



PROTECTING FATHERS' RIGHTS

IN DIVORCE & CUSTODY MATTERS

Information That May Be Helpful For You

Ronald V. Thomas, Esq.

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TESTIMONIALS

“My brother was appreciative of your help and thinks highly of you. My parents were set at ease when you met them by the window and gave them a thumbs up kind of assessment (after trial). And I am of course extremely grateful for how attentive and open-minded you have been in my brother’s unique case. Thanks for understanding the depth and gravity of his situation. I know everyone talks about all the money lawyers make and joke about this and that, but you were a key component in my brother’s life. We called October 22nd his Independence Day! You’re part of a much bigger thing than just a legal case and the extra hours and extra effort are not sized up in a monetary balance. Thanks again Ron.”

- A.H.

“I want to thank you for consulting with me in regards to my lawsuit. That last piece of information you gave me was vital to my case. I would definitely call you again, should I have to and would highly recommend you. You have been one of the only attorneys I have dealt with that showed patience, a listening ear, and answered clearly, slowly, and concisely regarding my questions and concerns.”

- G.B.

“Thank you again for everything, sir! I will be going everywhere online to put a great review for you. You did a truly amazing job, Ron, and we got everything we asked for. Everything that mattered. I do appreciate all the time you put in my case! Thank you again!”

- D.D.

“Thank you for the great result, for caring about my situation, and for always returning my calls right away. I hope I don’t need legal services again but if I do, you will be the first person I call.”

- J.G.

“The other side never saw you coming. You did a great job on my case. I’ve told many of my friends and my own clients they should see you for their divorce and custody battles.”

- M.T.

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AUTHOR INTRODUCTION

North Phoenix Arizona divorce, custody and bankruptcy attorney Ronald V. Thomas is the sole owner of Thomas Law Office, which he established in 1996. Mr. Thomas was born in Providence, Rhode Island and spent his childhood there. He then pursued his college education in California, earning a B.A. in Psychology in 1993 from the University of Southern California and his Juris Doctor degree in 1996 from Southwestern University School of Law in Los Angeles.

While attending law school, Mr. Thomas clerked for a personal injury law firm that actively litigated many of its claims. Mr. Thomas was heavily involved in assisting the lead trial attorney in preparing cases for trial. Later in his law school career, Mr. Thomas clerked for a trial judge in the Los Angeles County Superior Court, in Burbank, California. Mr. Thomas had the opportunity to research legal issues and to observe hearings in various high-profile cases. Mr. Thomas and the trial judge would discuss various aspects of each case, including what the trial attorneys in those cases did well and not so well.

After graduating from law school in 1996, Mr. Thomas moved to Arizona to form the entity of Thomas Law Office

after passing the bar exam in 1996. Mr. Thomas' practice grew quickly and he hired his first staff member in 1998. Mr. Thomas got married in 2000 and resided in Maryland for three years. There he obtained certification to practice law in Washington D.C. and Maryland and started to focus his career on representing bankruptcy, personal injury and family law clients. He also got admitted to litigate in front of the Supreme Court of the United States. After returning to Arizona in 2003 Mr. Thomas re-established the Arizona branch of Thomas Law Office and focused his efforts almost exclusively on handling Arizona family law matters and Arizona bankruptcy cases. In addition, Mr. Thomas has successfully handled a variety of personal injury cases.

As Thomas Law Office, PLC continued to grow, Mr. Thomas welcomed his first associate, Timothy R. Geiger, in early 2009. Mr. Geiger brought with him considerable experience from his former employment at the Attorney General's office and now handles many aspects of the firm's bankruptcy cases. Mr. Geiger was a full-time associate at Thomas Law Office, PLC, before transferring to Of Counsel status. This enabled Mr. Thomas to focus his skills and efforts almost entirely on family law cases in Arizona. Mr. Thomas has handled a plethora of Arizona

cases involving divorce, custody, child support, adoption, prenuptial agreements, grandparent rights, paternity issues, cross-state custody disputes, mediations, relocation cases, international divorces and custody battles, support enforcements, appeals, and high-asset dissolutions. He is particularly adept at handling high-conflict divorce and child custody cases.

Mr. Thomas has shared his legal expertise on radio programs (KTAR and others) and in newspapers (such as the Arizona Republic). Mr. Thomas is an active member of several bar associations and is an active participant in discussions regarding recent legal changes and tips on litigation tactics. In addition, Mr. Thomas was appointed as a Pro Tempore Judge of the Maricopa County Superior Court in 2010 and served in that capacity until returning to exclusively working in his private practice in 2014.

Mr. Thomas has been blessed with two wonderful sons. In his spare time, Mr. Thomas likes to spend time doing things with his boys, read on wide variety of topics, and watching college football games. He is a rabid USC Trojans fan.

DIVORCE, PARENTING, CHILD SUPPORT, VISITATION, AND RELATED ISSUES

Men and women view divorce and parenting differently and this is not really a legal issue but a psychological one.

Attorney Ronald Thomas handles very complicated cases involving allegations of abuse, neglect, alienation, and other severe matters. In most



of these cases, mothers on the other side often seem determined to keep the child from the father at all costs. They sometimes do this for monetary reasons. Other times they do it to get back at the father because he offended them in some way, perhaps by cheating.

Then there are mothers who are simply narcissists or psychopaths who enjoy the gamesmanship. They can be referred to as the "evil ones." Even in more routine or bland cases, women can be quite reluctant to relinquish the control they may have enjoyed during the relationship in matters pertaining to the children.

The general scenario tends to be that when the parents are residing together, the mother mostly handles the caretaking duties, while the father mostly handles the financial duties. However, this does not mean that fathers

don't want to be involved or are not as capable as mothers in caring for their children. To the contrary, when men go through a divorce or separation from the child's mother, they often pour that same energy and work ethic into taking care of their children that they had expended on their careers.

Most men represented in custody battles tend to be some of the kindest, most considerate, dedicated fathers out there. Often, the ones who don't care are the ones who give in and don't fight for equal rights to their children. When men go through divorces or separations, after they get over the psychological loss of the relationship, they tend to be very cooperative and businesslike in dealing with their exes. On the other hand, it seems that women have a harder time backing off from the emotional bitterness even after they get over the loss of the relationship.

