

# The Battle for Sunny: What Rights Does Sandra Bullock Have?

By [Jo Piazza](#) Posted Mar 26th 2010 03:00PM

As the allegations against Jesse James get uglier and uglier, the real heartbreak is expected to come when Sandra Bullock has to say goodbye to her beloved stepdaughter, Sunny.

James was granted full custody of six-year-old Sunny in [December](#) after her mother, James' ex-wife, former porn star Janine Lindemulder, was jailed for tax evasion. Bullock was instrumental in that court decision, providing a veneer of domesticity and stability to the James' household.

The actress has long said that she considers Sunny to be her own daughter and that the two have grown extremely close. According to TMZ, Lindemulder is planning to use the current scandal in an attempt to regain custody of her daughter and will begin arguing her case in June.

Lawyers say the dissolution of James and Bullock's marriage coupled with the unseemly nature of the allegations against James will most definitely be brought to bear in the upcoming custody case once it is revisited.

"One of the reasons the judge awarded custody to Jesse was because Sandra's presence was a stable factor in the home. Now that she is gone, there is a substantial change in circumstances, which is what courts look for to make changes in custody," explains attorney Stacy Schneiders, author of ['He Had It Coming: How to Outsmart Your Husband and Win Your Divorce.'](#)

But where does this leave Sandra in relation to Sunny? Could Sandra possibly gain custody of the little girl? Only if both biological parents are deemed unfit, and a judge only makes that call in circumstances where a parent is endangering the welfare of a child, not simply because a parent is a louse.

"Biological parents are always a court's first choice, so if Jesse loses custody of his daughter, they would look again to the mother. If she is still unfit, the courts look to biological relatives first. If no one steps up, the court could ask Sandra to take temporary custody, making her a foster parent, until one of Sunny's two parents are fit to take custody of the child again. Neither parent will lose their parental rights permanently to Sandra, but she could become a temporary custodian if neither parent rises to the occasion. Of course, Sandra would have to agree to this arrangement and could even petition the court for this outcome. But biological parents always trump non-blood relatives," Schneiders explains.

Legally, things don't look great for Sandra finding a place in Sunny's life. The only way she will even receive visitation of James' biological children is through an amicable agreement with him, but as more and more allegations emerge about James' behavior, this split looks like it will be anything but amicable.

**"The saddest part of this situation is not that Jesse James gave up Sandra Bullock for this 'lady,' it's that Sandra may lose her relationships with children she's grown to love. Sandra is a biological and legal stranger to these children and has absolutely no rights to custody or visitation," says family law attorney Sue Moss of Chemtob, Moss, Forman & Talbert.**

Bullock and James had full custodial rights while Lindemulder spent time behind bars from January to

July of 2009. When Lindemulder was released, she filed for more visitation with Sunny.

Both the Oscar winner and James wrote letters to the court arguing that his ex-wife was an unfit parent because of her troubled past and her relationship with husband Jeremy Aikman, a convicted felon on drug and gun related charges.

"Good cause exists for the court to conduct a review to determine if [Sunny] will be safe with [Lindemulder]. She should be restrained from allowing the child around pornographers, drug addicts, guns and firearms, felons and other unsafe environments," Jesse's letter read.

Bullock wrote, "While in Janine's care, sometimes Sunny is left alone during the day, while her mother is asleep from drug use."

The actress also made it clear how she felt about James' youngest in her plea. "I know the term 'stepmother' carries many connotations, one of them being 'glorified babysitter.' My commitment and responsibility to [the girl] ... goes beyond that."

In December of that year, a judge denied Lindemulder's request for overnight visits, but gave permission for her to spend Christmas with Sunny, provided the six-year-old was returned to her father's care by noon on Dec. 25.

However, in a [February hearing](#), James noted that Lindemulder never showed up to take Sunny on Christmas. A judge again denied Sunny's mother more access to her daughter, but did allow for phone calls between parent and child.

The next hearing is scheduled for June 14, where Lindemulder is expected to use James' alleged infidelity against him.

Currently, four women have stepped forward claiming they had an affair with the motorcycle enthusiast during his marriage to Bullock. Sandra has since moved out of the family home. In a statement, the reality TV star apologized to his wife and kids, and insisted that the majority of the allegations were false.

Sandra also has two other stepchildren -- Chandler and Jesse Jr. -- from James' first marriage.