

## Pro Bono – Organizations

# Helping Foster Children Find Permanent Homes

Last year we interviewed David Keyko, Former Chairman, and Lynn Kelly, Executive Director of MFY Legal Services, Inc. (“MFY”) about New York City’s social safety net for low-income individuals and how MFY focuses on the complex legal problems that other service providers within that safety net cannot. In this interview, Ms. Kelly and Sara Wienkes, Supervising Attorney, Pro Bono Adoption Project, MFY Legal Services, Inc., describe MFY’s newest initiative. This interview was conducted by Jairo G. Cano, an intern and third year law student at Seton Hall University School of Law.

**Editor: Please tell our readers about MFY’s new adoption project.**

**Wienkes:** Our Pro Bono Adoption Project (the “Project”) developed out of the “Adoption Now” initiative launched in May 2003, by New York Court of Appeals Chief Judge Judith Kaye and the judges of the Family Court to expedite adoptions for children in foster care in New York City. In response to that initiative, Jean O’Hare, Senior Corporate Counsel of Pfizer Inc., mobilized the private bar in New York City, and organized this collaborative Project. This innovative corporate/public/private partnership facilitates the adoption of children in foster care by providing pro bono legal representation to adoptive parents through trained and supervised pro bono legal counsel. The pro bono attorneys are provided by Pfizer and eight participating New York City law firms: Cadwalader, Wickersham & Taft LLP; Kaye Scholer LLP; Latham & Watkins LLP; Pillsbury Winthrop LLP; Proskauer Rose LLP; Shearman & Sterling LLP; Stroock & Stroock & Lavan LLP; and Weil, Gotshal & Manges LLP. Supporting that effort MFY, together with The Legal Aid Society, are coordinating the Project and training the volunteers to represent foster parents in their adoption efforts. The pro bono attorneys work as “of counsel” to MFY or The Legal Aid Society.

**Kelly:** This Project breaks new ground in training for pro bono volunteers. In January MFY and The Legal Aid Society trained about 100 attorneys from Pfizer and the participating law firms. We conducted a day-long training session at Pfizer and the turnout was incredible. The overall level of interest is enormous. Changes in federal law have pressured the foster care system to shorten the time frame between foster care placement for a child and permanent adoption. New York’s system had allowed children to languish in foster care for many years. The legislative changes and commitment by the oversight agency and the Family Court to expediting adoptions have created the necessary environment to change the way that children are treated. Our pro bono presence has helped speed up all of the adoptions, not just those inside the Project, by sending the message that the private bar and corporate counsel are willing to come forward to help expedite the adoption process and to ensure that children have permanent homes.

**Editor: How have participants in the project facilitated your efforts?**

**Wienkes:** Pfizer has been amazing throughout the entire process. Jean O’Hare has been the driving force behind the Project and Pfizer is also actively involved with the adoption agencies. Representa-



Lynn Kelly



Sara Wienkes

tives of Pfizer and the participating law firms have met with various foster care agencies to help establish the important working relationships that will facilitate the Project’s success, and have also participated in other meetings for the Project. In addition, Proskauer Rose LLP, one of the participating firms, did a fantastic job producing an informational brochure for the Project, which has been distributed to the foster care agencies as well as directly to foster parents. And of course, Pfizer and the eight participating law firms have provided a substantial number of attorney volunteers to work on these adoption cases. In addition to these resources, along with our law student intern, DaShondra Brown (from George Washington University Law School), who works on researching legal issues that arise in these cases, Pfizer and the participating firms have summer associates, paralegals, and secretaries who work with the pro bono attorneys from their organization on assignments.

**Kelly:** In addition to providing pro bono volunteers and other resources, each of the firms has contributed funds so that MFY could hire a supervising attorney for the project. Overall, Pfizer and the participating firms have created the capacity for MFY to fund an attorney to coordinate the screening of cases, training, supervision and mentoring necessary to grow the project to a larger scale than would have otherwise been possible. This has been fabulous for our organization.

**Editor: How do adoptive parents become aware of this program?**

**Wienkes:** Adoptive parents become aware of the Project in a variety of ways. We are working directly with Joseph Cardieri, General Counsel, and Jeanette Ruiz, Deputy General Counsel, of the Division of Legal Services of the Administration for Children Services (“ACS”) and five of the largest foster care agencies under contract with ACS: Catholic Home Bureau; Little Flower Children’s Services; The New York Foundling Hospital; St. Christopher Ottilie; and St. Christopher’s Inc. These agencies help us get the word out to their foster parents. When the parents are ready for adoption, the agency provides them with a list of approved attorneys, which includes the Pro Bono Adoption Project. After the foster parent contacts us, we conduct a screening interview and then match them with a pro bono volunteer from Pfizer or one of our participating firms (participants). We continue to support the work of the volunteer to finalize the adoptions. We are very appreciative of the agencies’ cooperation, and the support of ACS. We also have engaged in direct outreach to foster parents through ACS-sponsored parent meetings. At these meetings, we talk directly to foster parents and adoptive parents about the Project, the services it offers, and their legal rights. It is so gratifying to see their appreciation of the information

that we give them about their rights. We also work directly with the Family Court, as well as LIFT (Legal Information For Families Today), an organization that provides legal brochures – and now the Project brochure – to families in the New York City family courts. The LIFT tables at the family courts and the foster care agencies direct parents to MFY.

