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The Florida Bar v. Joyce Sibson Dove

SC05-302 | SC05-1157

>> ALL RISE.

HEAR HEAR.

THE SUPREME COURT OF FLORIDA
IS NOW IN SESSION.

ALL WHO HAVING BEEN BEFORE
THE COURSE DRAW NEAR, GIVE
ATTENTION AND YOU BE HEARD.
GOD SAVE THESE UNITED STATES,
THE GREAT STATE OF FLORIDA
AND THIS HONORABLE COURT.

>> GOOD MORNING.

GOOD MORNING.

>> LADIES AND GENTLEMEN, THE
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING.

WELCOME TO THE FLORIDA
SUPREME COURT.

FOR THE ARGUMENT ON FRIDAY
APRIL 20th.

THE FIRST CASE ON OUR
CALENDAR IS FLORIDA BAR vs.
SIBSON.

>> MAY IT PLEASE THE COURT
I'M CYSTIN GOOD WINN WITH
THE FLORIDA BAR.

WE'RE HERE ON A CASE
INVOLVING GREAT TRAVESTY OF
JUSTICE TO A EMFAR, TO A
BIRTH FAMILY, TO AN ADOPTION
FAMILY, TO THE COURT AND THE
LIES THAT HAVE BEEN DONE AND
THE DOCUMENTS CREATED
INCORRECTLY STATED.

FACTUAL -- PERTINENT FACTUAL
NECESSITIES, THAT WILL BE
PRESENTED WITHIN THE MOTIONS
AND WE'LL ALSO PRESENT IT
WITHIN THE ORDER -- THE
PROERS POD ORDERS.

>> LET ME ASK YOU.

GO AHEAD.

[INAUDIBLE]

[INAUDIBLE]

>> THERE WAS ABSOLUTELY AN

OBLIGATION TO THE
GRANDPARENTS?

THE WAY THE STATUTE WAS
WORDED ANY CHILD THAT LIVED
WITHIN A GRANDPARENTS HOME
FOR SIX MONTHS GRANDPARENT,
THOSE GRANDPARENTS HAD TO BE
GIVEN ACTUAL NOTICE OF ANY
POTENTIAL TERMINATION OF
PARENTAL RIGHT AND THEY WERE
GIVEN THE FIRST CHANCE TO BE
PART OF THAT.

IN THIS CASE THAT WAS
TOTALLY IGNORED.

AND NO POINT EVEN THOUGH THE
GRANDPARENTS ATTEMPTED
NUMEROUS TIME THROUGH
THEMSELVES AND THROUGH
ATTORNEYS, THROUGH PHONE
CALL, THROUGH LETTERS, THEIR
REQUEST TO BECOME PART OF
THIS CASE AND TO GAIN
CUSTODY OF THAT CHILD WAS
IGNORED.

HOW WAS THAT EXPLAINED?

HOW WAS THAT EXPLAINED TO
THE REFEREE BELOW THAT SHE
IGNORE REPEATED CONTACTS BY
THE GRANDPARENTS AND
INSTRUCT THEIR STAFF NOT TO
ANSWER.

THE MOTIVATION BEHIND THAT.
HOW IS THAT EXPLAINED?

>> I CAN'T EXPLAIN THE
MOTIVATION.

BUT I BELIEVE IT'S IT WAS
SIMPLY THE \$15,000.

IF A -- THE ADOPTION DIDN'T
GO THROUGH SHE WOULDN'T BE
PAID.

LET ME TAKE A LOOK AT THIS.

I'M TRAVELED BY EVEN THE
BAR'S POSITION ON THIS.

IS WE SEEM TO HAVE WHAT
APPEARS TO BE AN ADOPTION
BUSINESS.

THEN WE HAVE A LAWYER
RUNNING THAT ADOPTION
BUSINESS.

THEN WE HAVE WHAT I DON'T
KNOW HOW COULD BEED OTHER
THAN STEALING A CHILD FROM A
FAMILY AND YOU STAND BEFORE
US AND TELL US THIS IS

EGREGIOUS, WHICH I CAN UNDERSTAND THOSE STATEMENTS. BUT IF IT'S THAT EGREGIOUS WHY IS THE BAR ONLY ASKING FOR A YEAR'S SUSPENSION. THIS IS AS BAD AS ANYTHING I'VE RUN INTO AS A LAWYER.

>> THE FLORIDA BAR RECOGNIZES THAT AND THE FLORIDA BAR DOES AGREE. HOWEVER IN DECIDING WHAT IT IS THAT WE WANTED TO ARGUE IN THE REFEREE LEVEL WE DID TAKE INTO ACCOUNT THE GREAT MITIGATION THAT SHE HAD IN THE COMMUNITY SERVICES THAT SHE HAD DONE. WE'VE ALREADY CROSSED THAT BRIDGE.

THERE'S A FINE, FINE, FINE MAN THAT WORKED FOR YEARS AND YEARS AND YEARS AND THEN FELL OFF THE BRIDGE AND I MEAN TO, ME TAKING A CHILD IS FAR WORSE.

