

Briefing Doc: Landmark Decision Raises Questions About Family Court Practices

Source: "Federal Judge Issues Landmark Decision in Call for Family Court Reform" by Alice Giordano, *The Epoch Times*, June 3, 2023.

Main Themes:

- **Accountability of court-appointed child advocates (GALs):** A federal judge's refusal to dismiss a wrongful death lawsuit against a GAL is a major victory for family court reform advocates. This case challenges the long-held immunity of these court appointees and raises questions about their responsibility to protect children's safety.
- **"Best interest of the child" standard:** The article argues that the legal standard of acting in the "best interest of the child" is being misused and manipulated in family court cases, sometimes to the detriment of the child's safety and well-being.
- **Parental alienation claims:** The article highlights the increasing concern over parental alienation accusations being used to discredit and silence protective parents, even in cases where abuse allegations exist.
- **Reunification camps:** The Colorado ban on court-ordered reunification camps is presented as a significant step towards protecting children from potentially abusive situations.

Most Important Ideas/Facts:

- **The case:** This article focuses on the tragic suicide of 14-year-old Mikaela Haynes, who took her own life after being placed in shared custody with her father, despite him admitting to sexually abusing her older sister. Mikaela had also accused her father of abuse.
- **The lawsuit:** Mikaela's mother is suing the court-appointed GAL, Jennifer Williams, for wrongful death, alleging that Williams ignored evidence of abuse and recommended custody to the father.
- **Judge's ruling:** Judge Abbie Crites-Leoni denied Williams' motion to dismiss, stating that Cynthia Haynes "has sufficiently alleged that Williams realized or should have realized her conduct involved an unreasonable risk of causing [Mikaela] distress."
- **National Implications:** This case is being hailed as a potential turning point in holding GALs accountable for their actions, potentially impacting family court proceedings across the country.

Key Quotes:

- **Evita Tolu, attorney for Mikaela's mother:** "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."
- **Connie Valentine, family court reform advocate:** "This is a long overdue message to the endless number of court-appointed child advocates who deliberately compromise the safety of children."
- **Judge Abbie Crites-Leoni:** "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.'"

Further Research:

- Investigate other cases where GALs have been accused of negligence or misconduct.
- Examine the effectiveness and potential biases of "parental alienation" as a legal argument.
- Research the use and potential harms of court-ordered reunification camps.
- Analyze the "best interest of the child" standard and its application in various family court situations.