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Subject: Re: Regaining Momentum

Posted by [artisticrainey](#) on Tue, 24 Jul 2012 00:04:33 GMT

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"This initial hearing for the custody of Joshua Aaron Kelly is hereby called to order. You may sit."

The white-haired, elegant judge sank gracefully into her seat, and the two parties followed her lead -- Dominic and Mike Lavender on one side of the gleaming dark wood table, and Margaret and her lawyer, a Mister Todd, on the other. Dominic felt as though his throat was closing in, and dearly wanted to unbutton the collar of his pristine, starched white shirt. It felt wrong to be sitting with a straight back in a fancy office, wearing a suit otherwise reserved for weddings and funerals, facing off against his ex-wife, with his abandoner father waiting outside. He gulped as discretely as possible; there was no room for nerves.

He glanced across the table to Margaret as the judge was sifting through her papers. She looked older than he remembered from their very brief meeting in February; years older, in fact. But his examination ceased as the judge cleared her throat.

"Let's get started. Parties assembled are Dominic Aidan Kelly, the child in question's current guardian, and his lawyer, Michael Samuel Lavender; and Margaret Allison Houston, the petitioner, and her lawyer, Ernest Mitchell Todd. Firstly, let's have a run-down on the situation. Mr Kelly, you have had sole custody of the child since the fifteenth of December 2065, is that correct?"

"Yes ma'am," Dominic replied. He was glad his voice hadn't cracked.

"And Ms Houston, you have had no contact with the child since the day of his birth, that being the same day as Mr Kelly became sole custodian, correct?"

Margaret paused for a moment, before answering, "That is correct, ma'am."

"And you are now suing for sole custody of the child, correct?"

"Yes ma'am."

"Okay. Now, first of all, I'm going to ask Mr Kelly to describe to us the situation that Joshua is in currently. I'm going to ask you a few questions, Mr Kelly, and you need to answer as truthfully as possible, otherwise if on further investigation by the court you are found to be lying, your case may be damaged. Understood?"

"Yes, ma'am." Dominic's heart was beating in his throat, and he gulped again.

"All right. Mr Kelly, could you describe to us the characteristics of your home, including location, access to amenities and so forth."

"Well, your honour, myself and my son live off shore on an island owned by my employer, Mr Jeff Tracy, owner of Tracy Industries. I'm a nurse registered at the practice there -- it's a small community. I guess that means it's not particularly close to a lot of amenities, but the island is fully kitted out for those of us who live there."

The judge's face remained impartial, and she was taking notes down in a data padd.

"Elaborate, please."

"Well, there's a school room and satellite links to schools in New Zealand for the kids who're living there, so education won't be a problem. The medical suite is capable of handling everything from in-grown toenails to appendectomies -- with a highly qualified doctor and surgeon working there, as well as myself and another nurse. We live in a new, modern apartment; Joshua has his own room and plenty of space to explore. There are beaches and gardens, even a swimming pool, plus plenty of people to interact with. There are a few lovely ladies who baby-sit him while I'm working, and, well, he's pretty much loved by everyone."

"I see. Does he have any companions of his own age?"

"Well, no, your honour. He's the youngest child on the island. But he's never stuck for company. As I said, there are children there, though they are a little older, but he has plenty of 'uncles' and 'aunties' to play with."

"Okay, thank you, Mr Kelly. Now," the judge continued, "can you tell us of any new significant relationships you might have, and how they effect Joshua's life?"

"Well, uh," Dominic felt himself colour slightly, but didn't really know why, "there hasn't been anyone at all since Joshua was born. It's just been he and I."

"All right. Now, third question: how would you say that the child is doing in his current home?"

"Oh, Joshua's doing just great." Dom felt a smile try to creep onto him face, but he restrained it. "He's twelve kilos in weight, around eighty centimetres in height, and he's just...happy. He loves the sunshine, and all the people he can play with. He's been taken to explore rock pools, for walks on the beach, quiet time on the shore. He is, as I said, happy."

"Okay. Now for my last question: you said that the child was cared for when you're at work. How does he react to this?"

"Well, he's always happy to go, and he never seems upset. The ladies tell me how he's gotten on every day, how he's been feeding and such. As far as I'm aware, he likes it just fine."

"Okay, thank you, Mr Kelly."

Dom glanced at Mike, who was sitting on his right side, and the man smiled almost imperceptibly at him. The lawyer's eyes seemed to congratulate him. Dominic relaxed a little.

"Now that we've heard from the child's current guardian, I'd like to hear from the petitioner. Ms Houston, I'm going to ask you to answer the same questions about how you would be able to provide for Joshua. As I said to Mr Kelly, if your answers are later found to be incorrect, your case may be damaged. Firstly, a description of your home and how the child would be housed."

Margaret raised her left hand to clear her throat behind, and Dominic's eyes were immediately drawn to her ring finger -- or rather, her lack-of-ring finger. The huge engagement ring she was wearing was gone. He kept his face impassive, but couldn't help wondering why it wasn't there.

"I live with my parents in their spacious house here in Wichita. He would have his own room and a huge garden to play in. We live in a suburb, and the school systems are excellent, some of the best in the state. We're not too far from several hospitals, including the Tracy Airbase Hospital -- which isn't solely for the company -- where I currently work. We're close to parks, pools, playgrounds, day care centres, everything he could want."

"Okay. Thank you. Now, what about any significant relationships you might have, Ms Houston?"

"Well, I've recently split from my former fiancée, but there is no one else right now. I'm fully committed to building up a relationship with my son, rather than someone else."

