

Minutes
September 9, 2009
Tampa Marriott
Adoption/Paternity/Dependency and
Children's Issues Committee
(Family Law Section - Florida Bar)

I. MEMBERS IN ATTENDANCE:

Maria C. Gonzalez
Norberto Katz
Sarah Sullivan
Peggy C. Senentz
Thomas Duggar
Stephen Pennypakcer
Jeffrey D. Gillien
Ronald B. Gilbert
Jodi Seitlin
Ray McNeal
Cindy Harari
Abigail Beebe
Heather Apicella
Joanna Hojdus
Valerie Brown
Angel Bello-Billini
Rob Boyd
John Johnson
Ron Bornstein
Deborah Day
Tracy Stephens
Amy Hickman
JJ Dahl
Charlotte Karlan
Sheena Benjamin-Wise

- II. Call to Order and Welcome by Co-Chairs:** Meeting was called to order at 9:10 a.m. Co-Chair Maria Gonzalez requested that all members in attendance introduce themselves and then she introduced Co-Chair, Norberto Katz and Sarah Sullivan, Vice-Chair.

III. Approval of June 2009 Minutes from Orlando Meeting: Motion by Sarah Sullivan to approve Minutes from the June 24, 2009 meeting in Orlando, Florida. Motion seconded by Hon. Ray McNeal. Unanimous approved.

IV. Reports and Updates from Subcommittee Chairs:

A. Sandcastles Program Subcommittee: Sheena Benjamin-Wise provided a report as Chair of this Subcommittee. Sandcastles is a program for children of divorcing parents and runs concurrently with the mandatory parenting classes. Other states do mandate children's classes (Ohio, New Orleans, Colorado). Many parent rights organizations want it to be voluntary, not mandatory. For profit/not for profit? Can State of Florida mandate children to attend divorce programs? Most states have non-profit organizations that are affiliated with judicial branch. Ron Gilbert suggested that they be funded through State University system. Discussion took place regarding:

Should it be state-wide?

Should it be mandatory/discretionary?

Are we suggesting a model program?

Would it requiring legislation?

Will it be for profit/not-for-profit?

If it is non-profit, how will it be funded?

How does it work with parent education courses?

The following members agreed to work on this subcommittee:

- a. Deborah Day
- b. Ray McNeal
- c. Cindy Herrari
- d. Ron Gilbert
- e. Refer to sign up sheet

V. NEW BUSINESS:

A. Issues of Paternity in DV Cases / Child Support Issue:

- a. Sarah Sullivan - Current statute on DV provides CS is discretionary. Proposed legislation wanted it to be MUST. When it was brought up in DV Committee in June and the issue of establishment of paternity came up as an issue if you make CS mandatory. Accordingly, whether paternity can be addressed in DV cases must

be addressed first before addressing the proposed legislation on mandatory CS in DV cases.

- b. Ron Bornstein—commented that if someone believes they are the father but end up not being the father. Acknowledge in court that they are, but then they aren't. Issues of res judicata.
 - c. Dependency Court—similar problems with DV adjudication. Case law suggests that dependency court does not have authority to establish paternity.
 - d. JJ Dahl—Victims should have the discretion to not have paternity established .in the DV case.
 - e. Angel Bello-Bellini—Hot issue for DV advocates. Balancing act of getting support or limiting contact between children and batterers.
- B. Amy Hickman—supports Angel Bello-Bellini. Goes into Section 39.63, FL Stat. Requires substantial statutory revisions.
- C. Norberto—Suggested the new Paternity Subcommittee be broad enough to address any issue relating to paternity and include issues relating to establishment in DV cases; minors signing paternity forms. It was agreed that Nina Zollo should be on this subcommittee.
- D. Subcommittee members:
- a. Ron Bornstein
 - b. Jon Johnson
 - c. Ray McNeal
 - d. Jeffrey Gillien
 - e. Stephen Pennypacker
 - f. Valarie Brown
 - g. Sheena Benjamin-Wise
 - h. Abigail Beebe
 - i. JJ Dahl
 - j. Amy Hickman
 - k. Suzanne Estrella—FLS
 - l. Nina Zollo/Barbara Crosier—FCADV
- E. Angel Bello-Bellini—Relocation glitch issue of “child”—Subcommittee formed, Angel will be chair with Charlotte Karlan, Sheena Benjamin-Wise.

F. Jodi Seitlin—Office of Statewide Child Advocate—Legal Needs of Children committee will vote on it. Mr. Tallenfeld is chair of committee. Amy Hickman is subcommittee chair. Concerns re: legislation. In theory should have started in Family Law Section. Norberto advised there is an emergency meeting later today in Legislation Committee. Legislation Committee may send it back to Children’s Issues Committee. Issue creating a bureaucracy that cannot be funded by gov’t that has inherent conflicts. Set it up so other programs aren’t put at risk. Discussion by the committee.

VI. For The Good Of The Order:

VII. Adjourn:

Submitted by Sarah Sullivan
As substitute Secretary

Meeting was adjourned at 10:20 a.m.