# OPEN NINTH

## LOVE CROSSES ALL BOUNDARIES

## EPISODE 12

# NOVEMBER 15, 2016

# HOSTED BY: CHIEF JUDGE FREDERICK J. LAUTEN

>>Hello and welcome to Episode 12 of "Open Ninth: Conversations Beyond the Courtroom" in the Ninth Judicial Circuit of Florida.

Now, here's your host, Chief Judge Frederick J. Lauten.

>>CHIEF JUDGE LAUTEN: I'm here with Circuit Judge Alicia Latimore. Judge Latimore has served as a circuit judge since 2006. She received her bachelor's degree in psychology from Duke University, Go Blue Devils.

### >>JUDGE LATIMORE: Go Blue Devils.

>>CHIEF JUDGE LAUTEN: My son is also a graduate of Duke University and worked on the men's basketball program when he was there. And Judge Latimore received her law degree from the University of Florida. We're thrilled to have Judge Latimore with us today to discuss an important ceremony that she will oversee this coming Friday, National Adoption Day as part of national adoption month. Normally, more often adoption ceremonies are private but for this ceremony the families have agreed to allow the ceremony to be in a public place. National adoption month is a collective national effort to raise awareness of the more than one hundred thousand children in foster care who are waiting to find permanent homes and loving families and permanent families. The Ninth Circuit has celebrated National Adoption Day for the past 21 years. Judge Latimore, thanks for joining us and welcome.

>>JUDGE LATIMORE: Thank you for having me.

>>CHIEF JUDGE LAUTEN: So Judge, how did you get involved in this annual event that makes dreams for children to come true?

>>JUDGE LATIMORE: Well, I've been practicing in the dependency arena for – well, before I came to the bench, I practiced in the dependency field for over 15 years. So I've always been in the field of working with children and families. I've had several hats, whether I was a parents' attorney, or the state attorney, or if I was a guardian ad litem or an attorney ad litem. So I've always been interested in the welfare of children. So I became very much involved in just making sure that children reached permanency and through my practice as well as through my terms on the bench, I've been able to have a good working relationship with Central – Community Based Care of Central Florida who oversees National Adoption Day here. So I was

lucky to be asked to take the place of Judge Robert Evans who did it for so many years and be able to sit in his place after his retirement to oversee the event.

>>CHIEF JUDGE LAUTEN: So know that Judge Evans and his wife adopted their child. And how long did you sit on the dependency – you sat on the dependency bench.

>>JUDGE LATIMORE: I did. I was able to sit on the dependency bench for three years.

>>CHIEF JUDGE LAUTEN: And then delinquency – have you served on the delinquency bench, or both?

>>JUDGE LATIMORE: Prior to dependency, I was on delinquency bench for three years as well. I was over in juvenile for a total of six years.

>>CHIEF JUDGE LAUTEN: Six years. So Judge, how many children will be adopted at the ceremony this Friday?

>>JUDGE LATIMORE: This Friday we'll have 17 children adopted so we are very excited about that. There are currently 300 or so children in foster care in Orange County. So we work hard, and you know, even though I'm not in juvenile dependency anymore, I still consider myself a part of that family. We still work very hard to see if we can get as many kids reach permanency as possible.

>>CHIEF JUDGE LAUTEN: And I know last year you presided over the ceremony and the room was an amazing place to be for the event, both how it was decorated and then the – you could sense the excitement and the joy and the love in the room. What emotions did you feel as you were overseeing last year's adoption?

>>JUDGE LATIMORE: I just felt so much love in that room and so much excitement. My vision for National Adoption Day, which they were able to bring to reality is that this was just a birthday, a new beginning on life for these children who finally were being adopted by a permanent forever family. So I wanted it to be a celebration and what better to do than to fill the room with balloons and clowns and cotton candy and games and toys, and you know gifts. And I think when you look at the faces of those little children, it just warms your heart. So I was really very kind of mushy at the event. I was just – I just felt love all in the air. >>CHIEF JUDGE LAUTEN: Was it hard to keep it together at any point in the whole day, or the ceremony?

>>JUDGE LATIMORE: It was at times, and I think when I say it's hard for me to keep it together, it was that I still had to maintain my position as the judge presiding over a formal ceremony, but I wanted to just get out there and play with the kids and hug them. But I had a chance to hug a lot of the adopted kids, because I sat on the dependency bench while their cases were pending. So I knew quite a few of them, including the oldest child who was adopted who had been in foster care for several years and finally found a forever family.

