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## 'On your own but not alone'

Ft. Lauderdale lawyer's pro bono effort helps former foster child recover \$400k

By Annie Butterworth Jones

*Associate Editor*

"They took his money; they put it in CDs, then they transferred it to pay off some of their mortgages. They abandoned him. They just moved to Florida and left him with nothing."

Even now, with the pro bono case of Markus Kim months behind him, Ft. Lauderdale's Howard Talenfeld, a member of the Bar's [Legal Needs of Children Committee](#), can't get over the deplorable nature of the crime.

"This young man came out of the New York City system and had no connection with Florida, where the adoptive parents and perpetrators lived," said Talenfeld. "He just had no one here for him. If somebody didn't respond here, there was nobody to reach him. He was really struggling; it was obvious. He was grasping for straws, for help."

In late 2008, Talenfeld received a call from a legal aid lawyer in New York. That call led him to Kim, a former foster child whose adoptive parents conned him out of \$400,000 of life insurance money left to him by his deceased mother. Those parents took the money after Kim turned 18 — when the policy took effect — then fled to Florida, using the funds to pay off mortgages.



Talenfeld, a children's rights attorney and president of [Florida's Children First](#), knew he had to take the case.

"He went through the foster care system in New York, and they clearly didn't screen the motivations of the adoptive parents very well, which is obviously very concerning.

"Markus was a very articulate young man when he called me, very appealing, and he was very distraught, obviously. His life was not coming together. He didn't know what to do. I felt very, very badly for him, and I started trying to figure out how I could help."

Immediately, Talenfeld faced a road block.

Kim's adoptive parents had moved to Polk County, a rural community nearly 200 miles from Talenfeld's law firm in Ft. Lauderdale. It was not, Talenfeld said, the ideal place to begin the civil litigation process.

Talenfeld looked for pro bono lawyers in Tampa and Orlando to help handle the case, then contacted counsel from the agency responsible for Kim's adoption and the U.S. attorney's office in New York, all with little to no result.

One last call brought him the break he needed.

"I cold-called the U.S. attorney for the Middle District of Florida [Robert O'Neill], and I assembled the documents, got them to him, and he filed both criminal charges and civil forfeiture charges," said Talenfeld.

"That office did a phenomenal job. We found a solution."

Four years after first contacting Talenfeld, this July Kim received restitution from his adoptive parents to the total of over \$400,000: every penny he was owed. His adoptive parents were sentenced to federal prison after a jury trial in 2010, and Talenfeld said Kim has been able to move on with his life.

All it took, he said, was a little effort.

"It's not that I spent a huge amount of time on this case; I probably spent eight to 10 hours looking at his papers, trying to figure things out, emailing different people to try to help, looking for co-counsel to do it pro bono, originally, somewhere close to Polk County.

"This wasn't something where he should have had to pay a huge sum of money to have it litigated. He was wronged. And tragically, the New York City system abandoned him. Fortunately, the U.S. attorney, Robert O'Neill for the Middle District of Florida, absolutely jumped into this. I thought this was just an amazing result."

Although Kim's case has come to a close, Talenfeld is quick to point out that stories like his are far from rare.

"Florida doesn't have lawyers for dependent children like 40 other states. And the state's not responsible for providing the kind of help many of these kids need after they turn 18.

"It's so important that if lawyers could just take a few hours out of their time a week to help children like Markus or other foster children in the state of Florida, they could make a world of difference in their lives. Usually it's helping them . . . with their independent living and growing up. Kids that come out of foster care without parents, where their parental rights have terminated, have nobody.

"To have a mentor like a lawyer is so critical and can make so much of a difference for these kids."

Since 2008, Talenfeld has served as president of Florida's Children First, an organization devoted to the systemic change, policy issues, and training and support of lawyers who represent children. In particular, the organization focuses on children exiting out of Florida's foster care system by training attorneys who can represent children pro bono, or, Talenfeld said, who can help answer simple legal questions for children who have aged out of the system.

"They turn 18 and all of a sudden, they're on their own, and hopefully not alone, if more lawyers would step up.

"Markus Kim is an example of one child, where an attorney can touch the life of one child. There are so many more examples."

For more information on Florida's Children First, or to help foster children in your area, visit [www.floridaschildrenfirst.org](http://www.floridaschildrenfirst.org) or call (954) 796-0860.

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