

Episode 96: Danny found a baby in the subway

The subway system in New York City is pretty impressive.

It opened in 1904 so it's one of the oldest subway systems in the world. And it is definitely the largest, with 472 stations. And throughout its history, the subway has offered service 24 hours a day, 7 days a week almost continuously. The exceptions are usually emergencies and disasters, such as 9/11.

You want to take a guess as to how many people ride the subway, on an average weekday? Go ahead, think of a number. Okay, it's 5.6 million people. Per day!

The subway system can be a little scary sometimes, but most of the time it's safe. It's just a large crowd of individual people, each one needing to get from one location to another location. Many of them will have earbuds in, or be engrossed in a book or newspaper, mostly unaware of what's going on around them.

What you're gonna hear today is my conversation with Danny. Back when this happened, he lived in New York City with his partner, Pete. In fact, they still live there.

Danny was one of those people on the subway. Head down, in a hurry because he was running late, just wanted to get off the train and up to the street.

But on this day, he happened to notice something on the floor near the stairs.

It was a baby.

Scott

You and your partner Pete were living in New York City at the time. Which borough did you live in?

Danny

We lived in Manhattan. We have lived in the same neighborhood since that time. It is the neighborhood of Chelsea and borders the West Village. We had met in July of 1997. By this time in 2000 we had been together just a little over 3 years. We had a pretty good rhythm in our relationship. We had separate apartments, but we ended up spending most of our time at Pete's apartment. He had a roommate, so we had an agreement that since I was spending most of my time there, that we would split the rent 3-ways and then I would sublet my apartment. We had that arrangement for about a year starting in 1999. I'm a social worker. I have been doing social work since I moved to New York in 1994. Pete is a presentation designer, he worked for close to 30 years with a pharmaceutical advertising agency. Now he's freelanced but he still works for pharmaceutical advertising agencies doing presentation design for new drugs that are coming out.

Scott

Here in Florida if I want to go somewhere I go and get in my car and go. In New York City it's very common to use public transportation all the time: subway, taxi, that kind of thing. Do you guys even have cars?

Danny

We used to; we had a car for 17 years. We loved that car; it was just to be able to get us around and it lasted for a very long time, so it was really sad when we finally gave it up. We parked it on the street so moving it and finding parking spots in Manhattan was never easy. It would always be a frustrating process of driving around and around the neighborhood to find one free spot, and hope that no one beats you to it.

Scott

Well, let's talk about that day. You were actually on the subway that day. Where were you headed and what happened?

Danny

This was August 28, 2000. Pete and I had made arrangements to have a dinner date that night. I was working late, actually I should've already left-- I was running late. It was a night that I was going up to my apartment in Harlem. Even though I had a tenant that was subleasing from me - all my things were still there - so we had an arrangement where I would go up once a week to get my mail, maybe a few clothes to change out. This was a particular night where I had arranged to go pick up my mail. It's about a 30 minute train ride from where I was working up to my apartment. Like I said I was running late to begin with so my hope was that I could get in and out of my apartment. I was thinking that maybe I could catch an express train so I could save a few minutes and not be so late. That didn't happen. I stayed on the local train, so I continued to be late. It was close to 8 o'clock that night and I think we probably had dinner arrangements by 7:30 so I was well late by this time.

Scott

So you were kind of in a rush?

Danny

I was in a rush yeah. I knew that I was running late and Pete tends to get impatient when we're not sticking to the schedule, so I was trying to be mindful of that so he wouldn't get too angry (laughter). I was exiting at the 14th street station on the ACE line, as I was going through the gate, I noticed on the ground to my left against the wall was a bundle. All I saw was 2 little legs sticking out, it looked like a doll. I'm thinking, "Some little girl left her doll on the ground, I wonder if she's around." I continue to walk and I'm starting to go up the stairs to exit, and I glance back one more time. When I did, his legs moved. Then I knew it wasn't a doll and I rushed down the stairs. I loosened this dark sweatshirt that he was wrapped up in and made sure he was breathing ok. He had no clothes on and I could tell that it was a newborn infant, I didn't know exactly how old he was at the time. But he still had-- the reason I knew he was a newborn was because he still had the umbilical cord partially intact. It had been cut but I could tell that it was a relatively new baby.