I'M HAVING DIFFICULT UNDERSTANDING HOW THE BAR CAN EQUATE THOSE THINGS. IF WE'RE RESPONSIBLE FOR PROFESSIONAL BEHAVIOR AND PROTECTING THE PUBLIC AND THEN OUR BAR TAKES THE POSITION, WELL, OH, A YEAR WILL DO THAT.

WHAT KIND OF MESSAGE ARE WE SENDING TO THE PUBLIC? TO THE OTHER LAWYERS?

>> SIR, I THINK THAT IT WAS AN ARG -- ARGUMENT MADE AT THE TIME.

I THINK AS WITH ANY CASE THE FLORIDA BAR WOULD ABSOLUTELY FOLLOW YOUR LEAD. I RECOGNIZE THIS IS A CASE TO ME WAS INCREDIBLY EGREGIOUS AND -- BUT WHETHER -- THERE WAS NO CLEAR PRECEDENT ON SOMETHING THAT WAS OF THIS TYPE OF FACTUAL PLACEMENT WHEN LOOKING AT CORONA YOU LOOK AT TRUST ACCOUNTING VIOLATION. WHEN I'M SEEING THINGS I

DON'T AGREE THAT THE
STEALING OF A CHILD IS THE
SAME OF STEALING OF MONEY,
OBVIOUSLY.

BUT BECAUSE THERE'S NO
PRECEDENT IT WAS DIFFICULT
TO ARGUE.

WHAT IS THIS?

WHAT IS THE STATUS OF THE
ADOPTION THAT WAS AT ISSUE
HERE?

>> CURRENTLY?

>> YES.

THE ADOPTION FAMILY, THE
GRANDPARENTS HAD FILED SUIT
IN THE ADOPTION FAMILY
ANSWERED THAT SUIT.

THEY CAME TO A MEDIATION.
RECOGNIZING THAT THE
ADOPTION WAS DONE SO POORLY.
THEY CAME TO AN AGREEMENT
FOR OPEN ADOPTION RATHER
THAN IS CLOSED ADOPTION.

>> THE ADOPTED PARENTS ARE
THE -- ARE THE ADOPTED
PARENTS OF CHILD.

>> CORRECT.

AND THE -- WHAT IS GOING ON
IS AN OPEN ADOPTION AND
MELDING OF THE FAMILY.

CORRECT.

AND THEY NOW HAVE REQUIRED
VISITATION RIGHT, THE
GRANDPARENTS HAVE REQUIRED I
HAVETATION LIMITED SO
REQUIRED.

>> IS IT THE NATURAL PARENTS
SKWRAOPL THE NATURAL PARENT
IS ABLE.

>>> THE NATURAL PARENT IS
ABLE TO VISIT.

[INAUDIBLE]

[INAUDIBLE]

>> ABSOLUTELY, YOUR HONOR.
ABSOLUTELY.

OPEN ADOPTIONS ARE
INCREDIBLY VALUABLE.

BUT AS YOU STATED THAT WAS
NOT WHAT THE ADOPTION FAMILY
PAID FOR AND NOR WAS ANY
ADOPTION SOMETHING THAT THE
GRANDPARENTS WANTED OR
CONSENTED TO.

THE GRANDPARENTS WERE TAKING

CARE OF THE CHILD, HAD
PHYSICAL CUSTODY OF THE
CHILD AND WERE WILLING TO
MAINTAIN THAT CUSTODY.

[INAUDIBLE]

>> SHE DID.

THERE WAS ACTUALLY LETTERS
FROM HER, ONE OF THEM CAME
TO THE RESPONDENT ON THE DAY
OF THE TERMINATION OF
PARENTAL RIGHT.

IT WAS IGNORED.

SHE WAS TOLD SHE HAD NO
CHANCE, THAT ONCE THE 72
HOURS HAD PASSED SHE COULD
NOT GET THE CHILD BACK.

[INAUDIBLE]

I'M NOT AN ATOPGS ATTORNEY.
MY UNDERSTANDING IS THAT YES
THE MOTHER HAD PHYSICALLY
THE ABILITY TO RECLAIM
WITHIN 72 HOURS.

I DON'T KNOW IN TERMS OF
CONSTITUENT TO THAT HOW MUCH
RIGHTS THAT PARENT HAS.

[INAUDIBLE]

>> IN ORDER FOR TO HAVE
RIGHT THEY HAVE TO BE TOLD
THERE ARE RIGHT.

THE DAY A MISSISSIPPI
ATTORNEY WAS FIRED TO EVEN
THE CHILD TO INFORM HIM HIS
CHILD WOULD BE PUT FOR
ADOPTION IS THE SAME DAY THE
ORDER WAS SIGNED.

AT NO POINT WAS HE EVER TOLD
THAT HIS RIGHT WERE EVER IN
QUESTION.

