

## Patience of Job and wisdom of Solomon

*Family court judge tries to look at world through the eyes of children*



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Judge Harvey Brownstone's book — titled *Tug of War* — will be in stores this month. He says his North York Family Courtroom is not the right forum to decide the fate of children. MICHAEL STUPARYK / TORONTO STAR

Justice Harvey Brownstone has no offspring, but he treats each child whose life he touches in Ontario's family court as if he or she were his own.

During 14 years in the family law courts, Brownstone has learned to wrap himself in "emotional Teflon" as he wades through the carnage of "toxic" separations and listens to people fight to the death over the sometimes silly spoils ("pillowcases that they could buy at Wal-Mart") of a life together.

He's painfully aware that warring couples and former lovers expect him to have the patience of Job and the wisdom of Solomon.

He's also sensitive to the fact that the stroke of his pen will change the lives of separating couples forever.

"I don't invite people here," Brownstone says of the tiny courtrooms in a nondescript office building on Sheppard Ave. E. where family court judges help end one life and begin another.

"But if they want me to make a decision, I'm going to do what I think is right and I'm going to look at the world through their children's eyes as much as I can.

"I tell people, `You're going to have to dance with each other at your children's wedding, and you're both going to want to be there when your first grandchild is born. You have to love your children enough to do that for them, because this is not about you, it's about them."

Brownstone believes that the ability to divorce "well" comes down to maturity – and he doesn't see a lot of that most days in his court, one of the last stops along the way for couples who can't agree, through co-operation or mediation, on how to divvy up assets and share custody of their children.

That's why he has written a book – a first for a family court judge – aimed at "educating" separating couples. *Tug of War: A Judge's Verdict on Separation, Custody Battles, and the Bitter Realities of Family Court* hits bookstores this month.

It debunks myths (expect to pay child support, even if you get a stranger pregnant during a one-night stand), is chock full of information (a family lawyer will cost you at least \$200 to \$500 per hour, plus expenses), and highlights alternatives (from parent counselling to mediation-arbitration) to a court system that is overloaded and ill-equipped to deal with family feuding.

Brownstone wants people to start seeing parental disputes "as a public health issue. Children are at risk of emotional harm."

He has felt that ongoing suffering. He has also experienced the heartfelt gratitude, of children who write him years later to thank him for awarding child and spousal support that helped them go to university or made their home a more stable place.

"I've also had letters saying, `You should have taken me away from both of them. I would have been better off in a foster home. My own ability to have relationships is damaged because all I ever witnessed was marital discord."

The message of his book is simple: "Family court is bad for families and litigation is bad for children."

Brownstone, 52, has been stunned by how some couples will turn their children into bit players in an ugly stage show of insults, threats and emotions.

Some have told him they would prefer their children were dead, or in foster care, than have their ex granted custody.

So, now, he makes a point of asking each litigant: "Are you going to be able to face your children when they get older and say, `We hated each other so much, we needed a total stranger to decide where you would live and how often we would each see you because we couldn't make a compromise. We who brought you into the world needed a total stranger to do it."

When asked the worst case he has ever seen, Brownstone's expression goes cold and he reaches for words to describe a "horrible, horrible" dispute over a 4-year-old child.

The couple, both professionals, "fought tooth and nail" and brought "cheerleaders" – friends and family – to pack both sides of the court.

After a lengthy and costly hearing, Brownstone awarded custody to the father who, barely two months later, was paralyzed in a car accident on Highway 401.

"Mom was back in court within hours. She was almost celebrating. She said, 'What you didn't do, God did because now I'm getting custody.'"

And Brownstone says that the most common issue clogging up the family courts really boils down to vengeance.

"Parents want someone to validate their feelings of betrayal and hurt and anger.

"They need to understand this is about meeting their children's needs and not how your ex-partner failed to meet your needs."