In most cases, Attorney Ronald Thomas teaches his clients how to communicate with the mothers in a way that minimizes conflict. He also shows them other things to help minimize the chances that they will end up back in court many times with petty disputes because they are having a hard time reasoning with the child's mother.

Are There Benefits For Filing For Divorce Before Your Wife Does?

Who files first can be an important component of an effective case. A good attorney would generally prefer to file first, to set the tone of the case. This is because the filing party gets to go first at trial, and they can gain an advantage by causing the other side to feel defensive and begin reacting to what was said instead of offensively addressing their own issues in their own way.

It's human nature to want to respond to allegations first, before setting forth your own case, because we don't like being attacked. However, in roughly half the cases, the responding party contacts the office of Ronald Thomas with a case that has already been filed by the other spouse or parent. Most attorneys are more or less comfortable being in either position, but most experienced attorneys will agree that it is best to be representing the filing party.



The more important question is when to file the case. Timing of the filing of the case is an important aspect of case strategy. There are times when you should hold off on filing. There are other times when you need to move

swiftly. There are still other times when it really doesn't matter. These are topics that are often addressed with clients during the initial consultation.

Some people with moderate to complicated cases try to handle the case on their own. They may have obtained misinformation that they can handle it almost as effectively as if they were represented. That is almost always false. A few hours of reading information on the web is not going to make a person capable of putting on a great case before the judge.

Many times, the information people read on the internet is false if it's coming from a non-attorney. The timing of when to file is a great example. Some cases should never have been filed as quickly as they had been filed. Conversely, there are cases where the person waited far too long to proceed and suffered negative consequences because of it.

There are lots of other tactical and strategic aspects of a case that you most likely will not know about unless you are an attorney with lots of experience and a good track record in the relevant practice area. That's why it is advised to contact an experienced divorce attorney to handle your case instead of taking a stab at self-representation; too much is on the line.

LAWS, MISCONCEPTIONS ABOUT DIVORCE, PATERNITY, PARENTING TIME, CUSTODY

One of the relatively newer laws is the change to A.R.S. Section 25-403.01. It says that "a parent who is not granted sole or joint legal decision-making is entitled to reasonable parenting time to ensure that the minor child has substantial, frequent, meaningful, and continuing contact with the parent. This will continue unless the court finds, after a hearing, that parenting time would endanger the child's physical, mental, moral, or emotional health."



This new law is a strong signal to judges that the era of the every-other-weekend dad is over! Fathers, including those who don't have any decision-making authority, should have the right to spend ample time with their children. In some states, the law goes further and creates a presumption that joint decision-making authority or equal parenting time should be ordered by the judge unless there is a good reason why it should not be.

Although the law is not quite there yet in Arizona, this is one of the changes that will come to the state in the near

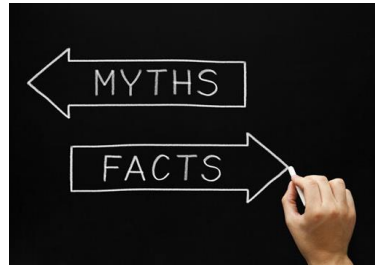
future. There have been some efforts to implement these presumptions in recent years, but the feminist lobby managed to ensure that those bills never made it beyond the first levels of consideration. Generally speaking, you don't see many radical changes to family law from year to year.

Oftentimes, rulings are received from the higher courts -- the appellate court -- interpreting existing laws. Tweaks are also often made to existing laws to correct problems or perceived problems. One of the biggest areas of abuse that needs to be reformed is spousal maintenance standards. Right now Arizona is the "wild west" when it comes to spousal maintenance. There are very few standards regarding how much and how long a person should be ordered to pay spousal maintenance, which used to be referred to as alimony, to his ex.

Far too many men have been devastated financially because judges have such wide discretion on how much to give to the guy's ex. Men are advised to spread the word that a premarital agreement -- what used to be called a prenuptial agreement -- should be a condition of agreeing to marriage. If she won't sign a prenuptial agreement, then you may have some serious problems on your hands down the road if a divorce occurs, especially when it is known that generally half of all marriages end in divorce.

The Most Common Misconceptions People Have About Father's Rights In Divorce And Custody Matters

A lot of people assume that if a father wants plenty of time with his child, and if he is a good father, he will be treated the same as the mother. Unfortunately, too often this is not the case. There are too many judges who may subconsciously believe that the child is better off with the mother. This outdated belief is changing, though.



Over the past decade, many new judges have entered the family court system and many of these judges have much more modern views on parenting. They are much more willing to give fathers equal parenting time, at least more so than those who became judges decades ago.

Another misconception is that fathers are pressing for more parenting time in order to lower their child support obligation. This is almost always false. Although it is true that a father's child support obligation will decrease with more parenting time, the main reason most fathers want more time with their children is so they can spend more time with their children. It's that simple. They want to be an active part of their children's lives. They want their

children to grow up with both a mother AND a father. They don't want to be relegated to the status of every-other-weekend dads.

Too many movies and television shows depict fathers as aloof buffoons who are only good for making money. This attitude needs to change. Studies have shown that children who grow up with two parents who are actively involved in their lives are better off than those who have one parent who is inactive. This is obvious. Sadly, these kinds of studies actually had to be done to prove the obvious.

Interestingly, many mothers are often motivated by monetary reasons. It seems that they want their ex-husbands to be a source of cash rather than a source of love and involvement in their children's lives. This is a sad situation. A mother should be happy that her child's father wants to be actively involved in her child's life. It is not unheard of for a woman like this to drop her ostensible concerns about the father's ability to be a good parent if he offers to pay more child support than the child support guidelines require.

CHILD CUSTODY AND PATERNITY PROCESS IN ARIZONA

Settlements are strongly encouraged, but only in cases where the settlement is reasonable to the client. If things can be settled early in the case and the client is happy about the proposal, then their attorney should push hard to get the case resolved immediately. However, many of the cases do not settle because they are very high-conflict cases in which the other side is being unreasonable. The attorney will still try to settle in those cases and use the evidence of the settlement proposal against them when the client wins the case and requests reimbursement of attorney's fees.



Some cases settle when the other side sees how much evidence has been amassed against them. During the course of a custody case, both sides are required to exchange certain financial documents and other information. In addition, other documentation a copies of financial records are requested during the "discovery" phase of the case. This information and those documents are requested directly from the other party and also by

subpoena where appropriate. The other party's deposition may also be taken.

