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Custody battle simmers beneath nanny's rescue

Boy's mom and man who's raised him are at odds

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SHELBYVILLE, Ky. — The dramatic rescue has captured national attention: a young nanny who ran barefoot through the flames of a house fire to save a 5-year-old boy she was watching.

A flurry of media attention ensued, culminating Thursday on the Ellen DeGeneres television show. The nanny, Alyson Myatt, 22, appeared with the boy, named Aden, and J.B Hawes, the Shelbyville man who calls himself Aden's single father.

DeGeneres pledged \$20,000 from a private foundation toward Myatt's medical costs — her feet were severely burned — as the studio audience cheered.

But behind the scenes, a bitter custody battle for Aden is raging.

It involves Hawes — who is not related to Aden — and the boy's mother, Dazurae Blankenship of Lexington, who said she allowed Hawes, a former friend, to care for Aden while she was in prison but now wants him back.

Meanwhile, officials with the Cabinet for Health and Family Services are investigating several allegations of mistreatment of the boy, none substantiated so far, according to recent court testimony.

Questions about the fire

And Mark Wohlander, Blankenship's lawyer, is raising questions about the fire. They include the fact that the fire department wasn't called until about three hours after Myatt first discovered an apparent electrical fire in a bathroom about 3 a.m. — a blaze she thought she had extinguished but that eventually destroyed the home.

Both Hawes, 47, and Blankenship, 34, are seeking sole permanent custody of the boy — with acrimonious details aired Tuesday at a lengthy hearing in Shelby Circuit Court, during which each sought to portray the other as unfit to care for Aden.

“To this day it is not about custody,” said Blankenship, who has accused Hawes of neglect and abuse of Aden — most recently because of the March 23 fire. “It’s about Aden being safe.”

But Hawes has cared for the boy since his birth, adamantly denies mistreating him and says the child belongs with him.

“I’m his dad,” said Hawes, who obtained temporary “de facto custody” of Aden under a 2006 court order. “You don’t have to be a biological father to be the father.”

Hawes calls the boy Aden Hawes, though court records indicate his legal name is Aden Michael Gray.

At the nearly three-hour hearing Tuesday, Hawes' lawyer, Carl Devine, elicited details of Blankenship's

past drug abuse — which she acknowledges — and a prison term she completed in 2006.

Blankenship said she was pregnant with Aden when she went to prison in 2004 on a burglary conviction and decided to place Aden with Hawes after he offered to take him, rather than have the baby placed in foster care.

“My criminal history is no secret,” said Blankenship, who said she is now in recovery for drug addiction and recently completed a 10-month program at Chrysalis House, a Lexington treatment center. “We all have things in the past we’d like to undo.”

Wohlander questioned Hawes about his past, including a 1983 felony burglary conviction from Texas, and asked why Hawes bought two handguns when he later moved to Kentucky, despite a law barring felons from owning firearms.

“I did not know I was a convicted felon at that time,” Hawes said, adding that he has since sold both guns. “I didn’t realize it was a felony.”

Background questioned

Even the background of Myatt, the nanny who was caring for Aden while Hawes was on a trip related to his business, Kentucky Tent Rentals, came into question at Tuesday’s hearing.

Under questioning from Wohlander, Hawes — who hired Myatt several months ago — acknowledged that he knew she had been charged in an altercation with her mother. According to court records, Myatt was charged Jan. 13 in Shelby County with misdemeanor assault and domestic violence, later pleading guilty to a lesser charge of harassment.

A police report said that Myatt’s mother reported her daughter pushed her down during an argument and that they fought on the floor about five minutes before the mother got away.

Hawes testified he didn’t know details but didn’t think it was a big deal.

“She said she disagreed with her mother, as mothers and daughters do,” he said.

Les Keene, a Bardstown lawyer advising Myatt, said it’s unfortunate that the dispute with her mother was brought up in the custody proceeding.

“It doesn’t take away from what she did,” Keene said. “She went into the fire to get that child.”

Wohlander also questioned Hawes about the fire — and why no one called the fire department when it was discovered. But he added: “I applaud Alyson and am very appreciative of her heroic efforts.”

Hawes said he was in Minnesota when Myatt called him after midnight to report that a bathroom ceiling fan had caught fire and fallen onto the toilet. Hawes said Myatt told him she threw water on the fire and opened a window to clear the smoke.

Hawes said he previously had been working on the fan and left it to Myatt to decide whether to call the fire department. After she indicated she didn’t think it necessary, he told her to close and lock the bathroom door before she went back to bed, Hawes said.

The next call he got was several hours later from an employee reporting that the house had been destroyed by fire, that Aden was safe and that Myatt had been taken to a hospital with burns.

The nanny's account

Myatt previously told The Courier-Journal from her hospital room that she was awakened by a loud boom about 6 a.m. and the sound of smoke detectors going off. She said she ran from her basement room to the main floor, where she found the bathroom, as well as the hall carpet leading to Aden’s room, engulfed in flames.

Myatt said she got the boy outside safely but burned her feet running through the fire to his room.

Hawes testified that the home, which recently had been sold through a foreclosure action, was a total loss. He said he has since rented an apartment in Shelbyville, where he and Aden now live.

Shelby Family Court Judge John David Myles said he will rule in the custody dispute after both sides submit written arguments.

A February report by a guardian ad litem, a lawyer appointed to represent the child, reviewed the histories of both Hawes and Blankenship. It found that Hawes should be awarded custody because Aden has lived with him most of his life and appears to be doing well.

Hawes agrees, dismissing Blankenship's claims about him as "malicious" and detrimental to the child.

"I want sole custody," he said.

But Wohlander, a retired federal prosecutor who is handling Blankenship's case for free, said he plans to appeal if that's the outcome.

Wohlander said he's troubled by the concept of "de facto" custody — a court finding that awards temporary custody to a person caring for a young child under certain conditions, such as when a parent is unwilling or unable to care for the child.

Even though Hawes obtained such custody in 2006, that isn't necessarily grounds for permanent custody, Wohlander said.

"I don't think the state is authorized to infringe on the constitutional rights of parents," he said.

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