I'm thinking, "How could this be? How could there be a baby on the ground? Is the mother around or somebody around that knows what's going on?" I tried to alert other passengers that may have been going through the station. By this time, it was 8 o'clock, past rush hour, there weren't a lot of people going through the exit I was going through. I managed to get the attention of one woman that was walking by and I was alerting her, "There's a baby right here." She did not speak any English, so she didn't understand what I was saying; but I was pointing and motioning to the baby. I think she got nervous because she backed away and just left really quickly. I tried to yell to notify-- this was before the MetroCard system that's in New York City

now, so the subway operated on subway tokens. I wanted someone to notify the token booth attendant so that they could notify the authorities or call the police, but that wasn't happening. Then I thought, "Oh there's a payphone right upstairs on the street" - this was before I had a cellphone - I just thought, "I'm going to call the police." So, I ran up the stairs to that payphone and then I called 911 and I said, "I found a baby!" I told them where I was located and then I ran back down the steps. I didn't pick the baby up because I wasn't sure if he'd been injured in any way, so I didn't want to cause any further injury by picking him up, so I left him there; but I went back down to be with him. Waiting for the police I was thinking it was taking forever and I'm sure for me time was standing still. It may have only been minutes, but it felt like hours. Then I had a thought, "Oh they probably think it's a prank call so that's the reason why they're not coming." I felt in my pocket, and I had a quarter, so I thought, "I need to call somebody else." So, I thought of Pete. I thought, "If I call Pete, he can call the police and they'll believe him and they'll send the police." So, I ran back up to that payphone and I called Pete and blurted out, "I found a baby. I don't think they believed me. I think they thought it was a prank call so if you call, they'll believe you and they'll come." While I was on the phone with him that's when the police showed up, so I hung up the phone really quickly and went over to the police car as they were getting out of the car.

Scott

He must have been-- I mean you had to hang up so quickly he had to be completely confused like, "What in the world is going on?" Right?

Danny

He was. He was asking me, "Where are you? Where are you?" I told him, "I'm at 15th street and 8th avenue. Send the police." Then as they were showing up, I just said, "They're here" and I just hung up. I don't know if he even believed me. (laughter)

Scott

Yeah, Danny's running late, he's come up with this crazy story. This is like a Seinfeld episode or something right? (laughter)

Danny

Yeah, it was completely bizarre.

Scott

I wanted to hear from Pete what it was like to get that phone call. Here's Pete.

Pete

When I picked up the phone, I was expecting him to tell me that he was-- you know we had a dinner date that night and I was expecting him to tell me that he was gonna be later than he already was. I was at home waiting for him, and I was hungry. I don't know if you've ever heard of the term "hangry" so I was hungry and angry. When I picked up the phone, I was expecting him to say, "I'm gonna be later" and I was expecting to get angry at him and then he just blurted out, "I found a baby!" His tone was so panicked that I knew that-- and he doesn't joke around. He's usually very calm, so I knew he was dead serious. I just said, "Where are you?" He kept repeating himself he said, "I called 911 but I don't think they believed me." I said, "Where are you? Where are you? Where are you?" He said, "I'm at the subway station at 15th street and 8th avenue can you call 911?" I said, "Well I'm just gonna come down there it would be easier for me to find some help on the street." There was always a cop car or police on the sidewalks in that neighborhood all the time so I figured it would just be easier to do that. I ran down there and by the time I got there the authorities had arrived. Danny was standing at the top of the steps,

and I said, "Where's the baby?!" He just gestured with his head to the steps and at that moment 2 police officers were walking up and one of them was holding the baby in his arms. He was still in shock when I got there, he was like not saying much. He was just sort of gesturing in small gestures, but he didn't really say much, he was just still processing it all, I think.