[INAUDIBLE]

[INAUDIBLE]

[INAUDIBLE]

>> THE PROBLEM WE HAD WITH A
TRUST ACCOUNT VIOLATION WE
HAVE THE AUTHORITY TO BE
ABLE TO GO AND AUDIT ANY
RECORDS REGARD ADOPTION, IF
THEY ARE NOT OPEN TO PUBLIC
AND ES KA -- INVESTIGATION
UNLESS WE'RE ABLE TO HAVE A
COMPLAINT.

NO OTHER COMPLAINT REGARDING
SPECIFIC ADOPTION OR
INAPPROPRIATE ADOPTIONS WERE
DONE.

ONE OF THE THOUGHTS THAT THE BUYER WOULD LOVE TO BE ABLE TO DO IS GIVEN THIS CASE WE WOULD LOVE TO BE ABLE TO GO BACK AND AUDIT.

I DON'T KNOW IF THAT'S AN APPROPRIATE OR ABILITY TO DO OR NOT.

I RECOGNIZE THE RESPONDENT'S CONCERN SHE HAD VOICED IN ONE OF HER RESPONSES THAT, THAT VERY CONCERN ON THOSE ADOPTION THAT WERE DONE CORRECTLY WOULD -- WITH THOSE FAMILIES WOULD THEN BE CONCERNED.

I THINK THAT UPON AN AUDIT OF THOSE ADOPTIONS FINDING THEY ARE SIGNED IF THOSE ADOPTION WERE DONE WOULD ACTUALLY BE A MUCH BETTER SECURITY FOR THEM.

>> LET ME CAN YOU THIS.

IT REALLY HAS TO DO WITH THE FATHER OF THE CHILD.

WAS HE EVER FOUND AND DID HE EVER VOICE EITHER AGREE TO TERMINATION OF HIS RIGHT OR NOT AGREE?

>> HE WAS FOUND.

HE WAS KNOWN FROM THE VERY BEGINNING FROM THE VERY FIRST DAY THE MOTHER IDENTIFIED HIM.

>> I UNDERSTAND THAT.

I KNOW THAT THEY HAVE NOT GOTTEN ANY PAPERS SIGNED SAYING HE WAS WILLING TO TERMINATE HIS PARENTAL RIGHT.

>> CORRECT.

AND THAT WAS NEVER DONE. HE HAD NEVER ACCEPTED THAT TERMINATION OF PARENTAL RIGHT.

>> I GUESS NOT KNOWING MUCH ABOUT ADOPTION LAWS HOW CAN THIS ADOPTION CONTINUE WITHOUT -- WITH THAT UNANSWERED QUESTION?

>> AND THAT IS GREAT CONCERN.

ONE OF THE THINGS THAT WAS HAPPENING IN THE MOTION

THERE WAS A DESEPGS TO THE COURT THAT THE LEGAL FATHER WHO THERE IS NO TRUE PERSON WHO CAN BE TERMED THAT BUT THE LEGAL FATHER HAD GIVEN CONCURRENT AND THAT INFORMATION BEING SHARED WITH THE COURT THE COURT AGREED TO SIGN THE ORDER. WITHOUT CHECKING THE ACTUAL RECORD I MEAN.

>> HOW LONG AGO WAS THIS NOW?

>> FOUR YEARS NOW. FOUR OR FIVE YEARS.

ARE THERE ANY STATUTE OF LIMITATION ON WHETHER OR NOT THE REAL FATHER WOULD HAVE ANY ROLL BACK OR HAS THAT TIMED PASSED?

>> I DON'T KNOW.

I CAN FIND OUT IF YOU LIKE.

>> WAS THERE A HOME STUDY DONE IN THIS CASE?

>> YES.

AND IT WAS APPROPRIATELY SUBMITTED OF THE ADOPTION FAMILY?

>> IT WAS JUST OF THE ADOPTION FAMILY THE PERSON DIDN'T TALK TO THE GRANDPARENTS OR THE BIRTH MOTHER?

>> THE -- THE CASEWORKER SPOKE WITH THE FIRST MOTHER. THEY NEVER SPOKE WITH THE GRANDPARENTS AND NEVER SPOKE WITH THE BIRTH FATHER.

>> THAT'S BECAUSE THE WHOLE IDEA HERE WAS --

[INAUDIBLE]

YES, MA'AM.

>> WAS THE CASEWORKER AN EMPLOYEE OF THE ADOPTION AGENCY OR WAS THIS AN INDEPENDENT PERSON.

>> AN INDEPENDENT CONTRACTOR THAT WORKED REGULARLY WITH THE ADOPTION AGENCY. BASED IN ORLANDO, THE WORKER ACTUALLY PICKED UP THE WORKER AND HAD KNOWLEDGE OF THE GRANDPARENTS CONCERN WAS AN EMPLOYEE OF THE AGENCY.

>> YOU'RE INTO YOUR REBUT
AL.

YOU CAN SAVE YOUR TIME OR
USE IT AS YOU DEEM
NECESSARY.

