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Putting child custody on fast track

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A 12-year-old boy spent nearly half his life caught in a legal limbo while his parents waged war over his custody in family court.

Last holiday season, and within just weeks of the most recent hearing, the boy killed himself.

Charleston Family Court Judge Paul Garfinkel never can ask the child if the case drove him to desperation, but says, "In my mind there could be no other explanation."

A month later Garfinkel became chief judge for administrative purposes and called a meeting within a family court attorneys.

Let's get these custody cases finished faster, he told them.

He calls the system, when it drags on for years as in the 12-year-old boy's case, "legalized child abuse." Garfinkel wanted to see these kids in permanent homes sooner and, beginning this summer, the judge should get what he wants.

Tight deadline

The Fast-Track Custody Initiative, which works to get children in permanent homes within three to four months of the first court filing, launched in July. Here's how it works:

A voluntary program, the attorneys and their clients must decide in advance that they can resolve their differences within a tight deadline. A judge only gets about 15 minutes at a temporary hearing that determines where the child will live as the case proceeds. That hearing also arranges mediation between the parents.

In some cases, the judge will appoint a guardian ad litem, the child's courtroom representative who investigates both parents. In the Fast-Track program the guardian must complete a study within 60 days.

The parents then should head to mediation to settle everything from visitation to soccer practice transportation, haircuts and ear piercing -- even how parents handle dating around their children.

All told, the two parties should reach a resolution within 90 days of that initial temporary hearing.

The expedited process should shave off nine months in a typical case, years in some.

Nearly a dozen family court attorneys began meeting almost weekly beginning in January to ensure that the program kicked off in July.

Two attorneys, Sally King-Gilreath and Jenny Moser, stepped up as co-chairwomen of the program. King-Gilreath brings 30 years of experience, while Moser carries the fresh perspective of a lawyer with only a year in practice -- plus some personal experience.

After only a year and a half of marriage, she found herself in a custody battle over an infant daughter. The case lasted almost as long as the marriage. Moser turned 21 during the divorce and remembers long, tearful conversations with her lawyer, Sally King-Gilreath.

Moser looks back on that time 14 years ago and says, "I thank God all the time my daughter doesn't remember."

King-Gilreath calls people going through divorces and custody disputes "a special kind of crazy" and rightfully so, since everything they knew and expected for their lives suddenly stops being true. The trick for getting the cases through the system quickly is getting those parents focused away from their own anger and pain on their children's needs instead, King-Gilreath says.

For that reason the Fast-Track program can't work in cases of physical or substance abuse or when one parent suffers from mental illness.

"If you have two fit parents who can't agree on which Saturday or which part of Christmas they spend with the kids, trial is not appropriate because the children are paying the price," Moser explains.

Separating kids, cash

The committee of lawyers that launched Fast-Track relied on information from child welfare experts, including therapists.

Libby Ralston, executive director of the Dee Norton Lowcountry Children's Center, provides the group with information about psychological needs and stress that the court process puts on parents and their children.

She applauded the initiative for "separating (custody) from the lengthy and oftentimes very adversarial division of property.

"It takes kids out of that arena," Ralston adds.

Part of the program's logic holds that divorce cases can continue to drag on without pulling children along for the ride.

"Years ago you had to wait for the client to get tired of the process to settle a case," King-Gilreath remembers. "They either run out of money or run out of patience before they move on."

She said one man joked that he paid for the decorative glass in her law office foyer.

That's another perk of a faster case: Clients potentially save thousands of dollars, plus precious court time in a cash-strapped system. In some cases, King-Gilreath explains, lawyers do little more than handle the paperwork in a situation that two hostile parents agree on anyway.

"The quicker we get the custody part settled the better off these kids are," King-Gilreath says.

"They're not in the shrink's office, the principal's office or in jail."

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