

## Courier News (Elgin, IL)

# Amendment to law reflects Elgin mother's struggles Child-custody hearing: State bill eliminates child representative's role in custody cases

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Page: A3

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SPRINGFIELD -- Illinois House Bill 360 may not mean anything to the average person, but it is a symbol of Norma **Perez's** struggle over the last three years.

HB360 amends the section of the Marriage and Dissolution of Marriage Act dealing with child-custody proceedings. Specifically, it eliminates the role of a child representative.

The amendment is the result of a November ruling by the Illinois Supreme Court dealing with the Elgin woman's child-custody case. Justices ruled her rights were violated because her attorney was not allowed to cross-examine the child representative assigned to her case. A DuPage County judge granted **Perez's** ex-husband, R. Edward Bates, sole custody of their daughter based, in part, on the representative's report.

While the ruling did not directly affect her custody situation, it helped change the law.

"I think it is a wonderful chance for all of Illinois' children," **Perez** said of the new law. "I hope to God no one else has to experience the pain my little girl has gone through."

The child-custody dispute between **Perez** and her ex-husband, attorney R. Edward Bates, has gained widespread attention. **Perez** found herself in an advocacy role as she went public about her experience in family court.

She lost custody in 2002 after a dispute in which Bates and court-appointed psychologists accused her of parental alienation syndrome. The syndrome is not recognized by the American Psychiatric Association or other medical associations.

The use of PAS against mothers in child-custody cases continues to be worrisome to **Perez**, and she hopes to make changes regarding the use of PAS in court. But, she said she feels the bill is a major step toward making reforms in family law.

Portion of old law struck down

**Perez's** attorney, Paul Feinstein, said the Illinois Supreme Court appeal focused on the legality of the child representative. The supreme court found that portion of the act unconstitutional.

Essentially, the bill remedies "the evil that we had complained about in Norma's case that a child's representative could provide evidence to the court yet not be cross-examined," he said.

Under the new statute, the child representative is an attorney, not a witness, he said. Nor can the attorney present reports to be considered as evidence, he added.

Feinstein said he was very happy the new legislation passed both the House and the Senate. He said lawmakers were very responsive to making the change. Because the Supreme Court did not outright strike the statute, the General Assembly initiated the change in the law.

Overall, he does not see major problems within the family law system, just a few areas where improvements can be made, he said.

"I think we can always work on improving the system," he said, "but sometimes it takes baby steps. Maybe this statute is one of the baby steps."

He said **Perez's** case has helped gain attention to an area of the law that was not fair.

"Norma's case got a lot of attention," Feinstein said. "Norma is a trailblazer in getting people together in raising public awareness of what's going on."

Area lawmaker involved

Her efforts included contacting state Rep. Linda Chapa LaVia, D-Aurora. Chapa LaVia met with **Perez** and a dozen other women with similar complaints about DuPage County family court. She said the situation is not as prevalent in Kane County, which formed a task force to deal with such issues.

The stories each woman told shocked her, Chapa LaVia said.

"The first step to trying to provide some relief is just to listen," she said.

Chapa LaVia acted as a networking source, helping **Perez** and other mothers contact legislators working on the amendment. Their experiences proved to her that family laws need to be overhauled, she said. Some legislators have begun trying to review the laws, she said.

**Perez**, meanwhile, recently received permission to have her daughter for two weeks at a time. She hopes to gain custody of the 13-year-old someday.

"I believe with all my heart that I will be successful," she said.

**Perez** said she is looking forward to being present when Gov. Rod Blagojevich signs the bill into law.

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