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INTERVIEW WITH JUDGE MAURICE PORTLEY

Q=Justice Robert Brutinel

A=Judge Maurice Portley

Q: This episode of the AZCourtHelp.org podcast is sponsored by the Arizona Supreme Court. Hello. I'm Bob Brutinel. I'm the Vice Chief Justice of the Arizona Supreme Court, but before joining the Supreme Court, I was a juvenile judge in Yavapai County, and I handled numerous adoptions. In this edition of the podcast, we are joined by Judge Maurice Portley, who recently retired from the Arizona Court of Appeals. Prior to his career as an appellate judge, however, Judge Portley was the presiding juvenile judge in Maricopa County. Throughout his career, he's demonstrated a commitment to children and families, and in finding permanent homes for children. He's still a regular participant in Maricopa County's Adoption Day. Judge Portley, how many children are available for adoption in Arizona in any given month?

A: Well, Justice, there are a lot of children that are available. The latest statewide figures would indicate there's several thousands of children in

1. search of forever homes. Whether it's now, in previous years, or probably in
2. future years. In fact, during the last fiscal year, there were 10,000 children
3. who were adopted, while another 17,000 or so were reunited with their
4. families as a result of the dependency process. Now, those numbers will
5. rise and fall, depending upon what's happening in the economy. A struggling
6. economy and people are struggling, they may have more difficulties, and
7. more children will come into care. Or right now, we're facing the opioid crisis.
8. Much like we faced crack cocaine and methamphetamine. You know, children
9. who are born exposed to drugs will probably be removed from their parents'
10. care and may become available for adoption later on.

11.
12. Q: I'm sure your experience is similar to mine in that there are always more
13. kids who need adoptive placements than there are adoptive placements
14. available. If someone's listening and they're interested in how they adopt or
15. how the process works, can you tell us a little bit about what adoption is and
16. how it works in Arizona?

17.
18. A: You bet. Adoption is the legal process of becoming a parent to a child. It's
19. also the legal process of becoming the parent to an adult child. 'Cause we
20. have adoptions for infants and toddlers and older children. But also, in some
21. cases, for adults. Now, once you become a parent through the adoption
22. process, you have all the rights and responsibilities of a parent. The duty to
23. protect the child. The responsibility to provide for the child with food, with
24. shelter, education, healthcare, and whatever else the child needs to become
25. a successful adult and, like the rest of us, pay into the social security system.

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Q: So as an adoptive parent, will the child I adopt still have contact with their natural parents?

A: Well, that will depend upon what you, as the adoptive parent, would like to do. There are cases that we call open adoption where the adoptive parent sends the former parent a picture and an update of what's going on. And I also know - my wife was a social worker and placed children for adoption, and we followed some of those kids - an adoptive child will always want to know their parent. They'll want to reach out, at some point in time, and if you take away - if you let them have the contact, okay, and they're not under the misimpression that that would be better than the discipline and the rules that you're providing, you know, they may see and understand and appreciate the love and care without putting that other person, you know, in a fantasy light.

Q: I'm an adoptive parent, and that's exactly what happened to us. When my daughter turned 18, she wanted to find out about her natural parents, and she went and did that and then she came back.

A: Yeah. Yeah. We stayed in contact with two of the children my wife placed for adoption, and both knew they were adopted early on. And both, before they were 18, you know, got to meet their birth mom, and came back and said nothing more, you know?

1. Q: But the bottom line is, that's a decision for the adoptive parent to make. At
2. least until the child turns 18.

3.
4. A: That's correct. That's correct.

5.
6. Q: What about siblings? How frequently do they have contact, or can they have
7. contact, with their siblings?

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9. A: Well, they can have contact with their siblings. But, again, that's going to be
10. the role of the adoptive parent. Now, sometimes, a parent will adopt a sibling
11. group. Whether two or three or four. But, you know, the adoptive parent and
12. the parent of the other siblings will have to work that out. Because it is
13. important. One of the things that happens is that siblings have a unique bond
14. and though you may fight like cats and dogs, it's you against the world. And
15. you're gonna know that person is out there and you're going to be thinking
16. about that person. And so the adoptive parent has a chance to working with
17. the other parent and altogether to make it work, you know, for the children.

18.
19. Q: Interestingly for me, in the era of Facebook and social media, it seems like it's
20. a lot easier for children - sibling pairs - to stay in contact, as well as to find
21. your adoptive parents early in the process.

22.
23. A: Not only, you know, but finding your birth parents. Yes. And recently the
24. Arizona Republic had a story where Judge (Randy Howell), through a DNA
25. test, found out about his family and so he'll be meeting with them this

1. summer. His birth mom's not ready for that yet, but it provided information that
2. he didn't know, and didn't exist back when we were pup judges.

3.
4. Q: So if I'm an Arizona resident and I want to find out more about the process of
5. adopting a child, how do I do that?

6.
7. A: Well, a good place to start is with the internet. You look for a adoption agency,
8. or you look for an adoption lawyer. 'Cause there's all sorts of ways of getting
9. information, and most agencies will have some information on their website.
10. And then, if you're interested, then you can start the process. Another way, as
11. you're thinking about it, is come to any of the National Adoption celebrations
12. that are going on in our various counties in Arizona in November. It's
13. generally done a week or 10 days before Thanksgiving, 'cause it is a
14. wonderful time to celebrate. And, at those celebrations, you get to meet
15. adoption agencies. You get to see the process. You probably can even talk to
16. people at their happiest about how the process worked. Because, you know,
17. once you start, you've got to fill out an application and then there's an
18. orientation and a training program, and they look into your fitness about your
19. ability to adopt the child, into your background, your criminal history - if any -
20. references, social history, finances. You know, your mental and physical
21. health. To ensure that, if you're a fit person, that you can meet the challenges
22. to be a parent.

