
People who struggle actively against the Shared Custody in France

Jacqueline Phelip is retired. She was a midwife. She is married to a doctor who is executive in a hospital, she has 4 children -all doctors-. She is now grand-mother, around 73 years old. She has never been divorced, but she created its association "l'enfant d'abord" in 2002, immediately after the French law in 2002 allowing the Shared Custody. Why?

In fact, one of her 2 daughters has had a child whom the judge decided to share the location between the father and the mother (She said it in a TV show). From this point in time, she decided to struggle Shared Custody every minutes of her retired time.

Jacqueline Phelip lives in Grenoble. Jacqueline Phelip is connected to some feminist extremists such as Helene Palma (in Grenoble too).

Jacqueline Phelip is also connected to some journalists (thru Arte-TV).

Jacqueline Phelip has all her family connected to doctors' world.

Jacqueline Phelip is connected/devoted to Maurice Berger. Her website is only about Maurice Berger, and it is all about his theory compared with others given by some worldwide "famous" doctors ("des sommités mondiales, in French")

Jacqueline Phelip doesn't speak English, old generation, and French people have never learned English in school.

Last point, she uses a lot of Forum to send her comments. Aufeminin.com is completely over-posted by her. Before her book was written, she used to use the pseudo lenfandabord. Now, because she doesn't want to be associated with these vulgar comments of lenfandabord, she prefers using other anonymous pseudos such as Nouvelle45, Daccord3, ancienne4, Journal6, Nouvelle007, Moimonhomme... She is very aggressive to other people, promoting always her book and always saying, it's a must, it's the number one of the charts... In doing this, she has no problem in posting testimonies from mothers who are complaining about the Residence Alternee.

Now Lenfandabord is only a Website for the Dr Maurice Berger propaganda. Dr Maurice Berger is described as the best, sharing the same idea with the most famous scientists in the world! Nothing less.

Helene Palma is an English professor in the University, in Grenoble France.

She's a feminist extremist. In her private life, she wanted and succeeded to live far from her father's daughter. She participated to some feminist associations against male violence.

She lived some years in Canada, and worked closely with Martin Dufresne, Jean-Claude St Amant, Pierrette Bouchard, all 'anti-patriarcat' people or anti male society.

She wrote some articles against the Residence Alternee. But moreover, she translated some English feminist articles coming from US or English Canada (as a French English teacher).

She is of course connected to some feminist groups.

Claire Brisset was nominated by Jacques Chirac, as "Le Defenseur des Enfants", like a small and parallel institution whom everybody can contact to claim his own rights against judgments, discriminations, countries laws interoperability.

She is also completely devoted to Maurice Berger, Hana Rotmann, and J Jacqueline Phelip.

Now she was replaced (retired), but she helped Jacqueline Phelip to be known.

Maurice Berger is Doctor.

He started working in an elder service, and then worked to child service as psychiatric doctor.

Doctor Maurice Berger is now leading an hospital unit for children who have be separatied from their family, following by legal decision. Most often, there was violence, drug, sex abuse, mental **trouble** for the child, or father or mother or both. Doctor Maurice Berger keeps these children in his unit and then interviews them when they are placed in some new families.

Maurice Berger has 3 goals (from his own writings)

1/ He wants the abolition of the 2002 law, which allows a Judge to order the Shared Custody. He wants Doctors have more power than Judges in a trial.

2/ He wants to promote a new diploma for super-specialist psychiatric doctor (pedo psychiatric doctor specialized in the family),

3/ He wants to drive a big national study in France on the Shared Custody in France, and of course get the associated budget to do it.

Another thing, he does not speak English and has never written any article in English. All his articles are only interviews or comments on the French law, and on his own administrative organization always complaining about his conditions.

Dr Maurice Berger is also very close to Christian Vasseur who is the President of the "Association Française de Psychiatrie". There are many Associations of psychiatric doctors, but this one is known because they send a free monthly paper to their members.

Dr Maurice is also animating associations around Grenoble, about how a mother should deliver. It may explain the relationship between Maurice Berger and Jacqueline Phélip (retired midwife).