I WILL SAVE TIME.

I WILL JUST SAY THANK YOU
VERY MUCH.

>> CHIEF JUSTICE, JUSTICES,
MAY IT PLEASE THE COURT.
I'M JOYCE DOVE I'M SURE IN
MY COUNSEL WERE HERE HE
WOULD ARGUE MORE OF THE LAW
WHICH YOU HAVE IN THE
BRIEFS.

BUT I CAN TELL BY YOUR
QUESTIONS THAT MY VOICE MAY
BE AN IMPORTANT ONE FOR YOU
UNDERSTAND TO THE
CIRCUMSTANCES AROUND THIS
PARTICULAR ADOPTION.

AND THE CIRCUMSTANCES OF
WHAT THE ADOPTION WAS AT
THAT TIME HAS REQUIRED ME
AND WHERE I FAILED TO TO IT.
I DO UNDERSTAND THAT THE
PERSPECTIVE OF THE COURT
BELOW WAS ONLY ABLE TO VIEW
THE CASE THROUGH WHAT I HAD
FILED.

AND I DO UNDERSTAND AND I
RECOGNIZE AND I ACKNOWLEDGE
THAT IT WAS MY FAILURE TO
FILE AND DEFINE WHAT THE
BIRTH MOTHER'S POSITION WAS
AND WHAT HER RELATIVE'S
POSITION WAS, WHAT THE BIRTH
FATHER, WHO THE BIRTH
TOGETHER MIGHT BE AND WHAT
OUR ATTEMPTS WERE TO CONTACT
HIM AND WHO WE WERE CALLING
THE LEGAL FATHER.

THOSE THINGS WERE VERY
IMPORTANT AND SHOULD HAVE
BEEN CLEARLY DESCRIBED BOTH
JUDGES ORDERED THIS CASE.

[INAUDIBLE]

>> IN THE TERMINATION OF
PARENTAL RIGHT PHASE OF THE
CASE THE PLEADING THAT WERE
FILED INITIALLY WERE
CORRECT.

THE BIRTH MOTHER HAD CONSENT
FOR THE CHILD TO BE

ADOPTED.

AND THE MAN WHO WAS E WHO MET THE DEFINITION OF LEGAL FATHER HAD SIGNED ALL OF PAPERWORK REQUIRED TO GIVE UP THE CHILD.

>> SHE MUST HAVE TOLD YOU HE WAS NOT THE BIOLOGICAL FATHER AT THE TIME.

>> YES.

AND THE FAILURE TO PUT NAME ON THE BIOLOGICAL FATHER'S NAME WITHOUT LISTING HIM AS A BIOLOGICAL FATHER WAS THE FIRST MISTAKE.

>> THEY WERE NOT MARRIED, WERE THEY?

>> NO, SIR.

TELL ME HOW HE COULD POSSIBLY BE THE LEGAL FATHER OF THIS CHILD.

>> THE MAN SHE WAS LIVING WITH HIT THE DEFINITION OF LEGAL FATHER BECAUSE HE PROVIDED CONSISTENT REPORT FOR SHE AND THE CHILD.

AND THE CHILD LIVED WITH HIM AND THE SOCIAL WORKER REPRESENTED THERE WOULD BE MARRIED IN A -- OF COURSE AN ADOPTION PROCEEDING IN -- ANYTIME THE ADOPTION PROCEEDING HE WOULD NOT --

>> IT SAYS THAT THE NATURAL MOTHER OF THE CHILD AND ENTER INTO A RELATIONSHIP WITH SOMEBODY THAT'S NOT THE BIOLOGICAL FATHER OF THE CHILD.

OKAY.

AND THAT IF THEY ENTER INTO THAT LIVING TOGETHER THAT, THAT PERSON THEN CAN CONSTITUTE THE LEGAL FATHER OF THIS CHILD, EVEN THOUGH HE'S NOT THE BIOLOGICAL FATHER AND HAD NOTHING TO DO WITH BRINGING THAT CHILD TO THE WORLD.

IS THAT WHAT OUR STATUTES PROVIDE?

>> AT THAT TIME THERE WAS A PROVISION IN THE ALTERNATIVE WHERE NO MAN THE LISTED ON

THE BIRTH CERTIFICATE.
NO MAN SUPPORTED THE MOTHER
DURING THE PREGANCY.
WHEN NO MAN CAME FORWARD TO
CLAIM THE CHILD OR HAVE
ANYTHING.

>> WOW WERE INFORMED WHETHER
I UNDERSTAND IT OR NOT AND
ITS UNCONTRADICTED OF THE
IDENTITY OF THE BIOLOGICAL
FATHER OF THIS FATHER; IS
THAT CORRECT?

>> SHE TOLD US THE NAME, YES,
SIR.

WE DID A SEARCH FOR HIM ON
THE SEARCH ENGINES THAT ARE
AVAILABLE.

>> WELL TELL US WHERE WAS
THE FATHER?

>> THE NATURAL FATHER?

