

LANDMARK TRIALS OF MODERN ETHICS

Important People

Blair, Jerri – Gregory Kingsley’s attorney.

Carey, Jane – One of Rachel Kingsley’s attorneys. She contends that her client lost custody of Gregory because she is not as wealthy as George Russ.

Glenn, Jennifer – Rachel Kingsley’s former sister-in-law. She testifies during the custody trial that the children were often left unsupervised and that Rachel Kingsley often had boyfriends over to her house.

Kingsley, Gregory, Jr. – Twelve-year-old boy, also known as “Gregory K.,” who hires legal counsel to break parental ties with his biological mother in order to live with his foster parents. He later takes the name Shawn Russ.

Kingsley, Gregory, Sr. – Gregory Kingsley’s biological father. He divorces Rachel Kingsley when Gregory is three. He is said to have a drinking problem, and he gives up his parental rights, preferring that the Russes adopt Gregory. He dies from a gunshot wound three months after the custody verdict, an act Rachel suspects is suicide.

Kingsley, Jeremiah – Rachel Kingsley’s second-oldest son. A victim of Tourette’s syndrome (see Vocabulary), he briefly testifies at the custody hearing, although he is only 10 years old.

Kingsley, Rachel – Gregory Kingsley’s biological mother. He is her oldest son; she has two others, Jeremiah and Zachary.

Kingsley, Zachary – Rachel Kingsley’s youngest son.

Kirk, Thomas S. – Judge in Gregory Kingsley’s suit who awards custody to the Russes.

Landrieu, Mary – Senator from Louisiana who sympathized with George and Shawn Russ’s plea for improvements in the foster care system.

Manning, Tom – Director of the Lake County Boys Ranch, a foster care facility in which Gregory Kingsley lives for a time in 1991.

Mays, Kimberly – Fourteen-year-old girl who, inspired by Gregory Kingsley’s case, successfully terminates her relationship with her parents, although she left her new parents only six months after the verdict. She married at 18 and eventually her child was placed in foster care.

Meldrum, Timmie, Jr. – Ten-year-old who sued his birth father in order to live with his deceased mother’s former partner, the man he calls Dad.

Morall, Harry – One of Rachel Kingsley’s attorneys.

Novotny, Chuck – The man seeking custody of Timmie Meldrum, Jr.

Russ, Lizabeth – Gregory Kingsley’s adoptive mother.

Russ, George H. – An attorney who becomes Gregory Kingsley’s adoptive father. He then represents Kimberly Mays.

Russ, Shawn – The name taken by Gregory Kingsley after George and Lizabeth Russ adopted him.

Welsh, Don – Fund raiser for the Lake County Boys Ranch.

Vocabulary

foster care – The care of children on a temporary, but full-time, basis by persons other than the child’s parents. Foster care sometimes leads to adoption.

New conditions bring new choices. Today, advances in technology and changing social norms force us to confront ethical issues that rarely arose in the past. Sophisticated medical devices can keep a patient alive in ways that were once impossible. But what if a patient—or a patient’s family—doesn’t wish these mechanisms to be used? Another concern involves the end of life—who decides when it occurs? If a terminally ill person chooses to die, does that person deserve medical assistance? Or how far can a child go when he believes his parents are abusive? Very often, such delicate questions must be decided in court. LANDMARK TRIALS OF MODERN ETHICS explores some of these remarkable cases.

GREGORY K. V. RALPH K.: CHILDREN DIVORCING THEIR PARENTS

When the intriguing legal case of the boy known as “Gregory K.” first burst upon the scene, it was sensationally reported as the case of the boy who wanted to “divorce his parents”—and that was a notion that most people dismissed as ridiculous. How could a child possibly be allowed, on his own initiative, to break with his parents and go to live with someone he liked better? The case, however, was much more complex and important than that. Gregory Kingsley became the first child in U.S. history to win the right to hire his own attorney and terminate his mother’s parental rights. Gregory was living in a foster home, believed that his mother had abandoned him, and presented strong evidence that she had been a neglectful parent. His case revealed flaws in the nation’s foster care system—one that oversees some 700,000 children, most of whom face bleak futures. The legal question became not does a child have a right to “divorce his parents”?—but does a child have the right to be heard in a court of law? In a custody case, shouldn’t a child’s opinion on where he or she wants to live have some bearing on the outcome? Gregory K.’s case set new precedents in the law regarding the rights of children under 18.

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Timeline

June 28, 1980 – Gregory Kingsley is born to Gregory Kingsley, Sr., and Rachel Kingsley.

1990 – The state of Missouri finds that Rachel Kingsley is providing little stability for her children. Rachel then moves to Orlando, Florida, where she voluntarily puts Gregory into foster care.

October 1991 – George and Lizabeth Russ become Gregory Kingsley's foster parents.

July 9, 1992 – Circuit Judge Thomas S. Kirk, citing the Florida state constitution, rules that Gregory Kingsley has the same right to protect his fundamental interests in court as an adult and that he has legal standing to file suit.

September 25, 1992 – After a two-day trial, Gregory Kingsley wins his case and custody is awarded to the Russes. Judge Thomas S. Kirk rules that "by clear and convincing evidence, almost beyond a reasonable doubt," Gregory had been abandoned and neglected and that it is in his best interests to be separated from his biological mother.

