

LAW WEEK COLORADO



All In The Family

By David Forster
Photos by Aji Bibbo



Some pro bono stories pull at the heartstrings more than others

— particularly when they involve kids. But when the end of a pro bono story is about uniting a family, there's joy to accompany the heartache. A group of intellectual property attorneys have been learning lessons of the heart lately as they've worked to complete more than a handful of grandparent adoptions throughout the state. It's an area of law far removed from what they typically do, but it's returning the types of emotional rewards that many attorneys will never know. Learn about the work they've been doing, and the moving story of one family they helped unite.

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Pro Bono Effort Works To Unite Families

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T.J. RIVERA'S mom had a history of neglecting her son.

Then one Friday night in July 2011, she got drunk and told the young boy she was going to kill herself.

That was the last straw. A year and a half later, T.J. walked out of an Arapahoe County courtroom with an early Christmas gift: a new mom and dad, better known to him as grandma and grandpa.

The adoption might not have happened without the help of attorneys and staff in the Denver office of Kilpatrick Townsend.

The firm's lawyers practice intellectual property law: patents, trademarks, copyright. Not much emotion here. Not children and families in crisis.

But for the past several years, the firm has offered its legal services pro bono to help grandparents adopt their grandkids. It started in the Atlanta office, and a year and a half ago, the Denver office joined in.

And that's how Carol and Santiago Rivera got the help they needed.

T.J., now 10, was 18 months old when his father split. It was just as well. The man abused T.J.'s mother.

The boy and his mom moved in with Carol and Santiago. Carol is his mother's mom. Santiago is his father's dad. The two met and married after T.J.'s parents got together.

Around the time T.J. was 4 or 5 years old, his mom met a guy and took off with him, leaving T.J. behind with his grandparents. She returned weeks later. It was the first of several failed and often abusive relationships.

This happened two more times, and the Riveras began talking about adopting their grandson. Then came the night in July two years ago.

By this time, T.J. and his mom were living in government-subsidized housing. The Riveras got a late-night call from the police telling them what happened, and T.J. was brought to their house.

Two days later, on Sunday, the Riveras invited T.J.'s mom over. They were thinking it might be time to keep their grandson for good. It seems his mother was having similar thoughts.

"She approached me," Carol said, "but I gave her an ultimatum that this is not going to happen again."

"It was just so hard to hear that little guy crying all the time," Santiago said. "It broke our hearts."

So it was decided. But the way T.J.'s mom broke the news to her son so enraged Santiago he had to take a walk to calm himself down. She bluntly told the boy he would never live with her again.

If the Riveras had any lingering doubts



From left to right, Miranda Rogers, Karam Saab, Terri O'Brien, Kate Bohmann with the Rivera family. | LAW WEEK PHOTO ALI BIBBO

about stepping in for their daughter, they evaporated at that moment.

"Just to hear her say these words to that little guy, that was the final ...," Santiago said, his voice trailing off.

That was the last day T.J. saw his mother. The Riveras began the adoption process but soon found it wasn't easy.

"I had to read and read and read and fill out all the forms," Santiago said. Then the Riveras learned they weren't even eligible yet to adopt T.J. because the law required that he live with them continuously for one year first.

There were other hurdles. Grandparents, although family, don't get any special breaks when it comes to adopting a grandchild. They have to go through the same background checks as anyone else, a home inspection and other scrutiny.

The Riveras realized they needed help but couldn't afford it.

"Economic times being what they are, we did not have the money to adopt T.J.," Santiago said.

Fortunately for them, and others in their situation, the Colorado Department of Human Services has a program that connects people who want to adopt but lack the means with free legal services. This is how the Riveras wound up last year with a prestigious law firm in their corner.

"You just don't know what a relief it was to have them on our side," Santiago said.

Kilpatrick's Denver office has handled 15 grandparent adoptions in the past year and a half, all successful. The work is rewarding on an emotional level that's

very different from the typical intellectual property case, said Karam Saab, an associate at the firm and the lead attorney on the Rivera's case.

Most legal work involves conflict and confrontation, with winners and losers. This is different, Saab said. In all the adoptions the firm has handled so far, he said, only once has a parent contested the proceeding.

"You're uniting a family," Saab said. "It's a great feeling when something wraps up in a positive manner."

At one point, the lawyers met with T.J. to find out from him if this is what he wanted. "In all of my cases it's been crystal clear," Saab said. The kids want the adoption, and that was true of T.J. too.

T.J. has been through a lot, and Santiago said he was impressed with how the attorneys, much more accustomed to sitting at a conference table with other adults, handled the boy.

"They put T.J. at ease. It was beautiful."

It seems T.J. was impressed too. He left Kilpatrick's office that day with a business card from each of the attorneys he met and took them to school the next day, proudly showing them off to his friends. These are my lawyers, he said.

The legal team pushed to have the adoption wrapped up by Christmas as a special gift for T.J. and the Riveras.

On Dec. 18, seven days before Christmas, a final adoption hearing was held in an Arapahoe County courtroom. Judge William Sylvester let T.J. sit in his chair and hold his gavel. The hearing itself was brief.

"The judge asked T.J., 'What do you think of all this?'" Santiago recalled, and when T.J. said he wanted his grandparents to adopt him, the judge said, "That's good enough for me."

"The judge was as happy as we were," Santiago said.

The Riveras took T.J. to their favorite Mexican restaurant to celebrate. They also celebrated the one week and one month anniversaries of the adoption.

It's a happy ending, but there are challenges. The Riveras are long past their prime child-rearing years. They had planned to spend their golden years living in Mexico, but that's on hold for now.

T.J. struggles with the emotional scars. He sees a therapist every week. Despite everything, he still misses his biological mom.

"He's hurt like hell," Carol said. "It's not going to change for him until he gets angry. I wish he would get angry someday."

On the upside, having a highly animated 10 year old in the house is keeping the Riveras on their toes.

"T.J. is going to help me live to 100," said Santiago, who's 70. "He helps keep me young."

Santiago has already put T.J. on notice that for his 100th birthday he expects T.J., along with T.J.'s future wife and kids (the Riveras hope to be grandparents again), to take him out for dinner.

"I have something to live for," he said. •

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