>> WE'LL SKIP OVER THIS
LEGAL FATHER ISSUE FOR RIGHT
NOW.

WHERE WAS THE FATHER?

>> THE MAN SHE NAMED WAS --

>> THE MAN SHE NAMED.

OKAY WHAT -- DO YOU ANY
REASON TO DOUBT THAT SHE WAS
NOT TELLING YOU THE CORRECT
FACTS?

THAT SHE TOLD YOU WHO THE
BIOLOGICAL FATHER WAS?

>>.

>> I DON'T HAVE ANY KIND OF
DNA PROOF.

AND YOU KNOW IN THIS CASE
ONE IN DOING ANY TERMINATION
OF LEGAL RIGHT CASE --

>> WAS IT AN ADOPTION?

IF YOU GO THROUGH AN
ADOPTION, THE STATUTE
REQUIRE AND RECOGNIZE RIGHT
IN THE BIOLOGICAL FATHER, DO
THEY NOT?

>> YES, SIR.

AND A POTENTIAL BOMB AND
KNOW IN AN ADOPTION CASE CAN
BE A FAILURE IF KNOWN.

TO PUT THE BIOLOGICAL FATHER
ON NOTICE.

>> ISN'T THAT RIGHT?

>> YES, SIR.

ISN'T THAT A TICKING BOMB IN
ANY ADOPTION CASE WHERE THE

BIOLOGICAL FATHER IS KNOWN
AND NO IS NEWSPAPER.

>> IT IS SIGNIFICANT.

AND THE ISSUE AT THAT TIME
BECAUSE WE DIDN'T HAVE THE
FATHER REGISTRY AT THAT
TIME.

THE ISSUE AT THAT TIME WAS
TO PLEAD ABANDONMENT AND
THAT WAS ANOTHER MISTAKE I
MADE.

ABSOLUTELY.

[INAUDIBLE]

[INAUDIBLE]

>> NO YOUR HONOR.

I APOLOGIZE THERE ARE
CERTAINLY MISREPRESENTATION
THE COURT SHOULD HAVE BEEN
FULLY, FULLY AWARE OF IN
EACH OF THE DETAILS.

BOTH THE TERMINATION OF
PARENTAL RIGHT JUDGE AND THE
ADOPTION JUDGE SHOULD HAVE
BEEN FULLY INFORMED.

THE ISSUE.

>> NOT JUST THEY SHOULD BE
FULLY INFORMED.

WHY WASN'T THE BIOLOGICAL
FATHER PUT ON NOTICE OF
THESE PROCEEDINGS SO THAT
ISSUE COULD BE RESOLVED AND
ANYBODY THAT APPARENTLY THE
CLEARLY VIRTUALLY EVERYBODY
IN THIS IS COULD BE CALLED
THE GOOD GUYS OR GALS BUT
THE ADOPTED PARENTS ONE OF
THE THINGS, OBVIOUSLY THAT
THEY HAVE TO BE CONCERNED
ABOUT IS THAT IS THERE A
CLAIM OUT THERE OKAY THAT
COULD POTENTIALLY COME OUT
OF NOWHERE AND REALLY OKAY
BLOW THIS WHOLE THING UP AND
YOU AVOID THAT BY COMPLYING
WITH THE REQUIREMENTS OF
PUTTING THE BIOLOGICAL
FATHER ON NOTICE.

SO THAT, THAT GETS RESOLVED
EITHER BY CONCURRENT OR BY
DEFAULT OR HOWEVER.

SO WHAT ATTEMPTS DID YOU
MAKE TO SERVE NOTICE THAT
FOR YOU WERE INFORMED OF THE
IDENTITY OF THE BIOLOGICAL

FATHER, WHAT ATTEMPTS DID YOU MAKE TO SERVE NOTICE ON THE LOGICAL FATHER?

>> WE CONTACTED AN ATTORNEY IN MISSISSIPPI IN ORDER TO BE ABLE TO DETERMINE IF THE MAN WHO WE HAD FOUND BY SEARCHING WOULD BE THE MAN THE SAME -- YOU KNOW IDENTICAL PERSON AS SHE NAMED THAT WAS WHAT WE THOUGHTS APPROPRIATE. THAT'S WHAT I THOUGHT WAS APPROPRIATE.

>> BOTH THE BIOLOGICAL FATHER SERVED WITH NOTICE OF THE ADOPTION A -- PROCEEDING OR TERMINATION OF PARENTAL RIGHT PROCEEDINGS?

>> IT WAS NOT COMPLETE AND IT WAS MISTAKE AND ABSOLUTELY AN IMPORTANT ISSUE THAT SHOULD HAVE BEEN COMPLETED.

>> IS THAT CLAIM STILL POTENTIALLY OUT THERE?

>> NO, SIR.

BECAUSE OF TWO THINGS. ONE IS BECAUSE HE DID AND THE CHILD FACTUALLY, SO HE WOULDN'T BE ABLE TO COME BACK IN.

