

I have recently gone through a divorce and custody fight in Strafford county superior court. My experience has convinced me that the system is completely broken and completely biased against fathers. Here is a quick summary of my case:

I was married for three and a half years. While we were married, I paid my wife's college expenses, and supported her and her two children from her last marriage. I was a successful High tech executive working in the start-up sector. Just after my wife got her nursing degree, she accidentally got pregnant, and we had a daughter. After our daughter was born, my wife began working as a nurse. Shortly after she began to work she filed for divorce.

At the time she filed for divorce, I was operating 2 startup companies out of our home – one was a telephone/wireless communications company that was in the middle stages of seeking venture capital, and the second was a custom woodworking company that I had been running for almost 20 years. Just before our preliminary, My wife filed a domestic violence complaint claiming I had assaulted her. This resulted in my being evicted from my home and place of business with nothing but the clothes on my back – I wasn't even allowed to pick up my check books or wallet. At the preliminary hearing, my wife was awarded use of the marital home, leaving me homeless, and without access to my office or workshop. She was ordered to allow me to remove my personal belongings from the home. Almost a year later – after filing a number of contempt motions, I was finally allowed in to the house to remove only the items that she was willing to let me take. Needless to say, all of my personal files, paperwork, and all of the contents of my office had disappeared. The end result was that both of my businesses failed. During the year that I was trying to get access to my business files, I was ordered to pay child support based on the six figure salary that I earned while I was working – the fact that I could not get in to my office to work didn't matter. This was eventually overturned (3 years later) by the Supreme court.

The case continued in the same vein. We attended mediation sessions a few times, until my ex wife decided to stop coming. We attended a mandatory neutral case evaluation, and worked out a custodial schedule that granted equal custodial time, but after the lawyers wrote it all up, she refused to sign it. At the final hearing, she admitted that she had agreed to the schedule we had worked out in the neutral case evaluation, but argued that our daughter was now a year older (she had refused to sign the agreed to custodial schedule, and the court refused to hear the issue until the final hearing). The judge that finally heard the case agreed that her reasons were valid, and arbitrarily wrote a custodial schedule that amounts to alternating weekends and 2 hours one weekday evening for me, with my ex wife having all other custodial time. During the entire course of the divorce, we have been ordered (and have agreed to) to have shared legal custody. This has meant that my wife has enrolled our daughter in preschool without discussing it – as a matter of fact, she did everything she could to keep me from finding out about it, refused to notify me of medical appointments, refused to provide health insurance information (she was ordered to provide health insurance for our daughter), and has refused to allow me to have any input into the decisions regarding raising our daughter. Countless court filings for contempt have been simply ignored – the judge simply refuses to enforce the conditions of shared legal custody. The only way I have been able to find out about our daughter's medical appointments was to inform her pediatrician that I was revoking my permission for him to see my daughter for normal non-emergency or critical visits unless I was present. My ex wife recently filed a motion with the court claiming that she felt she should have the right to make decisions regarding our daughters upbringing without my "interference", and requested sole legal custody. The judge in the case has granted her request, without explanation other than to say that he feels it is in our daughter "best interest". So basically, if a mom decides to spend a few years completely refusing to follow the courts orders, and the law regarding shared legal custody, and the father has the nerve to attempt to bring the issue to court, the father loses all his rights.

The division of marital assets was equally ridiculous. The judge gave every single asset to my ex wife, regardless of the fact that she had been unemployed during 90% of the marriage, had contributed nothing to the purchase, maintenance, or upkeep of the home, and had had a free college education in the deal. During the course of the divorce (it took over three years), I suffered a severe back injury, leaving me disabled. Despite full medical reports from three separate physicians, including their willingness to testify (the judge accepted their reports without requiring their testimony), and a pending hearing with Social Security disability, the Judge

imputed my income at the same level it was when I was working full time (my medical orders only allow 2 hours of very light work a day), and ordered me to pay my full take home income (only leaving \$20 a month to pay my own bills) in child support. The end result of this was that I had to cash out all of my retirement savings (401K, IRA's and other supposedly protected accounts – all of which were paid into prior to the marriage - there was no contribution to any of them during the course of the marriage). The divorce was finalized about a year ago and I'm living on food stamps now so that I can continue to pay my entire take home income in child support. I am living in my parents home because I can't afford to rent an apartment. So, after a short three year marriage, a woman who brought nothing to the marriage walks away with over a million dollars in assets, and the man that brought everything to the marriage is essentially homeless and destitute.

The judge in this case has made it clear that he will not, under any circumstances, even consider the possibility that my ex wife is not some sort of victim. Every motion that she has filed has been granted – unless it was blatantly illegal (and some of them have been granted as well). The Judge has made it plain that he is completely happy with the fact that his rulings have made it financially impossible for me to appeal his findings and orders to the supreme court, and once that financial threshold was crossed, dropped all pretense of following the law and protecting my rights, and has simply taken the approach that no matter what the situation is, no matter what evidence is presented, I am in the wrong.

If my case is typical of how the divorce process works in New Hampshire, it not only needs overhaul, it need to be simply thrown out and completely rebuilt. If my case is not typical, and is simply an example of a judge's abuse of power, some mechanism must be put in place to allow the victims of these Judges recourse.