>>CHIEF JUDGE LAUTEN: So do you agree with me that most of the time the daily jobs that we're required to do often involve delivering pretty hard news? It can be sentencing people, it can be hearing from the families of victims who have been seriously injured, if not killed, or it can be in civil telling one party that you've lost in your litigation. We often have winners and losers; that's the nature of the beast. And yet, I have to think that adopting or presiding over the adoption of a child is one of the most joyful things that we can do as a judge. Is that an accurate statement?

>>JUDGE LATIMORE: I think that is definitely an accurate statement. And we talk about that when we're in the dependency courtrooms and talking to the parties. We're often discussing and saying, oh, we have adoptions on Friday; that's great. That's going to be the best thing that we do all week, so we're looking forward to having adoption proceedings because those proceedings that come before that are not so happy because you're usually involved with the termination of parental rights. And so that is, of course, the part that is not as joyful, but when you understand that you may be terminating parental rights because you're going to be able to give this child a permanent loving, safe and stable family, that moment is when you're really happy about it.

>>CHIEF JUDGE LAUTEN: I don't know if there's a typical roadmap, but let's talk with our listeners a little bit about how a child eventually gets to that joyful day when they're adopted. Are they most often in foster care before they get to that stage? Maybe you can walk our listeners through sort of what typically happens with children.

>>**JUDGE LATIMORE:** Well, there are the majority of children who are in foster care and they become involved in the child welfare system. For many of the children and the children who are involved in National Adoption Day are mostly children from foster care, but they also can be placed with relatives or friends of the family. So children who are removed from their parents for reasons of neglect, abuse, or any other matters that could endanger their safety, may be placed temporarily with a relative, non-relative or in foster care if there is no one there to be able to receive them or approve for placement. And so the children will remain in those placements until the parent has an opportunity to comply with a case plan. Those case plans usually involve certain tasks or treatments and counseling that might assist the parent to become a better parent and be able to provide the children with a safe environment, making sure that they have stable housing and stable income, as well as they've addressed any substance abuse issues or maybe domestic violence issues, or other problems that may present a risk to the children. If the parents successfully complete those case plans, then they will most likely be reunified with those children. However, if they're not able to do that within the designated period of time that's provided by law, then the court is required to look for another permanency option for the children. And if that does not include long term relative care or some other long term foster care, for example, that will result in us going to adoption. Now, adoption is the first and primary alternative goal that the court is to consider when the children do not go back to their parents. And that's because we want to give children permanency. If we place them in some other alternative placement, then the case can be reopened and they don't have a permanent family. So we're looking to make sure that they have a loving family that they can grow up with and succeed and, you know, be able to call someone mom or dad and have cousins and, you know, be at holiday events, just like normal children. I mean, they are normal children.

>>CHIEF JUDGE LAUTEN: So, is there an average time that a child spends in foster care or does it vary just depending on the case?

>>JUDGE LATIMORE: It varies depending on the case, but the law provides that we are to reach permanency within 12 months. So that is the goal is to achieve permanency within the 12 months period of time. Sometimes for reasons – one reason or another it may go beyond that 12 months period but surely that should be the goal.

>>CHIEF JUDGE LAUTEN: So I thought I heard from some source once that a child might spend an average of three years in foster care before being adopted but it sounds like maybe that's too long of a period of time or at least that's certainly not the goal.

>>JUDGE LATIMORE: Yes, that's definitely not the goal and those will be exceptional cases now. After the Adoption and Safe Families Act in 1997 was enacted, the goal was changed and shortened to 12 months that we are to seek to achieve permanency. Three years would be an exceptional case and surely would not be in the best interest of the child.

>>CHIEF JUDGE LAUTEN: Is there an average age for adoption? Are children, you know, if you looked at statistics, would there be an average age or are parents attracted to a particular age in adopting children?