WELL, THE FACTS THAT HE KNEW HE HAD THE CHILD SUPPORTED THE CHILD AT SOME TIME. BEFORE YOU CAN AND YOU HAVE TO KNOW YOU THE CHILD.

YES, SIR.

THE MOTHER HAD GUN ON WALKS AND HE HAD FOLLOWED HER GOING AWOL FROM THE NAVY. THEY HAD LIVED TOGETHER AT THE GRANDPARENTS HOME BEFORE THEY THEN TURNED THEM BACK IN AND THEN WERE DISHONEST ORABLY DISCHARGE.

SHE BECOME PREGNANT DURING THAT PERIOD OF TIME WHEN THEY WERE AWOL AND HE ASSIST HEARD WITH CONTACTING THE FIRST ADOPTION AGENCY DURING THE PREGNANCY THAT SHE WOULD GIVE THE CHILD UP DURING THE PREGANCY.

THEN HE LEFT BECAUSE
HEETTELTY HAD TO SERVE TIME
BECAUSE OF AWOL STATUS.
SHE HAD AN INJURY WHICH
MITIGATED HER CIRCUMSTANCES
AND SO HE DID NOT RETURN NOR
DID HE EVER -- WAS HE EVER
IN TOUCH WITH HER.
HER FATHER CONTINUED TO WORK
WITH HER ON -- ON THE
POTENTIAL --

>> SO YOU WERE INTIMATELY
FAMILIAR WITH THE ROLE OF
THE BIRTH FATHER.
WAS ANY OF THAT DISCLOSED TO
THE COURT THAT PRESIDED OVER
THE TERMINATION OF PARENTAL
RIGHT OR THE ADOPTION COURT?

>> NO, WE DIDN'T WE WERE NOT
THE AGENCY -- MY CLIENT WAS
NOT THE AGENCY THAT DID
THAT.

THAT WAS A COMPLETELY
SEPARATE CONTACT THE BIRTH
MOTHER HAD THAT SHE
DISCLOSED WHEN WE DEPOSED
HER.

AND ONE OF THE THINGS ABOUT
THIS CASE IS THAT IT'S GONE
ON FOR SO LONG THAT WE'VE
LEARN SEWED MUCH MORE ABOUT
ALL OF THESE PEOPLE IN THE
BEGINNING WAS A CASE WHICH
NEEDED TO BE INVESTIGATED
FURTHER.

AND IT WASN'T DONE BY ME.
AND THAT'S MINE --

>> I THINK THAT'S WHAT
DISTURBING TO ME IS THAT
THERE PROBABLY ARE A FEW
THINGS THAT THE COURT DO
THAT ARE MORE FRAGILE IN
HANDLING CHILDREN.

AND THE ADOPTION.
BECAUSE OF ALL OF THE
FEELINGS THAT ARE INVOLVED
IN THE ADOPTIVE PARENTS OR
THE GRANDPARENTS.

AND THE FATHER, THE MOTHER
AND THAT -- WE HAVE TO
EXPECT LAWYERS TO DEAL UP
FRONT AND STRAIGHT AND
KNOWLEDGE WITH THE FACTS AND
THE LAW AND CERTAINLY YOU

WOULD HAVE TO AGREE WITH THAT.

>> YES, SIR.

>> AND THAT WHEN A LAWYER DOESN'T DO THAT, THEN THE REMEDY HAS GOT TO BE A SUBSTANTIAL SANCTION, BECAUSE EVERYBODY IS DEPENDING ON THE LAWYER.

>> ABSOLUTELY.

THE BIGGEST PROBLEM WITH WHAT I KNEW BEFORE THE CASE ENDED AND WHAT KNOW NOW THERE'S THIS HUGE GAP.

IT'S YOUR RESPONSIBILITY TO KNOW IT DURING THOSE 30 DAYS.

>> YES, SIR.

AND THEY UNDERSTAND.

AND I THOUGHT THERE WAS SUCH A TRAP OUT THERE, A HUGE GAP IN MY KNOWLEDGE FROM THE FIVE THAT I WAS GIVEN THIS IS ABSOLUTELY -- IT'S MY RESPONSIBILITY THEN AND NOW.

>> CAN I ASK YOU A QUESTION. I DON'T THINK YOU'RE ABLE TO FINISH ANSWERING A QUESTION EARLIER.

DID YOU -- YOU SAID YOU HAD CONTACTED AN ATTORNEY TO TRY TO LOCATE A BIOLOGICAL FATHER.

WERE YOU ABLE -- ABLE TO FIND HIM BEFORE YOU SERVED THE PAPERS?

>> SHE HAD THE PAPERS.

AND WAS GOING TO SERVE HIM. AND SHE FOUND THE GENTLEMAN WE HAD FOUND BY GOING THROUGH OUR SEARCH ENGINE AND I CAN OBVIOUSLY RELY ON WHAT SHE TOLD ME THAT SHE WAS HIS FATHER AND THEN WE STOPPED HER AFTER THAT.

