

Pro Bono

Attorneys Reunite Father with Abducted Son



Matt Abee says goodbye to a father reunited with his son and returning to Brazil.

Columbia attorneys Billy McGee and Matt Abee, with assistance from attorney Jay Rogers, who is fluent in Portuguese, assisted a Brazilian man in his efforts to reunite with his son after a lengthy negotiated settlement with the abducting mother.

A travel tour guide, the father left for a trip to Europe in August 2015 and returned home to find his wife had taken their son without his knowledge to South Carolina. After repeated failed attempts to have her voluntarily return the boy, he filed an application under the Hague Convention. The U.S. State Department received the application and referred it to S.C. Legal Services, which in turn referred it to Nelson Mullins.

The Nelson Mullins team, working with S.C. Legal Services, filed a federal court petition. "Timing was critical because she had filed an action in Lexington County to terminate the father's parental rights," Mr. Abee said. "We asked for a temporary restraining order (TRO) to prevent her from fleeing the country. We were concerned she would get notice of the lawsuit and try to flee."

The TRO was granted, and then an emergency motion was filed with the family court seeking to stay the family court termination of parental rights action, which was granted. The attorneys sought the federal court's permission for the father to see his son, whom he hadn't seen in 11 months. The judge granted a 30-minute visitation under the supervision of a U.S. marshal.

"You would have thought he had won the lottery," Mr. Abee said. "These are exceedingly tough cases, and we kept telling him the strengths and weaknesses of the case. He said, 'Don't worry about the outcome of the case, I'm just excited that I get to see my son after so long. We can worry about the case later.'"

The attorneys prepared for an August 2016 trial, but were under a court order to conduct mediation. Mediation was conducted, and the father appeared by video conference from Brazil. After approximately 10 hours of mediation, an agreement was signed whereby the father would come to the U.S. on the trial date and return to Brazil with his son. In exchange, he agreed to dissolve the civil union and withdraw his criminal complaints in Brazil against the mother for kidnapping. The father and son returned to Brazil just in time for the son's fourth birthday.