

Federal Judge Issues Landmark Decision in Call for Family Court Reform

Mikaela Haynes, 14, killed herself after a family court judge ruled she had to live with her father who had already admitted to molesting his oldest sister. Mikaela was a high honor student who adored animals, studied sign language so she could communicate with two elderly deaf neighbors and dreamed of becoming a pediatric surgeon specializing in facial deformities of children, hung herself from a tree.

By [Alice Giordano](#)

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June 3, 2023Updated: June 3, 2023

In a landmark decision, a federal judge this week denied a court-appointed child advocate's motion to dismiss a wrongful death lawsuit against her. The lawsuit asks the court to hold her accountable for the suicide of 14-year-old Mikaela Haynes.

Family court reform advocates say they are nearly in disbelief at the ruling.

"This is a huge victory and a promising sign in what is an exhausting fight to bring awareness to the ugly truth that court-appointed advocates who are supposed to protect children instead put them in danger," Evita Tolu, the attorney who won the unprecedented ruling, told The Epoch Times.

Missouri attorney Evita Tolu represents the mother of a 14-year-old girl in a wrongful death lawsuit against a guardian ad litem. (Evita Tolu Law Firm)

Connie Valentine, Administrative Director of California Protective Parents Association and a national figure in family court reform efforts hailed the ruling as a "long overdue message to the endless number of court-appointed child advocates who deliberately compromise the safety of children."

Mikaela's mother, Cynthia Randolph, filed the wrongful death lawsuit against Jennifer Williams, the guardian ad litem appointed by a family court judge to represent Mikaela in a custody dispute that was part of Cynthia's divorce case with her husband Charles Haynes, Mikaela's father.

Williams recommended Charles Haynes be given custody of her even though he has been convicted of sexually abusing Mikaela's oldest sister, which he admitted to, court records show.

Court records show that Mikaela also accused her father of sexually abusing her.

Missouri Circuit Court Judge John Shock followed William's recommendation and granted shared custody of Mikaela to the father.

On November 23, 2018, with the support of Williams, Charles Haynes asked for probation instead of jail time.

The next day, the 14-year-old high honor student who adored animals, studied sign language so she could communicate with two elderly deaf neighbors and dreamed of becoming a pediatric surgeon specializing in facial deformities of children, hung herself from a tree.

After Mikaela hanged herself, Haynes' request for probation was denied, and on December 12, he began serving a seven-month sentence for raping his older daughter. Had Mikaela lived, she would have been forced to visit her father in prison and write him letters, said Tolu.

She said Mikaela also told therapists and others that she expected, given the favoritism shown to her father, his request for probation would be granted.

In notes left behind by the teen, Mikaela said she'd rather die than have any contact with her father. She was also hoping her suicide might save her younger sister, who was nine at the time, from being raped by their father.

Williams, who now works as an Extension Engagement Specialist for the University of Missouri, referred questions on the case to her attorney Susan Diamond.

Diamond did not respond to inquiries from The Epoch Times. Charles Haynes' attorney William Halaz of the well-known father's rights law group Cordell & Cordell, told The Epoch Times he had no comment on the case.

According to an email from Halaz to Tolu, Charles Haynes plans to file for full custody of his youngest daughter, now 14, when he is released from prison in August.

Keri Smith, a previous attorney for Charles Haynes, had advocated for him to have custody of his youngest daughter.

"Obviously, he can't do anything proactive unless he gets out prior to our trial ... but he still has his parental rights," Smith argued in court.

Smith did not respond to inquiries from The Epoch Times about the case.

In her motion to dismiss, Williams argued she "owed no duty" to protect Mikaela

and that her mother failed to “state a plausible wrongful death claim because threats—or other intentional acts—cannot form the basis of negligence claims.”

Williams also asserted immunity as a court appointee.

Like police, judges, prosecutors and other government employees, GALs have successfully claimed quasi-judicial immunity as a defense against allegations of wrongdoing against them.

In her May 31 ruling rejecting Williams’s motion to dismiss the wrongful death lawsuit against her, US District Court Judge Abbie Crites-Leoni stated that Cynthia Haynes “has sufficiently alleged that Williams realized or should have realized her conduct involved an unreasonable risk of causing [Mikaela] distress, and that [Mikaela] suffered emotional distress or mental injury that is medically diagnosable and sufficiently severe to be medically significant.”

Bills have been introduced across the U.S. in several states to either abolish the appointment of guardian ad litem in divorces and private custody cases or limit their power. Most have failed.

There have also been several failed parent-led petitions to do away with court-appointed GALs.

Last week in another major upset into questionable family court practices, Colorado passed the first ban in the nation on court-ordered reunification camps. Family court judges order children in private custody to attend them in lieu of applying child abuse laws against a parent who has been either accused or convicted of child abuse.

As part of the design, the protective parent is accused of parental alienation for raising the abuse. After the accusation is levied, the protective parent is typically stripped of custody of her children and custody is then typically awarded to the abusive parent.

In Mikaela’s case, Cynthia Haynes was accused of parental alienation for objecting to custody being awarded to Charles Haynes.

Colorado passed the ban on the court’s use of reunification camps after a string of tragic murders of children by a parent given custody after being accused of abuse.

It also followed an investigation that turned up an admission by one custody evaluator, similar to a GAL like Williams, that he dismissed 80 percent of child abuse claims against parents without investigating them.

In 2018, a bipartisan federal resolution was passed by U.S. Congress urging states to replace language in custody laws concerning the best interest of the child and replace it with language that makes the safety and constitutional rights of a child the first priority in custody disputes.

Tolu called the “best interest of the child” standard in custody decisions “another gimmick to protect” unethical child advocates like Williams.

“They have perverted the best interest of the child clause,” said Tolu, “you can stretch it to mean anything you want.”

Valentine, who led the 2018 Congressional resolution, said what is going on in the family courts is the “ultimate in gaslighting.”