



# Know your rights

Local single fathers  
stepping up their  
game in the fight  
for child custody

BY CHRISTIANA LILLY

**m**iami Heat basketball player Dwyane Wade made headlines in March when he got custody of his two sons. Columnists wrote it was a statement of fathers stepping up; Wade was quoted saying, "You need to fight to be in your kids' lives sometimes."

For more than 100 years, America has celebrated its fathers, and it all started with a single father like Wade. In 1909, Sonora Dodd attended a Mother's Day sermon, and she suggested recognizing fathers as well — her own father raised six children on his own after his wife died. Although celebrated the next year, it wasn't until 1972 when Father's Day was written into law.

Single fatherhood was a rarity back then and is still not common: 15 percent of single-parent homes are run by fathers, according to the Census Bureau.

"The No. 1 thing people ask me: 'Really? Did she die?'" said single father Michael Matos, of Lake Worth. "No one can fathom why a court would ever give a child to a dad. That's how rare it is. It just doesn't happen; we're like a unicorn."

Single father Alvin Sanders, of Sunrise, also says people are perplexed by his living situation and ask him why.

The two men are a part of a growing trend in Florida, where fathers' rights are evolving.

Barry Finkel, a Fort Lauderdale family law attorney, has seen the trend of fathers' rights in his 28 years of practice. Before, he said, the assumption was the mother automatically had primary custody of the children.

"I've had fathers cry and say, 'I can't imagine not seeing my children every night when they go to bed,'" he said.

However, things changed in 2008, when a Florida law was written to treat mothers and fathers equally in a 50/50 timesharing arrangement, rather than primary and secondary custody. Plantation family law

attorney Leisa Wintz said not all fathers realize the new rights they have now.

"They genuinely just aren't aware of how equal a footing the law will put them on if they just stand up for themselves and take the time and energy to assert their rights," she said.

Courts are coming to terms that mothers aren't always the best option. Sanders got full custody of his 3-year-old son, Julian, in December 2010 after a year and a half of assumed custody.

"She wasn't able to deal with raising a child, and I didn't want her to be the one raising him, so I kind of assumed custody," he said.

His ex-wife conceded her rights to him, saying she wasn't able to raise him. The decision was a happy one for Sanders, who wanted to take the responsibility of "teaching him and taking care of him." However, some custody cases are much messier, and old prejudices against fathers can still exist in the court system. Matos has spent \$15,000 in court fees in his custody battle for his 4-year-old daughter,

## *Courts are coming to terms that mothers aren't always the best option.*

Lola, and he experienced multiple roadblocks.

"After divorce, anyone who thinks that the arena of family court is fair and non-biased is kidding themselves," Matos said. "It's supposed to be civil, but they treat it like a criminal case."

Today, he legally has Lola 75 percent of the time, but he said he usually has her more than that. During the first year of the divorce, he barely saw his daughter and had to answer to every accusation from his ex-wife, leading to visits from Child Services and negative drug tests.

Matos said his daughter was once playing in his closet, trying on his shoes and clothes, when she told her mother that, "Daddy put me in the closet." That led to

a restraining order lasting 93 days, and he missed her third birthday. However, when he tried to file an injunction against his ex-wife, he said, "It didn't even get the time of day [from the courts]."

In those 93 days, he educated himself on family law, reading articles, attending lectures and reading books on the subject.

"The worst thing fathers can do is not get educated on what needs to happen or what should happen," Matos said.

This is a message that gets passed through Forever My Daddy, a nonprofit formed by Dr. Michael Joyner, of Delray Beach. After his divorce in 1998 and the following parental alienation, he formed the group to offer support and help for fathers suffering from parental alienation.

"There's so much that a lot of fathers aren't aware of and people in society aren't aware of. There's a lot of mis-thought, a lot of unfair roadblocks that I believe many, many fathers go through," he said.

Joyner had to settle for weekend and vacation visits with his two sons after

his divorce. However, he discovered how difficult it was to make sure visits were enforced. One Christmas he showed up at the house, as arranged, and no one was there. Or, when he came to pick up his sons for the weekend, his ex-wife said they were at a play date and he would have to come back the next morning.

"And next thing you know, your children think you didn't show up, and you become a liar in their eyes," Joyner said. "Now to try and enforce that, you go back to the court system costing thousands and thousands of dollars."

One summer, he filed an emergency hearing when no one returned his calls about when he could see his sons, costing him \$10,000.

Parenting is also tough in the workplace, and single fathers aren't exempt. Sanders said he has not been able to move up in his career because not everybody understands his day care and doctor appointment responsibilities.

"Corporate America doesn't want to hear that a father has to go to the doctor. They're just not receptive to it," he said.

Matos said he got lucky and landed a job where his boss was also a single father. However, in the past, he has gotten trepidation from employers who didn't understand why he needed to go to Lola's school play. They would ask why her grandmother couldn't go instead.

"It's not the norm for a father to be so involved and be a real man with their kid. Society's not set up that way anymore," he said.

Whatever the difficulties Florida fathers are facing, whether socially or in the courtroom, like other parents they feel the struggles are worth it for the children who changed their lives.

Sanders said he plans every dollar and every moment for his son. Having breakfast with Julian every morning makes being passed up for promotions at work worth it.

Matos believes fighting to have Lola in his life will continue until the day she gets married, but he has to because he can't imagine life without her.

"I will turn over the Earth for her, no matter what," Matos said.