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## A plea to return boy to foster family

The 3-year-old's guardian asked Chesco to reverse itself. The boy was taken from a couple last week and placed in Central Pa.

By Benjamin Y. Lowe

The court-appointed guardian for a 3-year-old foster child removed last week from a Downingtown-area family has called on Chester County to reverse itself and allow the family to adopt him.

The guardian, Jean Speiser, said she believed the child's best interests would be served by allowing the family to adopt him because he bonded well with them in the nearly two years he was in their care.

Her opinion was contained in a U.S. District Court filing seeking to join the foster family's request for an injunction to have the child returned immediately to the family, which tried unsuccessfully to adopt him.

In the filing, her attorney, Michael Churchill, also accused the county of blocking the adoption "solely on the basis of race." The family is white and the child is black.

A hearing on the injunction is scheduled for Friday in front of Judge James T. Giles in Philadelphia.

The child, whose name is Kevin, was a foster child of Randall and Susan Borelly's for nearly two years until last week, when Kevin was placed with a family in Central Pennsylvania.

In their federal lawsuit filed on Tuesday, the Borellys, of Uwchlan Township, alleged that they were prevented from adopting him because they are white and Kevin is black.

The Chester County Department of Children, Youth and Families said it blocked the adoption because it limits families to adopting one unrelated child per year. The Borellys adopted Susan's niece in January.

In the court papers filed Thursday, Churchill said he questioned whether such a limit on adoptions exists and said the department invoked the policy only because it wanted to place Kevin with a black family, which it did.

Churchill said in his filing that Kevin "has become very attached and close to the Borellys and wants to stay with them."

Neither Churchill nor Speiser could be reached yesterday for comment.

John J. Teti Jr., a lawyer for the Department of Children, Youth and Families, said he had not been served with the guardian's petition and could not comment.

The Multiethnic Placement Act, a federal statute that governs adoption procedures, makes it illegal for agencies that receive federal funds to deny or delay adoptions based on race. But the law does allow for exceptions in individual cases. Race can be a factor in placement if an agency can prove that it is in the best interest of a child.

"It's inspiring," Susan Borelly said yesterday about Churchill's filing. "It makes you feel like there is hope."

Richard Gelles, an expert on federal adoption law who is working with Churchill, cautioned that Churchill's filing did not mean the case would automatically turn in the Borellys' favor.

"That opinion is something a judge typically listens to, but the case is going to be decided on the best interests of the child and to what degree the judge is going to interpret the law as being relevant to this case," said Gelles, dean of the University of Pennsylvania's School of Social Policy and Practice. "It's not a slam dunk."