

Case Study: Mother Awarded Sole Custody of Son Against Grandmother Despite Extended Separation

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In the case of Cynthia A. T. v. Glenn R. N., the issue was the custody of a young boy, Kyle R. T.. Cynthia, the boy's paternal grandmother, filed a petition seeking custody of the child, against father, Glen R. T., and Mother Sarah-Lee Z.. The mother cross-filed petitions against the father and grandmother, seeking custody.

Originally, the parents lived together, with their son Kyle. During that time, the father was found to be increasingly violent toward the mother and after one argument in 1998, he took their son and went to live with a friend. The mother was unsure where he had taken Kyle and was unsuccessful in attempts to locate him. A year later the two reconciled and the courts awarded them joint custody of the boy. Soon thereafter the relationship again crumbled and the mother left to live in Georgia, signing away her share of custody to the father. He moved with the boy frequently and seeing as the child could not receive adequate schooling, Kyle began living with grandmother in 2003, where he remained for two years until the parents agreed to have custody returned to the mother at the beginning of the 2005 school year. However, when the grandmother changed her mind, she commenced this case.

During the pre-trial hearings the court looked at the parenting abilities of all three parties involved. It became evident early in the hearings that there were significant lapses in the grandmother's credibility. She worked full time and suffered from dysthymia and Crohn's disease. These facts may have contributed to the reason she tended to pass the responsibility of caring for Kyle to her other son and his live-in girlfriend. None of the three thought very highly of either of the child's parents and made their disdain for them evident to the boy. As for the father, he lived a "nomadic lifestyle," was often abusive and appeared to be subject to various substance addictions. The mother was the only one both capable and willing to take care of Kyle, despite her previous inaction when the father took the child. The mother worked hard so that the two developed a genuinely close bond and began to share a "flourishing relationship." She also demonstrated no hostility toward the father, grandmother or father's brother and his girlfriend. She even expressed that she would like for Kyle to have relationships with each of his family members and promised to help facilitate such visits in the future. The court awarded sole custody to the mother.