A deposition is a proceeding at the attorney's office where a court reporter is present and the other party is required to answer a barrage of questions thrown at her by the attorney in order to find out what she is going to say in court. This also allows the attorney to have a document with which to impeach her during cross-examination if she changes her story in the courtroom.

During discovery and after depositions, the attorney often obtains plenty of negative evidence against the other side. This evidence sometimes helps provide leverage for settlement. Other times, it does not, because the other side has nothing to lose by going to court and taking her chances in front of a judge. However, if she does that after refusing a reasonable settlement offer from the other party, the odds are increased that the judge will order her to pay part or all of the other party's legal fees and costs.

Most divorce and custody cases are resolved in under a year. However, high-conflict cases can drag on for two years, or in rare instances, even longer. If you have an uncontested case – meaning there is no dispute on any issue – the case can be resolved in as little as 61 days

(measured from date of service of process) in divorce cases or even sooner in custody cases.

How Is Legal Paternity Established In Arizona?

In Arizona, paternity can be established in a number of ways. One way is if the father signs an acknowledgement of paternity. However, it is not recommended that fathers

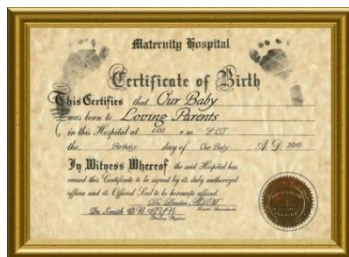


sign one of those documents unless they have already taken a DNA test to confirm biological paternity. The consequences of signing a document like this can be severe. If the person is not really the biological father, and if he signs an acknowledgement of paternity, after a relatively short period of time, his ability to reverse the legal establishment of paternity may be forever lost. This means he could be financially obligated to pay the mother for many years even though another man is the biological father of her child.

DNA test kits can be purchased at many pharmacies. Although these test kits will not hold up in court because there is no way to prevent tampering by the party involved, at least the man himself will know whether or not he is the father. The test can also be done again

formally by filing a paternity case and requesting genetic testing. Either way, whether you choose to do an informal test and then a formal one, or go straight to the formal test, testing is critical to verify paternity. Only the mother knows for sure whether she slept with anyone other than the man who thinks he is the father or who is “told” he is the father. It is important for fathers to set aside their pride and obtain genetic testing to ensure that they are not being duped by a financial parasite.

Another way of establishing paternity is to sign the child's birth certificate. Again, extreme caution needs to be exercised if a man thinks he is the father. He should first confirm by DNA testing whether or not he really



is the father. A major trap for fathers is to think that because the child looks like him, then he must be the father. This is a dangerous assumption. It is a very crude way of assessing paternity and is susceptible to our own emotional biases.

A third way of establishing paternity in Arizona is to file a paternity case and admit in the case that you are the father. Again, this should not be done unless proper genetic testing shows that you really are the father. If the

couple is married, there is a presumption that he is the biological father of the child. This is a delicate topic which must be raised. The man who thinks he is the father, even if he is married, may want to consider a discreet DNA test if he has even the slightest doubt about whether he is the father. Marital infidelity is rampant in our society.

This will be a difficult thing to admit to oneself, because many men are proud and are reluctant to think that their sweetie may have cheated on them. However, research shows that roughly 30 to 60 percent of married individuals in the United States will engage in infidelity at some point in their marriage and approximately two to three percent of all children are the product of infidelity. Men need to set aside their pride and make sure they are not being duped. There is also the topic of paternity fraud and Attorney Ronald Thomas has successfully handled a number of those cases. Those are hard to prove and therefore, men are advised to get tested before they admit to paternity. If a person finds out that he is not the father, and if he has been financially supporting that child, he may have rights to reimbursement and damages. He should seek legal advice immediately.

WHO CAN MAKE DECISIONS RELATED TO CHILD CUSTODY?

In Arizona, custody is now referred to as "legal decision-making authority." The law lists various factors that a judge must consider – and make specific findings about – when determining to whom to award legal decision-making authority. These factors are things such as the past, present, and potential future relationship between the parent and the child; the interaction and interrelationship of the child with the child's parents, siblings, and others; and the child's adjustment to home, school, and community.



Custody cases also take into consideration the wishes of the child if the child is old enough to have a say in the matter; the mental and physical health of all individuals involved; which parent is more likely to allow frequent, meaningful, and continuing contact with the other parent; whether a parent is trying to delay the process or be obstructive; whether there has been domestic violence; whether there has been coercion or duress by either parent; and whether a child has been convicted of false

reporting of child abuse or neglect. Of course, there are other factors as well.

Essentially, the judge needs to consider any reasonable and relevant factor to what is in the best interest of the child. This gives the judge wide discretion. If a judge rules against you at trial, it is very hard to get the appellate courts to overturn that ruling. Appellate courts give wide discretion to the judge when it comes to awards of legal decision-making authority and parenting time. That is why it is so important to have good representation right from the beginning as it is generally hard to modify an original legal decision-making authority or parenting time order if nothing has really changed. You can't just take another shot at it and use the same information that you used in the previous trial or hearing.

Another thing frequently seen in high-conflict cases is a custody evaluation. This is where a mental health expert does a full investigation and evaluation to determine who should have legal decision-making authority and how much parenting time each parent should have. Again, it is important to have a good attorney on your side during this process because the selection of the expert is critical. Some experts tend to be pro-mother. Others, but far fewer

of them, tend to be pro-father. And then there are neutral ones, too.

It should be pointed out that there are two different kinds of legal decision-making authority. There is sole legal decision-making authority and joint legal decision-making authority. With sole legal decision-making authority, one parent gets to make all the major decisions in matters such as health, religion, education, personal care, etc., without having to discuss it with the other parent. This is becoming more of the exception than the rule nowadays.

One or two decades ago, it was rather common to see the mother have sole legal decision-making authority. Those days are gone, thankfully. The other more commonly seen form of legal decision-making authority nowadays, is joint legal decision-making authority. With joint legal decision-making authority, the parents must communicate with each other to make decisions together in those major areas such as health, religion, education, personal care, etc. With joint legal decision-making authority, one parent can't just dictate to the other how things are going to be with the child they have in common.

Does Someone Who Has Acted In Father's Role For A Significant Period Of A Child's Life Have Any Rights If It Turns Out He Is Not The Biological Father?

