

## CHAPTER FIFTEEN

“I bought this house because I didn’t want to raise my son in a tiny apartment with no backyard to play in. I spent money from my line of credit to buy him furniture and toys that I really couldn’t afford. I was desperate to create a true “home” environment for my son, because love overrules logic when you want your child back. I even made sure that this house was close to his school so he could keep the same friends and I could walk him to school, since he would be living with me fifty percent of the time. Even my lawyer was buying into the fifty-fifty custody arrangement as a viable option. In my mind, it was a no-brainer; I was a great father to my son and loved him unconditionally. My lawyer was going to bat for me, and my commitment to my child’s upbringing was equal to his mother’s. What could possibly go wrong?”

“In hindsight, my downfall was that I believed the legal system was actually fair and that my lawyer honestly cared about the outcome of my case. After waiting nearly seven months from the time I first got separated, I was finally going to get my day in court and have this

custody and access issue behind me. I was scared but excited at the same time. My deal on this house was about to close, and I was looking forward to having my son with me every other week, or two weeks at a time—those details didn't matter; they could be worked out later. The important thing was that I had followed my lawyer's advice to the letter and now felt confident that I was finally going to start a new life with my little boy at my side.

“I've got to tell you, Molly, those seven months leading up to that day in court were a living hell. My lawyer had told me that until some sort of custody arrangement was worked out, I should plan on living in the matrimonial home with my ex-wife. The reason for this, she said, was that if I left early, no matter how tense the living arrangement was, I would be sending a message to the court that my ex-wife was the better parent. She also advised me that if I moved out too early, not only might the court view this action as abandonment of the child on my part, but it would also give my ex-wife the right to change the locks and keep me out, legally. Once you pack up your bags and walk out that door, you give up all rights to your own home, even though you're often still paying the mortgage and all the bills.

“So I did what any father who loves his child would do. Against my better judgement, I stayed. I endured seven months of “living” in the spare bedroom and eating every meal alone in the basement. If that wasn't bad enough, I had to watch my ex-wife monopolize my son's time to the point where I couldn't get a moment alone with him. Then she would accuse me of being a poor excuse for a father because I wasn't spending enough

time with him. The only time she acknowledged my presence was as she was casting me a hateful glance, threatening me with legal action if we couldn't agree on something, or was busy scribbling down detailed notes on my every move. I learned later that note-taking is a common practice amongst spouses and is often initiated by their lawyers. If a woman was married to a good husband and father, she has to dig deep and use every tool, including false accusations, in order to discredit him as an unfit father.

“For the most part, my ex and I didn't talk for those seven months. If she was talking to Allan and I added a comment, she wouldn't acknowledge my presence. In her mind I was simply the ghost that came home every night, left every morning, and paid all the bills. I was willing to put up with all the abuse because I believed my lawyer. If I could make it to that custody hearing, I'd end this nightmare and start a new home life with my son, free of watchful eyes.

“When the big day came, I was barely in my court seat before the presiding judge sat down and announced that my son would reside the majority of the time with my ex-wife. Her view was that a young child “may” need a father in their life but “definitely” needs a mother. It made no difference that, like his mother, I loved my son and had been an integral part of his life every day. My heart sank. I felt like I'd been kicked in the stomach. I wanted to scream, but I had to sit there and quietly accept my ruling. There was no rebuttal or objection from my lawyer. All I got for the four hundred dollars an hour I was spending was a polite “thank-you, your Honour,” and then it was over. How could the judge make

such an important decision in both my child's life and mine without first listening to arguments from both sides?

“After court ended, I waited in the stairwell for my lawyer. I wanted to talk to her privately. I needed answers. Waiting on a stair step, I broke down and cried. The pain of the last seven months reverberated off the walls as I wept. I was incapable of controlling my emotions, even as people walked past and whispered under their breaths. When my lawyer came through the door, I jumped to my feet and yelled, “What the hell happened in there? In your office, you made it sound like shared equal custody would be a shoe-in for me, yet you didn't say anything on my behalf in court. You just sat there and did nothing!” She then had the nerve to begin talking to me in an apathetic and condescending voice following the worst loss of my life. The court was taking my son away from me—my only child! My lawyer said there was nothing she could do for me and that the judge had already made up her mind.

“I hadn't been allowed to voice my opinions or objections in the courtroom that day. I had left that job to my lawyer, and she'd failed me miserably. Somewhere in the middle of that pep talk she had given me in her office about how I had a good chance of getting equal living time with my son, she'd somehow neglected to tell me how the courts award mother's custody of the children nearly eighty-five percent of the time.

