

“State of Texas Argues To Retain Custody of 416 Children”

By Alicia Williamson on 5/19/2008

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As we watch from the outside looking in, it boggles the mind to learn about the details involving the children in the polygamous sect trial involving the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) in Texas. On April 14, 2008, in San Angelo Texas, the investigation of abuse was moved to a Texas courthouse, where the state is arguing to retain custody of 416 children that were removed from their parents. The children were taken and placed in temporary custody in a raid that began April 3 after a domestic violence hot line recorded a complaint from a 16-year-old girl. She said her 50-year-old husband physically and sexually abused her. A hearing to determine which cases will be addressed first and other procedural issues were set and Judge Walther has begun to address custody issues. The judge also ordered that fathers and mothers undergo DNA testing to establish parental relations. The tests were performed at a mobile testing lab outside the San Angelo Coliseum, where most of the children are being held. Texas bar officials say more than 350 attorneys from across the state have volunteered to represent the children for free.

Will The Children Be Better Off With Their Mothers?

No matter how you look at it, it's a painfully disturbing situation, as so many children have been uprooted from their families and everything they had known. And while many of us believe that children are always better off with their mothers, given the fact that the fathers behaved so badly, it's hard to know if returning the children to their mothers would be in the best of interest of the children. Three of the mothers involved in the polygamous sect have appealed to Governor Rick Perry for help in a letter. In the letter, the mothers from the FLDS claim that some of their children have become sick and even required hospitalization. They also claim that the children have been questioned about things they know nothing about since being placed in the legal custody of the state.

What Was In the Letter Written By The Three Women?

The one-page letter signed by the three women stated that about 15 mothers were away from the property when their children were removed. A quote from the letter is as follows: "We were contacted and told our homes had been raided, our children taken away with no explanation, and because of law enforcement blockade preventing the entering or leaving of the ranch, we were unable to get to our homes and had no-where to go. As of Wednesday, April 9, 2008, we had been permitted to return to our empty, ransacked homes, heartsick and lonely." The mothers requested that Governor Perry inspect the environments where the children have been placed. Further comments from the mothers were as follows: "Many of our children have become sick as a result of the conditions they have been placed in. Some even had to be taken to the hospital. Our innocent children are continually being questioned on things they know nothing about. The physical examinations were horrifying to the children. The exposure to these conditions is traumatizing them." According to officials, about a dozen of the children taken had chicken pox

and others needed prescription medications, but they didn't say whether any of the children were hospitalized.

An Emergency Order of Cell Phone Removal Was Issued

The children are being housed in San Angelo's historic Fort Concho and at the nearby Wells Fargo. About 140 women from the ranch are also with the children, although they are not in state custody. State officials have enforced a judge's order to confiscate approximately 50 cell phones from the women and children removed from the ranch. The emergency order was sought by attorneys' ad litem for 18 FLDS girls in the state's custody. In a copy of the order, lawyers said the phones should be confiscated "to prevent improper communication, tampering with witnesses and to ensure no outside inhibitors to the attorney-client relationship." Five FLDS women staying at the fort reported to the Salt Lake City's Deseret News that the temporary shelter is cramped and that many of the children are frightened. One FLDS member said the removal of phones is a punishment and a way to keep the children and mothers from disclosing what's happening within the confines of the Fort Concho.

The Custody Hearing

According to reports, the FLDS practices polygamy in arranged marriages that often pair underage girls with older men. The mainstream Mormon Church, the Church of Jesus Christ of Latter-day Saints, does not practice polygamy. At the end of the final day of a two-day custody hearing, Judge Walther said each child is entitled to another hearing on or before June 5, although the judge is not required to rule by then. The state has a year to make its case to take custody of the children, with a possible six-month extension. If officials fail to make their case in that time, the children will be returned to their parents. Bruce Perry, a child psychologist, testified that the traditional foster care system could be destructive to children taken from the sect's ranch. But he also testified that the children could be at risk if they are returned to the ranch. The representatives for the sect's girls ages 5 to 11 requested the children be returned to their parents, while state Children's Protective Services comes up with a long-term plan. The state's testimony before Judge Walther was meant to bolster the argument that returning the children to their parents would put the children in danger of physical and sexual abuse.

Progress in the Case is Slow

Progress in the case is very slow in what is believed to be the largest child custody case in the country's history. Watching quietly among the lawyers were more than a dozen of the sect's mothers, dressed in their trademark pastel pioneer-style dresses. Texas officials estimate it will cost the state about \$21 million in 2009 to care for the hundreds of children removed from the polygamist cult.

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