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Custody of slain mother's son appealed in Johnson County by dad

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IOWA CITY - Attorneys for the father of Laura Van Wyhe's 16-month-old son have appealed a court ruling awarding custody to the boy's grandmother. In an appeal filed Friday in Johnson County District Court, attorneys for Donald Knight III argue that Judge David Remley's ruling is in error because he disregarded the strong legal presumption in favor of appointing custody to Samson Knight's natural father.

The attorneys also filed a motion to stop the custody transfer until the appeal is considered. However the child's grandmother, Leanne Thomas of Iowa City, now has the child, according to her sister Evelyn Nikkel of Pella.

Van Wyhe, 21, died a few hours after being found along a Missouri highway on Oct. 26.

Authorities are investigating her death as a homicide.

THE APPEAL points out that Remley did not find there was harm or neglect of Samson while in his father's care for the last month.

In fact, the appeal states, Remley found that Knight was a responsible and attentive parent during that time.

The ruling did not report findings that Thomas was a suitable custodian for Samson, the appeal states.

Van Wyhe's turbulent relationship with her mother prior to her death shows Thomas is detrimental as a custodian, the appeal claims.

REMLEY RULED that Knight was not a suitable guardian for his son because of a history of drug and alcohol abuse.

The appeal asserts there is no evidence that Knight ever used drugs or alcohol in Samson's presence, nor is there evidence that Knight's ability to care for Samson has been affected.

The appeal states that Knight took an active role in his son's life from the beginning, attending birthing classes and actually delivering Samson himself with the help of a midwife.

Since Van Wyhe died, Knight has provided for all of Samson's day-to-day needs and helped him feel secure, the appeal states.

According to the appeal, Remley placed undue emphasis on the fact that Knight's mother, Rebecca Reynolds-Knight, with whom he lives in Bonaparte, will be away from the home four days a week to serve in the Iowa Legislature.

This will not affect Knight's ability to parent, the appeal states.

