

Keeping Siblings Together

SEND IN THE CLOWNS?

Once a train leaves the station with this many lawyers on board, there is no turning back for anything as subtle and trivial as the psychological well-being of the child.

LAS VEGAS. — In her [Oct. 10 newspaper column](#) (*Las Vegas Review-Journal*. See our website for article link.), Jane Ann Morrison discusses a case in which a grandmother (Maria Lopez) has been given custody of five siblings and wants custody of the 6th, an infant. Both DFS and Judge Hardcastle denied this placement and have fast-tracked the infant for adoption in another family.

This is almost identical to a case whose court hearing I happened to witness on 7/14. I entered the courtroom just as the hearing began, and I failed to write down the caption or J number. It is likely that this was indeed the Lopez case, although I am not yet positive. ("Preponderance of Evidence" but not "Beyond a Reasonable Doubt.")

At the 7/14 hearing, the illustrious Steve Hiltz, lead attorney of the Children's Attorney Project, was petitioning the court to have a 2.5-year-old child placed with his older siblings, who were living together with a relative. I don't recall if it was a grandmother, and I am not positive of the gender and exact age of the child. I do remember, however, my strong emotional reaction to the attorney and his proposal.

Mr. Hiltz was representing the older siblings, and the basis for his motion was an NRS statute which gives preference for placing siblings together for foster care and adoption. This all sounds noble: The bond between siblings should be respected. In this case, however, it was not the right thing to do, and this hearing solidified my opinion of



Mr. Hiltz as a representative of Satan on Earth.

The toddler in question had spent virtually his entire life with his current foster parents, who intended to adopt him. To the child, these parents were the only Mom and Dad he had ever known. Mr. Hiltz was proposing that the child be forcefully removed from these parents and placed with siblings who he had no substantial bond with. Clearly, this was not the legislative intent of the statute.

Mr. Hiltz was *not* petitioning for a visitation right between the siblings, which would have been entirely appropriate. He

was asking, instead, for the wholesale rending of roots.

Hardcastle acknowledged the NRS sibling statute, but pointed out that placing the children together had been attempted at the beginning of the case but, for whatever reason, didn't work out. Now, 2+ years later, Hardcastle asked Hiltz what the remedy was for violation of the sibling statute. Was the solution to remove the child from his current parents, thereby breaking an established bond which also had a preference under Nevada law? Judge Hardcastle wanted legal precedents.

Mr. Hiltz had no answers except that he had had a meeting with his colleagues at the Batcave and they had all agreed that reuniting the siblings was the thing to do.

Hardcastle was not swayed. He wanted legal citations. He wanted formal Points and Authorities. A new hearing was set for Aug. 9 at 1:30 so Mr. Hiltz could assemble this research.

I returned at the appointed date and time hoping to see sparks fly and Hardcastle carve Mr. H. a new a-hole, but alas there was no hearing. (No one gives me notice of hearing changes.) The matter must have been resolved, I figured, or perhaps Mr. Hiltz requested more time to assemble his imaginary citations.

So... When I read in the newspaper about the poor Lopez children who have been deprived of access to their infant sibling and the cruel Dr. Evil on the bench who is keeping them apart, I am a tad suspicious. Is Mr. Hiltz involved in this case, too? Or is it indeed the same case?

According to the article, the grandmother in the Lopez case is represented by Clark County Legal Services, the parent of the Children's Attorney Project (CAP). Does this group *really* care about best interests of the children in this case, or are they just using the children as a tool to pursue their own agenda? The CAP program — which is supposed to represent a child's expressed wishes, not their needs or best interests — doesn't have much legal power except for this sibling placement law, so they are always flogging it and will use any excuse to try to beef it up.

I sometimes think people should be

assigned public defenders to protect them from the supposedly "free" public interest lawyers who graciously take their case. These groups always have agendas, and their help isn't necessarily in the best interest of their client. Frankly, whenever someone carries a child custody case "all the way to the Supreme Court," they don't really care about the welfare of the child. Instead, they have a personal or organizational ax to grind, and the kid is the stone they are doing it on. They would rather submit the kid and his family to months or years of litigation than find some practical solution that may not make everyone happy but that at least allows the children to move on with their childhood.

Now, attorneys from the Nevada Trial Lawyers, the Boyd School of Law and the Culinary Union have joined Clark County Legal in the Lopez case, defending the supposed rights of their various hypothetical constituencies. Once a train leaves the station with this many lawyers on board, there is no turning back for anything as subtle and trivial as the psychological well-being of the child. These warriors are pursuing the highest grail of lawyerdom: the making of case law. The child is their tool, their weapon and their prisoner until all of their clever appeals have been exhausted.

Suppose that these fine barristers win their case; what happens then? Are any of them going to do anything to help this single, aging grandmother on a kitchen worker's salary raise six kids? Are any of them going to check on the welfare of the Lopez children six months later, one year later, six years later? Hey, this is the internet age. Maybe we should collect the names and home addresses of the lawyers and keep

them informed of the long-term results of their court action. Maybe they will want to contribute something to the post-litigation Lopez project: perhaps some monetary assistance to help buy school clothes, or maybe they will give their time on weekends to act as Big Brothers or Big Sisters to the nearly parentless kids. These are GOOD lawyers, right?, so they are going to want to look after the kids, not just dump the case and run.

Let's not forget the Supreme Court hearing date: Dec. 12 here in Las Vegas. Could be interesting.

Oh, and I want to personally welcome our new and most courageous player in this case: Culinary Local 226. I am THRILLED to see such a high-profile family-oriented labor organization take an active stand on child welfare, where the issues are never simple. It takes COURAGE to get involved in such a controversial case, one that could so easily blow up in their faces and make them seem like villains. The defenders of child welfare always need more public recognition, and I think we should give the Culinary Union as much of it as possible.

Not everyone would want to tear a young child out of a stable home with the only parents he has ever known and place him with a stressed grandmother and birth siblings he doesn't know, but it's the principle of the thing, right?

Bravo, Culinary!

Bravo, Mr. Hiltz!

—Glenn Campbell