Someone who has acted in the father role for a significant period of a child's life may have some rights if it turns out he is not the biological father. The general rule is that if a person was like a parent to a child and it would be significantly detrimental to the child to be in the care of either of the legal parents, a judge in Arizona can actually award legal decision-making rights to that person if there was not already a custody order issued within the past year. This decision making right can also be awarded if one of the parents is deceased, the parents are not married to each other, or a divorce or separation case is pending. That's what the law says.



If the person is not trying to get legal decision-making rights, he could try to get visitation with the child, which is generally much easier to do than to obtain legal decision-making authority. The Arizona superior court is able to grant visitation rights to a third party if various things are true. One would be if one of the parents is deceased. Another would be if the child was born out of wedlock and

the parents are still not married to each other. A third way is if a divorce or separation case is pending.

However, it should be kept in mind that the judge is required to give special weight to the legal parents' opinion of what is best for their children. The judge has to consider the strength of the relationship to the person seeking visitation rights; the motivation of that person; the motivation of anyone objecting to the visitation; the amount of time requested and its impact on the child's schedule; and the benefits of permitting visitation if one of the parents is deceased. In other cases, the opposing grandparents could be seeking visitation rights.

Then there are also other persons, perhaps someone who was in a long-term relationship with the child's parent, who would like to maintain a strong relationship with the child even after the romantic relationship with the parent stops. There are many other scenarios where a third party could seek visitation rights. This is a developing area of the law because of how fluid relationships have been over the past two or three decades. It is going to be increasingly common in the near future to see third party visitation.

DO CHILDREN HAVE ANY SAY IN CUSTODY MATTERS?

In Arizona, either parent can request that the child be interviewed, or the judge can order that the child be interviewed. The child most likely will not be interviewed by the judge. Instead, if an interview is even appropriate in a particular case, the child is likely to be interviewed by what is called a Court Appointed Advisor or a Best Interest Attorney.



Court Appointed Advisors and/or Best Interest Attorneys are appointed in cases where either or both parents are alleged to be unfit or unstable, or if there are significant questions about the safety of the environment in which the child is living. The Court Appointed Advisor or Best Interest Attorney will ask the child questions that are geared toward determining how well-adjusted the child is to each parent, how much time the child wants to spend with each parent, and other factors that are important to the issue of which parent the child should be spending the majority of time with. A Best Interest Attorney is always an attorney and cannot be called as a witness in the case, whereas a Court Appointed Advisor is usually a psychologist and can be called as witness in the case. The

job of a Best Interest Attorney is to advocate to the judge what is best for the child, even if that position is not good for either or both parents. It is far more common for a Court Appointed Advisor to be the appointed; Best Interest Attorneys are usually appointed only in the most severe cases of allegations of unfitness.

When it comes to the minimum age a child can be in order to be interviewed, the very general rule is that the child needs to be at least 12 years old. However, if good reasons exist, they can be much younger than that when they are interviewed. The more severe the allegations, the more likely the judge will order that a child under age 12 be interviewed if an interview would make sense in that case.

Court Appointed Advisors are often trained in the mental health fields. Many, if not most, are psychologists or social workers. The other context in which a child may be interviewed is a parenting conference. In Arizona, a judge can order the parents to attend a parenting conference. A parenting conference is held with a mental health professional who will meet with both parents, and usually interview the children as well if they are teenagers.

As of 2016, the cost of a parenting conference is \$300 per side, although the judge can permit that amount to be paid in installments if appropriate. Something else to know is that older teenagers, ages 16 and 17, generally have a very

big say in which parent they want to live with primarily. At that age, it is possible that the judge may actually conduct the interview himself or herself.

Finally, something to be on the lookout for, especially with younger children, is coaching by the other parent. It is relatively common for parents to try to influence what the child says when the child is interviewed. An experienced and skilled mental health professional sometimes will pick up on this and put that information in the report that is required to be submitted to the court. However, many times, this kind of sinister coaching is overlooked. But there are techniques that can be employed to minimize the likelihood of coaching and to expose it if it has been done. Also, independent experts on parental alienation may be needed to demonstrate to the court the degree of psychological influence one parent is exerting on the child in order to get the child to defy the other parent.

It is important for the parent whose child is about to be interviewed to be prepared for how to properly inform the child of the interview and to not discuss the case with the child. Judges get upset when a parent talks to the child about the custody case. Children should not be burdened with such matters. They should be free to live their lives as children and without the emotional turmoil of having to concern themselves about what is going on with the fight between their parents.

FACTORS THAT CAN IMPACT CUSTODY MATTERS BETWEEN HUSBAND AND WIFE

It is appalling to see how often allegations of abuse are lodged against good fathers. If a father has been accused of abuse that he did not commit, he needs to immediately seek legal advice. This is a nasty situation to be in and it requires a legally aggressive response.

In Arizona, a person is permitted to record conversations as long as they are participating in those conversations. So one thing that a person can do, if he suspects the other parent is going to try this despicable tactic of falsely accusing him of abuse, is to record all conversations that he participates in with that other parent.



Of course, he should first obtain legal advice to make sure that he should be doing this in his particular situation. There are exceptions to every rule. There are some situations where the client is advised not to record the other parent. Another thing this person who is falsely accused of abuse should do is verbally (affirmatively) deny any false allegation. For example, if the other parent sends

him a text accusing him of abuse, he should text her back something stating that no such abuse ever occurred.

A very important exception to denying the abuse allegation is when the police try to talk to him. If that happens, he should not say anything more to the police than his name and other information to verify his identity. There is a helpful YouTube video entitled "Don't Talk to the Police." You can access it from the Thomas Law Office website, the Thomas Law Office YouTube Channel, or by going directly to YouTube and searching for the video entitled "Don't Talk to the Police." Everyone should watch that video because it gives you a good understanding of all the ways you can be harmed by talking to the police even when you are completely innocent. Again to watch it, you simply go to YouTube and type in the search field "Don't Talk to the Police" and you will easily find the video.