The books or contributions of Dr Berger

Le livre noir de la garde alternée Dunod 2005	Dr Berger complains against fathers and shared custody. No data.
Ces enfants qu'on sacrifie... au nom de la protection de l'enfance Dunod 2005	Dr Berger complains against his Administrative and medical hierarchy.
L'échec de la protection de l'enfance en danger, ou l'impossible changement	Dr Berger complains against his Child Protection Administration
Vivre avec des parents fous ou maltraitants Groupal, n° 9, p. 57-70 2001 a	"To live with fool parents" [Dr Berger explains he works with (Psy disordered) fool parents]
La loi et le bon développement psychique de l'enfant sont-ils toujours compatibles ? Le Journal des professionnels de l'enfance, n° 5, 63-66 2000	Laws and child development are compatible? [Dr Berger complains about Laws which does not give him all permission to do to children]
L'enfant instable. Approche clinique et thérapeutique d'enfants qui souffrent d'instabilité psychomotrice, à partir du suivi familial et individuel de 60 enfants instables pris en charge sur une longue durée. L'utilisation de la Ritaline. Dunod 1999	The unstable child. Dr Berger used the Ritaline medication to drive behavior of 60 children. [Dr Berger experimented the Ritaline medication to control the children's behavior; this experimentation was immediately criticized by scientists]
Le placement familial. De la pratique à la théorie. Paris, ESF. 1998 Mouhot F.	Placing a child in a sheltering family: reality to theory [Dr Berger is a professional for separating children from their parents]
L'enfant et la souffrance de la séparation. Divorce, adoption, placement Dunod 1997	"the child and his suffering caused by the separation: divorce, adoption, placing" [only 10 lines on divorce; but it is in the title]
Les séparations parents-enfant à but thérapeutique (<i>the split parents/children to medical therapy</i>)	the split parents/children to be medically studied [Dr Berger expressed the link between Parents and Child is not important]
Les séparations à but thérapeutique Dunod - Privat Dunod 1992	The parents/children separations in a therapic goal [Dr Berger is the professional for separating children from their parents]
La folie cachée des hommes de pouvoir Albin Michel 1993	"the hidden craziness of the power men" [Incredible!]
Pratique des entretiens familiaux PUF 1987	"how to drive family interviews"
Mourir à l'Hôpital Paris, CENTURION 1974	"To die in an hospital"

Now you understand how their profile fit incredibly well together.

- The doctor wants to be known to get more money and scientific power, separating parents from children
- The feminist English teacher interfaces with foreign feminist groups using University network to struggle always against Male power
- The retired midwife argue against the Residence Alternée using scientist and feminist arguments

First the title of the book uses "garde alternée". This is the common usage in France says each parent should take care of his child as Custody, but the real juridical term is "Résidence Alternée" says that the Child has to alternate between 2 homes. Their authors have deliberately decided to use the commonly used term in order to convince people in the street instead of using the appropriate term which is a judicial decision between parent after a divorce.

Presentation given the author

I copy/paste the French introduction (official presentation from the author herself):

La loi du 4 mars 2002 relative à l'autorité parentale a octroyé aux JAF le pouvoir d'imposer une résidence alternée, au nom de « l'intérêt supérieur de l'enfant ». Cet « intérêt supérieur » constitue une formule théorique qui désigne essentiellement l'intérêt des parents. Ces enfants de 0 à 6 ans, mais parfois plus âgés, sont très souvent traités comme des biens indivis qui relèveraient d'un droit de propriété. Ils sont donc partagés, condamnés à mener une double vie, sans repère fixe affectif ni géographique, avec toutes les conséquences qui s'ensuivent sur la construction de leur personnalité. Malgré les travaux des pays anglo-saxons qui nous ont précédé dans la voie de la résidence alternée et en constatent les méfaits chez nombre d'enfants, la loi définitive a durci sur certains points la proposition initiale. Le présent livre a pour objet de briser cette quiétude, d'informer, d'interpeller les consciences, de provoquer si possible une réaction politique pour modifier le texte de loi.

The law of March 4, 2002 relating to the parental authority granted the JAF the capacity to impose an alternated residence, in the name of "the higher interest of the child". This "higher interest" constitutes a theoretical formula which indicates primarily the interest of the parents. These children from 0 to 6 years, but sometimes older, are very often treated as of the undivided goods which would concern a right of ownership. They thus are divided, condemned to carry out a double life, without emotional fixed reference mark nor geographical, with all the consequences which follow on the construction of their personality. In spite of work of the Anglo-Saxon countries which preceded us in the way by the alternate residence and the misdeeds at a number of children note some, the final law hardened on certain points the original proposal. This book has the aim of breaking this quietude, to inform, challenge the consciences, to cause a political reaction if possible to modify the text of law.

Why this book

In 2005, 2006, a big "Mission Parlementaire sur la Famille" has conducted a session on the family questions.