23.
24. Q: Now, I can adopt through the CPS, the Child Welfare System, here in Arizona.
25. I can also adopt through a child welfare agency or an adoption agency, rather.

1. Can you talk a little bit about what the difference is there? And why I might
2. want to do one or the other?

3.
4. A: Oh, I don't think I can. I think you have to explore that.

5.
6. Q: Yeah.

7.
8. A: I don't think I can. There are children available, and I think the first thing a
9. prospective adoptive parents wants to do is figure out, "What age do I want?
10. Do I want an infant? Do I want a toddler? Do I want someone older?" And
11. then you can look at the opportunities that may exist. Whether through the
12. Department of Child Safety - DCS, which we all knew back in the day as CPS
13. - or through a private adoption agency. Now, sometimes those children may
14. well be the same, and sometimes they may be independent. And, you know, a
15. young mom may give her child up for adoption voluntarily, or leave under the
16. Safe Haven program a child in a fire station or church or hospital and then
17. walk away. And, you know, a young parent can do that if the child is less than
18. 72 hours old. But, you know, those are things I think the parent will have to
19. explore and look at, you know?

20.
21. Q: So you really need to spend some time thinking about what you want the
22. addition to your family to look like?

23.
24. A: Oh, to look like, and then how you're going to handle the challenges. You
25. know, in talking to adoptive families, you know, is it merely nurturing that

1. makes a difference to these children? Or is it nature? Or some combination?
2. And, you know, even when you build your own child, there are a lot of
3. challenges.

4.
5. Q: Absolutely.

6.
7. A: And no two children in a family are alike, you know? You know, just to think
8. about Justice (Scalia), with nine children, you know? I'd be pulling my hair out
9. with that. Luckily, one became a priest. But until he got them into the
10. adulthood, they're all going to be wonderful little individuals that you're going
11. to have to figure out, and none of them come with an instruction book.

12.
13. Q: And your point is that's true whether you have them biologically or whether
14. you adopt them?

15.
16. A: I think so. I think so. And if you adopt, what you're saying is, "I'm committing
17. to you forever and ever." And you have to get out of your mind the notion that,
18. "I can return them," because when they're probably pushing you away is
19. when you need them most. I had a situation when I was on the juvenile court
20. where a child was having mental health problems and it was probably three or
21. four months before his 18th birthday, and the parents wanted to terminate
22. their rights to him. And they had him since Day 3. And I talked them off the
23. ledge, because it was important to get him evaluated, to see what services
24. would be available for him after he became 18. Because especially young
25. parents - and I remember I was this way for a long time - you think your job's

1. over when they're 18 or when they graduate from college, or when they go
2. into the military. You know, and maybe that's what we need to hear, to keep
3. ourselves going from time to time. But they need us for a lot longer than that.
4.

5. Q: Any thoughts on how to pick out a good adoption agency?
6.

7. A: Yes. I've got some great thoughts, except I don't share them because, as a
8. court, we're a neutral agent. But it is important - probably like a doctor's
9. advice or home repair - that you get more than one estimate, and that you
10. work so that you have a comfort with the social worker that you're dealing
11. with. Hopefully you'll find someone as joyous as my wife and, you know, you'll
12. get to stay in contact with them for the next 40 years. But I think it is
13. important, you know, that the potential adoptive parent - that it's a comfortable
14. fit.
15.

16. Q: And in this age of information, you can do some due diligence and some
17. research?
18.

19. A: Oh, I suspect that, you know, whether it's a Yelp review or any of the other,
20. you know, opportunities, you know, people will speak out. It's kinda like a
21. restaurant. If you go and you have a wonderful meal, you'll tell a few people.
22. If you have a bad meal, you're gonna tell everybody. And in the social media
23. world, you can do so pretty quickly.
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25. Q: Judge, is there any particular adoption story you'd like to share with us?

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A: Adoption, from a judge's perspective, is a wonderful event. Whether it's an arm baby and pictures with the family or a toddler, an older child. But there are four wonderful children that I got to adopt back in 2001. You know, and they're about 20 years old now, and it's been wonderful to see their progress. To see that they've blossomed in their various homes, and that they're doing well. And, you know, (Hannah) and (Michael) and (Matthew) and (Brandon), we're so very proud of you and so very proud of your adoptive parents for making it work.

Q: That's one of the great things about the job you and I had. It happens very frequently that I run into people who want to tell me how their children are doin'.

A: Oh, yes.

Q: It's a very satisfying part of the job.

A: I was gonna say, you don't hear that on the criminal calendar.

Q: You do not.

A: Or handling civil cases...

Q: That's true.

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A: ...or, you know, probate or the family calendar.

((Crosstalk))

A: But one of the joys of the juvenile calendar. Not only is the adoption, and its wonderful outcomes and stories, but for all the other parts of it, agencies and court staff and others are planting seeds. And we hope - and in many cases they do - germinate and those youngsters turn out well and do well and become wonderful members of our communities. And, as I like to tell them, "I want you working and paying into social security, because one day I want to collect it."

Q: Judge Portley, thank you very much for taking the time to talk with us, and thank you all for listening to this edition of the podcast series. Thank you for listening to this AZCourtHelp.org podcast.

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