Another important thing to remember is that falsely accusing someone of abuse can have severe consequences. A.R.S. 25-415 states that a court shall sanction a litigant for costs and attorneys fees if the person knowingly presented a false claim of domestic violence. The court can then impose additional sanctions and hold the person in contempt. The court can even modify the legal decision-making or parenting time if appropriate. This is a

relatively new law that is another advancement for father's rights. It can be used to shut down the other side's attacks on the partner. It doesn't always work but by using a variety of strategies and defenses, the odds of obtaining justice increase dramatically. It is important to have this kind of despicable and evil behavior exposed and punished.

Do Courts Favor Women When It Comes To Child Custody?

Although this can't be proven, it is believed that the courts still favor women when it comes to child custody. They also favor women when it comes to spousal maintenance, also known as alimony. When you go to the courthouse and watch hearings, you will see that fathers are still facing an uphill battle to be seen as equals when it comes to parenting children. But things have been improving greatly for fathers over the past decade, so fathers should not be discouraged. They just need to understand that their attorney is going to have to work much harder than the mother's attorney, all other things being equal.



A positive development that has occurred over the past decade or two is that judges are far more open-minded now than they ever have before, and the laws have been changing in a more positive direction for fathers. It would be great to see Arizona adopt a statutory presumption in favor of joint legal decision-making authority and equal parenting time, but unfortunately there are not too many groups that lobby on behalf of fathers. Mothers have the feminist lobby and other organizations that will stand up for them. Also, mothers as a whole have a tendency to better organize themselves, as compared to fathers.

There are some brave legislators in Arizona who continually attempt to pass father-friendly laws. Unfortunately, many times those bills get squelched by the mother's lobby. There is another question that often arises, and that is if it makes a difference whether the judge is a woman or a man. Experience shows that fathers tend to get better results with female judges. The older male judges sometimes have traditional viewpoints on parenting, falling prey to the old belief that the mother is the most suitable parent – especially for a young child. But these are general rules and there are many exceptions. That is why it is important that you retain an attorney who is familiar with the local judges.

Female judges, on the other hand, are working professionals. They are not as likely to feel sympathy for a stay-at-home mother of young children who refuses to go to work because she wants to continue doing things the way they were done when the couple was living together. These judges often have children of their own and realize that a parent does not always have the luxury of being able to avoid working a full time job outside the home.

HOW CAN FATHER'S RIGHTS BE SUPPORTED IN CHILD CUSTODY CASES?

The first strategy is to insist upon equal time as the minimum parenting time schedule. Although there will be times when this is not possible because of work



schedules, geographical issues, or other reasons, fathers should, from the beginning of the case, see themselves as deserving equal time with the children. The other thing an attorney will do is remind the judge of the recent changes in the law that favor fathers having more parenting time.

One of the relatively newer laws is the change to A.R.S. Section 25-403.01. It says that "a parent who is not granted sole or joint legal decision-making is entitled to reasonable parenting time to ensure that the minor child has substantial, frequent, meaningful, and continuing contact with the parent, unless the court finds, after a hearing, that parenting time would endanger the child's physical, mental, moral, or emotional health." This is a signal to judges that the era of the every-other-weekend dad is over! And that's even if the father has no decision-making authority.

Fathers, even the ones who don't have any decision-making authority, should have the right to spend ample time with their children. In some states, the law goes further and creates a presumption that joint decision-making authority or equal parenting time should be the standard unless there is a good reason why it should not be. Although Arizona is not quite there yet, but it is expected that this is one of the changes that will happen in the near future.

A good attorney can also use certain tactics that are very effective in these father's rights cases. There are many things that a father can do to protect his rights and increase the odds that he will be treated at last as equally as the mother. An experienced attorney will use those tactics to help their clients by giving them clear instructions on what they should be doing, what they should not be doing, and why. The attorney will also tell the clients what things they will be doing, what things they will not be doing, and why. The key is for the client and the attorney to work together as a team.



The client needs to feed his attorney the information about his situation. For example: recent arguments between the parties; evidence of the other parent trying to alienate the child against him; evidence of financial wrongdoing; witness who saw or heard important things; overheard conversations; texts and emails that may be useful; and many other types of information and evidence. The attorney will then use that information and evidence in the best way possible and develop that information and evidence further to increase the quality and quantity of evidence against the mother. One thing that is repeated to the clients frequently is to avoid getting sucked into arguments. The mother may instigate an argument in order to get a reaction out of the father and often falsely claim that she was being threatened or harassed. She can then use this as a basis to get an order of protection against the father, which makes it much more difficult for him to have joint legal decision-making authority if the order of protection cannot be overturned. This is a common trap, and one that a good attorney will help his client to avoid.

If the judge finds that domestic violence has occurred in the relationship, and if the judge further finds that it was not a minor, isolated incident, the father can have a

serious problem with getting awarded joint legal decision-making. That is why it is critical to not take the bait. The father should state his response calmly and in a non-threatening manner, and discontinue the conversation. He should not be duped into a situation that makes it easier for the child's mother to claim abuse or harassment. It is often recommend that all communications be done by email or text, so that there is a clear record of who said what to whom and when. There are many other traps and pitfalls to avoid, and good practices to adopt. These will be discussed in detail with the client so that the client is educated about what to do and what to avoid. This is how cases are won.

HOW ARE PARENTING PLAN SCHEDULES AND DETAILS WORKED OUT?

If the parents can agree on a parenting time schedule, the judge will usually sign off on it. There are certain things that are required to be in a parenting plan before a judge will approve it. Your attorney will be better able to guide you on this. Judges do have the ability to object to a parenting plan, although that is relatively rare.

In terms of the kinds of parenting plans that are typically seen in family court, one of the most common ones is the 5-2-2-5 equal parenting time schedule. The 5-2-2-5 equal parenting time schedule works like this: one parent has two days that are the same every week. The other parent has two days that are the same every week. The parents then alternate weekends. Typically, parent A has Mondays and Tuesdays, parent B has the children on Wednesdays and Thursdays, and the parents alternate Fridays through Sundays. In this scenario, parent A would have the children Monday and Tuesday in week 1, and Friday through Tuesday in week 2. Parent B would have the children from Wednesday through Sunday on week 1, and on Wednesday and Thursday in week 2.



This works out to fifty percent of the parenting time to each parent.

