

## **From a Parent Wrongly Accused of Molesting Her Daughter to Becoming an Attorney, Lessons Learned**

In May 2008 a kindergarten teacher in a small town in Georgia was accused of sexually molesting three children. As a result, she was criminally charged, and she lost custody of her son and daughter. For two years, she was not allowed any contact with her daughter, one of the alleged victims.

Tonya Craft, the accused teacher, shared her story during a session for investigators at the May 2016 spring public defender and investigator conference. Her presentation focused on the importance of client-centered investigation and representation. As I listened to her story about her criminal case, I heard valuable lessons that I think are relevant for attorneys representing parents in abuse, neglect, and dependency proceedings.

### Investigation and Use of Experts

Although abuse, neglect, and dependency (A/N/D) proceedings are often resolved without an adjudicatory hearing, thorough investigation and the assistance of experts can help achieve a fair and reasonable resolution. If the case proceeds to a hearing, information learned from investigators and experts may narrow the issues for litigation. Further, an understanding of the facts and issues in the case is essential to designing an appropriate dispositional plan for the children and parents.

Investigators are critical for interviewing witnesses and dissecting witness statements. Tonya Craft used investigators early in her case to interview potentially favorable witnesses. This enabled her to identify additional pertinent witnesses and further investigation needed to defend against the charges. Ms. Craft also learned that witnesses' memories may fade over time or be influenced by information in the media or just by talking with other people.

Experts can review and interpret medical reports and evaluations to help both the parent and attorney understand complex issues. This could provide a basis for, among other things, stipulations to specific facts. Further, experts can identify missing information and determine whether proper procedures were followed during evaluations. Ms. Craft's experts were able to explain to the jury how and why children might make false allegations. It was crucial that she had independent experts to analyze the methods used to examine and question the children. The experts were able to describe how a proper forensic evaluation should be conducted and identify fallacies in the questioning of child victims.

For a discussion of obtaining funds for the expenses of representation for an indigent client, including funds for experts and investigators, see [Section 2.5E. Funds for Experts and Other Expenses](#), in Abuse, Neglect, Dependency, and Termination of Parental Rights Proceedings in North Carolina (UNC School of Government, 2015 ed.). The website of the [Office of Parent](#)

[Representation](#) contains forms, motions, and other information for counsel on this subject.

### Client's Objectives

Parent attorneys need to be clear about their clients' objectives and desired outcomes for the case. Early in the case the attorney can help the parent identify short and long term goals. It is equally important for the attorney to understand the client's priorities, which may change as the case progresses.

Keeping abreast of the client's priorities can be challenging because A/N/D proceedings can have so many moving parts. There usually are many issues to address and decide. A further complication is that parents are juggling their own interests and what is best for their children. Dealing with challenges in their lives, some parents may not maintain consistent contact with their attorneys.

Tonya Craft actively participated in her defense, fighting for her freedom and for her children. She realized that she and her attorney did not always have the same perspective. During her case, her attorney was able to get her visitation with her son. However, when he shared this accomplishment with Ms. Craft, her reaction was likely unexpected. She was devastated to learn she still could not have any contact with her daughter and, to put it in perspective, asked her attorney how he would feel if someone cut off one of his body parts (she was very specific about the body part) and then told him that at least he still had one left.

### Impact on Children and the Parental Relationship

In addition to legal concepts and strategies, parent attorneys and clients will likely discuss how the A/N/D case affects the child as well as the parent-child relationship. Undoubtedly, children experience trauma when they are abused or neglected. The impact can be significant even if the allegations are false. The effects may be different for each child, often depending on the relationships with the adults in their lives.

Tonya's visits with her son were infrequent. He stopped calling her "mommy" and thought she was a bad person. Her daughter struggled with being removed from her home, school, and friends. She had to testify for the state and attended therapy for several months. Although Tonya reestablished her relationship with her children quickly, she remains concerned about the possible long term effects on her children in the future.

### Life Now

Tonya Craft and her team spent two years researching, investigating, and working with experts to build a solid defense. In May 2010, after a five-week trial, she was acquitted of 22 counts of child molestation. Since then, Ms. Craft wrote a book about her experience and currently consults on

criminal cases throughout the country. She presents to prosecutors, investigators, and defense attorneys. Faith based organizations ask her to speak about the importance and power of forgiveness.

Her experience inspired her to go to law school. She graduated from the Nashville School of Law in May 2016 and is currently studying for the Tennessee bar exam. Yet, she will tell you that her greatest accomplishment since the nightmare began was regaining custody of her children. Although she will likely never teach children again, she will continue to fight to make sure justice always intersects with the truth. If you want to learn more about the Tonya Craft case, an internet search will turn up numerous articles and interviews.