

Minutes
June 24, 2009
World Center Marriott: Orlando, Florida

**Adoption/Paternity/Dependency and
Children's Issues Committee**
(Family Law Section - Florida Bar)

MEMBERS IN ATTENDANCE:

Kim Rommel-Enright
Maria C. Gonzalez
Heather Apicella
GM Norberto Katz
Jeffrey D. Gillen
Julia Ledis
Esther Jacobi
Stephen Pennypacker
Maria Bates
Ronald Gilbert
Abigail Beebe
Thomas Duggar
Andrea Reid
Angel M. Bello-Billini
Patty Alexander
Deborah O. Day
Sarah Sullivan
Tenesia Hall
Caryn Green
Ron Bornstein

I. Call to Order and Welcome by Co-Chairs:

- A. Co-Chair Maria Gonzalez requested that all members in attendance introduce themselves. Co-Chair Maria Gonzalez introduces the incoming officers for the year 2009-2010:
- i. Maria Gonzalez and Kim Rommel-Enright and Norberto Katz – Co-Chairs
 - ii. Sarah Sullivan – Vice-Chair
 - iii. Caryn Green – Secretary

II. Approval of January 22, 2009 Minutes from Orlando Meeting:

- A. Motion to approve Minutes from the January 22, 2009 meeting in Orlando, Florida. Motion seconded. Co-Chair, Maria Gonzalez took the vote: unanimous approval.

III. Reports and Updates from Subcommittee Chairs:

A. Aging Out of DCF Subcommittee:

- i. Heather Apicella is the chair of this subcommittee and gave the report. Heather stated that after many telephonic conferences wherein the subcommittee had lengthy “brain storming” discussions; the Subcommittee (Aging out of DCF) of the Supreme Court Steering Committee released their report last year with recommendations as to dealing with children aging out of DCF. Nevertheless, this subcommittee continued with brainstorming conferences. Many circuits have already implemented the independent living court. Heather Apicella, stated that because the Supreme Court Steering Committee released their report; and due to the implementation of the independent living courts she believed that this immediate subcommittee should be dispensed.
- ii. Co-Chair Maria Gonzalez, questioned whether or not this was a subcommittee motion? Heather Apicella answered that she was making a Motion to the Committee to disband the Subcommittee. Maria Gonzalez called for discussion. No discussion. Maria Gonzalez called the vote. Vote was unanimous. Motion passed.

B. Minors Signing Paternity Forms Subcommittee:

- i. Chantale Suttle is the chair of this subcommittee and was unable to make this meeting. The Subcommittee members should continue to work and report to the Committee during the September, 2009 meeting.

C. Sand Castles Program Subcommittee:

- i. Sarah Sullivan gave a report on behalf of the subcommittee chair, Shenna Benjamin-Wise. Sarah explained that Sheena is going to meet with the current incoming Chair of the Section, Peter Gladstone, because his focus for this year is on children. Sheena Benjamin-Wise will get better direction what our Chair, Peter Gladstone would like this subcommittee to focus upon; and Sheena will give a report to this Committee at the

September 2009 meeting. Maria Gonzalez, stated that this subcommittee could potentially be asked to address a broad scope of issues as our incoming Chair's platform dovetails with this issue of the Sand Castles Program. Co-Chair, Maria stated that only a handful of individuals are currently working on this subcommittee with Sheena. We will need more volunteers for this subcommittee. The Chair will be looking to this Committee for recommendations and other valuable information.

- ii. Dr. Deborah Day stated that when this subcommittee first began exploring whether or not the Sand Castles Program was a good idea; the subcommittee found that parents were opposed to this type of program because of the potential infringement upon the parents decisions and rights. Dr. Day continued by stating that Sandcastles is a specific program developed in Miami, she does not believe the subcommittee is of the opinion that the Sand Castles Program is the "program" of choice; rather the idea of the subcommittee is to explore if the subcommittee believes that the idea of this type of program is good.

D. Concurrent Child Custody Subcommittee:

- i. Abigail Beebe is the chair of this subcommittee. Abigail stated that this subcommittee originated from a bill, which was proposed to the legislators by kinship supporters in Tampa. The essence of the bill was that a relative caregiver did not have to prove abuse, abandonment, neglect, of the parent; rather, only allege that the child was with the grandparent/relative caregiver, and the parent was absent. The proposed language by the subcommittee is now the language of the proposed bill which is now law. Co-Chair Maria Gonzalez congratulated Abby and her subcommittee for all their hard work.
- ii. Chair, Maria Gonzalez further stated that when the former bill was brought to the Committee's attention, this Committee had members who were interested in this topic. Those individuals volunteered to be on this subcommittee, they put a lot of effort into bill, and we were able to provide timely input and technical support re the bill which is favorable to the Section and families.
- iii. Abby stated that the Bill is located under House Bill 1519 – Kinship/Concurrent Custody Bill.
- iv. Maria advised she was contacted by the FL Bar. It requested the Section's assistance in review its adoption pamphlet to determine whether current adoption laws were accurately reflected in the pamphlet. Amy and Abby worked very hard on this and we thank them for their efforts.

