

Do Brad Pitt and Angelina Jolie's teenaged kids win with court ruling?

By Martha Ross | Bay Area News Group

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Family law experts question whether it's in the best interest of Pitt and Jolie's children, ages 13 to 17, to continue a bitter [custody fight](#) through their teenage years



Accompanied by their six children, US movie stars Brad Pitt and Angelina Jolie appear before photographers upon their arrival at Haneda Airport in Tokyo on November 8, 2011. Brad Pitt is here for the Japan premiere of his last film 'Moneyball'. AFP PHOTO/Toru YAMANAKA (Photo credit should read TORU YAMANAKA/AFP/Getty Images)

A “shocking” California appellate court ruling Friday effectively derailed Brad Pitt’s recent court victory giving him joint custody of five of his teenaged children, and promised to add fuel to his years-long custody fight with ex-wife, [Angelina Jolie](#).

Pitt vowed to appeal the ruling by the California’s Second District [Court of Appeal](#), while the famous ex-spouses will presumably return to court to renew their fight over custody of their children, ages 13 to 17. The ruling also appears to allow Jolie’s attorneys to again raise

questions about whether they can call the children to testify at a custody trial or present evidence about Pitt's alleged history of domestic violence.

But the prospect of extending an already bitter and protracted [divorce](#) fight begs the question: Is that really in the best interests of the children, especially given that they already are teenagers, with 17-year-old Pax soon turning 18?

Peter Walzer, a Los Angeles-area [top family law attorney](#), doubts that the children's best interests are being served at this moment. He said Jolie may believe she was doing the right thing, in filing an appeal against a private judge's preliminary ruling earlier this year granting Pitt joint custody.

The actress, director and humanitarian may even believe she scored a righteous victory from the California's Second District Court of Appeal, which ruled that the judge should have disqualified himself from the case because he didn't sufficiently disclose business relationships with Pitt's attorneys.

But the end result is that she and Pitt will continue to fight in court over custody, even though the children are old enough to presumably have a great deal of say in who they live with and how they spend their time, Walzer and other [family law experts](#) have said.

Now, Pitt and Jolie may spend the rest of their children's teenage years' battling it out in court, said Walzer, who called the appellate court's ruling "shocking" because the court rarely intervenes to overturn judges' decisions. Walzer said youngest children, 13-year-old twins Knox and Vivienne, might have no choice but to deal with "five more years of custody battles," added [celebrity divorce lawyer](#) Peter M. Walzer, who has worked with several celebrity clients in the past.

Like some other attorneys, Walzer has placed the blame on extending the court fight on Jolie.

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The court's ruling renders Judge John Ouderkirk's earlier custody decision effectively moot and means that Jolie, for the time being, retains full-time custody, with Pitt granted visitation rights, Page Six reported.

A spokesman for Pitt said the ruling was "based on a technical procedural issue" and didn't change the facts of the case. "There is an extraordinary amount of factual evidence which led the judge — and the many experts who testified — to reach their clear conclusion about what is in the children's best interests."

It's been widely reported that Jolie filed for divorce in 2016 after a confrontation broke out on a private flight carrying Jolie, Pitt and their children from France to Los Angeles. The stars had been a couple for more than 10 years and married in 2014 in France.

Pitt was accused of being abusive towards their oldest child, Maddox, then 15, during the flight. Jolie's attorney said at the time, that she sought a divorce "for the health of the family." Investigations by child welfare officials and the FBI were closed with no charges filed against the "Once Upon a Time in Hollywood" actor. Pitt gave interviews in which he admitted that his anger and abuse of alcohol contributed to his divorce. He also said he had gone into recovery to deal with his issues and be a better father.

Because Maddox is now 19, he is considered a legal adult and not subject to the custody decision. Pitt and Jolie's other children are Pax, 17, Zahara, 16, Shiloh, 14, and the 13-year-old twins.

Pitt's alleged history of domestic violence didn't come up in oral arguments presented to the appeals court earlier this month. The attorney's arguments only focused on Jolie's request to have Ouderkirk removed from the case.

After Jolie filed for divorce, she and Pitt agreed to have their divorce case worked out before a private judge, a common practice among wealthy and famous couples who want to keep their [divorce proceedings out of the public](#) court. Choosing a private judge also potentially allows couples to speed up the process because they can avoid a busy family law calendar, but that's proven to not be the case with Pitt and Jolie.

More than four years ago, Pitt and Jolie chose Ouderkirk, who had officiated at their wedding, to oversee their case. He granted their request for dissolution of the marriage in April 2019 and ruled on some preliminary custody issues.

Last summer, Jolie asked Ouderkirk to recuse himself, two days after learning about what her lawyers said were undisclosed ongoing professional relationships with Pitt's attorneys.

During arguments before the appellate court, her attorney, Robert Olson, said Ouderkirk couldn't be impartial in the custody case, because he had been hired by Pitt's lawyer to do work on cases.

Pitt's attorney, Theodore Boutros, fired back, saying that Jolie knew about the potential conflicts all along. He also accused her of using her appellate filing as an "unjust" delaying tactic, noting also that the children "are getting older."

But the appellate court's ruling showed it firmly sided with Jolie's concerns about impartiality, saying that Ouderkirk failed to sufficiently disclose his conflicts. In the ruling, the court said: "None of Pitt's arguments that a reasonable person would not have cause to doubt Judge Ouderkirk's impartiality withstands scrutiny."

The court added: "Judge Ouderkirk's ethical breach, considered together with the information disclosed concerning his recent professional relationships with Pitt's counsel, might cause an objective person, aware of all the facts, reasonably to entertain a doubt as to the judge's ability to be impartial. Disqualification is required."

Bay Area attorney Brent Kaspar agreed that Ouderkirk “screwed up,” saying that, under rules of California judicial ethics, judges have “an absolute, ironclad obligation to disclose potential conflict — and that includes any financial interests.”

Ouderkirk admitted an “administrative error,” but Kaspar said, nonetheless, “the perception of bias is the real concern here. The judicial system doesn’t work if the public doesn’t trust the fact-finders, and this applies to both public and private judges.”

While Kaspar agreed with the appellate court’s ruling, he also expressed concern that the custody fight is likely to drag on, with Pitt and Jolie’s children unable to get their living situation and other issues with their parents settled.

“It is usually in the interests of the children to have contact with both parents, so the fact that they are primarily only in Jolie’s care, could have an impact on the children,” said Kaspar, who has offices in Marin County and Walnut Creek.

Of course, no one outside Pitt and Jolie’s circles truly knows how the case is impacting the children, but Kaspar said that the stress of a heated custody battle “could pervade the household and perhaps the children feel some stress.”

Kaspar also agreed with Walzer and other family law attorneys who have said it can be traumatic for children to testify in custody cases. “That may be very difficult for them, as they are forced to participate in the process and could struggle with saying negative things about one side or the other,” Kaspar said.