There are other kinds of equal parenting plans as well, although they are less commonly seen, such as the alternating weeks schedule or the 4-3-3-4 schedule. This is a schedule whereby each parent has three days each week that are always the same, and the remaining day is alternated, such that a parent will have four parenting time days in one week and three parenting time days the following week. The pattern then repeats itself. There are also many unequal parenting time plans. The plan that works best for the children in light of the parents' work schedules, the children's school location, the children's extracurricular activities, and other factors, is the one that the judge is most likely going to approve. The key is to find parenting plan that is not too confusing for the parents and children and will work well for both sides.

Long distance parenting plans are used when the parents live in different states or different counties. There can be lots of fighting over who should be responsible for the cost of transportation in those long distance parenting situations. Another thing that parenting plans need to address is the holiday parenting schedule and the school break/summer break schedule. Some parenting plans will

remain the same in the summer whereas others, especially long distance parenting plans, will change during the summer school break period because the children will have an opportunity to spend more time with a parent that they might not have lots of access to during the school year.

Another important aspect of a parenting plan is telephone or video access to the children. The frequency, duration, and dates of the calls should be carefully considered and detailed in the parenting plan. In a good number of cases, especially if the parents are working well together in their co-parenting relationship, the parents will deviate from the parenting plan from time to time or even indefinitely if they agree that a different plan will work better for them. If any kind of dispute arises later, they can always demand that they go back to the original parenting plan, because unless the parenting plan is modified formally, it is still an order of the court and is enforceable.

However, caution should be exercised, because if a father is given much more parenting time than the parenting plan and court order prescribe, he should receive a reduction in his child support obligation. The only way to do this is to modify parenting time and child support formally. A parent cannot retroactively seek an

adjustment in child support in Arizona. So it is important to remember to modify the parenting plan as soon as possible, which can be done by a simple stipulation that is filed with the court, if the new plan is going to be in place for a long time. Keep mind that there are limitations on how frequently a petition to modify parenting time can be filed. The general rule is one year, but there are exceptions, so it is important to obtain legal advice about whether a modification can be requested earlier than one year after the most recent modification order.

There are many other aspects of parenting plan which further need to be considered. The important thing to know is that there are a variety of parenting plans out there and the one that the judge is likely to approve of is the one both parents agree is best, if indeed it is in the children's best interest.

FAQS ABOUT CHILD SUPPORT IN ARIZONA

When Is The Best Time To File For Child Support If The Father Is Going To Have Physical Custody?

Physical custody, also referred to as "parenting time" in Arizona is the amount of time each parent spends with the child. The other way the term "custody" can be used is to refer to what is now called "legal decision-making authority." If the father is the one with whom the children are primarily residing, and if there is no court order at that time, the father should file as soon as possible.

Every situation is different and sometimes, clients are advised to do something different than what is advised in other similar situations. The reason why the father should file a case as soon as possible is to protect himself in case the mother tries to renege on the custody agreement, or if she all of a sudden wants to change the fact that the kids are residing with the father primarily. She can simply take the children away from him and then the father will have to scramble to court to get an emergency hearing to restore the prior status quo.



This may happen because most police officers will not get involved if there is no existing court order. They often tell parties in such situations to go to family court and work out the issues there. In fairness, cops do have more important things to do than to mediate family disputes. This is why it is critical to have court orders in place so that if the mother violates those orders, she can be held in contempt of court or face other sanctions. And if there is a court order, a police officer is much more likely to help you if the other parent is refusing to turn over the children.

With regard to child support, in Arizona, a parent can often go back as much as three years from the original filing date to get retroactive child support. And in very rare cases the parent can go back farther than three years; but this exception will not be described here because it is so rarely seen. The three year rule is often a trap for fathers who are NOT the primary caretaker. They sometimes unknowingly pay far less in child support than they are supposed to, and when eventually a court case is filed, they get hit with a massive past-support claim. These figures can reach into the tens of thousands of dollars. At least the interest rate is lower now, around 4 percent. It used to be 10 percent, causing many fathers to be stuck in a horribly financially oppressive situation for years.

What Determines The Child Support Payment Amount?

The child support amount is calculated by referring to statewide guidelines. There is a formula that will apply these guidelines to a particular situation. The components that go into the child support calculation are the following:

- ☐ each party's income
- ☐ whether or not either party has other children, and if so, whether or not they receive or pay support for that other child
- ☐ the cost of medical, dental, and medical insurance
- ☐ the cost of child care
- ☐ the cost of any extraordinary expenses and
- ☐ the amount of parenting time each parent receives

The result will be the presumptive child support payment. Judges are allowed to deviate upward or downward from the presumptive amount of child support if good cause exists to do so. However, judges rarely deviate from the guidelines if the parents don't agree on the deviation. In fact, even if they do agree on the deviation, whether upward or downward, the judge can overrule their agreement.

The judge has the final say on what the appropriate amount of child support should be. This is because historically some parents would agree to drop a request for child support in exchange for an agreement that they would have sole custody. However, this harmed the child because in many such cases, not enough money was flowing into that household to meet the child's financial needs. An example of such a case is a wealthy father and a poor mother who agree to this kind of trade. The child would then live in poverty with the mother while the father would have the full use of his money solely for himself. However, that rarely happens nowadays, and a lot of men insist on paying at least what the guidelines say.



In many cases where men are the primary caretaker, they will often refuse child support from the mother if the amount they are entitled to receive is less than one or two hundred dollars. The same thing cannot be said for most mothers. It is seen that no matter how small the amount they are entitled to receive, they almost always will refuse to deviate downward to zero.

Another thing to keep in mind is that child support cannot be modified retroactively. This means that if you are a

father and are paying child support to the mother based on a higher income that you no longer have, you are overpaying on child support. If you wait months or years to request a modification of the child support amount in order to make sure you are paying the correct amount, you will not be able to get a credit for what you overpaid prior to the date that you filed your petition to modify child support. This is a mistake many men make.

Men need to be more diligent about requesting the modification right away. However, they have to make sure that they have a basis to modify child support. The general standard is that there must be a "substantial and continuing change" in what the child support amount should be. The child support amount must increase or decrease by more than 15 percent for most judges to find that a substantial and continuing change has occurred.

When experienced attorneys meet with clients in an initial consultation about a child support modification, one of the first things they do is a calculation based on the information they have at that time, to see if there's a good chance for success in seeking to modify the child support amount.

COMMON QUESTIONS PEOPLE ASK ABOUT CHILD SUPPORT

How Long Is A Parent Required To Pay Child Support?

