

‘It’s traumatic’: Angelina Jolie’s ‘wrong’ for pushing for kids to testify against Brad Pitt, legal experts say

BY MARTHA ROSS MAY 29, 2021 | UPDATED: May 30, 2021 at 5:48 a.m



Angelina Jolie, Knox Leon Jolie-Pitt, Zahara Marley Jolie-Pitt, Vivienne Marcheline Jolie-Pitt, and Shiloh Nouvel Jolie-Pitt attend the premiere of Disney’s “Dumbo” at El Capitan Theatre on March 11, 2019 in Los Angeles, California. (Photo by Kevin Winter/Getty Images)

Legal experts wonder about Jolie’s endgame in wanting her teenagers to testify against their father and in continuing a custody fight over children who will soon be adults

As Angelina Jolie moved this week to continue her nearly five-years-long child [custody fight](#) against [Brad Pitt](#) — by filing an appeal against a judge’s new ruling that granted Pitt joint custody — a growing chorus of family law attorneys question whether she’s really concerned about the best interests of their six children.

They say this for several reasons, beyond the fact that a 50/50 custody arrangement is “standard operating procedure” for most divorces in California, said Peter M. Walzer, a Los Angeles-area [top family law attorney](#) who has handled [celebrity divorces](#).

Walzer and Daniel Nottes, a New York-based family law attorney, both expressed dismay that the actor, director and United Nations humanitarian pressed the court to have her teenaged children testify about what they experienced from Pitt’s parenting and during their parents’ marriage, which ended in 2016.

It can be traumatic for children and teenagers to testify in divorce cases, which can involve sharing personal information and sometimes feeling as though they are testifying “for” one parent and “against” the other, the attorneys said.

“To spend all this money on continuing to pursue the case, and to try to put the kids on the stand, all that is just wrong,” stated [high net worth divorce lawyer](#) Peter M. Walzer said.

Nottes also said it was highly unlikely that California’s Second District Court of Appeal would reverse the tentative joint custody arrangement worked out by Judge John Ouderkirk; appeals courts are famously reluctant to second-guess trial court decisions.

“I think it’s an act of grasping at straws and a last resort,” Nottes said about Jolie’s appeal. “It seems to me like a very long Hail Mary play.”



FILE – In this Jan. 15, 2007, file photo, actor Brad Pitt and actress Angelina Jolie arrive for the 64th Annual Golden Globe Awards in Beverly Hills, Calif. A Los Angeles judge on Wednesday, Dec. 7, 2016, refused to seal details about a custody dispute between Pitt and Jolie Pitt after the actor sought an emergency order to seal details in the case. Jolie Pitt filed for divorce in September and has physical custody of the former couple's six children until a final custody agreement is reached. (AP Photo/Mark J. Terrill, File)

Another reason Walzer and Nottes wonder about Jolie's endgame is that her children are growing up, so it becomes increasingly difficult for a court to even enforce the usual custody issues of where children will live and how much time they will spend with either parent.

The couple's oldest, 19-year-old Maddox, is in college, no longer a minor and therefore not covered by a custody agreement. And their three teenagers — 17-year-old Pax, 16-year-old Zahara and 14-year-old Shiloh — will not remain minors for long. The couple also are parents to 12-year-old twins Vivienne and Knox.

"As children get into their teenage years, there is only so much a court can do to force teenagers to spend time with either parent," Nottes said. "Sometimes they don't want to see mom or dad. They want to go to their boyfriend or girlfriend's house. They want to do sports or be with their friends. The courts try to do what's best for the children but they understand once they get to 15, 16, 17, there's not much courts can do at that point."

The ongoing custody dispute between the one-time Hollywood power couple comes four years and eight months after Jolie filed for divorce in 2016 and two years after a court ruled that they can each consider themselves single. In addition to custody, the couple still need to work out a financial settlement of their assets, which could run into the hundreds of millions of dollars. Ouderkirk's ruling on custody was issued a couple weeks ago, and is "tentative," which allows either side to still ask for modifications, Walzer said.

In her appeal, the "Maleficent" star claimed that Ouderkirk denied her a fair trial. Ouderkirk is a private judge who was hired by Jolie, 46, and Pitt, 57, to oversee their case outside of regular court, where their dispute would be more public. Ouderkirk presided over the estranged couple's intimate 2014 wedding at their private chateau in the South of France. But Jolie previously tried to get Ouderkirk disqualified, citing his professional relationship with someone from Pitt's legal team.