IT WAS 30 DAYS BEFORE THE ADOPTION AND NOTHING ELSE HAPPENED.

>> WHY DO YOU HAVE TO STOP 30 DAYS BEFORE THE ADOPTION?

>> I'M JUST SAYING THAT'S WHAT'S HAPPENED.

SHE SHOULD HAVE GONE AHEAD AND SERVED HIM HAVING FOUND

THE TOGETHER.

THAT'S WHAT I SHOULD HAVE
INSTRUCTED HER TO DO.

>> IS THAT YOUR
RESPONSIBILITY AS THE
ATTORNEY?

>> YES.

ABSOLUTELY.

THERE'S NO ONE ELSE.

NO ONE ELSE WOULD UNDERSTAND
THE LEGAL RESPONSIBILITY,
THE AGENCY DIDN'T HAVE
ANOTHER ATTORNEY, I
ABSOLUTELY SHOULD HAVE DONE
IT.

>> FOLLOW-UP ON WHAT JUSTICE
WELLS WAS ASKING.

YOU WERE PAID A PRETTY GOOD
FEE.

\$15,000 FOR THIS ADOPTION.

YOU HAD THE GRANDPARENTS
INVALUABLE SOURCE OF
INFORMATION WHO MOTHER WAS
LIVING WITH THE LEGAL FATHER
AND THE LEGAL FATHER WAS
LIVING WITH.

>> THEY WERE ATTEMPTING
INNUMERABLE TIME TO GET IN
CONTACT WITH YOU IN CONTACT
AND WRITING.

WHAT REASON CAN YOU GIVE FOR
IGNORING WHAT WAS
POTENTIALLY THE VALUABLE
SOURCE OF INFORMATION,
RELIABLE INFORMATION IN THIS
CASE?

>> FIRST, IT WASN'T MY FEE.

IT WAS THE AGENCY.

AND I WAS ONLY PAID A
PORTION OF THAT.

>> AND -- THROUGH THE
AGENCY.

>> IT'S NOT YOUR COMPANY.

>> NO.

YOU ARE NOT THE DIRECTOR.
BOARD OF DIRECTOR?

>> I'M ON THE BOARD OF THE
DIRECTORS.

>> PROPERTY.

>> NONFOR PROFIT, YES, I AM.
AND WHO ELSE IS INVOLVED
WITH THAT?

BECAUSE THEY DOLLARS FOR
WHAT YOU DO?

>> THEY DO.

THE EXECUTIVE DIRECTOR AT THAT TIME -- AND ALWAYS THERE WAS AN EXECUTIVE DIRECTOR WHO WAS IN CHARGE OF THE OPERATION OF THE AGENCY AS IT WOULD BE BY LAW THE DEPARTMENT OF CHILDREN AND FAMILIES.

SO THE CIRCUMSTANCES OF WHO HAD TO BE PAID WAS ALL OF THE PEOPLE PARTICIPATING, SORBL WORKER AND EXECUTIVE DIRECT O'ER -- SOCIAL WORKERS AND DIRECTIVE DIRECTORS AND THINGS LIKE THAT.

AND THE CIRCUMSTANCES OF -- I'M SORRY.

I'M TRYING TO BE STRAIGHT FORWARD.

THE GRANDPARENTS APPROACH TO CALL MY OFFICE WAS SO UNRELIABLE, THAT AND THEN THE ATTORNEYS WHO CONSIDER AL -- CALLING ONE TURNED OUT TO NO NOT BE AN ATTORNEY. ONE THREATENED TO HAVE ME ARRESTED.

ONE MET WITH ME PERSONALLY BECAUSE OF OTHER REASONS AND THEN TOLD ME SHOE WASN'T GOING TO ENTER AN APPEARANCE.

THERE WAS AN INTENCE PERIOD OF ACTIVITY AND NONE OF THAT WAS RELIABLE.

>> WHEN YOU SAY RELIABLE. WHAT DID YOU MEAN?

DID -- DIDN'T YOU GET THE CHILD FROM THE GRANDPARENTS.

>> NO.

>> SOMEONE PICKED HIM UP FROM WARE?

>> THE SOCIAL WORKER FOR THE AGENCY AND SOMEONE WHO WORKED FOR MY OFFICE PICKED THE CHILD UP FROM THE MOTHER'S HOME.

>> BUT THE GRANDPARENTS. WHAT DO YOU MEAN WHEN YOU SAY THEY WERE SO UNRELIABLE?

>> THEY WERE CALLING AND SAYING THAT -- THEY WERE

DIFFERENT PEOPLE.

THEY WERE SAYING THEY WERE
THEIR DAUGHTER.

THAT WAS HER SISTER SWRAO IS
THAT BECAUSE THEY WEREN'T
GETTING THROUGH THE FIRST
TIME OR THE SECOND TIME OR
THE THIRD TIME?

>> NO THEY DID GET THROUGH
THE IRS TIME AS THEY SAID
AND WE SPOKE.