August 18, 1993 -- In Sarasota, Florida, Judge Stephen Dakan rules that Kimberly Mays, who had been switched shortly after birth with another baby, is not required to have any contact with her biological parents. Kimberly Mays's attorney is George Russ (see Important People).

May 13, 1994 – Judge Stephen Dakan approves a settlement giving parental rights to Ernest and Regina Twigg, Kimberly Mays's biological parents. Kimberly reportedly had been experiencing conflicts with Robert Mays, who had reared her since birth. According to the settlement, Kimberly was to live with the Twiggs until she became 18 or asked to leave. Robert Mays was granted visitation rights and was to share legal guardianship of the Kimberly with the Twiggs.

March 13, 2000 – The contending parties in the Timmie Meldrum case agree to a solution in which Timmie will remain in the legal custody of Chuck Novotny with summer visitation for two months with his biological father in Illinois.

Internet Resources

<http://www.msu.edu/~marcumda/law.htm> – A page entitled "Legal Aspects of Child/Parent Divorce Involving Abuse" that discusses some of the issues raised by Gregory Kingsley's case.

<http://www.nfpainc.org/> -- Web Site of the National Foster Parents Association, a good source on issues related to foster care.

<http://fostercare.org/FPHP/> -- The Foster Parent Home Page, with links to other sites regarding foster care.

<http://silvafoundations.hypermart.net/legislation.htm> – A site that advocates reform in foster care legislation.

http://www.casey.org/cnc/policy_issues/foster_care_today.htm – A detailed paper by two social workers on "Foster Care Today," with an extensive bibliography.

<http://www.childrensrights.org/index.html> – Web site of an organization promoted to protecting the rights of children.

<http://www.cnn.com/US/9906/25/mays.hearing/> -- From CNN, an update on the Kimberly Mays story.

<http://www.argusleader.com/meldrum/Wednesdayfeature.shtml> – From a Sioux Falls, South Dakota, newspaper, a recent story on Timmie Meldrum. See this site for other articles on his case.

<http://www.hearmyvoice.org/chron/timmie.htm> – From a Web site devoted to the Timmie Meldrum case, a chronology of the events.

Things to Think About

Many conservatives saw the Gregory K story as a case of children's rights going too far. They argued that if a preteen could separate from his mother, why wouldn't other children try to "divorce" parents whose rules they didn't like? On the other hand, many liberals and children's advocates maintained that courts should get away from the traditional notion that children are their parents' property and instead expand children's legal rights. Where would you stand in this argument?

Some observers of Gregory's case felt that he would have indeed been better off with his foster parents but believed that an adult should have filed suit on his behalf. Do you think some children are competent enough to pursue legal actions in their own names? Do you think Gregory was an unusually mature child and that his case therefore cannot apply to most other children?

Was Gregory Kingsley really "divorcing" his parents, as so many media reports put it? If not, what does this tell you about the media? Do you think they sensationalized his case and, in so doing, distorted it?

George Russ is now an advocate for a Children's Rights Amendment. Based on your watching of the documentary, do you think such an amendment is needed?

Rachel Kingsley says that Gregory has lost his family roots. Do you think that is an important deficiency in his life today, or would you argue that it is largely irrelevant?

If you were Shawn Russ today, would you listen to your mother's plea and go to visit her and your brothers? Or would you think it better for you if that life were to be kept in the past?

Jane Carey, Rachel Kingsley's attorney, argues that Rachel lost her case ..because she was poor and the Russes had more money. Do you think ..judges can be unfairly prejudiced by assuming that wealthy parents can ..offer children more than poor ones? Or do you think that, in ..general, children are better off in families with a higher income?



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Other Resources

- Barbell, Kathy and Wright, Lois, eds. *Family Foster Care in the Next Century*. Transaction, 2001.
- Curtis, Patrick A., et.al., eds. *The Foster Care Crisis : Translating Research into Policy and Practice*. University of Nebraska Press, 1999.
- Desetta, Al. *The Heart Knows Something Different: Teenage Voices from the Foster Care System*. Persea Books, 1996.
- Edmonds, Beverly C. and Fernekes, William R. *Children's Rights : a Reference Handbook*. ABC-CLIO, 1996.
- Evans, Bonita. *Youth in Foster Care : The Shortcomings of Child Protection Services*. Garland, 1997.
- Hawes, Joseph M. *The Children's Rights Movement : A History of Advocacy and Protection*. Twayne Publishers, 1991.
- Hempelman, Kathleen A. *Teen Legal Rights*. Greenwood Press, 2000.
- Jacobs, Thomas A. *What Are My Rights? 95 Questions and Answers About Teens and the Law*. Free Spirit, 1997.
- Martin, Judith A. *Foster Family Care: Theory and Practice*. Allyn & Bacon, 2000.
- Walker, Nancy E. *Children's Rights in the United States: In Search of a National Policy*. Sage Publications, 1998.

Two TV movies based on Gregory Kingsley's case aired in 1993. "Gregory K" starred Joseph Gordon-Levitt as Gregory Kingsley, and "A Place to Be Loved" starred Richard Crenna as George Russ and Rhea Pearlman as Jerri Blair.



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