In her appellate filing, Jolie said her main complaint against Ouderkirk is that he wouldn't let her minor teenagers testify. The Daily Mail reported that the trial started in December, continued over several months and included a long list of witnesses, including a former nanny, a child psychologist and staff and others who have been around the family. Nottes said Ouderkirk probably said no to the children testifying because judges usually try to limit children's exposure to contentious court disputes.

"I think judges are always skeptical of one parent pushing to have a child testify in court, and wonder why a parent would want that," Nottes said. "Having a child, including a teenager, come in to court to testify against the other parent is a very traumatic experience that the child will live with forever. Judges have their discretion, and many judges will try to keep children out of court."

In her filing with the appellate court, Jolie cited a California law that says children 14 or older should be allowed to testify if they want to.

[Celebrity divorce lawyer](#) Peter M. Walzer, who participated in the landmark 2010 Elkins Family Law Task Force on reforming California's family law courts, said the statute on children testifying has good intentions — to let children have a say in matters that affect their lives.

"But more than anything, judges must put children's well-being first and determine if there are less traumatic ways they can give input without taking the stand," Walzer said. "They can share their concerns with a mediator, a psychologist or in a one-on-one meeting with the judge."

Walzer said Ouderkirk is known to be a "careful" jurist in Los Angeles legal circles, which means he "probably evaluated the situation and determined the children's testimony wasn't appropriate" or necessary. A judge can make that call if he's concerned that a child isn't emotionally ready or mature enough to testify, or if he's concerned the child is being pressured by a parent to testify a certain way, he added.

Jolie's other complaint against Ouderkirk is that he wouldn't let her present evidence about Pitt's alleged history of domestic violence. Walzer and Nottes said domestic violence allegations are common in contentious custody cases; courts will deny custody to a parent who is proven to pose a threat to a child's safety.

Jolie's appellate filing doesn't elaborate on what this evidence might be. Previously filed court documents said that Jolie was prepared to offer "proof" to support her allegations that the "Once Upon a Time in Hollywood" star was verbally and physically abusive during their decade-long relationship and two-year marriage.

It's been widely reported that Jolie filed for divorce days after a confrontation broke out on a private flight carrying Jolie, Pitt and their children from France to Los Angeles.

Pitt was accused of being abusive towards Maddox, then 15, during the flight. Jolie's attorney said at the time that she sought a divorce "for the health of the family." But investigations by child welfare officials and the FBI were closed with no charges filed against the actor. Pitt also gave interviews in which he admitted that his anger and abuse of alcohol contributed to his divorce. He said he had gone into recovery to deal with his issues and be a better father. Nottes said Ouderkirk probably felt he didn't need Jolie's additional evidence to determine whether Pitt having joint custody would be detrimental to his children.

A source close to Jolie told Page Six Thursday that Jolie has never wanted to deny her children a relationship with her father.

"The heart of this dispute has not been about keeping the children apart from their father, it's been Angelina asking for care for her family," the source said. "It's sad that Brad's people are gloating about a potential win when beating a system that exists to protect families and children from issues that harm their well-being is not something to brag about."

But other family law attorneys also have questioned Jolie's intentions, given that she and Pitt have clearly spent millions on legal fees as the case has dragged on.

"It has been going on for over four years now, so it's definitely one of the longest celebrity cases we've ever seen," Los Angeles divorce attorney Kelly Chang Rickert told the Daily Mail in March.

The fact that Jolie has already gone through several different lawyers is an "indication" that the actress "needs to get her own way and isn't willing to give up," Rickert added.

Walzer was less charitable, saying, "She's been notoriously emotional about this case. It's not about the kids, in my opinion. They could sit down and work this out. What did he do to make her this mad?"



Brad Pitt and children Pax Jolie-Pitt (L), Shiloh Jolie-Pitt (C) and Maddox Jolie-Pitt arrive for the U.S. premiere of Universal Pictures "Unbroken," December 15, 2014 at the Dolby Theatre in Hollywood, California. AFP PHOTO / ROBYN BECK (Photo credit should read ROBYN BECK/AFP/Getty Images)