

Taking aim at wallet in battle for custody

Ex-husband faces
\$2.5 million suit

By Nancy Hill-Holtzman
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Michel Ward hasn't seen her only child since February and she wants to make her ex-husband pay for it.

Cassidy allegedly has been stolen for the third time by his father, a leader of the Eternal Flame, a religious sect headquartered in Arizona that preaches it is possible to live forever, Ward said.

Though Ward has legal custody and an April 30 court order demanding 13-year-old Cassidy's return, her ex-husband, James Strole, has shown no signs of complying and denies he has done anything other than rescue his son from a woebegone life of fast food and TV dinners.

While awaiting the sluggish family law remedies available to a parent in this predicament, Ward's attorney, J. Michael Kelly, decided to get the errant father's attention where it hurts — in his wallet.

Using a new criminal statute on child stealing as muscle, Kelly filed a civil lawsuit recently in United States District Court asking \$2.5 million in damages.

"What we want is to make it a financial disaster for someone to steal a child," Kelly said.

Kelly said he believes this is the first such civil suit based on the child-stealing law that went into effect Jan. 1, 1985.

The new Penal Code section makes abducting a child in violation of a custody decree punishable by up to three years in prison and a fine of \$10,000.

Kelly said the law is a wedge that can facilitate a civil damage suit by cutting through the previously difficult task of proving to a jury that absconding with one's own child is a crime.

Cheryl Ward Smith, a special assistant in the district attorney's office with oversight responsibility for family support, said that before the new law went into effect, "There were many situations where we couldn't act or where we had to go into court and get a custody order by which time the (child-stealing) parent would be even further away.



Michel Ward: "I dropped him (her son) off at school and haven't seen him again."

"We were wasting many months," she said. "With the new law we can act immediately."

She said that the kidnapping statute was and remains "difficult to use because it talks about forcible stealing, and generally kids like both of their parents, so we couldn't claim it."

She said a string of successful civil suits under the new law with stiff damages "would certainly have an impact" because parents who take their children are typically affluent.

"A large percentage of child-stealing cases involve middle- or upper middle-class people with property, resources and the ability to move about," Smith said.

If the child has been moved across state lines, the suit can be filed in federal court, a marked advantage because the case can be brought to trial within a year. In state court, Cassidy would be a grown-up before the damage suit would get to trial.

Cassidy has asked his mother to

stop trying to get him back because he wants to live with his father.

"It's my heart's desire," Ward quotes her son as saying.

Since Ward knows the phrase is a cornerstone of the religion, she believes Cassidy has been brainwashed and has investigated deprogramming him.

The 31-year-old Santa Monica resident describes Strole as charismatic, good-looking and well-dressed. "He gets adults into this. It's been his business for 14 years."

Strole denies having abducted or brainwashed his son. "It's all a lie. I have definite proof to the contrary and it will come out if we ever get to court," he said.

In an affidavit filed the first time Cassidy was taken to Arizona, the boy claimed he was unhappy at his mother's house because he was left to cook his own frozen-food dinners or eat fast foods. The affidavit claimed he was left alone frequently during the evening and had to join a neighborhood gang for self-defense.

Ward categorically denied the boy's claims and filed a fistful of testimonials praising the home life she and her live-in mate shared with her son.

However, Strole said his son's unhappiness and continual threats to run away from his mother's house gave him no alternative. "I wasn't going to let him run the streets of Los Angeles," Strole said.

Whether the boy ran away under his own volition, as Strole asserts, or whether his "runaway" was a skillfully orchestrated ruse, as Ward contends, is legally insignificant, said Smith.

It's child stealing, all the same. An arrest warrant recently was issued for Strole, who is out on \$10,000 bail.

Strole calls the court order invalid and said he is not returning his son. "My attorney is moving to get the (order) overturned," he said.

Despite numerous phone requests asking for an explanation of his client's legal position, Strole's attorney, Roger Shafer, could not be reached for comment.

Disregard for the law is a common trait among parents who abduct their children, Smith said. "They are people used to manipulating the system to their own advantage ... well-to-do people used to running their own lives."

Kelly alleges that the practices of the Eternal Flame sect, such as the potential for eternal life on Earth if one sheds the trappings of a death-centered culture, makes it an unsuitable environment for a child.

"To put a 13-year-old in the middle of a group like that is obviously detrimental to his mental health," Kelly said.

Ward, who has been divorced since 1973, said her problems began early last year when a visit with his father left Cassidy markedly changed. As a sworn affidavit from a friend of Ward's puts it, "the obvious change in character from that of an outgoing, open, laughing, inquiring pre-adolescent to a dissembling, distant, uncommunicative, almost sullen child was startling, to say the least."

Then, last June, Cassidy disappeared for the first time. The most recent abduction was Feb. 2.

"I dropped him off at school and haven't seen him again to this day," she said.

Ward, who manages the assets for a real estate syndicate, estimates her struggle has cost her \$24,000, much of which she still owes.

Kelly believes Strole will more likely respond to the prospect of a large monetary judgment against him than he has to "some judge 400 miles away saying, 'Bring the child over.'"

Meanwhile, Ward waits and worries about her son. "What hurts me most is keeping my hopes up," she said.

"I hope I haven't lost him."

Leo Janczko/Herald photographer