I SPOKE TO MOTHER AND GRAND
FATHER A COUPLE OF TIMES.
WHEN THEY BEGAN TO SAY OVER
AND OVER THAT THEY HAD AN
ATTORNEY I SAID I NEED THE
ATTORNEY TO CALL ME.

I CAN'T SPEAK WITH YOU
DIRECTLY AND IN FACT I WAS
CONTACTED BY ATTORNEYS AND
DID NOT THINK AFTER THAT I
COULD SPEAK WITH THEM.

>> WITH THAT HELP YOU'VE
EXHAUSTED ALL YOUR TIME.
THANK YOU VERY MUCH.

>> THANK YOU.

>> I WOULD STATE ONLY THREE
THINGS IF I MAY.

MISSTATEMENTS SOME BY
RESPONDENT.

THE MOTHER'S INTEREST IN THE
ADOPTION AT THE FIRST TIME
WHEN SHE WAS STILL PREGNANT
WAS NOT PROMOTED, NOR PART
OF THE BIRTH FATHER'S
CONSENT.

IT WAS ACTUALLY DONE BY THE
BOYFRIEND WHO WAS ALSO THE
REASON WHY SHE DID IT AFTER
THE BIRTH.

SO THAT IS NOT A CORRECT
STATEMENT.

THAT THE SEARCH FOR THE
FATHER WAS STOPPED BECAUSE
ACCORDING TO HER E-MAIL AS
YOU WILL SEE ON THE RECORD
BECAUSE A GRANDPARENTS WERE
CAUSING PROBLEMS THAT THE
ATTORNEY WHO WAS HIRED IN
MISSISSIPPI WAS ASKED TO
STOP THE SEARCH FOR THE
FATHER.

THE MAY NIP HRAEUGS THAT
HAPPEN WITHIN THIS CASE SO

IT MAY HAVE BEEN ONLY ON ONE CASE THAT WE PROVED, IT WAS IN A PERIOD OF TIME WE'RE LOOKING AT NO LESS THAN 90 DAYS OF MAY NIP HRAEUGS OF FACTS, MAY NIP HRAEUGS OF PEOPLE.

THIS IS HORRIBLE.

AND IT'S TRAGIC.

AND IT WAS THE MAY NIP HRAEUGS ONCE IN ONE -- 90 DAYS BY THE ATTORNEY.

IT HAS A LIFELONG IMPACT BY THESE FAMILY.

THE ADOPTION FAMILY DID NOT GET THE CLOSE ADOPTION THEY SOUGHT.

THE GRANDPARENTS LOST THE CUSTODY OF THE GRANDCHILD THEY LOVED AND THE MOTHER ALSO LOST THE CUSTODY WHICH UNFORTUNATELY WAS MANIPULATED BY HER IMPRESSION FROM THE BOYFRIEND.

>> IN TERMS OF THE --

[INAUDIBLE]

IF THE GRANT -- GRANDPARENTS HAD ACTUAL NOTICE WHAT'S FROM TOPPING THEM FROM HAVING AN ATTORNEY?

THIS ISSUE AS A LEGAL FATHER IS AND BIOLOGICAL FATHER IS MORE TROUBLING -- DON'T YOU AGREE THAT THE GRANDPARENTS HAD ACTUALLY A --

[INAUDIBLE]

>> THEY DID NOT HAVE NOTICE SUCH THAT THEY KNEW WHERE THE CASE WAS OR WHAT TO DO. THEY ARE NOT FROM THIS COUNTRY SO THEY DIDN'T KNOW HOW TOW PROCEED.

BUT WHAT THEY DID DO IS CONTACTEDDEN TOS NOT ADOPTION ATTORNEYS, SPECIFICALLY BUT ATTORNEYS THAT THEY KNEW WHO WERE GIVING THEM HELP TRYING TO COMMUNICATE WITH MISS DOVE TO SHARE THEIR CONCERNS. THEY WERE NOT SURE WHERE THE CASE WAS.

THEY LIVED IN ORLANDO.

AND ACCORDING TO THE WAY
THAT THE RULES WERE FOR THAT
ADOPTION ATTORNEY THAT THEY
DID SPEAK TO IN ORLANDO, A
CHILD HAD ASKED THE AGENT
SIX MONTHS THEN THE VENUE
NEED TO BE WHERE THAT CHILD
IS BORN.

THE VENUE CHANGED BECAUSE
THIS ADOPTION AGENCY MISS
DOVE BROUGHT THE CHILD TO
TALLAHASSEE.

THEY WEREN'T SURE WHERE THE
CASE WAS AND WERE NEVER
GIVEN ACTUAL NOTICE SO THEY
COULD PURSUE.

>> WITH OUR ASSISTANT YOU'VE
USED UP ALL YOUR TIME.

WE'LL TAKE THE CASE UNDER
ADVISEMENT.

THE NEXT CASE ON OUR
CALENDAR THIS MORNING
LARIMORE VERSUS STATE OF
FLORIDA.