“I was angry with my lawyer—not so much with her attitude as with the fact that she knew I was very upset and emotional where my son was concerned. In my opin-

ion, she took advantage of my fragile state and gave me false hope concerning the outcome of my hearing. Telling me that my expectations were not realistic within the current court system would have allowed me to decide if this was something I still wanted to fight for, and at what financial cost. False hope did nothing more for me than simply pad an already bloated legal bill.

“When it was all said and done, I’d have been better off to have followed my gut instinct and moved out of the house as soon as I got separated. If someone had told me outright just how bad the custody odds are stacked against men in court, I would never have bought this house believing I’d have my son. I would never have gotten lawyers involved like I did, either. As it stands now, I only see my son one evening a week and every other weekend. I’m told it’s the gold standard for most fathers as far as child access is concerned. I didn’t need a high-priced lawyer to figure that schedule out.

“If I had been smarter, I would have rented an apartment, given my ex what she wants, within reason, and just moved on with my life. You won’t change a judge’s opinion on child custody, and everything else is just stuff. It’s not worth losing your health or putting yourself into an early grave fighting over something as small as a kettle or even as large as a house. Look at me. You don’t know me that well, but I’ll tell you, this divorce has aged me twenty years. I’m on the verge of going bankrupt, and I’m saddled with a mortgage I can’t afford. I was so stupid to let my emotions get the best of me. I bought into the lawyer’s ‘fight at any cost’ mentality. Instead of filling up my child’s education fund for the future, I put all my hard-earned money into lining lawyer’s pockets.”

After hearing his story, I said, “I understand why you bought this house, Adam, and that you didn’t get the access schedule you’d hoped for, but I still don’t understand why this bedroom isn’t being used. I mean, you should have your son at least every other weekend, right?”

“You’re absolutely right. But after hearing your cousin’s story and how his ex-wife alienated his children against him, I think that’s what happened to me; I just didn’t have a name for what I was going through at the time. After getting divorced, I understood that both my ex and I would want to spend as much time with Allan as possible. Who wouldn’t? That’s normal, but what disturbed me was that I felt like I was being methodically pushed out of my child’s life, and for no good reason.

“In my case, my support payments are so high because of my profession that, after paying the mortgage, grocery, house, and lawyer bills, I had no money left to spend on my son when he came to visit. He didn’t understand why we couldn’t go places or even out for a pizza. We played games together, read books, went for walks, or watched television, but that was it.

“At the other end was my ex-wife with all my money, and believe me, she made the most of it. My son told me on numerous occasions how much fun it was living at Mom’s house. Anything Allan wanted, he got. The weekends were always planned around pleasing him and making every moment special. With all the outings to restaurants, birthday parties, toy stores, and lessons of every imaginable type, Allan was never given the opportunity to be bored. Personally, I think being bored some-

times is important because it makes kids become creative, and they learn to entertain themselves.

“I knew that I couldn’t compete with all the activities at his mother’s house, nor did I want to. Still, it was frustrating to think that my income was being used to help make his mother look like the fun parent of the family. After a while, you get sick and tired of hearing how great it is at Mom’s house or about where they went on the weekend at your expense. My ex never even bothered to explain to my son that I was giving her money each month so that they could do all those activities, effectively making me look like the cheap parent or the one who wasn’t willing to part with his money. She seemed like some type of hero, looking like the parent who was willing to sacrifice everything just to make him happy.

“Over time, my ex-wife started planning events for Allan on my time, which went against our divorce agreement. This would include out-of-town weekend hockey tournaments in the winter or baseball tournaments in the summer. She knew that I couldn’t afford the hotel and food costs, so she would offer to take Allan on my behalf. I was in a no-win situation. If I kept Allan because it was our weekend together, he’d miss the tournament and I would come off looking like the bad parent. If I let him go, then his mother would come off looking like the hero. Once again, she was there to save the day when I couldn’t. Eventually, a large chunk of my one-on-one time with Allan eroded away to nothing as more and more events got planned for him on my weeknight and weekends. My objections fell on deaf ears, as my ex knew that I didn’t have the money to take her

back to court and enforce the divorce agreement we had both signed.

“She got involved in every aspect of our son’s life, from school committees and volunteering to coaching for any sport he was part of. She even asked to help at every birthday party he was invited to. There was nowhere I could go with my son and be alone.

