

'Fugitive in America' is a victim

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This story begins in California, with a kindergarten teacher's report that Cara Garten seems disturbed and unable to control her bladder after visiting her father. The tale ends 14 years later in Boulder, highlighting the legal system's failure to protect the most vulnerable among us.

In 1986, Janice Willhide had been separated from Cara's father for more than four years, but the father had visitation rights. Because of the kindergarten teacher's report, a pediatrician examined the 6-year-old girl and found genital scars "compatible with the diagnosis of sexual misuse." The pediatrician and two psychologists also reported that with no coaching, Cara said her father touched her "pee-pee" when she stayed with him.

Nonetheless, the courts in California's San Bernardino County ordered that Cara's father be allowed to continue visiting her. When Janice told Cara this, the girl vomited. Janice kept avoiding the scheduled paternal visits until the authorities threatened to deliver the girl to the father.

In Janice's mind, this presented a clear choice: Either, A) expose Cara to abuse, or, B) run. Along with her fiancé, Steve Marszalek, Janice rounded up their children, packed enough stuff for a weekend camping trip, and fled. That was Aug. 5, 1986. They never returned. The district attorney charged Janice with felony kidnapping.

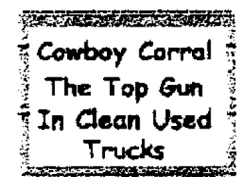
At the time, Janice didn't know that protecting Cara would mean hiding for 14 years. Assuming different identities and relying on a network of Christian friends, they lived in more than eight states and in Canada, where Janice and Steve married and adopted the surname "Marshall."

Three weeks ago, Janice, Steve and Cara came to Boulder. Cara, now 20, has had the right to choose where and with whom she lives since she turned 18. But the felony kidnapping charge remained, and hence the Boulder visit. The family came here to meet its attorney, Louisville resident Alan Rosenfeld, and Mike Hall, an investigator from San Bernardino County. Hall confirmed Cara's identity and well-being. He also asked about her father's actions. "He tortured me," she said.

Before meeting with Hall, the family spoke with a local journalist. Cara recalled growing up in veritable chains. "I couldn't go to a dentist. I couldn't get a driver's license. All my life I've been a fugitive in America." Family members didn't want to disclose their current home, but Cara said she's been working as a missionary in India.



Lasik Eye Surgery



John Watterson, deputy district attorney in the child-abduction unit in San Bernardino County, confirmed last week that he will file a motion to drop all charges against the former Janice Willhide. "It's our feeling that it's justifiably dismissed," he said.

Watterson said 353,000 children are abducted annually in the United States. About half of those cases are parental abductions, and allegations of molestation color about 10 percent of those cases, he said. He knows Cara alleged sexual abuse, but he says the family fled before that charge could be "resolved." Janice argues that resolving that charge would have meant harming Cara.

Rosenfeld, the family's attorney, says Cara's case is symbolic. First, he says, it underscores the rarity (and, Watterson would add, difficulty) of prosecuting child abuse cases when the victim is younger than 6. Second, he says, it reveals the legal system's unwillingness to act boldly in the interest of young children.

A few days after leaving Boulder, Cara's family talked of enjoying simple freedoms such as voting, seeing friends and traveling. "Still, this is not justice. We lost 15 years of our lives, and Cara's abuser got away with no punishment." Cara committed no crime, but she grew up in prison.

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