

Visitation and Order of Protection Litigation

In 2019, Ms. M was successful in obtaining a final order of custody granting her sole physical and legal custody of her son. Ms. M began experiencing abuse from the father of her son when she was 7 months pregnant. While she was pregnant, her former partner pushed her into the bathtub, causing her to have a premature birth. The abuse was on-going and severe, including hitting Ms. M, pushing her down stairs, and threatening to kill her. Their child witnessed several incidents of abuse and was initially afraid to see his father after Ms. M separated from him, which contributed to Ms. M being awarded a final order of sole custody.

Her former partner was granted visits with their son. During one of those visits the child reported a credible incident of sexual abuse. Ms. M also learned around that time that his father had beat him with a belt during one of the visits. Ms. M went back to court and filed a petition to modify visits. Luckily, she obtained an emergency suspension of visits. The case has stalled due to the pandemic, but the parties have returned to court and it appears the abuser intends to contest the modification petition and argue that unsupervised visits should continue. As part of this same proceeding, Ms. M has received a temporary order of protection on behalf of herself and her son and she intends to seek a final order of protection. Sanctuary would like to help Ms. M and her son obtain safety and stability by (i) obtaining a modified visitation order suspending all visits or requiring supervised visits only, (ii) obtaining a final order of protection for Ms. M and her son, (iii) obtaining an order allowing them to relocate to Pennsylvania, where they feel safer and have more economic opportunities. We would love to co-counsel with a pro bono litigation team to help Ms. M and her son. The case is in Kings Family Court, which is still virtual,. The next court date is September 29, at which point trial dates will likely be chosen.