"All right. Final question for you: how would you describe your working hours or a typical day in your life?"

"Well, your honour, as I said I work at the Tracy Airbase Hospital just outside of Wichita. I'm training to be an ophthalmic surgeon. My hours are rather long, but they're regular. Any time not working, I'd be dedicating to my son."

"Okay."

The judge was typing up a few more notes, and Dominic didn't feel as if he could even look at Margaret. What a pile of you-know-what. Dedicated to Joshua? She certainly didn't feel that way when he was born!

"Now that we've heard from both parties, I'd like to give my opinion on the situation regarding Joshua Kelly from what you've both told me. After that -- and only after -- you may raise any questions or comments that you have on my take. Understood?"

There was a general murmur of "yes, ma'am," from around the table.

"It is my understanding that the child in question is thriving in his current home with Mr Kelly. He is healthy, happy, and well-cared for, with adequate social and recreational facilities, though there is an issue of not having any peers. From what Ms Houston has told me, the same could be said of the situation she could provide for Joshua. You are both medical professionals with working lives, but also with apparent facilities for the care of the child whilst at work. Ms Houston may have the benefit of being closer to playmates of the same age for Joshua, but he does not appear to be suffering in his current situation."

Dominic's fingers clenched together tightly as the judge briefly paused in her rhetoric.

"My recommendation is that the home of each party is investigated by a social worker of this court to confirm or deny any of the information given in this hearing, and that we will reconvene in seven days' time in order to discuss the results, and further this custody appeal. Any questions?"

Mike Lavender sat forward in his chair.

"Your honour, is an investigation strictly necessary? My client has been one-hundred percent truthful in his answers."

"I would not have suggested it if I didn't deem it necessary, Mr Lavender," she said tartly. "We have no evidence of the situation from either party, but both are deemed suitable. The investigation will further my understanding of this case, and allow me to make a decision based on what is best for the child's welfare -- which is paramount to this court. Anything else?"

"My client has no questions at this time, your honour," Ernest Todd said simply, before lapsing into silence again.

"All right, you'll both be receiving further communication from this court as to the visits, and to confirm the next custody hearing. I call this meeting to a close. Good afternoon."

All around the table rose as the judge did, and she quietly swept out of the room.

Mr Todd stood and pulled Margaret's chair out for her, and she rose gracefully. Ernest motioned for her to leave in front of him, and Margaret inclined her head in thanks. Just before she crossed the threshold, she stopped and turned to lay her green eyes on Dominic with contempt.

"I will get my baby back. And he won't leave me, and he will love me."

After that she was gone, Ernest trotting after her. Mike laid a strong hand on Dominic's shoulder. He could feel the man shaking with rage.

"She's full of it," he said. "There's no way she'll get sole custody. No way."

Dominic swung around and glared up at his lawyer.

"You also said it wouldn't get any further than this. Now I have to prove to some snobby social worker that I'm a fit parent, when I already know I am?"

Dominic stalked out of the room and back down to the ground floor waiting area. On seeing his son's livid face, Matthew stood, his face lined with worry.

"Dominic, what happened?"

"You!" Dom bellowed. "You're no better than her, no better! You think that you can waltz back into my life after years of busting my arse to try and care for the woman you abandoned! You left me! You didn't care! And now you try to make up for it with your money, and your -- your stupid food! Well you know what? That's not what I want from you!"

Dominic strode from the building in a rage, but a little voice in the back of his head was already berating him for what he had done. It wasn't Mike's fault the case didn't go your way... Matthew's trying to make up for things... You're just a punk-ass little brat... As the voice got louder, Dominic found his energy depleting, and eventually he stopped. Matthew lumbered up behind him. There

was silence for close to a minute, before Matthew spoke.

"You don't know how much it's haunted me, leaving you and your mother. It was the dumbest thing I've ever done. And I'm sorry for it every day of my life."

"Took you long enough to try and get back into my life," Dom said coldly.

"And I'm sorry for it."

Dom swung around with his eyes blazing.

"My mother killed herself because of you!"

Matthew's mouth opened and closed several times, but no sound came out.

"Yes, that's right. She took a whole bunch of pills and hung herself, because she was alone, and she was in pain, and all of her dreams had been shattered by you, who left her alone, when you knew she had no money, and that she wasn't ready, that she couldn't do it alone!"

"I thought...it was the cancer."

"The cancer was the final straw." Dominic's heart was beating wildly; he could feel it in his wrists, throat, and chest. "Do you know what it was like, having to sacrifice any semblance of a childhood, to have to work two jobs, go to school, go find your half-cut mother on a street corner and try to bring her home to sober up so she could try to get a job the next day? And then, once life is finally looking up, to hear she has cancer, and then one day to go back to her house and find her dead? No, you don't. You used my mother, and then came back here and built up a fancy-schmancy life for yourself and your own family, and left us to rot."

"I'm...trying to make amends for that. I'm not proud of what I've done. I wish I could go back and change everything."

"Well, you can't. Now if you'll excuse me, I'm going to go get my stuff, and leave."

"Would you like a lift?"

"No, no. The bus is good enough for me. Goodbye."

Dominic walked off and jammed his hands into his suit pockets. Every step brought his anger down another notch, revealing the raw pain underneath. By the time he reached the nearest relevant bus-stop, his head was hung, and all he wanted to do was cry. He reached into his pocket for his cell-phone, and dialled Elise's number to say that he was on his way.

Posted by ArtisticRainey on August 30, 2007

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