“As time went by, I began to notice a definite change in my son’s attitude. When he was at my house, he would begin reminding me an hour before I had to take him home that we had to leave soon. He would always ask me what events I had planned for him, as he was never able to sit quietly and entertain himself. He started becoming quite snippy with me, commenting on everything from his level of boredom to the quality of the meals I was serving him. His words and his body language made it clear to me that he viewed Mom’s house as fun and Dad’s house as boring.

“In our divorce agreement, there was a clause which stated that Allan would have the final say as to whether he had to do something or not. I know that was stupid, but if I hadn’t agreed to it, I’d still be battling with my ex-wife’s lawyer today. My ex used that clause to her advantage, reinforcing to Allan that he didn’t have to come to my house if he didn’t want to, and not to feel guilty about his decision. Eventually, Allan started phoning me himself. I could hear my ex in the background feeding him lines, as he once again explained why he couldn’t spend time with me. After a while, I stopped hearing the excuses. Why fight it? I knew in my heart that the alienation, as you call it, was complete.

“So there you have it. I’m left with a bedroom decorated for a king but inhabited by ghosts. I miss him, Molly, but what can I do? I mean, what could your cousin have done differently? I have no control over this situation. This isn’t the hill I’m going to die on. Thanks to you, I now realize that I have to let it go and move on with my life. If I don’t, it will eat me up and make me sick. If my ex wants to be hurtful, or if Allan doesn’t want to be here, that’s their choice. The one thing I do have control over is how I choose to react to the situation.

“I see by my watch that there’s one more thing I have control over, and that’s when we eat. I promised Dianne that we’d be down in thirty minutes and it’s already been an hour. I’d better get downstairs and get the barbeque started. You must be getting hungry, and Dianne is going to start spreading rumours if we stay up here talking any longer.” We headed downstairs to find Dianne and start supper.

“I guess we didn’t need to worry about Dianne,” I said to Adam, loud enough that Dianne could hear.

“I heard that, Molly Murphy,” Dianne snapped back sarcastically, popping out from behind the open refrigerator door with three cold beers in hand. “You’re lucky you have a friend like me who thinks ahead. I heard you guys coming down the stairs, and I thought you might be thirsty since you were up there talking for an hour.” She made sure to emphasize the word ‘hour’ but gave me a playful wink at the same time, letting me know that she was just having fun with Adam. He was

about to start apologizing when Dianne flashed him a grin to let him know that she was just kidding.

“Look, ladies,” Adam said, “why don’t you take your beers and relax in the living room? There’s nothing I need help with. I’ll call you when dinner’s ready.” Before we could say anything, he was already headed towards the backdoor, hamburgers in hand.

As I sat in the living room, chatting with Dianne, I got up and wandered over to the fireplace. I looked once again at the photographs that Adam had shown me when we first arrived. I now knew what he meant when he had said that divorce had aged him twenty years. In these pictures, his eyes sparkled with joy, his face was full of colour, and he radiated health. The pictures had obviously been taken during happier times.

Divorce could never touch the essence of who he is, but the Adam I had just sat and talked with upstairs looked tired and worn down by life. He was pale in comparison to those old pictures, and he’d lost a lot of weight. His eyes looked hollow and lifeless. The youthfulness in those photographs was gone. Now the stress of divorce was etching its way onto his face and into his life.

The pictures of Adam were no different than those I had seen hanging on the walls in Rick’s house, or Bill’s, for that matter—happy men, proud fathers and husbands, blissfully unaware of the hell they would eventually endure at the hands of their spouse. If someone could have warned them of what lay ahead, maybe they could have done things differently or at least prepared better.

It's no different than looking at an old picture of someone you know who contracts terminal cancer. Wouldn't you have told them to enjoy life, focus on family and not work, if you knew where their life was headed before they did?

I was beginning to see divorce in the same light. Giving men the heads-up before disaster strikes would be the key. There are various scenarios that tend to play themselves out with predictable results, thanks to gender bias in the courts and past performance where family law is concerned. In reading about the experiences and emotions of people like Adam, foresight would be available to individuals going through divorce.

For example, a man could know ahead of time if he decides to fight a particular legal battle or react in a certain way what the probable outcome would be. This information would be priceless. Women already have money and the courts on their side, so men need knowledge on theirs, or their battles will be lost before they even begin. What a powerful way, I thought, for men like Adam, Rick, and Bill to turn a negative experience like divorce into something positive for all those men who are unfortunate enough to be following in their footsteps.

When Adam gave us the call for dinner, I quickly headed for the table. I was really hungry, but not for food. I was hungry for knowledge. I now had a book to write and men to fight for. Adam didn't know it yet, but our conversation over dinner would be much more than idle chat. This would be a dinner none of us would ever forget.