All kinds of people were listened by the deputies (all parties). So the attendees were: scientists, layers, judges, association for children, anti garde alternée, and Fathers groups, and also same-sex associations.

Dr Maurice Berger was interviewed. He was ridiculous, not able to explain why he couldn't export his work outside his own service.

J. Phelip for Lenfantdabord was complaining against the Residence Alternee, and presented some testimonies without proof. Of course, she did not want to condemn mothers who do not respect custody Judgment. At the opposite, she encourage mothers who do not respect custody Judgment.

The conclusion of this Mission was crystal clear (in 100 points), and just the opposite of Jacqueline Phelip and Dr Maurice Berger wanted:

- to promote the Residence Alternee
- to promote the co-parenting
- to provide a guide to the judge to help them to take this decision (garde alternee)

So, in the book "Le livre noir de la garde alternée", she put all testimonies/interviews she got. They are not "real" testimonies, no names, and no explanations from other parts. She made it as a revenge against the fact she was completely wrong in face the French deputies. She wants to rewrite the reality.

What about the different authors who signed (or not) this book

This is the official presentation is given by the editor; I had one line to present the writer.

Le syndrome de Salomon (Dr Hana Rottman).

- She is psychiatric doctor for children, and worked closely to Maurice Berger (some writings together)

Résidence alternée : risque de maltraitance au nom de l'enfant (Dr Pierre Lévy-Soussan).

- He is anti the Shared Custody, anti same-sex, anti same sex adoption, he wrote: Grandir dans une famille lesbienne: Quels effets sur le développement de l'enfant? ("*Growing up in a lesbian family: what are the effect on the child's developpement*")

Les besoins de base (Frédérique Vauthier-Marin).

- titre de psychologue à Grenoble (everyone in the street can get the Title of Psychologue); Most important she lives in Grenoble (J. Phelip also)-

Problèmes psychologiques chez l'enfant de moins de six ans (Dr Maurice Berger).

- The Anti-Garde Alternée man!-

La résidence alternée : une loi pour les adultes (Marie-Élisabeth Breton).

- lawyer defending women and poor women-

Résidence alternée : un concept judiciaire ? (Marie-Hélène Mathioudakis).

- lawyer anti garde alternée, with Maurice Berger. She's a feminists for sex equality, but also for Same sex parents, gay parents (just the opposit of Pierre Lévy-Soussan)

Et l'enfant alors ? (Maud Hayat-Soria).

- lawyer, business specialit-

Also, on the last page, J. Phelip give a thank you to Helene Palma, for her documentation. Afterwards, Helene Palma has confirmed thru a Forum she gave some documents to J. Phelip.

Also a thank you to Mariane Toletto, Journalist in Arte-TV, who directed a reportage on fathers, their violence, compared to a wolf that wants only to eat, to rape girls, pedophile in front of the small Little Red Riding Hood. It was an absolutely stupid TV show on Arte-TV and Web.

My comments on this book

You know better who the writers are. Only some people who give their own opinion. One lawyer is pro lesbian, one doctor is against same sex parents for education, and the other lawyer is a business specialist "Revenu Francais". So what?

How this 220 pages book is built

150 pages of testimonies/interviews in the second part of the book like this:

Mme B., Mme R., Mme B. beginning their small story. All are anonymous. It could come from calls that Jacqueline Phelip receives or from other associations, or from mails, or from Forum Posts on Internet, or from her directly (who know, how many times she lies? It already has been proved thru her Post into Forums). But stupidly, many stories are located before 2002 (around 75%). So, how can it be used against the 2002 law allowing Shared Custody? It is incredible to be so inaccurate.

In these 150 pages testimonies, nearly all are complaining about the father. How can you be so old-fashioned in 2006?

So, what about the 70 other pages? Theories, scientist researches?

In this part, the different autors express themselves in their own chapter. Maurice Berger starts.

The book begins by Maurice Berger' chapter. If you seek any psychosomatic diseases, no problem, Dr. Berger did the job for you. He put everything, every disease from trouble in the belly, eczema, while passing by all the possible medical disorders. The cause is always the same: the Résidence Alternée, of course!, or "Amen!".

Page after page, one was searching some data from researches, cause Doctor Maurice Berger is a professor, and the readers (parents or not) should learn from him. He should expose some scientist explanations, he should show how many children he has qualified. But no, nothing. Neither one number nor one statistic thru its writing. This book is empty from any kind of statistic!

