

2009 RTSR summary points

The data from the 2009 RTSR clearly outlines that across all situations both with and without risk factors, judicial residential time awards clearly favor awarding more time to mothers than to fathers. From July 2008- June 2009, 87% of all dissolution cases reported no risk factors involved in dissolution cases. However mothers received more residential time in 2/3rds of all cases with 70% and 80% of time awarded to the mother being the two most common judicial awards.

The attached tables outline the two years represented side by side. The sections below outline the primary points each table represents.

EXHIBIT 1

- 87% of all cases had NO RISK FACTORS (pg 2)
- Mothers received more time than fathers in 65% of all cases (pg 2)
- Even when there were no risk factors the mother received more residential time in the 50%, 60% 70% and 80% mother favored time award categories. The result is that a father having no risk factors oddly results in mothers getting even more time than when fathers do have risk factors (graph pg 2)

EXHIBIT 2

- Demonstrates that the risk factors from 2009 are statistically similar to 2008 (graph pg 3)

EXHIBIT 3

- Clearly demonstrates that when comparing the same number of risk factors mothers get more custody than fathers. EXAMPLE; A father with no risk factors while the mother has one gets full custody 30 percent of the time. Conversely, a mother with no risk factors while the father has one receives full custody 45% of the time. (graph pg 3)
- If the mother has 1, 2, or 3 risk factors the father gets full custody 30%, 36%, 60% of the time. Conversely, if the father has 1, 2, or 3 risk factors the mother gets full custody 45%, 56% and 71% of the time. (pg 3)

Exhibit 4

- If the father commits abuse he gets zero residential time 74% of all cases while the mother who commits abuse receives zero residential time in just 33% of all cases. (pg 3)

EXHIBIT 5

- 87% percent of cases with no risk factors were decided by agreement. (pg 4). However, "by agreement" is not defined and is often decided by judicial, attorney, and financial pressures on one or both parties as supported by the fact that;
- Contested and default cases often resulted in more residential time for the mother. (pg 4) The message is that if a father fights for time with his children, the judiciary punishes him for it.
- 50/50 cases were 3.5 times more common in agreed cases. (pg 4). Again, the message to fathers is "do not risk court".

OVER

EXHIBIT 6

- 58% of cases are pro se (pg 5)
- 23% of cases have one party represented (pg 5)
- 19% of cases both have representation (pg 5)
- If fathers hire an attorney they increase their majority time award from 14% to 34% (pg 5)
- If mothers hire an attorney they increase their majority time award from 66%-81%. (pg 5) The key here is mothers start with majority time in 66% of cases.

APPENDIX

- This table ONLY Includes cases with NO RISK factors representing only cases with perceivably better parent child relationships. (pg 6)
- 50/50 awards are up to 20% compared to 16% from the year prior. (pg 6)
- Mothers receive 60% or more residential time in 65% of all cases (pg 6)
- Fathers receive 60% or more residential time in 15% of all cases (pg 6)