Arizona law does not generally require payment of child support after the child reaches the age of eighteen. There are some important exceptions, though. One is if the child is still in high school or an equivalency program. If the child is still in high school or an equivalency program, child support will continue until the child reaches the age of nineteen. This is true even if the child is still in high school or an equivalency program at the age of 19. In most cases, 19 is going to be the upper limit.



In case where a child has severe mental or physical disabilities as demonstrated by the fact that the child is unable to live independently and be self-supporting, child support can continue beyond the age of 19. However, this exception applies only if the disability began before the child reached the age of majority. In some states, parents can be forced to pay the college education costs of their child, but that is not the case in Arizona.

Many times, clients want to put a clause in the final divorce decree or custody order that they will pay for the child's education costs. However, they should be strongly discouraged from doing that. Although that seems cruel, there is a reason for this advice. Things can change. The father may not be able to earn as much money by the time the child reaches college age. Or the child and father may have a falling out. Or the father may have a new family and need to allocate resources differently. Unless you can predict the future, which nobody truly can, it is not wise to agree to pay for a college education, because you just don't know what things will be like when that time comes.

More importantly, once you make this kind of agreement, it becomes an order of the court and if you don't comply, you can be thrown in jail like a common criminal. Nobody will have any sympathy for you. You agreed to it, so you must uphold your end of the deal. And even if you can easily afford the cost of the child's education, you may not agree with the college or the course of study but you'll have no say in that. All you'll have is the obligation to fork over the funds for the now adult-child to use as he/she sees fit. You'll have no control over grades or misconduct. In other words, you may not feel like forking over tens of thousands of dollars for a child who is getting bad grades,

but you'll have no choice, and there's always the threat of jail hanging over your head.

Another important reason not to agree to pay the child's college costs is that once it becomes a court order, it won't be appreciated as much. That means that if the court order requires the father to pay the college education costs of the child, even though the father is the very person who generously insisted that the agreement be made a court order, the child and the child's mother will not appreciate it as much as they would if the father were voluntarily sending the money to the child for the college education costs. The child and the child's mother will just think "well, he's just doing what the judge ordered him to do." It's good to be generous, but at the same time, you need to make sure that your generosity is acknowledged and appreciated.

FACTORS THAT MAY AFFECT FATHER'S RIGHTS IN CUSTODY MATTERS

If a man is married to the child's mother, and the child was born during the time he was married to the mother, the husband is presumed to be the child's father. This gives him greater status and rights than would be the case if he is not married to the child's mother. For example, he will have much greater access to information about the child's schools, medical conditions, and other important situations.



On the other hand, if the father is not and was never married to the mother, he will have virtually no rights until he admits to paternity. However, he must be very cautious about how and when he admits to paternity. In Arizona, paternity can be established in a number of ways. One way is if the father signs an acknowledgement of paternity. It is normally not recommended that fathers sign one of those documents unless they have already taken a DNA test to confirm biological paternity.

The consequences of signing a document like this can be severe. If the person is not really the biological father, and

if he signs an acknowledgement of paternity, after a relatively short period of time, his ability to reverse the legal establishment of paternity may be forever lost. This means he could be financially obligated to pay the mother for many years even though another man is the real father of her child.

There are DNA test kits that can be purchased at many pharmacies. Although these test kits will not hold up in court because there is no way to rule out tampering, at least the man himself will know whether or not he is the father. The test can also be done formally by filing a paternity case and requesting genetic testing. Either way, testing is critical. Only the mother knows for sure whether she slept with anyone other than the man who thinks he is the father.

Another way of establishing paternity is to file sign the child's birth certificate. Again, extreme caution needs to be exercised if a man thinks he is the father. He should first confirm by DNA testing whether or not he really is the father. A major trap for fathers is to think that because the child looks like him, then he must be the father. This is a dangerous assumption. It is a very crude way of assessing paternity and is susceptible to our own emotional biases.

A third way of establishing paternity in Arizona is to file a paternity case and admit in the case that you are the father. Again, this should not be done unless testing shows that you really are the father. If the couple is married, there is a presumption that he is the biological father of the child. This is a delicate topic and one that must be raised. The man who thinks he is the father, even if he is married, may want to consider a discreet DNA test if he has even the slightest doubt about whether he is the father.

Oftentimes, this will be a difficult thing to admit to oneself, because many men are proud and are reluctant to think that their sweetie may have cheated on them. Research shows that roughly 30 to 60 percent of married individuals in the United States will engage in infidelity at some point in their marriage and that two to three percent of all children are the product of infidelity. Men need to set aside their pride and make sure they are not being duped. There is also the topic of paternity fraud. Attorney Ronald Thomas has successfully handled a number of those cases. Those cases are hard to prove and hence, men are advised to get tested BEFORE they admit to paternity.

HOW CAN FATHERS PROTECT THEIR RIGHTS IN DIVORCE, CUSTODY CASES?

One of the best things a father can do to protect his rights is to try to be reasonable with the other parent. If she cheated on him and he is upset over that, and rightfully

Protecting
Your Rights

so, he nevertheless should not let those emotions affect how he interacts with the child's mother to discuss a parenting plan. If he gets verbally aggressive with her, she can accuse him of harassing her. She could also ratchet up her language and they could end up having countless, unproductive arguments that will only decrease their mutual desire to co-parent the child or children they have in common.

When insulted by a cheating spouse, it is hard to bite one's tongue. But it must be done. People are advised to keep their eye on the "long game" in such situations. They need to keep in mind that they will have to deal with this person for many years to come, because they are both parents of the same child.

Then there are some women who are so difficult to deal with that the father will never have any success in dealing

with her even if he always caves in and gives her what she wants. With these mothers who have borderline personality disorder, or are narcissistic or psychopathic, the only thing they understand is power. That means forcing them in front of a judge and getting court orders that hold them accountable for their bad behavior and refusal to cooperate. Toughness is the only language they understand.

These types of cases are dealt with all the time. A good attorney will know how to get inside their heads and how to expose their true behavior to the judges. These devious or cantankerous types, especially if they are of higher than average intelligence, will know how to falsely portray themselves as innocent little flowers or victims when in fact they are evil, dangerous women who enjoy drama, causing pain, and being difficult. An experienced and good attorney like Ronald Thomas has successfully handled numerous such cases and he genuinely enjoys exposing these women in the courtroom.

