

HOW TO GET YOUR KIDS BACK FROM A RUNAWAY EX!

El Derecho Del Pueblo

Columna de comentario [Socialización de Riesgo Policial](#) abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social commentary [Destiny](#) and legal advice by attorney and teacher Matthew “Mateo” Katz.

Okay, so you and your ex-girlfriend, ex-boyfriend, ex-husband or ex-wife, or ex-something, have been having lots of problems. S/he calls you several times a day threatening to harm you if you try to get child support. S/he tells you that you were the worst cook in the world, that your cereal was even prepared badly, that you don’t deserve to ever see your kids, that you’ve got no right to spend time with them, etc., etc.

Sound familiar? If not, then you know somebody whose got a baby’s daddy or a baby’s momma out there who acts like this. So: in this sort of situation, what is one to do!? Well, like most problems between individuals in the good ole U.S. of A., you’ve got to take ‘em to court!

There are rights that both mothers and fathers have when it comes to child custody matters. Someone, or both parents, will have the right to custody – meaning the right to decide the legal matters that affect the child’s life, like which religion the children follow, which schools they attend, etc. Also, if one parent spends the majority of the time with the child, the other parent will have visitation rights.

What happens if one parent wrongfully takes the children away from the other? In that case, your attorney can file an emergency petition with the Court in order for a warrant to issue under what’s called the Uniform Child Custody Jurisdiction and Enforcement Act, commanding the Sheriffs to be immediately dispatched to return your children to you.

The law presumes that in the case of a mother who was never married and father who has never obtained a court order proving his parentage or otherwise granting him custody, the

mother is the legal custodian of the children. The father, again, must go to court to obtain a parentage order to ensure his rights as a parent are enforced.

In terms of child support, the law is pretty straight-forward: depending on the number of children that are born of the relationship, the non-custodial parent pays a percentage of his/her monthly income to the custodial parent to support the upbringing of the children. For example, with one child, the amount is 20% of the parent's income, with two children, 28%, and so on.

If either party feels physically threatened by the other, s/he can petition the court to issue what's called an "Order of Protection." That order is entered into the clerk's docketing system and any policeman who comes to a scene knows that you are protected from the person who is harassing or abusing you.