In fact, he is just making up his theory on some cases, always the same cases, those whom J.Phelip will relate the story in the 2nd part. His link with Phelip's Association "LenfantdAbord" is very disturbing for a scientist.

He has a very extremist language against his administration, also against the judges, disappointed he was not receiving any funds for conducting a national survey on the Residence Alternée effects. There is absolutely nothing scientifically new from Maurice Berger in this book.

He is completely out of the world, cause in his mind, countries which have voted the Residence Alternée as a new possibility between the 2 parents are just horrible countries (France, Belgium, Italy, Nordics, some US States), besides the other countries would be beautiful countries.

What is never said by Dr Maurice Berger is that he is relating child stories from his patients; but works with children or parents who have huge psychiatric disorder, or drug problem, or mental problem, with mistreatment, violence, rape. Where is the scientific research for "normal" population?

In fact, there is nothing new (scientifically) because he has no data. To be more precise, one time he explained, while he was interviewed on French TV, that he received tens and tens of letter coming from everywhere in France by mothers who were writing him because their child didn't want to see their father, and was crying when he came from a father period (it was after he wrote another book against the Residence Alternée, always promoted by the LenfantDAbord Website). The journalist asked him about this: he answered that he and these women were just discovering new syndrome. Incredible, a scientist is discovering a new syndrome during his own interview on TV!

But more terrible or incredible, on the 55th page, the readers and all fathers will be very surprised to read a paragraph written by this Doctor. The Chapter explains a new symptom, and the title of the paragraph is "l'enfant souhaite la mort de son pere" (child wants his father's death). So on some pages, it is explained that a child living in Residence Alternée wants to solve his problem by wishing the death of his father. That's an absolutely extremist idea given by Doctor Maurice Berger.

In the introduction of this book, he explains that he decided to work on this book with "L'enfant d'abord", because in this Association the child is in the center of their concern. He forgets to tell us (but he has explained in all previous articles he wrote) that for him the concern is:

- to get a budget to make a national survey on the Résidence Alternée.
- to get the cancellation of the 2002 law, and force psychiatric doctor to be in a part of the justice decision, to have the Doctor the same juridical power as the judge.
- to develop a new super psychiatric diploma for justice in Family court.

A last thing about Jacqueline Phelip & Maurice Berger

In their strategy, they are always complaining about Judges, about their bad decisions, about their ignorance of the Judges. And I am not sure it is well seen by Law establishment in France, and the same in Holland. This is our chance and this is why they stay alone in their complaints.

A quick situation in France and close countries around

In France

- 2002 law on Residence Alternée (law said the Judge can decided a Sole Custody or Share Custody even against one of both parents)
- 2003: the fiscal administration has immediately allowed split declaration to allow Shared Custody declarations
- In 2006, the French parliament mission on family has concluded: the 2002 law is not enough applied by the family justice courts, so 3 points have to be done: 1/ to develop the Residence Alternée, 2/ to develop the co-parenting, 3/ to give a guide to the judge explaining how to take this decision. Moreover, this mission has rejected any limitation on the age of the child; rejecting also all input from Doctor Maurice Berger and LenfantDabord (Jacqueline Phélip)
- In 2005: SOSpapa (main French father organization is admitted among the National Family Union: UNAF: Union National des Associations Familiales), of course neither Lenfantdabord nor any feminist group belongs to UNAF)
- In 2007: by law, the French Family Care has to give money to both parents in case the child is in Residence Alternée

In Italy

- In 2006, law said the Residence Alternée is the preferred decision for Judge (this law is crystal clear for parents)

In Belgium

- In 2006, law said the Residence Alternée have be studied first by the Judge (little ambiguous)
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Suggestions for Netherlands, and answers to Professor Dr. K. Boele-Woelki

> The Dutch family law establishment is very much opposed to family law reform introducing a presumption of Residence Alternee legislation (bilocation) in Dutch family law.

=> think about Netherlands and France or Italy.

I would understand that bi-location is a problem for a large country, but for Holland, it's a chance because it is a small country. Think about Rotterdam-Amsterdam-Utrecht (many people are living/working in Utrecht), and now think about Lille-Paris, Paris-Bordeaux, Paris-Strasbourg, Paris-Nice, you have to multiply the distance by 10 or 50! This argument is nonsense for Holland compared with France or Italy.

> The Professor Dr. K. Boele-Woelki in an Editorial-article based her conclusions solely on the book of J. Phélip.