>>JUDGE LATIMORE: I think most parents or most potential adoptive parents would prefer younger children, infants. There's a high demand to adopt a baby. However, and often the babies will go very quickly, or there already is a placement that does not require babies to go through foster care. Someone else in the family or some other individual will privately adopt that child as opposed to having that child go into foster care. Where we're usually seeking permanent families are in those cases in which the children are older. They are no longer toddlers. They're more towards the teenage years or the early teenage years. That's where we have the greatest demand for children. And so there are several events that are held year around for potential adoptive families to meet some of our foster care kids and get to know them and get to see their personalities, spend time with them. So that's where we're successful in having them adopted.

>>CHIEF JUDGE LAUTEN: Again, correct me on any statistics that I have wrong. I also thought I read that maybe around 20 to 23,000 children age out of the foster care system per year.

>>JUDGE LATIMORE: I think that's the correct – I actually had a statistic a little higher than that.

>>CHIEF JUDGE LAUTEN: All right. What was that?

>>**JUDGE LATIMORE:** 38.

### >>CHIEF JUDGE LAUTEN: 38.

#### >>JUDGE LATIMORE: 38,000 nationwide.

### >>CHIEF JUDGE LAUTEN: Nationwide.

>>JUDGE LATIMORE: And so there is a real strong push for lowering that number. Now, there are several factors that go into why there's so many kids that have aged out.

>>CHIEF JUDGE LAUTEN: And tell our listeners what aging out means.

>>JUDGE LATIMORE: Aging out means that they have achieved the age of 18, unless there is an extended foster care program, but for the most part is they become an adult. And they are no longer in the foster care system, and so they're not considered minor children. Once they are older than 18, unless there is, as I indicated, an extended foster care program where they can stay in foster care until they're 21 years old, then they pretty much are an adult and they're on their own. And they have to seek a job and a house, a home and be independent.

>>CHIEF JUDGE LAUTEN: Let me stop you there because that's an intriguing concept. So at 18 in many instances are they required to leave the foster family they're with and go out on their own? I wasn't ready at 18 to find my own home and get a permanent job and fulltime work to support myself. Does that happen to a number of –

>>JUDGE LATIMORE: That does happen to a number of children, but in order to respond to that, they have begun the extended foster care programs for particularly that reason. An 18 year old is typically not ready to become an independent adult and support themselves. And so many of our children or young adults at the age of 18 were being sent out of foster care and they become homeless. They didn't have a job. They didn't have any stable housing. They didn't really have family because they had been removed from their biological family and now they've lived in foster care. The foster care families that they may have lived with are no longer receiving subsidies to keep them or the foster care payment, board payment. So they were caught in a situation where they almost were kind of pushed into homelessness in a bad situation.

>>CHIEF JUDGE LAUTEN: That's terrible. That's terrible.

>>JUDGE LATIMORE: And it was. But luckily there's been some attention to that and they've come up with some remedies where they have extended foster care programs. They

can stay in foster care and they will get assistance with education, assistance with trying to become independent as well as other training so that they might be able to become self sufficient.

>>CHIEF JUDGE LAUTEN: And I heard today in talking to, interestingly enough, Justice Pariente on the Florida Supreme Court that children might have to opt into that system and one side issue now is, do the children know that they need to opt in? Is that an issue that exists today?

>>JUDGE LATIMORE: I think in Orange County for -- at least in Orange County, it's not that big of an issue. Our case managers are trained to ensure that they discuss that with the children. Our guardian ad litems know about nix in the foster care and surely discuss that with them. The court, when the children come in front of the court, the judges will discuss that option with them. So I think that we have several avenues in which we get that information to the children. Whether they choose to go that route, at the age of 18 when you think you're grown, you don't want to go, you know, do what anyone else tells you to do and you kind of want to be that adult, you think it might be easy. Some of them choose not to do it at that point.

>>CHIEF JUDGE LAUTEN: I see. I see. Well, let me ask you this, so you've discussed with us adoptions predominately from the foster system. What's the difference between a private form of adoption and then adoption out of the foster care system?

>>JUDGE LATIMORE: Private forms of adoption will allow a parent to select an individual who they personally want to have adopt their child. That will keep the child – that will keep the child welfare agency out of the picture, pretty much does it. The law provides that a parent, even if the Department of Children and Families has removed that child and placed that child outside the custody of the parent, even if they determine that they want to proceed with termination of parental rights and make the child available for adoption, the parents still maintains their right to give the consent to an adoption to another individual and do a private adoption outside of the court – dependency court system.

