

Chalk 1 up for parents

■ *Loren Walgreen's Circuit Court victory gives a big boost to parental rights and prompts a review of a faulty Illinois adoption statute.*

By Michelle Stevens

Loren Walgreen had special reason to be thankful last week.

She won the latest round in the bitter and high-profile court battle with her in-laws for custody of her two young children, scoring a decisive victory for parents' rights. And in doing so, she won a battle for "little people" everywhere.

At least for now, Walgreen managed to block Charles and Kathy Walgreen's efforts to adopt their grandchildren. More important, the Cook County Circuit Court ruling will prompt an Illinois Supreme Court examination of the state adoption law.

Judge Stephen R. Yates, in a bold and unexpected move, ruled that an Illinois law allowing parents to be declared unfit if they have a history of drug abuse or mental illness is unconstitutionally vague. He said the state's adoption law violates the constitutional rights of parents by terminating a basic right (to rear your own children) based on whether the parent had abused drugs for at least a year—not on whether the abuse affected parenting ability.

Considering the David vs. Goliath image of the combatants, I fully expected the grandparents to win. But Loren's lawyer, Alan Toback, argued forcefully for due process.

"The judge said even if I find her unfit [because of drug abuse and mental illness], I am not going to terminate her parental rights without a hearing. Due process demands she have a [separate] hearing to determine if it is in the children's best interest that they be adopted," Toback said. "The adoption law is silent on that issue."

All odds seemed to be against Loren Walgreen, who has been hospitalized for depression and drug abuse. Her adversary is Charles Walgreen III, chief executive officer of the drugstores that bear the family name. Even the children's father, Tad, sided with the grandparents, who want to adopt Alex, 7, and Brooke, 6.

The senior Walgreen claims he and his wife have superior parenting skills, but considering Tad's history of drug abuse, that's debatable. Tad was found dead of an accidental drug overdose Oct. 2. According to Loren, who filed for divorce two years ago, she last talked to Tad in late September, and said he was depressed about not seeing his kids. He gave up the custody fight rather than fight his father.

Tad and Loren were married in 1988. They met while both were undergoing treatment for substance abuse. Both continued to use drugs during the marriage. In the spring of 1993, she asked her mother to take the children, but the Walgreens got temporary custody several months later after a nanny reported that the children were being abused.

The case reminds me of the injustice in another Cook County adoption case. A Highland Park couple took a liking to a 10-year-old girl whose mother was hospitalized in February. Carey and Michelle Portman went into court claiming the girl had been abused and neglected and obtained temporary custody—without the knowledge or consent of the girl's mother, a Russian immigrant.

Judge Francis Barth, who heads Cook County adoption courts, issued new rules that preclude *ex parte* or one-sided court hearings in cases involving child custody. After months of court hearings, the girl was removed to a "neutral" foster home, and still has not been reunited with her mother.

Once this adoption statute is reopened in the Walgreen case and examined in the light of public scrutiny, perhaps—we can only hope—the courts will also declare unconstitutional the provision that lets an outsider, whether the grandparents or strangers, so easily get temporary custody of children.

Michelle Stevens is editor of the Chicago Sun-Times editorial pages. E-mail: letters@suntimes.com

vspaper

F. David Radler
Publisher

Joe Sherman
Assistant Publisher

Nigel Wade
Editor-in-Chief

Larry Green
Executive Editor

Michelle Stevens
Editorial Page Editor