=> There is a misunderstanding. J. Phélip is retired, was midwife and has some relationship.

How a professor can trust a book like this? The alarm is raised only by 5 people in France, working as a lobby, and no proves are brought in this book.

There is such no proof, that Phélip/Berger/Brisset have repeated many time the same idea about the principle of precaution "principe de précaution" for the Résidence Alternée; this principle says not to try something if you don't know something (using the image of a medicine you should not take if you are not sure). This principle was voted last year in the French Constitution.

The principle is already stupid in a common life but for a searcher it is worse.

> This book, she says, is not only against the best interests of the child, but also goes against the International Treaty on Children's Rights.

=> The International child constitution says explicitly that a child should have access to his parents (with an s as the plural). For the French situation after a divorce/separation, 75% of fathers see their children less than 4 days a month, and 25% of fathers don't have any contact.

=> Moreover France was condemned several times for not respecting this agreement, and also not giving the child's right to speech to a judge.

> She further suggests that because now a very strong movement prevails in France to reform the existing French Residence Alternee family law legislation.

=> It was just wrong and false when she wrote that, in the end of 2006. How a "strong movement prevailing in France" would stay so silencer? And this situation is true for pro and anti résidence alternée, meaning exactly the opposite of what she claims. No Residence Alternée is gently, quietly entering in our society. No riots in France!

=> May be you know, but to be clearer enough, on the left side the "Parti Socialiste" there is Segolene Royal who promoted the 2002 law of residence Alternée when she was Family Minister, and on the right side the 'UMP' led by Nicolas Sarkozy who has no expressed significant view on the Residence Alternée (his parents were divorced when he was kid) excepted to be very equal with the homosexual rights, but 2 women are his voice speakers; Nadine Morano (Lorraine deputy) who is clearly for the Residence Alternée from the beginning and Valérie Pécresse (Yvelines-Paris deputy) who was opposed at the beginning (she was the writer of the famous Mission Parlementaire sur la Famille conducted in 2005 - 2006 which gave us "good" conclusions), but recently stated (on TV, on her recent book) on her new position saying she is completely opened to the Share Custody. No, French political world is not against the Residence Alternée, even if politicians are not so pushy.

> She finally even goes that far to state - again based on Phélip's book - that even if both parents do agree to Residence Alternée, it should not be awarded without thorough examination of the Residence Alternée situation by the Dutch child protection agencies as it might very well be against the best interests of the child(ren) involved.

=> A French people could not state like that. It is impossible for any Administrations to take any law against parents who agrees. It comes to their private life. It is such truth, that before this 2002 law, when the Residence Alternée was not allowed by law it existed nevertheless by parents (80% of the examples from the Phélip's book are before 2002).

> The Dutch pedagogue, equal parenting campaigner and father Joep Zander then wrote a Reaction and Rebuttal defending Residence Alternee against the above "Anti-Residence-Alternee"-Editorial written by *Utrecht Comparative Family Law Professor dr. K. Boele-Woelki*. This rebuttal and reaction was also published in the April 2007 edition of the same magazine.

=> That would be very interesting for us to see how it reacts. I fully agree on Zander explanation on the statistics of Résidence Alternée in France (very few RA, very few against the mothers, very few when the child is under 2 years old).

To finish, we have to take care that Jacqueline Phelip is taken as a proof by foreign scientists (or from law establishment). Maurice Berger has been invited in French Canada (only French Canada, because he speaks only French). Because of his trip in Canada, he could be more famous in France, because his speech was published in another country. French people have a complex of inferiority and can approve something more widely because it comes from abroad.

So to cope with this problem, we have created one Website for Scolaire Calendar and Visits Rights <http://nicoseve.no-ip.org/web-calendrier> for parents who are divorced. It was created to show firstly what is a real calendar when your child is in a sole custody situation.

In France, more often, the "right to visit" your child is the 1st, the 3rd, and the 5th WE of each; holiday are equally divided. Many questions, many simple mistakes happen that could bring to a nightmare even if the parents don't want to struggle.

Then this web-site explained the Feminist situation in France and Canada, Maurice Berger propaganda and so on until the French politician's views.

Now it raised up to 400.000 connections form September 06, with 100.000 different people. It has been looked by all French ministries, nearly all regional school academies.

We are French: We know who the extremists in our country are.

We are Fathers: We know how a child needs his father.

Nicolas92
Calendrier Scolaire et Droit de Visites
<http://nicoseve.no-ip.org/web-calendrier/>
