

If you read recent reports chronicling Nubia Barahona's life and death and her time in foster care, you were probably shocked by the warning signs and lost opportunities to save her life. Children who have been placed in foster care due to abuse, abandonment or neglect — like Nubia — spend a lot of time in court until they are adopted. Or turn 18.



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Also startling is that Florida is one of only 17 states that do not provide legal counsel to these children. Florida relies solely on pro-bono and charitable programs to fill this void. As a result, only a small percentage of children actually receive legal counsel.

Many receive support from a guardian ad litem, but these well-intentioned and hard working volunteers are usually not lawyers and often cannot provide the zealous legal protection that abused and abandoned children require. Oddly, Florida provides free legal representation to the parents of abused, abandoned or neglected children, but the child victims themselves have no right to counsel.

Young people want their voices heard in court, and judges want to hear their opinions. But often the child is too intimidated to speak in a court-

room full of adults.

As a pro-bono volunteer with Lawyers for Children America, I recently represented a seventeen-year-old foster youth with cerebral palsy, named Robert. Robert was abandoned by his mother at a young age and was never adopted. Now that he was about to turn 18, the state wanted to appoint a permanent plenary guardian to manage his life and finances when he exited the foster care system. The state argued that Robert was "incapacitated" due to his disability, and he was incapable of making his own decisions.

In fact, cerebral palsy had no effect on Robert's intelligence or ability to think rationally, but it did affect his facial muscles and coordination. As a result, Robert had difficulty speaking clearly, and he was too embarrassed to express himself in court. Moreover, Robert didn't really understand the significance of having a guardian, because no one had taken the time to explain it to him. After discussing the issue with Robert, he told me vehemently that he did not want to have a permanent guardian. Robert was bright and ambitious, and planned to get a job after high school; he did not want a stranger making decisions for him.

After many meetings with Robert's caseworkers, and some contentious court hearings, I ultimately convinced the judge that he did not need a





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permanent guardian. Robert was shocked by the outcome. No one had ever believed him when he said that he could take care of himself. That court hearing was over a year ago and Robert pays his rent and other bills on time, he takes public transportation around the city, and he is in a job-training program. Robert just needed a lawyer to stand up and speak on his behalf. Foster children need help navigating the legal system throughout their time in state care. The only way to ensure adequate legal representation is a state-

wide law requiring that all abused, abandoned and neglected children have access to attorneys. If abusive parents get lawyers, then child victims should get lawyers, too.

The American Bar Association recently released a model law, governing the representation of children in dependency proceedings, and has urged Florida to adopt it. Thus far, Florida has expressed no interest in doing so.

In my career, I would never permit a client to enter a courtroom without an attorney. How can we expect children and

teenagers, many with serious disabilities, to participate in court proceedings without legal representation? Robert was able to receive the assistance he needed, but Nubia and many like her have not. The Florida Legislature must take action to protect this vulnerable segment of our population.

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