



## Profile Jeffrey M. Leving, Founding Partner The Law Offices of Jeffrey M. Leving

[ Regan Morris]

Historically, mothers have been given the benefit of the doubt by courts when it comes to rearing children. A child needs its mother, courts often rule quite sensibly. But too often courts exclude fathers from their children's lives amid bitter custody disputes. LawCrossing speaks to a staunch defender of father's rights, who helped Elian Gonzalez' dad, about why courts still have a long way to go in viewing fathers as an integral part of children's lives.

Early in his career, Jeffrey M. Leving was outraged by the way he believes courts treat fathers as "biological necessities but social accidents." Leving has dedicated his career to helping fathers get access to their children. Although he also defends women, his clients are predominantly men or, more specifically, fathers, perhaps drawn to his firm's website, [www.dadsrights.com](http://www.dadsrights.com).

"Their value in family court was that of a lunch ticket," Leving told LawCrossing. "They were considered secondary parents, and I just looked at that as a violation of the civil rights of these dads."

He conducted exhaustive research to study the impact on children of growing up without a father, and he didn't like what he found. Children without access to their biological fathers are more likely to be poor, become involved in crime, and to be abused, he says.

"Basically I realized that to improve the well-being of America's children, we must assure gender neutrality in the court system and fatherhood as a societal norm in our communities," he said.

Right now about 24 million, or 34 percent, of American children live absent their biological fathers. Leving believes fathers have had an easier time in court since he first started studying the issue after he received his Juris Doctor from IIT-Chicago Kent College of Law in 1979. But, he says, judges still restrict fathers' access to their children without understanding how tragic the result of an absent father can be, even a so-called "deadbeat dad" who is not

keeping up with child payments because he is poor.

Leving, 53, grew up only seeing his father on occasion. His family was poor, and when his parents divorced, his mother put his younger brother in a Catholic orphanage because she couldn't afford to raise all three of her kids. At 16, Leving was left to fend for himself.

Intellectual curiosity and a desire for financial stability drove Leving to become a lawyer. He founded his own firm in 1981, just two years after finishing law school.

"I wanted to make sure that when I became an adult I could provide a stable environment for myself and my family," he said. "And I wanted to try and help children and try and make some positive changes in our society because I saw the effect of divorce on me and my brother and sister."

He was also interested in criminal defense work and often finds himself litigating contested divorces where there are violations of orders of protection or battery charges. It's not routine family law.

In 1986, Leving co-authored the Illinois Joint Custody Law, which gave fathers more access to their children. More recently, he was appointed chair of the Illinois Council on Responsible Fatherhood by Governor Rod Blagojevich.

"We need to significantly increase the proportion of children growing up with an involved, responsible, and committed father," he said. "And we're not going to do that by

pushing dead-broke dads out of the lives of their children when these dads could be very valuable parents."

During the Elian Gonzalez case, Leving defended the Cuban boy's uncle in Miami at the request of Elian's father, Juan Miguel Gonzalez. Leving argued that Manuel Gonzalez should be designated Elian's caregiver in the early stages of the federal case. The plan was that the uncle would then return the boy to his father in Cuba, which ultimately happened.

"I fought very hard to reunite Elian with his biological father," he said. "I really believe Elian was used as a political football. However, the case initially was not an international time bomb. Initially, it was a little boy who saw his mother perish and needed to work through the grieving process in the care of his biological father. And he was prevented from doing that for a long period of time, which I found outrageous."

Leving believes if the gender roles had been reversed and Elian's father and not his mother had died while trying to get to Florida, Elian would have been returned with little fuss.

Poor dads are often denied access to their children because they don't know their rights and often fall behind in child-support payments. The children are the ones who suffer the most. Revenge is not a gender issue, and Leving says he sees too many parents using their children as pawns in custody battles.



"Even when a parent loves her child or his child, if the rage is out of control and there's no anger-management therapy, the child can be used as a tool of revenge, even though the parent harming the child loves the child," he says.

Leving is concerned that new laws across the country discriminate against fathers. For example, some states allow mothers to legally abandon infants without notice to fathers. The laws were enacted with positive intentions: to prevent mothers from killing their children.

"I just think the consequences of divorce on kids can be very traumatic," he says. "Yet the focus in the legal system is on the adults – on the mom and the dad and how to meet their needs. And often the children and their needs are often ignored."

He says many fathers are not educated enough to understand the new laws. He mentions a new law in Kentucky that is particularly harsh to deadbeat dads. A judge, fed up with fathers who refuse to take responsibility for their children, has been

giving them a choice: go to jail for one month or have a vasectomy. The choice applies to men who have four or more children with three or more women and are at least \$10,000 behind in child support payments.

Although the Supreme Court has ruled it unconstitutional to sterilize habitual criminals, the judge says he is not ordering people to have vasectomies—he is giving them a choice. Several have chosen vasectomies.

"It's incredible, because that reminds me of eugenics. To basically sterilize feeble-minded and inferior people, the better the human race? That is what Hitler incorporated during World War II in gassing mentally defective children," Leving says.

Leving's firm defends women, and he stresses that just because he believes courts discriminate against men, that does not mean he discriminates against women. Most women that contact the firm are often non-custodial mothers.

Leving's firm has 18 full-time lawyers working across the country, although

primarily in Chicago. They often defend foreign fathers whose children have been taken to the United States by their mothers. He is also defending Mike Shannon, a man from Maryland who hasn't seen his two sons in years because their mother kidnapped them and took them to her native Egypt. Leving has hired a lawyer in Cairo to try to get Shannon's children back. The children's maternal grandmother spent several years in a U.S. prison for helping to take the children out of the country against a custody order.

Leving says the father's-rights movement has been gaining momentum and that he was pleased that President Bush recently addressed the issue of father-absence in a speech. Bush was also the keynote speaker at the National Summit on Fatherhood in 2001.

"When the President of the United States acknowledges that fathers are important and they're not simply biological necessities, I think that helps a lot," Leving says.