>>CHIEF JUDGE LAUTEN: So is it fair to label or describe a private adoption as a contractual agreement between the biological parent and the adopting family?

>>JUDGE LATIMORE: Yes.

>>CHIEF JUDGE LAUTEN: And then a foster care adoption really involves the court system and the foster care system placing children?

>>JUDGE LATIMORE: Well, the child can still be in foster care.

>>CHIEF JUDGE LAUTEN: I see, okay.

>>JUDGE LATIMORE: But the parent has the ability to independently decide which family will be able to adopt this child and give the consent to that family through a private adoption agency. And the other alternative, the Department of Children and Families is going to seek the termination of parental rights and have that child, if the parental rights are terminated, that child will be placed in the custody of the Department of Children and Families. So now they are the parent and they get to decide who they give consent to adopt.

>>CHIEF JUDGE LAUTEN: I see, okay.

>>JUDGE LATIMORE: Okay.

>>CHIEF JUDGE LAUTEN: And you mentioned an entity earlier, CBC -

>>JUDGE LATIMORE: Community Based Care of Central Florida.

>>CHIEF JDUGE LAUTEN: Why don't you tell – tell our listeners a little bit about Community Based Care.

>>JUDGE LATIMORE: They're the organization that oversees all of the community based agencies that provide services to the family here in Orange County and they also have other jurisdictions, Seminole County as well. And what that means is that they are going to ensure that the parents receive whatever services they need to comply with their case plan. They are providing case management services. They also are ensuring that the caregivers receive whatever necessary support and services they might need when a child is placed in their home. They are overseeing the foster care agency or division in Orange County and the foster care parents that are available for placement. And they also make sure that they provide necessary services to the children who are part of this system also to ensure that they receive regular medical care, regular psychological care, counseling if that's needed, to assist them if they might want to get a driver's license. They're in foster care and everything is targeted towards bringing normalcy to these children's families, because back in the day when a child was in foster care, they didn't get to enjoy the same thing that a child would just being placed in their home. So it was difficult for them to experience – they would lose their friends because they had been taken out of their neighborhood. They wouldn't be able to drive a car or get their driver's license. They didn't get the chance to go to the prom, you know, and have a nice dress. So Community Based Care of Central Florida really brings in as a partnership with the community and other agencies to ensure that these children receive the services that they need and that they do everything they can to bring normalcy to their childhood.

>>CHIEF JUDGE LAUTEN: I have to imagine that a child losing a parent, either through the termination of parental rights process or a parent saying I just can't raise a child, must be somewhat of a traumatic experience for a child and perhaps their parents had a drug addiction or mental health issues or incarceration in jail or prison. What – so does CBC provide the services that any child would need under those circumstances, counseling and other social services to get healthy in that setting?

>>JUDGE LATIMORE: CBC contracts with other agencies to bring those services to the children. Whatever those services may be, they pretty much will get it and work towards finding a provider for those services. So when it comes to counseling, grief counseling, any type of medical needs that the child may need, if the child has a disability, any particular support and services that this child needs, CBC will oversee and make sure that they contract with individuals who can provide those services, not only to the children, but the family as well.

>>CHIEF JUDGE LAUTEN: What about multiple siblings in the family? Are families separated? Are children separated from their siblings in the adoption process or is there an effort made to keep siblings together? Can you talk just a little bit about that?

>>JUDGE LATIMORE: There's an effort to keep the siblings together.

Unfortunately, there are many instances where they cannot be kept together. And there are even worse situations in which they are separated by distance, by significant distance. You can have a child who's placed with a relative here in Orange County, but they might have, because of their special needs, need to be placed in a foster care or therapeutic placement in Brevard County. So there are situations and instances where there may be a separation of the siblings and it could be just that they live in different households or that they have to be separated because of their special needs. But there is definitely a priority to place the children together as well as the Court

will inquire and often oversee and make sure that the community based agency are making consistent efforts to place them together.

>>CHIEF JUDGE LAUTEN: So let's flip it around a little bit. Is it difficult to adopt in Florida? Can single parents adopt? How hard – is it a relatively easy, relatively hard process to adopt?

