

Judge defends impartiality in Cuban-child custody case

Her reelection effort will play no part in her ruling, said the judge who will decide the fate of a 4-year-old Cuban girl caught in an international custody dispute.

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A week before she is to preside over one of the most controversial child-custody trials held at Miami's juvenile court, the judge at the center of the dispute vehemently defended herself Monday against allegations she might be susceptible to political pressure.

Miami-Dade Circuit Judge Jeri B. Cohen, who has been on the bench since 1992 -- mostly in dependency court -- will decide whether a 4-year-old girl will return to Cuba to live with her birth father or be raised in the Coral Gables home of the foster parents who have cared for her the past 16 months.

Reacting to an e-mail sent last week to the attorney for the girl's birth father, the judge insisted in a hearing Monday that she would hear the case impartially, and would rebound and find a new legal challenge if the outcome of the case proved unpopular. Cohen is up for reelection in 2008.

"I am not worried about reelection; I am worried about doing the right thing for everybody involved," Cohen said. "Anyone who thinks I would make a decision based on an election doesn't know me."

In the e-mail to attorney Ira Kurzban, Andrew Lagomasino, the father's therapist, suggested the father's legal team consider finding someone to write a letter to the editor to "generate community support" for the father's side.

"I have thought of some creative things to see if we can show the judge that she won't be defeated in the election if she sends [the girl] back to Cuba," Lagomasino wrote in his e-mail.

Jason Dimitris, the Department of Children & Families' chief of staff, who is spearheading the state's case against the father, gave Cohen a copy of the e-mail, calling it "very disturbing to us." The DCF is seeking to prove the birth father is unfit to raise the girl.

NO 'PRESSURE'

Cohen immediately dismissed the e-mail and the notion that she was under any "pressure" to rule against the girl's father, a farmer and fisherman from Cabaiguán in central Cuba.

"The election plays no part in the way I rule in this job," Cohen said. "The only thing I have is my integrity. I am intellectually honest, and I have integrity. You all have to understand that."

The curly-haired girl at the center of the battle made a surprise appearance of sorts Monday when Cohen agreed to play two short home movies videotaped during two overnight visits the girl had with her father. The birth father is in Miami with his wife and another daughter to fight for custody.

The first video, shot about two weeks ago, opens with the girl and her older half-sister playing with the camera. The video shows a white tile floor and two little girls' toes, and jerks wildly for a few minutes before an adult takes hold of the camera.

"Whoever shot this video better not quit their day job," the judge quipped.

In the next scene, the girl, dressed in a pink print shirt and shorts, is playing in a bedroom with her half-sister and father. "What do you see?" the father asks. "I see you're chubby," she responds.

Later, the camera rolls as the father plays hide-and-seek with the two girls.

HALF-SISTERS AT PLAY

In the second video, taken during the girl's first overnight visit earlier this month, the two girls frolic in a pool with the birth father's wife, singing songs in Spanish and pushing each other repeatedly into the water.

The tape contrasted sharply with the testimony of two court-appointed psychologists, Miguel Firpi and Julio Vigil, who expressed some concerns last week that the girl appeared hostile to her father during an overnight visit. The girl had a cold, they said, and resisted attempts by the father to interact.

"The child did not come to the meeting in a good mood," Vigil said. The girl, he added, "was not pleasant. She said she didn't want to meet [her father]. She said she didn't love him. She said she didn't want to go to Cuba."

Nevertheless, both of the therapists agreed that the visits, even the unsupervised sleepovers, should continue, because the girl needs to acclimate herself to her dad if they are to be reunited in the future.

MORE MOVES

In other developments Monday:

- Alan Mishael, the attorney for the girl's foster parents, filed a motion asking the judge to lift a gag order that prevents anyone involved in the case from speaking to reporters. He said the secrecy order violated constitutional protections of free speech and had resulted in "manipulative" coverage by The Miami Herald.

His request will be argued in court Thursday.

Mishael also thanked the judge for allowing his client -- the girl's foster father -- to be a party to the upcoming custody trial, which means Mishael will be able to take statements and cross-examine witnesses.

- Kurzban, the birth father's attorney, complained to Cohen that advocates for the child, including her foster-care caseworker, had failed to alert the judge when the girl showed up for a visitation with a "hematoma" on her head.

The caseworker, Maria Zamora, insisted in court that the injury was no more than a "bump" that resulted when she fell off a sofa and hit her head.