IV. New Business:

A. Update on Legislative Session:

- i. GAL Ad Hoc Committee: Co-Chair, Maria Gonzalez stated that there is a new statute approved effective July 1, 2009, which impacts the training of the GAL's. Co-Chair Kim Rommel-Enright explained that the new statute does not require the legal aid to train the GAL's, but allows them to do so, if the particular legal aide organization should so desire. The Section wanted to make sure that there is some training manual for these GALs. Co-Chair Maria Gonzalez explained that The Florida bar is the entity which will be formulating this training manual. Maria further explained that this Committee has been working very diligently for the past year on the training manual for lay Guardian Ad Litem. At this point we still do not have a manual to give to legal aide which they can give to the potential GALs. Co-Chair, Maria Gonzalez further explained that initially the Committee believed that a DVD would be beneficial, lots of time was lost in this idea, because essentially the idea was scratched. The goal was to have the training manual ready for this Executive Council Meeting for approval. Maria further explained that the Ad Hoc GAL Committee originated from this Committee, and the former Chair, Scott Rubin created the Ad Hoc Committee. Kim Nutter is the Chair and Terry Fogel is the secretary, if any member would like to work on this project, please let either Maria Gonzalez or Kim Rommel-Enright know and they will put you on this Ad Hoc Committee.
- ii. For those members who are interested in following the bill, the bill is Senate Bill 1018 and is effective July 1, 2009.
- iii. Sarah Sullivan questioned who will be giving this training and who will be funding the training? Ronald Gilbert stated that the training manual will be provided by the Florida Bar; it is probably up to the legal services in every jurisdiction to decide whether or not to do this program training. Discussion ensued. Angel Bello-Bellini stated that we were very concerned about this being the responsibility of the local legal aid office from the beginning. Angel further stated that the local legal aid offices do not have the funding to train these individuals.
- iv. Norberto Katz joined the Committee meeting, and stated that the reason that this came about, 3 years ago a local GAL office began pitching this idea to the legislators in Tallahassee. We worked with the legislator to pass a statute which is more user friendly to the Section.
 1. If the Section would not have gotten involved this statute would be far more difficult than it is right now.

The first proposal of the statute was terrible, the Section opposed the statute, and the Sections opposition caused a lot of friction.

2. It was questioned as to who is going to pay for the back ground check of \$23.00? A member suggested that we suggest that the volunteer GAL pay. Co-Chair Maria Gonzalez stated that the bill states that the volunteer cannot pay.
3. Who is supervising these Volunteer GAL's? Abigail Beebe stated that no one is "supervising". Amy Hickman suggested revisiting the idea of a DVD component. Amy stated that there is nothing that says that we cannot create a manual and then the Bar can create a DVD/CLE requirement (with the Section's help). Amy apologized for brining an issue up, after the idea was scrapped, but this is something that the people can download and they can also learn from it. We should think about taking this idea to the next level.

B. Goals and Topics to Consider for the Upcoming Year:

- i. Chapter 39 Glitch Bill: Abigail Beebe discussed provision in Chapter 39 that allows visitation to cease when there are allegations of sexual abuse. Amy Hickman mentioned that a glitch bill has been worked on in the past. The committee discussed that a glitch bill went to Legislation and is ready to go. Abigail Beebe and Heather Apicella to discuss talking to Elisha Roy about it and bringing it back this year.
- ii. Amy Hickman discussed a Chapter 39 paternity registry. That item will go on the agenda in September
- iii. Sarah Sullivan discussed acknowledging paternity in Domestic Violence cases and how that impacts support in those cases. The DV Committee is working on language prohibiting acknowledgement of paternity at DV hearings. Sarah Sullivan will report to this committee on the outcome of the discussion in the DV Committee
- iv. Another topic for discussion in September will be the crossover between DV/paternity and minors signing paternity forms. These issues may be combined in the future.

V. For the Good of the Order.

VI. Adjourn:

Submitted by,
Heather Apicella,
Secretary