>>JUDGE LATIMORE: It is not a hard process to adopt and I think that's a myth that has been – that existed for quite some time and people believed that it is difficult to do that. Adoption is not difficult and the process itself once you have either a lawyer or you go through the dependency system to achieve adoption, or you do it in a private –

>>CHIEF JUDGE LAUTEN: Will Legal Aid help people who need help in adopting or not?

>>JUDGE LATIMORE: Legal Aid does not help them, however, there are court appointed counsel who works regularly in the dependency system and they're familiar with the process and they will offer their services either at a reduced rate or at a free rate.

>>CHIEF JUDGE LAUTEN: That's great.

>>JUDGE LATIMORE: The Legal Aid itself – because they primarily are providing guardian ad litem services and they usually are involved in the cases because you need a guardian ad litem to be there to give a recommendation.

>>CHIEF JUDGE LAUTEN: To represent the child.

>>JUDGE LATIMORE: Uh-hum, to represent the child. So typically the services might come from that court appointed counsel.

>>CHIEF JUDGE LAUTEN: So there was years ago discussion about can gay people adopt in Florida. Where is Florida in that issue today?

>>JUDGE LATIMORE: Gay people can adopt. Heterosexual, homosexual, bisexual, any variety of sexual orientation, it does not matter. That does not come into play anymore and they will be able to adopt just as anyone else would be able to adopt as long as they qualify.

>>CHIEF JUDGE LAUTEN: Right, and for our listeners we should say, because I know this to be true, but you're the expert so I want you to correct me if I'm wrong. Regardless of one's orientation, what you're looking for is, does this family provide for the best interest of the child? That is, you would never place anyone in a harmful setting, so before you would approve an adoption as the judge, you would look at reports and studies and home studies, and maybe psychological studies and say, yes, however this person is and regardless of their orientation, they're healthy and able to raise a child.

>>JUDGE LATIMORE: Correct. Safety is first and primary, and the fact that they can be a loving and nurturing family for this particular child. And the community based care agencies, if the child is – if it's not a private adoption, the Community Based Care agencies will do the home study. They will look at the home. They will do a background check. They will look at their finances and their income, and they will actually attempt – you know, do whatever they need to counsel to ensure that this child is a good match for this family and the family is a good match for the child. And so all of those things will be taken into consideration, brought to the Court, and then the Court will be the final say as to whether it is approved. But again, sexual orientation is not a play in that.

>>CHIEF JUDGE LAUTEN: Now, I think there's maybe been a rise or maybe just public attention to adoptions of children born in other countries. What are the advantages and disadvantages of adopting children born outside of the United States and how does that affect the fact that we have so many children born in the United States who need to be adopted? What are your -- do you have any thoughts in that area?

>>JUDGE LATIMORE: I think the only real disadvantage is that it might take some of our foster – potential adoptive families. It lowers the number that are available for our children who are right here and need to be adopted. But, again, I believe if there's a need for a child anywhere who needs a forever family and maybe it has to do with their age, or maybe it's just a girl, or someone that the parents met and fell in love with. I think that any child that needs a parent and needs a forever home should be entitled to be adopted. So if a parent makes a decision that they want to go to another country and maybe bring a child who may be less fortunate, even compared to the children that we might have here in the foster care system, surely that's still a blessing for a child.

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>>CHIEF JUDGE LAUTEN: So, I think, we normally think of the adoption system and the process as benefiting the adopted child and yet I attended last year's ceremony and I heard you say and I heard a number of parents say that they felt uniquely blessed and they felt that they benefited as much as the child in adopting and welcoming a child into their family. So what are some of the benefits that parents have told you they received when providing a forever family to a child?

>>JUDGE LATIMORE: I think for the most part many of the adoptive parents just have not felt love and such sincere and genuine love from a human being like they do from a child who really wants to have a mom or dad and has had that missing from their life for some time. I mean, it's something to be able to have that child to look at you and look for you in times of need, at a time when they need security, when they count on you for everything. But it's that unconditional love that that child gives to this parent that they may not have had before. We have many adoptive parents who can't have children and thought that they would never have children. But they also found out that they're being blessed in a way that they never expected to be blessed because they found this little bundle of joy, who is going to bring them some hard times in the future because they're going to grow up.

>>CHIEF JUDGE LAUTEN: All children do.

>>JUDGE LATIMORE: But they enjoy and love that aspect of it and so it's indescribable. I've had parents come into the courtroom and just say, Judge, thank you so much. And I would say, I didn't do it, you did it. Thank you for coming to take care of this child, but they are just so happy and overwhelmed.

