

Pro Bono Partnerships Pave Path for Building Foster Families

Children wearing their Sunday best filled the balloon-adorned atrium of the H. Carl Moultrie Courthouse on November 21, marked as the 23rd Annual Adoption Day in the District of Columbia.

The special ceremony at the courthouse, jointly celebrated by the D.C. Superior Court and the Child and Family Services Agency (CFSA), saw the adoption decrees for 36 children, ages 1 to 16, being signed and finalized. Paula Lancaster and her 2-year-old daughter Zuri were among those brought together as a family that day.

"We know what we do as adoptive parents, but to be acknowledged for it in this manner makes you realize that it's something that's bigger than just you. I'm sure all the other families felt the same way. It was such an exciting day and very emotional; you really experience all the emotions rolled into one," she said.

Lancaster did not make it to that moment alone, though. Like many others, Lancaster sought pro bono legal assistance when she decided she wanted to legally adopt Zuri, who was only 8 days old when Lancaster began to foster her.

Partners in Uniting Families

The Superior Court directed Lancaster to the Children's Law Center (CLC) which, among other services, provides free legal assistance to foster parents and relatives who want to adopt, or obtain guardianship of a child who is in the child welfare system or at risk of entering foster care.

In addition to its in-house attorneys, CLC works with more than 300 pro bono attorneys from more than 70 area law firms. Since 2001, the organi-

zation has placed at least 100 caregiver pro bono cases a year.

After Lancaster contacted CLC and completed an intake by phone, CLC gave her case to Joanne Ludovici-Lint, a partner at McDermott Will & Emery LLP who had taken two previous pro bono caregiver cases from CLC. (Ludovici-Lint worked with fellow McDermott partner Robert Zelnick and several summer associates on the Lancaster case.)

For Ludovici-Lint, providing pro bono services for CLC allowed her to merge her love of children with her desire to give back to the local community, something she does not get to do through her day-to-day work dealing with international business law.

"I came in with no experience with adoption work, or even really trial work—most of my cases on the business side settle before trial," she said.

"In the beginning you do feel a little like a fish out of water; it can be overwhelming when you think that you've got the future of an at-risk child at stake, but working with CLC makes it a less stressful experience because they really are there for you."

CLC Executive Director Judith Sandalow said her organization performs a detailed intake so that the pro bono attorney would know as much as possible about a case when he or she gets it. CLC also holds caregiver trainings for pro bono attorneys where they are provided with a manual on family law.

"We help orient people to family court in a nuts and bolts way; we try to make it easy and give people all the tools they need. We're also here to mentor—we want to make sure the attorneys feel supported and can do a good job," Sandalow said.

'Human Element' in Law

Ludovici-Lint said CLC was present in the entire process, which can be somewhat long, especially if it involves a contested adoption, as did all three cases she handled. Although the adoptions took from one year to a year and a half, Ludovici-Lint said it wasn't the case of having to work on them every day or even every month.

While there are permanency hearings to attend frequently, she said the bulk of the work comes from the dis-

covery and pretrial process where, in a contested adoption, an attorney spends time talking to the opposing counsel and attempting to get the birth parents to waive their parental rights.

Even when an adoption is uncontested, an attorney still has to make the case that the adoption is in the best interest of the child, and then complete an evidentiary hearing and background research.

In the District of Columbia parental rights often aren't terminated until the adoption process begins. Thus, the termination of parental rights and the adoption are usually part of one trial.

Sandalow said this is where it takes a certain level of thoughtfulness and subtlety on the part of the attorney. Even if the birth parents' rights should be terminated and the adoption finalized, Sandalow said that doesn't necessarily mean the birth parents and their children should no longer have any type of relationship, especially if the child is older.

Lancaster's adoption case also took more time because Zuri has health issues, which meant that the McDermott team was involved in negotiating a subsidy package from CFSA.

Many adoptive families are eligible for financial support post-adoption to take care of a child with special needs. In these cases, there is a built-in subsidy provided by CFSA that can be negotiated, as in Lancaster's case.

Despite the number of hours she put in, Ludovici-Lint said the CLC caregiver cases are some of the most fulfilling she has ever had.

Ludovici-Lint credits much of that to people such as Lancaster, the pre-adoptive clients who "are just amazing people—they bring a very human element to the practice of law."

"You get to work with amazing clients and great mentors and you also get to know the judges who, in my experience, are very involved in these cases, and the social workers and the guardian ad litem," she added.

Fulfillment in Pro Bono Work

Many pro bono attorneys feel a similar sense of fulfillment from working on caregiver cases, Sandalow said.

"Part of the fun for pro bono lawyers [working on these cases] is that they get to meet some wonderful

people they wouldn't get to meet otherwise," she said.

Sandalow said these cases can be particularly good for young associates because "they're relatively small pieces of litigation that a young lawyer with good supervision can do and it gives them a chance to be in court, make decisions, to put on their client as a witness, and maybe cross-examine a birth parent."

And while a long adoption case could last 100 or more hours, there are simpler custody cases that call for half that time.

The result of Ludovici-Lint's hard work was there for all to see at the Adoption Day ceremony when Lancaster became Zuri's legal parent. Watching that happen at the courthouse were Ludovici-Lint, Zelnick, Sandalow, and Lancaster's family, including an 11-year-old daughter who Lancaster adopted previously.

"I've always been 'Mommy' to Zuri, but just knowing that there is no more court to have to go to and that we could finally just be a family made a big difference," Lancaster said.

In addition to the Adoption Day ceremony at the D.C. Superior Court, Lancaster and Zuri also participated in an event a day earlier held by the U.S. Department of Health and Human Services (HHS) and the White House Office of Faith-based and Neighborhood Partnerships to mark the 10th anniversary of National Adoption Day, featuring HHS Secretary Kathleen Sebelius.

"I felt proud and privileged to represent Paula; she was one of only two families chosen to be the face of National Adoption Day in front of Secretary Sebelius, and you had members of Congress and the White House there and it was a really positive experience for me as I know it was for Paula," Ludovici-Lint said.

To learn more about the Children's Law Center and its pro bono opportunities, including guardian and custody cases, contact Lise B. Adams, director of CLC's Family Permanency Project, at 202-467-4900, ext. 568, or ladams@childrenslawcenter.org, or visit www.childrenslawcenter.org.—*K.A.*