

Family Court Reform: Frequently Asked Questions

1. What was the landmark decision regarding family court reform?

A federal judge denied a court-appointed child advocate's motion to dismiss a wrongful death lawsuit against her. The lawsuit holds her accountable for the suicide of 14-year-old Mikaela Haynes, who took her own life after the advocate recommended she live with her father, a convicted child sex abuser. This ruling is significant because it challenges the quasi-judicial immunity often protecting such advocates from liability.

2. Why is this ruling considered a "huge victory" for family court reform advocates?

This unprecedented ruling is seen as a major step towards holding court-appointed child advocates responsible for their actions. Advocates argue that too often these individuals, tasked with protecting children's interests, make decisions that put children in harm's way.

3. What role did the guardian ad litem play in Mikaela Haynes's case?

Jennifer Williams, the guardian ad litem assigned to Mikaela's case, recommended that she be placed in the custody of her father, Charles Haynes, despite his conviction for sexually abusing Mikaela's older sister. The judge followed this recommendation, granting shared custody to the father.

4. What are "reunification camps" and why is Colorado banning them?

Reunification camps are court-ordered programs where children are sent to live with a parent accused of abuse, often based on the theory of parental alienation. Critics argue these camps further traumatize children and put them at risk. Colorado's ban comes after several high-profile cases where children were murdered by a parent awarded custody after being accused of abuse.

5. What concerns are raised about the "best interest of the child" standard in custody cases?

Advocates argue that the vague "best interest of the child" standard is often misused and misinterpreted, sometimes resulting in children being placed with abusive parents. They contend that this standard should be replaced with language prioritizing the safety and constitutional rights of children in custody disputes.

6. What happened to Charles Haynes after Mikaela's suicide?

After Mikaela's death, Charles Haynes's request for probation for his previous sexual abuse conviction was denied, and he was sentenced to seven months in prison. Upon his release, he plans to file for full custody of his youngest daughter.

7. What is the significance of the 2018 bipartisan federal resolution on custody laws?

This resolution urged states to prioritize the safety and constitutional rights of children in custody disputes. It highlighted growing national concern about the shortcomings of the "best interest of the child" standard and its potential to endanger children.

8. What are some of the key arguments against the use of guardian ad litem in custody cases?

Critics argue that:

- GALs often operate with little oversight and accountability.
- Their recommendations are not always based on thorough investigations or the child's best interests.
- Their quasi-judicial immunity shields them from liability even in cases of negligence or misconduct.
- Their involvement can prolong legal battles and escalate conflict between parents, further harming children.