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## Michigan news

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### Adoption reversed, mom wins boy back

#### Michigan's top court admits case was tough

May 21, 2003

BY PATRICIA MONTEMURRI AND EMILIA ASKARI  
 FREE PRESS STAFF WRITERS

A 5-year-old boy must be removed from his adoptive parents and returned to his Grand Rapids area birth mother, who last cared for him when he was a 16-month-old toddler, the Michigan Supreme Court ruled Tuesday in what it called "an imperfect decision" with heartbreaking implications.

In a 6-0 ruling, the court said Kent County Probate Judge Patricia Gardner "clearly erred" when she terminated Melissa Kucharski's parental rights in March 2001 based largely on a therapist's one-hour assessment of an alleged attachment and bonding problem between the mother and child.

"I'm excited, pretty happy, kind of anxious," Kucharski said Tuesday evening. "I knew in my heart that if the right person heard my story, they'd know that I was done wrong, that it would turn out the way it did." The decision invalidates the boy's adoption. The court ordered the state Family Independence Agency to begin efforts to reunite the mother and the boy, Jacob, who has spent about three years with foster parents who later adopted him.

The adoptive parents, John and Deb Wordhouse of Grand Rapids, seemed shaken when a reporter talked to them Tuesday evening at their home. They had no comment before talking to their lawyer.

The issue recalls the wrenching and hotly debated Baby Jessica custody case of 1993, when courts ruled to take the 2-year-old from her Ann Arbor adoptive parents and give her to her lowa birth parents.

In a telephone interview from her Wayland home Tuesday evening, Kucharski said she was a 16-year-old student in Grand Rapids when she became pregnant. She said she had a marijuana problem but conquered it long before she lost her parental rights to her son when she was 19.

Since then, she has bought a house with her fiance, Derriek Rademaker. The couple have an 18-month-old son, Elijah, and a bedroom waiting for Jacob. She said she left it undecorated so Jacob can help pick the furnishings.

She and Rademaker both work at a Grand Rapids cookie factory. The couple plan to wed, and want Jacob to be in the wedding, but she said they were waiting for the legal issues around Jacob's adoption to end.

"If he does remember me, it will be the best day of my life," Kucharski said. "If he doesn't, that's going to be a little harder. But I think that he's going to transition just fine." In Tuesday's opinion, the court said Gardner seemed unduly influenced by the relative wealth of the adoptive parents, who also had been the child's foster parents, and wrongly terminated Kucharski's parental rights.

The child was 16 months old in April 1999 when he was taken from his mother because of her marijuana use. The boy was placed in a foster home, while the mother entered an inpatient treatment program.

After some initial problems, Kucharski got good reviews from social workers, a therapist and a psychologist about her progress in beating the drug problem, and in her interactions with her son. But one therapist, after a one-hour session with the mother and son, said the two didn't bond well.

Even that therapist acknowledged that "the mother had appropriate housing and employment, was able to care for herself, had completed an independent-living program and remained drug-free for over one year," the court said.

The therapist, Ywanna Richardson of Flint, testified that she was concerned about the boy's speech development and responsiveness to Kucharski.

Kucharski's lawyer argued that the boy's problems were the result of a hearing impairment. Once the boy had his tonsils removed and tubes placed in his ears in January 2002, his vocabulary skyrocketed, the lawyer said.

Richardson declined to discuss details of the case Tuesday.

"I've got 30 years of experience. I stand by my report," she said. Lora Holewinski of Grand Rapids was the Catholic Social Services caseworker who helped place Jacob with his adoptive family.

She said Kucharski lost the custody of the boy not only because of a drug problem, but also because she had poor parenting skills.

"One of the reasons he came to us was because of a lack of attention by the mother," said Holewinski, who no longer works for the agency. "She would leave him in a playpen for hours on end."

She said Kucharski moved out of the county to have her second child because she was afraid he would also be taken into foster care.

Of the court decision, Holewinski said, "it's just going to destroy Jacob. I don't think the government understands the attachment issue. I just feel so bad for Jacob and his adoptive parents."

The court said Kucharski "fulfilled every requirement" authorities put before her to regain custody of the boy.

"The fundamental right of a parent and child to maintain the family relationship can be overcome only by clear and convincing evidence, which, in this case, was not supplied by this single witness," the court said.

The court said Gardner appeared to be wrongly and unduly influenced by the relative advantages of the adoptive home compared to the mother's home.

Gardner could not be reached for comment Tuesday evening.

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