**Kelly:** There has been a real dearth of information available to the foster parents in the family court system about their legal rights. This initiative and LIFT’s information tables have put more information out to the families involved in foster care. We are planning on creating and distributing a “Know Your Rights” brochure to the adoptive families that would explain their rights and the ramifications of adoption. Ideally it will be translated into various languages so that it can reach those families who are willing to adopt but do not understand English.

**Editor: How does MFY deal with the language barriers that may prevent families from seeking legal counsel because they do not speak English?**

**Wienkes:** Currently we have several clients who speak only Spanish. We were able to provide Spanish-speaking staff members to serve as translators for those clients during the initial client intake. Moreover, because of the resources of the pro bono participants, we have been able to match the client with a pro bono attorney, staff member or translator who is able to communicate with and/or translate for the client.

**Kelly:** With respect to other language needs, MFY has staff who are fluent in Spanish, Cantonese, Mandarin, French, Creole, Bengali, Tagalog and Greek.

**Editor: How do you coordinate the pro bono assignments with volunteers?**

**Wienkes:** MFY generally conducts an initial intake with the client and assigns the case to one of our participants. As indicated earlier, we work closely with five of the largest foster care agencies, which were chosen by ACS. Based on feedback from those five agencies, we have paired each agency with two of our participants. When a foster parent from a particular agency contacts us, we in turn contact one of the two participants matched with that agency. The participant then assigns the case to one of their pro bono attorneys, according to their availability to handle the case and help the adoptive parents create a permanent home for that foster child.

**Editor: What other services have the program participants provided?**

**Wienkes:** As counsel to the adoptive parents, the pro bono attorneys address issues that arise in the course of the adoption. This could include issues relating to immigration status, prior run-ins with the law, or public benefits. But the participants have not limited themselves to direct representation only. For example, as an offshoot of the Project, Pfizer hosted an awards ceremony for ACS in honor of the contract care agencies, the independent agencies with which ACS contracts to care for the foster children in the system. We are also consid-

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## Pro Bono – Law Firms

# Involving Service Providers Makes Charity Efforts Successful

Nick Grieco has been practicing law in his home state of New Jersey for 14 years and one of the things that pleases him most about his profession is the large number of attorneys giving their time and resources to the support of philanthropic and charitable activities.

“It seems to be pervasive in our profession,” notes Mr. Grieco, a partner in the firm of Grieco, Oates & DeFilippo in West Orange with a practice in insurance defense, toxic torts, real estate, medical malpractice, personal injury and products liability. “All of my friends and colleagues want to give back to the community. Each of us has our time restraints and we have to choose the way in which we can do it, but everyone I know gives when he or she is called on.”

Attorneys go about philanthropy in different ways, explains Mr. Grieco. Some with ties to major corporations as clients or colleagues will ask a company for a large donation to anchor the charity’s fund-raising efforts. Others have clients and friends who are celebrities and professional athletes, asking them to participate in celebrity golf outings designed to raise money for a cause.

The latter has been Grieco’s approach in part because the Oates in Grieco, Oates & DeFilippo is Bart Oates, retired New York Giants center and five-time Pro-Bowler, and also because New Jersey is rich with native-born sons and athletic greats like Yankee catchers Rick Cerone and Yogi Berra who can gather a crowd for a charity golf outing with the swing of a club.

For Mr. Grieco, it began several years ago when a lifelong friend and fellow Newark native, Mike Adubato Jr., suggested that Grieco, Oates and some friends find a way to give back to the boys and girls of Newark. They enlisted

Rick Cerone, another Newark native and founder and president of the Newark Bears minor league baseball team, and created the Teach Our Children Foundation. Mr. Cerone’s wife, Teri Festa, a veteran sports marketing executive, and the spouses of the other founders, Clarissa Grieco, Michelle Adubato and Michelle Oates ardently put their support into the program as well. Their goal was to raise money for educational programs and facilities in New Jersey’s largest city. They put together a golf outing, called everyone they knew and pulled in more than \$80,000. That was six years ago and in the interim the Teach Our Children Foundation has grown and supported the youngsters at St. Benedict’s Prep, St. Michael’s Grammar School, the North Ward Center, the Newark Boys and Girls Club, The Link Community School, and Shepherds of Youth.

