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Greenberg Traurig's William C. Silverman opens the Kinship Caregivers Law Project training session as, seated from left, Lynn M. Kelly, executive director of MFY Legal Services; Family Court Administrative Judge Joseph M. Lauria; elder law attorney Gerard Wallace; and Family Court Referee Elizabeth Barnett look on.

Below: Attendees listen to Mr. Silverman's remarks.



NYLJ PHOTOS/RICK KOPSTEIN

Pro Bono Program Is Launched To Help Kin Raising Others' Children

BY LINDSAY KENNEDY

AT THE NEW YORK offices of Greenberg Traurig last week, approximately 80 attorneys silenced their BlackBerry's, pushed aside neat plates of finger food and listened closely to the story of an 81-year-old grandmother named Barbara.

A resident of upstate Bath, Barbara should be enjoying her retirement years. Instead, she is busy raising 9-year-old twins, the children of her developmentally disabled daughter who is unable to care for them. In addition to the challenges of raising two young children, Barbara's husband has been diagnosed with cancer, complicating the elderly woman's already difficult situation.

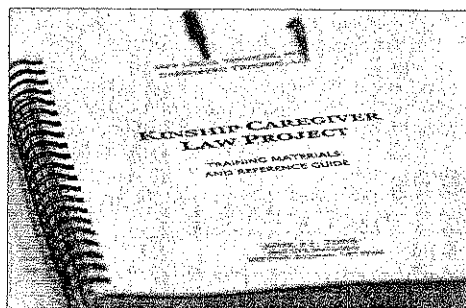
"Grandparents are raising children," Gerard Wallace, a Hudson Valley specialist in elder and family law, said to the gathered lawyers after telling Barbara's story. "This population is under the radar screen and doesn't get the attention it deserves."

Mr. Wallace, who also directs an attorney education program at Albany Law School, came to Greenberg Traurig to address the first-ever training session of the Kinship Caregiver Law Project, a pro bono initiative aimed at providing legal services to grandparents and other relatives raising children not their own.

Greenberg Traurig arranged the session and produced a reference guide for the attorneys, who attended from a variety of large law firms.

"It's very much a collaboration of firms and organizations to make this successful," said William C. Silverman, a litigation shareholder and head of Greenberg Traurig's pro bono program. "Our role is to try to bring everyone together."

The Kinship Caregiver Law Project is expected to be rolled out in two phases. The first phase will get under way with the help of MFY Legal Services,



Greenberg Traurig attorneys created the program's training manual.

Inc., a not-for-profit that assists poor New Yorkers. The agency will train attorneys on how to file proceedings for guardianships. The second phase, which will launch sometime this fall, will consist of staffing pro bono attorneys at Family Court in Brooklyn to offer on-site legal advice in free counseling sessions.

"In Phase One of the project, we will be matching firms with guardianship cases," said Lynn M. Kelly, MFY's executive director. "The guardianships are giving people what they need to have the authority to care for these kids."

She added, "There is nothing more rewarding than helping and stabilizing a family in crisis."

MFY became aware of the issues grandparent caregivers face after many contacted the agency seeking assistance in learning about their rights in raising children left in their care. The kinship project was conceived as a means to answer that need.

"We realized that for relatives it's a more complex process," Ms. Kelly said. "They just want to care for the child in the hopes that the [parent] will return."

Short of adoption, guardianship is the most extensive power that can be acquired by a non-parent over a child. While custodians assume responsibility of a child's education, care, overall health and daily living, they have less decision-making power in these areas and less power to act on a child's behalf than a guardian might.

Mr. Silverman said that when he approached MFY a few months ago to see what kind of projects Greenberg Traurig lawyers and the agency could work on together, MFY mentioned the heavy volume of calls that were coming in from caregivers.

"They gave us the inspiration, and the support from other firms," Mr. Silverman said in an interview. "MFY is working with other organizations to go out there and find these [caregivers]."

Last week training's session was attended by attorneys from Cleary, Gottlieb, Steen & Hamilton; Patterson, Belknap, Webb & Tyler; Weil, Gotshal & Manges; Alston & Bird; McDermott, Will & Emery; and Stroock & Stroock & Lavan, all of whom have a long-standing relationship with MFY. Fourteen attorneys also attended from Citigroup, having been notified about the program by Greenberg Traurig.

The lawyers were given a background on kinship care, legal standards and issues in New York practice. Administrative Judge Joseph M. Lauria of the New York City Family Court provided an introduction to the Family Court system.

"It doesn't take long to be in the Family Court to realize that your services are needed in terms of counsel," Judge Lauria told the group. "As you'll learn, [caregivers] will ask anybody in the courthouse what they should do. Having experienced attorneys to assist them will be helpful."

Mr. Wallace outlined for the group the statistics on kinship caregivers, many of whom live on fixed incomes.

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Kinship Caregivers Law Project Training Session

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"We have 300,000 kids who aren't in the foster system and are being cared for by kin," he said. "Many, many grandparents will become caregivers, and 80 percent of those grandparents are maternal grandparents. Sixty percent of caregivers are in the metropolitan area, and 40 percent are scattered throughout the rest of the state."

Mr. Wallace cited drug and alcohol abuse, mental illness or the incarceration of parents as the primary reasons why many grandparents end up as caregivers.

"And then there are the parents who don't want to parent," a fact many caregivers find particularly upsetting, said Mr. Wallace. Many instances of kinship care find a grandparent petitioning for custody of a child against a parent they feel is unfit, he added.

Every Situation Unique

Elizabeth Barnett, a referee in Manhattan Family Court, said that instances of parents serving in the military also leads grandparents to apply for custody or guardianship of their grandchildren. She highlighted the fact that every grandparent's situation is different.

"Grandparents are not always 70 or 80," Ms. Barnett said. "They may be 35 or 40; they have jobs, or they go to school."

In addition to getting a background on the caregivers themselves, Ms. Barnett and Mr. Wallace gave the attorneys information on "grandparent rights;" the definitions of legal custody, guardianship and visitation; guardianship eligibility requirements; and an outline of what to expect when arriving at Family Court.

"Parents are much more willing to consent to guardianship than custody," Ms. Barnett said. "The cri-



NYLJ PHOTO/RICK KOPSTEIN
Family Court Administrative Judge Joseph M. Lauria speaks last week at the inaugural training session of the Kinship Caregivers Law Project.

teria is the same for custody and guardianships—it's what's in the best interests of the child. The interests of the competing adults are secondary."

Robert Underhill, special counsel to the general counsel of Citigroup Corporate and Investment Banking, said the company had been in the process of boosting its pro bono efforts when it heard about the Kinship Caregiver Law Project.

"It's a pretty compelling cause, [and] everyone likes children and families and wants to help them," said Mr. Underhill. "The training was unique in that it has the commitment of the Family Court."

Mr. Underhill said that about 20 attorneys from Citigroup had expressed interest in participating in the program.

"The second phase, where they're going to staff the clinics at Family Court, we're very excited about that opportunity," he said.

"Our attorneys are very comfortable sitting down with people and working out issues."

Jennifer Smith and Caroline Heller, litigation associates at Greenberg Traurig who helped draft the training manual, praised the project's focus.

"This is a population in need," Ms. Heller said. "There is such a need for pro bono attorneys to do this for someone who couldn't afford it. That's the greatest gift."

Ms. Smith agreed.

"I wasn't really aware of this population as a group, but I've [now] met so many people who are foster parents," she said.

Judge Lauria said the project would provide attorneys with the opportunity to help families who have nowhere else to turn.

"This is a chance to be an individual champion for someone," he said.

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