

FAMILY LAW REFORMS

CHILD SUPPORT PAYMENTS WILL BE DETERMINED BASED ON THE PARENTS' RELATIVE INCOMES AND THE AMOUNT OF TIME THAT THE CHILD SPENDS WITH EACH PARENT.

From both a Jewish perspective and a societal perspective, determining the amount of money that a parent must pay in child support is an extremely important issue that must be addressed immediately and comprehensively. For many years, for a variety of reasons, sometimes justified and at times less justified, many parents find themselves torn between providing for their own basic needs and the heavy financial burden of child support placed on them by the rabbinical or family court in the context of divorce proceedings.

Despite the obvious need for clear and uniform standards in this area, different court rulings publicized from time to time demonstrate the total lack of systematic standards. Each judge or rabbinical dayan can independently determine how much a parent must pay in child support, without adhering to any clear system.

Moreover, by law, the obligation to pay child support is primary and takes precedence over any other economic obligation incumbent on the parent. Legally, child support can be withheld from the parent's salary, even if it will leave him without enough money to provide for his basic needs.

The way that the state, the family courts, and the rabbinical court system handle the issue of child support condemns thousands of parents to a life of financial ruin. Children will literally go hungry when they are

in their father's care, on account of gender-based discrimination that favors the mother against the father. The absence of clear and consistent standards in this area leads to drawn out, expensive, and ugly legal battles that cause untold damage to the children who grow up in broken homes and burden an overtaxed legal system.

WHAT WILL WE DO IN THE UPCOMING KNESSET TO FIX DISCRIMINATORY CHILD SUPPORT POLICIES?

We will advance several legal revisions that reflect the recent consensus of the Council of the Chief Rabbinate on this issue and coincide with the principles determined by the Supreme Court:

- We will pass legislation that stipulates that in divorce proceedings the default is joint custody and both parents are entitled to equal time with their children. The point of departure is that both parents are equally responsible to raise their children, unless the court has a justified reason for ruling otherwise, in accordance with the recommendations made by the Schnitt Committee.
- We will work to abolish the default 'closed door policy' for issuing decisions in divorce proceedings. Transparency in the legal process in both family court and rabbinical court ensures that decisions rendered by the courts will be open to critique, while guaranteeing the confidentiality of both parties.
- We will annul section 8(b) of the 1958 'Wage Protection Act' and preclude the possibility that a parent's entire salary will be withheld to cover child support payments. Every individual is entitled to a minimal salary that enables him to continue living his life.
- We will pass legislation that establishes a parent's minimal living allowance in accordance with his personal and professional status, which cannot be undermined by rulings regarding child support.

- We will pass legislation that establishes a uniform system for determining child support payments in accordance with the parents' incomes, the age and number of children, and the way they split their time between their parents in accordance with the law and the estimated cost of raising children as determined by governmental and non-governmental professional economic bodies.
- We will pass legislation to establish an effective and efficient mechanism for interested parties to submit requests to redetermine the amount they are entitled to receive in child support on account of updated child support figures.
- We will promote professional training seminars for judges and dayanim to deal with the phenomenon of parental alienation.

Once this legislation is passed many divorced parents will once again be able support themselves and live respectfully and benefit from renewed self-respect, respect from their children, and respect from the environment in which they live.

Establishing a uniform mechanism for determining child support payments based on clear and precise criteria will decrease the points of contention between couples who have decided to divorce, spare the courts unnecessary hours of divorce proceedings, save both sides significant amounts of money, and most importantly ensure that parents continue to work together to raise their children, despite the fact that they live separately.

ADDRESSING THE PHENOMENON OF FALSE ACCUSATIONS

False accusations leveled between spouses during divorce proceedings is a well-known yet disturbing phenomenon. On occasion, the two sides will disagree about custody arrangements, or financial issues. One side, usually on the advice of a lawyer, will file a police report that claims,

without any proof, that the other party was violent or abusive toward the accusing parent or the children, in order to defame the parent and paint him in a negative light to the children, the court, and society at large.

Not infrequently, these accusations may lead to the arrest of the accused parent, even without verifying the accusation. In this way, the accuser's legal counsel attempts to create a legal "advantage" for the accuser - placing pressure on the accused parent to accept their demands and demonstrating what he stands to lose if he refuses.

Worse yet, from a legal perspective, there is a disparity between false accusations leveled against a man and false accusations leveled against a woman. The State Attorney's guidelines state that the prosecution shall refrain from filing suit against a woman who has filed a complaint (guideline no. 2.5). Though this recommendation seems quite sensible, since threat of countersuit may lead to an untenable situation in which women who genuinely suffer from violence or abuse will be deterred from filing official complaints, in this context it places men in an inequitable position and, for the most part, false accusations are not investigated at all. In 2016, the State Attorney's guidelines were revised, but effectively nothing has changed on the ground since.

WHAT WILL WE DO IN THE UPCOMING KNESSET TO PUT AN END TO FALSE ACCUSATIONS?

- We will work to annul State Attorney guideline no. 2.5 and instead establish that in the case of a false accusation, both the accuser and the legal counsel that advised the accuser to level a false accusation, will be indicted, aside from unusual cases.
- We will establish that when an individual accuses a family member of physical violence or sexual abuse, the accuser must affirm that it is not a false accusation and that he is aware of the legal consequences of false accusations.

- We will pass legislation that endorses high compensation for the victim of a false accusation, if the court determines that the accusation is indeed false, without needing to prove damages.
- We will pass legislation to establish a public registry of 'false accusers' that will list the names of people who leveled false accusations against others, once the court determines that these accusations were indeed false.

In this way, we will significantly mitigate the instances of false accusations in divorce proceedings, and in general. We will do our best to promote the welfare of children and the development of an ethical, just, and healthy society.