

Keep Brandon Safe
By Benjamin Brown

A client came into my office one day. I think it was a Tuesday. He was an elderly gentleman, and the wrinkles on his face stood out even more starkly because of the worry that was plain to see. Let's call him Charlie. His apparent concern was for the safety of his 6 year-old grandchild, Brandon. Brandon's parents were both drug addicts who were constantly in and out of prison. The father was in prison as we spoke, and the mother's whereabouts were unknown. After a domestic violence incident between the parents the Department of Children and Family Services had placed Brandon in Charlie's care. Charlie explained all of this to me and the worry lines on his face deepened as he spoke, but his eyes were determined. He said, "I just want to keep my grandson safe."

Together, we drafted the petition asking that Charlie be given sole custody of the child, and that the parents have supervised visitation, assuming that they would ever even seek to exercise it. After filing the petition, miraculously, we managed to get both the defendants served in time for the hearing officer conference. On the day of the hearing, neither parent showed up to fight for their child.

Prior to the hearing starting, I was thrown a curveball. While talking with Charlie, he informed me in passing that he was not actually Brandon's grandfather. He was the maternal step-grandfather. That was a problem because it meant that he was not actually a blood relative to Brandon. Taken aback by this last-minute revelation, I asked him about the maternal grandmother. He hesitated for a moment, but then told me that his wife did not want anything to do with these proceedings. She supported him seeking custody, but said that "she had her children taken from her when she was young too and did not want her daughter to hate her for it."

Then came time for the conference. I sat down across from the hearing officer and I laid the facts of the case bare. I explained the history between all the parties and the current situation. I told him about their criminal history and drug problems and domestic violence. I told him how Brandon's mother allegedly mistreated him and had shown extremely poor parenting skills. Brandon had apparently been spanked after just asking for food. On one occasion, Brandon was found walking in the ditch near the road, wearing nothing but a diaper, while his mother was passed out drunk in the backyard.

After much discussion and deliberation, and despite the fact that Charlie was not Brandon's blood relative, the hearing officer recommended that Charlie be granted sole custody. No objection was filed by either parent and that recommendation became the order of the court on July 12, 2019. Before leaving the courthouse that day, Charlie turned to me and shook my hand. He said simply, "Thank you Mr. Brown." This time the lines creasing his face were from a broad and grateful smile.

Please note that names have been changed to protect the identity of clients.