

MEMORANDUM

Date: March 30, 1994  
To: Senator Dole  
From: Alec Vachon  
Re: Update/Washington Post Article on Kemp Custody Dispute

- \* On Monday, the Post ran a Metro section article about the Kemps (attached). In general, it rehashes the November 21st KC Star article (attached w/my memo), including allegations this office tried somehow to restore custody to the Kemps. Although more balanced than the Star, the Post is still offbase. Moreover, no one in this office has even been in touch with any of the parties (the Kemps, Kansas SRS personnel, lawyers, or others) since November. Also, as with the Star article, no comment from this office was included in the Post article.
  - \* The person behind this Post article is Sherry Marcy, John Kemp's wife. When she failed to win custody in court, she began a media blitz (as the Post correctly notes). John indicated to me in November he planned no further action himself. I also understand through the grapevine that the Kemp marriage is under serious strain.
  - \* You have not received any phone calls or mail on the Post article. As you may recall, despite the bias in the KC Star article, all 3-4 calls were favorable -- in part, because state child protective services have a poor reputation.
  - \* There is a silver lining. Because of this publicity and our inquiries, at least one little boy hopefully will not fall through the cracks -- unlike many other thousands of children at risk for child abuse.
- cc: M. Adler  
S. Burke  
C. Hine  
D. Stanley



# NW Woman's Battle for Custody Of Grandson Is in National Arena

By Jay Mathews  
Washington Post Staff Writer

Sherry Marcy remembers losing control in the Louisville airport. She had just heard that her grandson had been taken into court custody because of suspected abuse by his parents. She wept as she gripped the side of the airport pay phone and wondered if she could take the blond 3-year-old herself.

That was the fall of 1992—in her words “another lifetime ago”—when she became, like many other District grandmoth-

ers, a substitute parent for a grandchild in trouble.

child to his mother, Marcy's estranged daughter, leading to a bitter custody fight that has drawn attention from national child protection specialists and turned inside out Marcy's comfortable life in Northwest Washington.

Marcy's cross-country legal battle for her grandson has produced legal briefs asserting a national failure to protect children in court and angered Kansas City, Kan., officials, who believe they have been pressured by powerful Washingto-

nians friendly with Marcy and her politically connected husband.

For a year after the Kansas courts gave her custody of the boy, Marcy, 44, said she spent every day coping with a child who appeared so traumatized he barely could speak.

But this new life was disrupted in November when D.C. police, acting on the orders of the Kansas court, showed up unannounced at Marcy's Pennsylvania Avenue NW condominium to take the child and return him to his mother in Kansas.

Since then, Marcy said she has

See CUSTODY, B4, Col. 1



Sherry Marcy, with her husband, John D. Kemp, wants to regain custody of her grandson, 4, who was returned to her daughter in Kansas City, Kan.

BY TOM ALLEN—THE WASHINGTON POST



# Grandmother's Custody Fight for Boy Caught in Family Preservation Debate

CUSTODY, From B1

spent every day trying to get him back, charging that the Kansas authorities did not adequately investigate the child's situation.

The Kansas courts, meanwhile, have questioned Marcy's methods and ordered that she undergo a psychological examination—which came out favorable to her—while insisting that her daughter, a 25-year-old nurse's aide, be given a chance to prove she can raise the child on her own.

The custody struggle is tied up in the debate over the family preservation movement, which contends that children are best served when they can live with their biological parents while the entire family is counseled and monitored. Federal law provides financial incentives to jurisdictions that help mothers and fathers safely resume custody of children who had been taken from them.

"There was a recommendation by professionals who deal with parents who [feel the mother is] capable of parenting the child again," said Philip Sedgwick, the Kansas City lawyer assigned by the juvenile court in Wyandotte

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*"Hindsight may say that was the wrong decision, but until we give the parent a chance to be around the child, we won't know."*

—Philip Sedgwick

County as the child's legal representative. "Hindsight may say that was the wrong decision, but until we give the parent a chance to be around the child, we won't know."

Friends and neighbors of the boy and his mother in the Kansas City area say she has turned into a calm and kind caretaker of her son. Social service workers have reported no problems in the family.

Both the mother and her lawyer have declined to comment, saying they are bound by the juvenile court's privacy rules. The mother's and child's names are being withheld to protect the boy's privacy.

After the 4-year-old was returned to Kansas, Marcy began a series of vigorous protests. She sought publicity for the case, and her daughter's attorney unsuccessfully sought to have her cited for contempt.

Marcy is married to John D. Kemp, executive director of the United Cerebral Palsy Associations and a longtime friend and ally of Senate Minority Leader Robert J. Dole (R-Kan.).

Marcy divorced her first husband, the young child's grandfather, 19 years ago and worked as a restaurant manager in Kansas City before marrying Kemp, a lawyer also from Kansas. The couple moved first to Chicago and then to Washington.

Kansas officials have privately accused the couple of using their political connections to get the boy back. Calls from Dole's office were made to some Kansas officials to ask about the case, although one Kansas lawyer said a Dole aide assured him the senator was not taking

sides. Kansas judges were so disturbed by local publicity about the case that they sealed all juvenile case appellate records, Kansas officials said. One judge told Marcy to stop talking to reporters.

Marcy and her allies in the national children's rights movement have focused their attack on Sedgwick, the boy's representative. One issue is the lawyer's failure to attend a hearing on the boy's status. Sedgwick said that as a single practitioner with many clients, he had to have another lawyer attend the first hearing on the child's behalf, but he said the substitute was well-qualified. He admits that he did not interview the specialists brought in by Marcy who said the child should not be removed from her care.

It is a familiar scenario, some child protection specialists say. Lewis Pitts, a lawyer with the Legal Action Project of the National Committee for the Rights of the Child, has filed a legal brief on Marcy's behalf.

"The problem is this case is very common," Pitts said, "and what's common is the total lack of representation for the child. The parents get a full and vigorous representation and the child [does not]."

The child initially was taken by Kansas City area authorities when his babysitter, Brandy Closson, found bruises on his chest, back and neck, and puncture wounds on one leg. Although no criminal charges were brought against the mother or father, who have since divorced, social services officials obtained a court order removing the child from the home. His mother agreed to a program of parenting courses and counseling to control anger.

When the child was brought to Washington, "he was severely delayed in speech, language development and motor skills," said Kathryn Stafford, the head teacher at Washington's National Child Research Center's early intervention program, where Marcy enrolled the boy. "He displayed an abnormal distrust and terror of adults."

But after a custody hearing in October, the court rejected the arguments of Marcy's lawyer and the expert testimony he offered and ordered the child be returned to Kansas.

D.C. police took the child from Marcy's home without warning after she delayed his departure because his doctor said he should not travel with an ear infection. The boy was taken to a Washington hospital where he was examined and found fit for the trip.

Marcy's lawyer, Thomas F. Cullen, has appealed the order returning custody to the mother, who was remarried March 12, on the grounds that the child was not adequately represented by the court-appointed lawyer. "The Kansas statute has a fairly ambitious idea of what a guardian ad litem is supposed to do, and it did not happen here," Cullen said. The appeal is pending.

Meanwhile, Marcy and Kemp are permitted one-hour visits with the boy in Kansas City. The visits are monitored by a psychologist.

The daughter's new neighbors in a tidy suburb of well-kept duplexes southwest of Kansas City said she appears to be loving and friendly.

"She has always been very nice—and real calm," said Rachel Sprouse, a 23-year-old caterer who lives next door to the family and has two small sons. "I can only think of good things to say about them."