Sadness also struck during that time. Mr. Adubato, one of the Foundations’ founders, passed away with cancer and this year the organization has created a Friendship Award in Michael Adubato’s name to honor individuals who have given their time and their resources freely and often to support the Foundation. No surprise that the first recipient is Yogi Berra. “He is the best,” Mr. Grieco says. “He’s always here early, meeting and greeting the golfers.”

Now in its sixth year, the outing has taught Mr. Grieco some lessons in how to attract participants who will play and make a donation.

“First, always pick a golf club that is hard to get into,” Mr. Grieco says. “Everyone wants to play a top-rated course and if it’s hard to get on one, the better the turnout. Try to hold it on a Thursday. Some organizations hold them on a Monday at the beginning of the work week – a tough time for some peo-

ple to attend. And play a ‘fivesome’ not a foursome with the fifth player being the celebrity or professional athlete. This format works really well.”

And if it’s a law outing, don’t hesitate to ask business suppliers and companion services to participate and contribute.

“It’s a real opportunity for them to get together with you in a social setting for a good cause,” notes Mr. Grieco, citing the case of Doerner & Goldberg, a well known national provider of deposition and litigation support services which has participated annually in the golf outing.

“They are always there for us with the finest professional support for our practices and our philanthropic causes,” Mr. Grieco says.

“Like Nick and Rick Cerone, many of us have our roots in urban communities where giving back should be a part of our professional success,” notes Marshall Goldberg, a principal of the deposition and litigation support firm. “It’s also great fun to be with the attorneys and the celebrities in a relaxed environment where the end result is for a good cause,” emphasizes Kim Haduck, a senior services representative at Doerner & Goldberg.

“The brightest news is that we are only one of hundreds of programs involving attorneys around the state and the region,” Mr. Grieco notes. “And it has been going on for years.”

Mr. Grieco recalls his early years in an Essex County law firm where a senior partner, Kevin O’Toole, who went onto serve in the state assembly, was running charity programs every year. “A lot of the ideas came from Kevin,” Mr. Grieco said. “It created a legacy of philanthropy we hope we now can pass on to a younger generation of lawyers who will also see the importance of giving to the community.”

## Foster Children

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ering helping out with “Adoption Saturday,” a nationwide program developed by The Alliance for Children’s Rights that is also geared towards reducing the backlog in family courts. Each year the family court designates a Saturday when it docket a larger volume of adoption cases from all five boroughs in order to expedite those cases. Pro bono counsel can assist on those days by answering questions and ensuring that people are directed to get where they need to go. They can also provide games for the children, or refreshments. As Lynn indicated, we are also considering their help with addressing the informational needs of the families in the family court. The creation of an informational brochure is an area that can use legal assistance.

**Kelly:** The project also helps the families get medical subsidies or other subsidies for the children if they have special or exceptional needs that qualify them for that assistance. That is a big help because that allows the family to get counseling or therapy for the child. Attorneys also work with

the social worker who is working with the child and knows the particular situation. The social worker often works with the family to get the medical assistance or subsidies that are needed.

### Editor: What are the long-term goals for the Pro Bono Adoption Project?

**Wienkes:** The Project was originally designed to reduce the backlog of adoptions over the course of the year. To the extent that there still is a need for the Project, we will consider extending or expanding it. We currently are working on approximately 30 adoption matters for over 20 adoptive parents, and we continue to conduct screening interviews each week. Many of the children whose adoptions we are working on have behavioral or developmental issues as a result of what they have experienced in the past. About one-third of the children have been in the foster care system for over six years, and we are proud of our role in helping these families obtain legal permanency through the finalization of these adoptions. In some instances, the children are able to maintain ties with their biological families. Several of the children are being adopted by a grandmother, aunt or uncle, and there are

about five sibling groups in the process of being adopted. The Project is gaining momentum and we see the Project continuing to get cases into the future.

### Editor: Why is MFY an excellent resource for New York City?

**Wienkes:** Without MFY, a lot of low-income people in the city would not be able to get legal representation in a civil matter because they do not have appropriate resources to hire counsel, or have the right to a court-appointed attorney. Because MFY does not handle criminal or juvenile cases we are able to take cases in New York City that The Legal Aid Society cannot take because they are conflicted out of those cases. The substantive areas that MFY focuses on are ones that are particularly important to low income working residents of New York City. We work on housing and employment issues in addition to our Adult Home and Mental Health Law projects. The Adoption Project is important not only for the reasons set forth above, but also because it helps pro bono corporate and law firm attorneys get involved in family court, which is an area where they traditionally have not been as actively involved.

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