>>CHIEF JUDGE LAUTEN: Well, let's talk for just a minute about some challenges in adoption. So I'm certain that there are children through absolutely no fault of their own who are born with addictions because their mother was addicted or have some physical or mental challenges, and medical challenges. Are they the most difficult to place? What's your experience with children who through no fault of their own have particular challenges or special challenges?

>>JUDGE LATIMORE: Yeah, we have children with special needs and sometimes they can be – there is a challenge to have them placed with the right family. But, we have learned that if we look hard enough, if case management looks hard enough, there's a family out there, and there are often adoptive parents who particularly want to adopt a child with special needs because of their profession, because of their experiences in life, because of other individuals in their family who may have those same special needs and they feel that they can provide great care for a child with those needs. So we always have come to the conclusion that no matter what the child's needs are, there's a family out there somewhere that can take care of them. It's just a matter of finding that family and that's why we have an event like National Adoption Day. And that's what the effort is, is to get the word out and to have people become aware that no matter what, you know, what you've done in life and who you are, you potentially can be a provider, a forever family for a child.

>>CHIEF JUDGE LAUTEN: Judge, are there – we've covered a lot of territory. Are there any myths to adoption that you wanted to spell that we haven't covered? In other words, the top three myths, have we covered what those are? If not, please share those with our listeners.

>>JUDGE LATIMORE: Yeah, I think with me being an African American female judge, I think one of the myths is that black people do not want to adopt, and that has been a myth. And things that has been said to me, that you know, black children – so many black children in the system and there's a disparity in the number of black children who are in foster care as opposed non-African American children. However, I've discovered through my practice as well as through sitting on the bench that there are many African American families or people of color who are interested in adoption. The other side of that myth is that there is no interracial adoption, that African American people will not adopt non-African American or people of color – people who are not of color will not adopt children who are of color. And I've learned that it doesn't matter. You know, love crosses all boundaries, okay, and so that is – that is really a myth that has been broken as I've sat on the bench because I've seen interracial adoptions, whether it's, you know, homosexual parents who have adopted children of a different color. I mean, it's just been a mixture of all types of children and parents. And so those are the myths that I think many know did not exist. >>CHIEF JUDGE LAUTEN: If you could give your number one reason, the strongest reason why a family who's even thinking about it should step forward and adopt a child. I think you've told us already, but what message would that be?

>>JUDGE LATIMORE: Well, I think most of all is that I've – and this is a little bit different than just the love and just experience that you're going to have by becoming a parent for these wonderful children, but I also want individuals to realize that not only are you going to give life and give a lovely home to a child, you're going to receive more than you've ever expected by taking in this child and being that forever family for them. And I have met individuals who said I wished I had adopted. For one reason or another they made a decision, but I say overcome whatever fear you have, ask all the questions, and just go to those events where you get a chance to meet the kids. Come to National Adoption Day and I'm telling you, you'll walk out of there wanting a couple of kids yourself, okay. But come on over to National Adoption Day and see what a wonderful thing it is to bring such joy and happiness to the heart of a child.

>>CHIEF JUDGE LAUTEN: Judge Latimore, I don't think that I possess the skill to sum up the appropriate words to express to you how deeply grateful I am as Chief Judge that you are so passionate about adoptions. That you are presiding over the ceremony; that your career on the bench and your career before the bench was dedicated to ensuring that children find a forever home. And so on behalf of all of the children who will be adopted this Friday, on behalf of the families who will experience joy in receiving those children, and on behalf of all of the citizens in Orange County, let me just say from the bottom of my heart, thank you for your passion. Thank you for your commitment and thank you for sharing this very important information. I think this might be the most important podcast we've ever done which is about helping children who just want to find love and a safe place to grow up. So thank you for spending time with us and thank you for presiding over this event, and thank you for everything.

>>JUDGE LATIMORE: Thank you so much and thank you for letting me have another wonderful occasion like National Adoption Day.

>>CHIEF JUDGE LAUTEN: You're welcome.

>>Thank you listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Frederick J. Lauten and the Ninth Judicial Circuit Court of Florida. Please remember to follow us on Facebook and Twitter for more information about the Ninth Judicial Circuit Court.