to see what is happening in the system. High profile cases, such as celebrities or politicians or gruesome murders get the attention of the press. "Other things that go on in the courts on a daily basis," she says, "are

ruining people's lives."

Although F.A.C.T.s has only been active for about one year, Macci reports that she has seen changes occurring in the system. Most importantly she believes, that not only is the program bringing help to individual families, it is putting the judicial system on notice where there is abuse of discretion and problems with the state statutes.

Florida Statute 6113, she explains, outlines the factors by which judges make their decisions in custody cases. However the legal factors are often disregarded if not problematic in a case. For instance, in the "friendly parent provision," which concerns itself with who the primary residential parent will be, Macci says there are factors that are not considered relevant to the age of the child or the safety and well being of the child.

Their Court Watch has a force of about 70 volunteers to date in the general areas of Broward, South Palm Beach County and West Palm Beach.

Volunteers sit in on cases by request because something particular is going on in the case. "Most are not trained in the law but have a list of criteria to

see if there is a pattern of unfair bias or prejudice against one or the other of the litigants. Also the volunteers are asked to write down their own observations."

Some of the most common failings of family courts are cited on the F.A.C.T.s website, Macci says, though she is not responsible for its content and does not always agree with everything stated on the site.

THESE ARE SOME of the "failings" that are cited:

- The custodial parent, in defiance of court rulings and with impunity, is blocking visitation by the non-custodial parent and often their extended family.

- Judges are negligently refusing to enforce their own rulings.

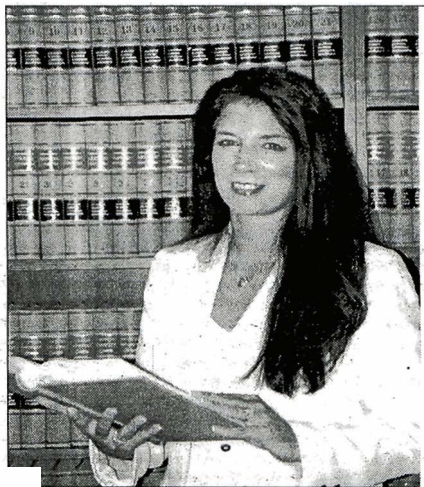
- Parents are being falsely accused of abuse or mental instability, without due process and without the right to be heard by a jury.

- Judges often refuse to let a child be heard, even an adolescent.

- Gender bias has increased since the advent of the "father's rights" group ten years ago.

"The courts are not necessarily looking at what happened during the marriage," Macci says. The mother has probably been the primary caregiver, while the father is out working. He often has the money for legal expenses and clout to gain custody of the children, whether or not he is a

capable or a responsible parent. In the eyes of the court, all that has happened while the couple was married is forgotten, Macci says she has



Lisa Marie Macci

found.

At the same time, she says, she recognizes there are many fathers that are consistently and lovingly active in their child's care - but a lot of times that is not the case. In challenged cases, studies show that fathers who contest custody win sole or joint custody in 40-70 percent of the cases. This is often because they have the means to do so, while the mother has no income for court costs or to hire specialty professionals to support or defend themselves.

F.A.C.T.s is not only a watchdog of what they consider to be problem judges, but also a voice for judges who make good decisions on behalf of families. Representatives are often advocates at election time, speaking

up on behalf of attorneys candidates whom they believe would be outstanding judges on the bench. They may send letters to the Chief Judge or the governor to let them know their findings.

The F.A.C.T.s Mission Statement says their goal is "to ensure that every child in the U.S.A. has undeniable access to the love, nurturing and wisdom of both parents. Our mission is to promote needed changes in the Judicial System as it relates to custody cases." To view the entire mission statement and other F.A.C.T.s info log onto www.factscourtwatch.org.

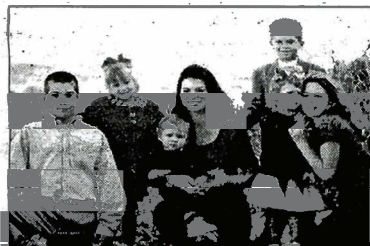
Persons wishing to file a complaint against any judge should write to the Judicial Qualifications Commission, 1110 Thomasville Rd., Tallahassee, FL 32303, or call 850-488-1581. Copy your letter to Chief Judge Edward Fine, Fifteenth Judicial Circuit Courthouse, Main Palm Beach County Courthouse 205 N. Dixie Hwy., WPB, FL 33401.

If you would like to be a volunteer in the Court Watch system, call 561-487-9878, or go to FACTSsnow2000@yahoo.com.

Macci is co-host and legal expert on the weekly talk radio show, "The Justice Hour" with conservative radio personality, Dick Farrel 8-9 am, Mondays, on WPBR 1340 AM. Her website is under construction, but will be operative shortly at www.lisamacci.com.

The Help Line for F.A.C.T.s is: (561) 338-9280. Macci offered these additional web links that offer helpful information:

www.injustice.com/tales
www.justicewomen.com
www.caught.net/prose/badjudge.html
www.njwest.org
www.custodypreformoms.org
www.thelibrary.org
www.nnfp.org
www.smalljustice.com
www.familylawcourts.com



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