

Father's rights — at heart of legal dispute

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day in the delivery room, we were inseparable."

A PLEA to the Court of Appeals to reverse Kuhn's decision has been made by attorneys Richard Victor and Michael Robbins. An answer from the Appellate Court is expected Tuesday.

"Atkinson has been put in the position of being a third party in a case involving his own son's best welfare," Robbins said.

"There has never been a case like it before in Michigan, and if we wanted a test case, a Hollywood scriptwriter and casting office could not possibly have given us better material," Victor said.

"This man has neighbors, a day-care provider, and even a (former) sister-in-law who have called us voluntarily to testify as to the excellent relationship he had with his son."

"We call him 'his son,' and we will continue to call him 'his son' because we believe he is his son."

The Birmingham lawyers were sought out by Atkinson because of their national reputation for fighting for the rights of grandparents and step-parents where — because of divorce, death or adoption — the adults were legally separated from the minors.

"IF THIS is going to take the enactment of a new law, we will pursue that. Lawyers generally can't pick their clients, but we picked this one. An injustice has been done, and we're not giving up," Victor said.

"All Michigan law involving custody cases is written for the inherent rights of the child, yet this child was allowed to lose — or had taken from him — the only daddy he has ever known," Robbins said.

Harold Atkinson, a consultant to Ford Motor Co. on banking and portfolio management, custom built his Farmington Hills house as well as the playground equipment in the back yard for his preschool son.

His former wife is part-owner and operator of a local travel agency. Her job took her away from home, sometimes for a month at a time, which, Atkinson said, "only strengthened the ties between me and my son."

"It gave us time to be alone together, time to bond, time to play, time to learn."

When contacted, Terri Atkinson preferred that her attorney speak for her. Requests to speak to Farmington Hills attorney Paul Hartig went unanswered.

HAROLD ATKINSON filed suit

for divorce when, he said, his wife told him she was going to South Africa with the child.

Atkinson said he asked for custody of the boy to prevent being separated from him, and asked for a court order to prevent his former wife and the child from leaving the country.

The injunction was issued, but Terri Atkinson did make the trip to South Africa with the child.

"When we asked the court to enforce the order, to hold her in contempt, hold her responsible for her violation, we were denied," Victor said.

Harold Atkinson's attorneys were denied entering the testimony of psychologist Jane Haynes, who signed an affidavit stating that "denial of visitation or removal of the minor from the state would be extremely detrimental, both emotionally and psychologically, to the minor child and the plaintiff-appellant."

The court denied a request to have the child represented by an attorney, according to Harold Atkinson's lawyers.

"The laws are there for the protection of the child, yet no one was representing him and his right to have a father," Robbins said.

ATKINSON RAN into Catch 22s

along the divorce route. He sold his Farmington Hills house by a court order to divide assets between the two parties. One of the reasons given for his not getting custody of the child was that he had changed residences, he said.

Early on in the divorce proceedings, Atkinson's visitation rights were restricted to 25 hours every two weeks. Another of the reasons given for his not getting custody, he said, was that he hadn't lived with the child consistently for more than two years.

When asked if he was optimistic about having the Michigan State Court of Appeals review his case, Atkinson said: "Optimism has nothing to do with it. I will never give up. There is no doubt about that."

"My responsibility to my son goes far and away beyond the court system."

Robbins' question now is, "Where does this man fit into the court system?"

"The word 'parent' is not well defined in Michigan law, and psychological parent is not mentioned at all," he said.



Harold James Atkinson (center) is flanked by his attorneys, Michael Robbins (left) and Richard Victor. The Farmington resident has been denied visitation rights to the child he and his wife had since the boy's birth.

Military crash kills local grad

By Bob Sklar
staff writer

An Army flight training instructor from Farmington Hills — killed in a crash during a military training accident — held "very high standards," said a captain at Fort Campbell, Ky. Chief Warrant Officer II Philip R. Kennedy, 26 — who joined the Army following graduation from Farmington Harrison High School in 1978 — was one of two pilots who died when a Cobra Gun Ship crashed during a late-afternoon training exercise June 12 at Fort Campbell.

Kennedy, who recently earned a meritorious service medal, was the senior pilot. The cause of the crash continues to be investigated.

"There are pilots and then there are pilots. Phil was very good. He was tough to fly with because he set such high standards," said Capt. Richard Esposito, also a member of the 101st Airborne Division (Air Assault).

Esposito, who flew a similar training mission two mornings earlier, said Kennedy and his co-pilot "were supporting ground troops by providing aerial cover when they experienced some kind of in-flight emergency."

AT THE TIME trouble developed, the two were flying close to the ground and close to the trees — both typical training techniques. They also were flying into the sun. The chopper clipped a tree before crashing, Esposito said.

"A lot of times when you experience an in-flight emergency, you have one slight chance of putting the helicopter on the ground in one piece," Esposito said.

Esposito characterized Kennedy as "a good guy who lit up a room when he came in." Esposito said Kennedy family members had told him "all Phil ever wanted to do was fly."

In June, Kennedy received an Army Meritorious Service Medal. It honored his handling of successive assignments as a pilot and an instructor pilot for Company A, 229th Attack Helicopter Battalion, of the 101st Airborne Division.

"His leadership, professionalism and aviation expertise contributed significantly to the unit's high level of combat readiness," read the accompanying proclamation.

It added that Kennedy's initiative and devotion to duty "earned him the respect and admiration of all with whom he served."

LAST DECEMBER, Kennedy was awarded an Army Achievement Medal for his efforts in initiating and coordinating aeroweapons gunnery and training for an aeroweapons platoon during a November training exercise.

Kennedy "quickly demonstrated initiative and a professional 'can-do' attitude, which enabled him not only to qualify all the platoon's pilots but also earned him the accolades of all those who worked with him," the accompanying proclamation read.


Kennedy was a member of the Army Aviation Association and the Association of the U.S. Army. He

was a former member of the Civil Air Patrol.

He is survived by his wife, Ann; his parents, Philip and Catherine, of Farmington Hills; his grandmother, Catherine Ustick of Detroit; and three sisters, Cathy Pate of Highland, Pamela Thomas of Parma, Ohio, and Diane Brooks of Farmington.

Services for the Highland native were held Thursday at Thayer-Rock Funeral Home, Farmington. The Rev. Charles Beynon of First United Methodist Church, Birmingham, officiated. The honor guard came from Fort Sheridan, Ill. Burial was in North Farmington Cemetery, Farmington Hills.

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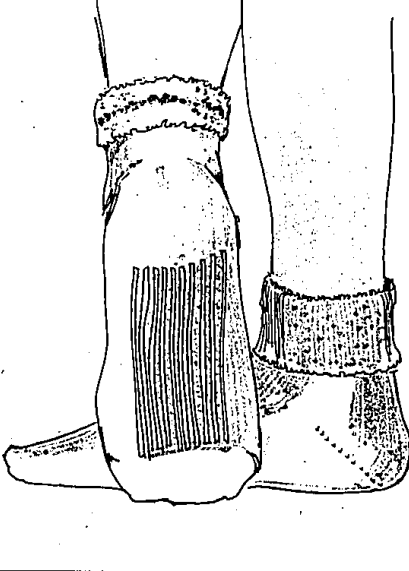
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