Another way a father can best protect his rights is to file a paternity or custody case to have an actual, enforceable court document. Without that, he is at the mercy of the child's mother. There are many other things a father can

do to protect his rights, which a good attorney can help you with.

One of the worst things a father can do when trying to protect his rights is to engage in loud arguments, name-calling, threats, and other behavior that could look very bad if exposed in the courtroom. Fathers need to be aware that the other parent may be recording them if they use profanity, threats, or other behaviors to try to get their way.

In Arizona, a person is permitted to record conversations as long as they are participating in those conversations. However, there are exceptions so it is important to get legal advice before you begin recording anyone. Sometimes, fathers are advised to record conversations by their attorney.



One thing that a person can do if he suspects the other parent is going to try the despicable tactic of falsely accusing him of abuse is to record all conversations that he participates in with that other parent. Of course, he should first obtain legal advice to make sure that he should be doing this in his particular situation.

There are exceptions to every rule. There are some situations where the client is advised NOT to record the other parent. Another thing this person should do is verbally deny any false allegation. For example, if the other parent sends him a text accusing him of abuse, he should text her back something stating that no such abuse ever occurred.

A very important exception to denying the abuse allegation is if the police try to talk to him. If that happens, he should NOT say anything more to the police than his name and other information to verify his identity. There is a great YouTube video entitled "Don't Talk to the Police." Everyone should watch that video because it gives you a good understanding of all the ways you can be harmed by talking to the police even when you are completely innocent. To watch it, you simply go to YouTube and type in the search field "Don't Talk to the Police" and you will easily find the video. Or you can go to the Thomas Law Office YouTube channel to view this, and many other, helpful videos.

Another important thing to remember is that falsely accusing someone of abuse can have severe consequences. A.R.S. 25-415 states that a court shall sanction a litigant for costs and attorney's fees if the person knowingly

presented a false claim of domestic violence. The court can then impose additional sanctions and hold the person in contempt. The court can even modify the legal decision-making or parenting time if appropriate. This is a relatively new law that is another advancement for father's rights which the attorney may use to shut down the other side's attacks on the client. It doesn't always work but by using a variety of strategies and defenses, the odds of obtaining justice increase dramatically.

EXPERIENCE OF ATTORNEY RONALD THOMAS WITH FATHER'S RIGHTS ISSUES

Attorney Ronald Thomas has been representing fathers in Arizona for two decades. For the first ten years, he represented men and women at about the same rate. During that time, he noticed that representing mothers was much easier and this bothered him very much. Judges can be easily convinced to give mothers primary custody.

Intuitively, he realized that discrimination was probably taking place, which infuriated him. He saw how devastated men were when they lost adequate access to their own children. He saw how devious and vindictive some mothers were – even to the point of poisoning their



own children's minds against their fathers. Therefore, Attorney Thomas decided to study how to better represent fathers. He spent an enormous amount of time researching better techniques for offsetting the inherent bias some judges may have against fathers.

After implementing some of those techniques, he began seeing dramatic improvement in his ability to convince a judge that the father is equally capable of parenting his own children. After doing this for some time, word began

to spread, and Attorney Ronald Thomas began representing lots of professionals, police officers, paramedics, tradesmen, and other men of various careers who wanted an attorney who focuses mostly on representing fathers in custody cases and men in divorce cases.

If you do a Google search for father's rights attorneys in Arizona, you'll see that Attorney Ronald Thomas is often the first organic search result or at least on the first page. Over the past ten years, he has shifted his practice to mostly representing men. However, to remain sharp and balanced, Attorney Ronald Thomas does represent women from time to time, and when he does, they get the same level of dedication and energy he expends on cases in which he represents fathers in divorce and custody cases. Good parents, regardless of gender, deserve great representation.

What Sets Thomas Law Office Apart In Helping Father's Protect Their Rights?

Ronald Thomas totally understands the frustration that his clients feel. On a principal level, he strongly believes that many men are taken advantage of by our current system unless they know how to stand up for their rights. He has a deep-down passion, to ensure that his clients are

treated fairly and get all the parenting time and parenting rights that they deserve.

Most men just want to have some respect and be a part of their child's life. They resent being seen as an ATM machine by greedy exes. He understands this fully and has the experience, dedication, and the skills to best protect their interests. Though 90% of his clients at any given time are men, Attorney Ronald Thomas also represents mothers as well and when he does, he gives them every bit of as much passion and dedication and effort as he gives to his male clients. By doing this, he doesn't fall into the trap of not seeing how the other side perceives things. In other words, when he represents mothers, he stays fresh with the techniques that are used to battle fathers. Although this benefits the mother he is representing at that time, it also greatly helps all his male clients, because he is in a better position to predict what the other side is most likely going to do.

Attorney Ronald Thomas also regularly battles firms that mostly represent women, and that experience of battling hardcore feminists is of great value to his male clients. He has seen virtually every trick in the book and is ready to handle new ones as they arise from time to time. The bottom line is that he loves representing fathers and he looks forward to going to work every day!

PROTECTING FATHERS' RIGHTS IN DIVORCE & CUSTODY MATTERS

Information That May Be Helpful For You

"My brother was appreciative of your help and thinks highly of you. My parents were set at ease when you met them by the window and gave them a thumbs up kind of assessment (after trial). And I am of course extremely grateful for how attentive and open-minded you have been in my brother's unique case. Thanks for understanding the depth and gravity of his situation. I know everyone talks about all the money lawyers make and joke about this and that, but you were a key component in my brother's life. We called October 22nd his Independence Day! You're part of a much bigger thing than just a legal case and the extra hours and extra effort are not sized up in a monetary balance. Thanks again Ron."

-A.H.

"I want to thank you for consulting with me in regards to my lawsuit. That last piece of information you gave me was vital to my case. I would definitely call you again, should I have to and would highly recommend you. You have been one of the only attorneys I have dealt with that showed patience, a listening ear, and answered clearly, slowly, and concisely regarding my questions and concerns."

- G.B.

"Thank you again for everything, sir! I will be going everywhere online to put a great review for you. You did a truly amazing job, Ron, and we got everything we asked for. Everything that mattered. I do appreciate all the time you put in my case! Thank you again!"

- D.D.

"Thank you for the great result, for caring about my situation, and for always returning my calls right away. I hope I don't need legal services again but if I do, you will be the first person I call."

- J.G.

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