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## Girl in Custody Case Emerges in New Zealand

By FELICITY BARRINGER, Special to The New York Times  
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Hilary Foretich, the 7-year-old girl at the center of the nation's most highly publicized child custody suit, surfaced in New Zealand today after spending 30 months in hiding with her grandparents.

A court hearing was convened in Christchurch, New Zealand, after an application seeking interim custody was filed on behalf of Hilary's father, Dr. Eric A. Foretich.

The presiding judge, G. T. Mahon, left Hilary in the custody of her grandparents, Mr. and Mrs. William Morgan, pending proceedings scheduled for next week, a court official in New Zealand said.

The custody suit has focused on a charge by Hilary's mother, Dr. Elizabeth Morgan, that Dr. Foretich sexually abused the girl from the time she was 2 1/2 years old. Dr. Foretich, an oral surgeon who lives in McLean, Va., and is Dr. Morgan's former husband, has denied the charge.

In August 1987, Dr. Morgan, a plastic surgeon in Washington, refused to obey an order by Judge Herbert B. Dixon Jr. of District of Columbia Superior Court to surrender Hilary for a two-week unsupervised visit with Dr. Foretich. Hilary and Dr. Morgan's parents disappeared, and Dr. Morgan was subsequently jailed for 25 months for contempt of court. She was released in September 1989.

Judge Dixon's order is apparently still in force, although it is unclear what effect the legal proceedings in New Zealand would have on it.

Dr. Morgan today expressed confidence in the New Zealand courts. "It seems that the child's interests there are paramount," she said in an interview. "They are very concerned about Hilary's welfare."

She refused to say what Hilary had been doing since she disappeared.

Dr. Foretich appeared on local television tonight and said, "I'm obviously elated. I'm most happy to know my daughter is alive and appears to be well. I'm not looking forward to the arduous" court battles ahead. He said he would fly to New Zealand as soon as possible.

Judge Mahon requested that the senior Morgans turn their passports over to him and assure him that they would not leave his jurisdiction, the court official said, and they complied.

Dr. Morgan's passport is being held by Judge Dixon.

Judge Mahon appointed Isabel Mitchell, a Christchurch lawyer with expertise in investigating child sexual abuse, as Hilary's counsel, said Dr. Morgan's lawyer, Stephen H. Sachs.

The judge also ordered a psychological evaluation of the girl to determine how she would be affected by seeing her father again, the New Zealand court official said.

Hilary's appearance answered one of the concerns expressed by Dr. Foretich, who has said for several months that he did not know if his daughter was alive. It also confirmed the widely held assumption that Dr. Morgan's parents, who disappeared in 1987 at the same time Hilary did, had her in their care.

Dr. Morgan would say little about where her daughter has been or how she has lived for the past 30 months, other than "she's had a normal life."

The custody battle has gained national attention. Supporters of Dr. Morgan have portrayed her as a mother going to any length necessary to insure the welfare of her child, while Dr. Foretich's partisans have portrayed him as the victim of a vindictive former wife who is using the most heinous available charge against him.

Dr. Morgan and Dr. Foretich were separated in 1982 before Hilary's birth, and were subsequently divorced.

Dr. Morgan was released from jail in September after President Bush signed a law limiting incarceration to 12 months in District of Columbia child custody cases.

Both during and after her time in the District jail, Dr. Morgan said Hilary was "happy, healthy and healing." She refused to give a hint of the girl's whereabouts.

Shortly after her release, Dr. Morgan married Judge Paul Michel of Federal Circuit Court.

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