Danny

When the police showed up, they wanted me to tell them what happened. First, I had to show them where the baby was, so we went down those stairs again to where he was. Then I went back up, but they wanted me to wait. They said, "Don't leave, just wait right here." So, I waited. As they were bringing the baby up, holding him in their arms, that's when Pete was running down the street and he came up just as they were coming out from the station. It quickly became a scene, not only were there those 2 police officers that arrived but probably like a half a dozen other police cars showed up. They quickly put police tape around the whole area. Then detectives showed up and they told me, "You cannot leave." So I had to stay there for 2 hours as they one-by-one interviewed me to tell exactly what had happened. Why was I there, the circumstances that led me to find the baby, and anything else that I may have noticed. So that process took about a couple of hours.

Scott

Pete was there during that time?

Danny

Pete was there although they would always pull me away, so he wasn't able to listen to me telling the story. As a new detective would show up, he would say, "Ok come over here I have some questions for you." They would pull me away from him and then I would tell the story. At some point Pete said to me, "I think you're going to be connected to this baby for the rest of your life." I had no idea what he was talking about. I said, "What do you mean?" He was like, "Well, maybe not tonight, maybe not tomorrow, maybe not even next year but eventually this baby is going to know what happened tonight. He's gonna want to know-- he may want to meet the person that found him." I said, "Oh ok." He said, "Well maybe what we can do is we can send a birthday card everyday on this day if we find out where he happens to be placed or where he gets adopted by." I said, "That sounds like a really great idea." I was still probably in a state of shock and of course we're still hungry.

Eventually the police detectives say, "Ok you're free to go." By this time, it's about 10 o'clock at night so we both go to a restaurant that's about a block away from there that, at the time, was one of our favorite Mexican restaurants. We sat down and the first thing we did was order a margarita.

Scott

Of course, no matter what time of the day or night there's going to be a place to go find something to eat in New York.

Danny

Yes. I was still in a state of shock, but Pete still hadn't heard the complete story, so he was asking, "So what happened?" I didn't realize that he wasn't part of all those conversations with me telling the story. So, I had to tell him what exactly happened.

Scott

Now the next day this was all over the news?

Danny

Oh yeah. That night the local news stations showed up and they did a story and I saw the local paper was there that night. So, it was in the paper, and it was also broadcast that night on the news. Then more reporters showed up to get an interview. It was a part of the news cycle for at least 24-48 hours. In addition, because of the situation with the baby, the police were doing regular updates. They were doing press conferences appealing to the public if anyone knew anything about the whereabouts of the mother of the baby. Or if anyone knew anything that could lead them to anything new in their case. For 24 hours they were doing regular press conferences, so it was in the news for a while.

The next morning, I'm going to work and the hospital that the police took him to-- here's another part of the story. They had called for an ambulance to show up to take the baby to the hospital. The ambulance never showed up, so those original 2 police officers took him to the local hospital, which was just 2 blocks away. So, I knew where they had taken him, which was just 2 blocks north of where we lived at the time. That morning as I'm going to work, I had a change of mind. I thought, "I'm gonna go to the hospital. I'm gonna see if I can find out any information about the baby and see what's happened to him." As I go in, I go to the information desk and the attendant says, "How can I help you?" I said, "I'm here to see a baby that was brought in last night." She said, "Are you family?" I said, "No." She said, "I'm sorry only family are allowed." I said, "Well he doesn't have any family. I found him. He was found last night." But she said, "I'm sorry only family are allowed in." To me that was the end of the story. Yet I still wanted to find out more.

I had quite a few friends and colleagues that had experience in foster care or adoptive care. They were telling me what usually happens in situations like this. They also recommended that I contact the pediatric social worker at the hospital to see if I could find out more information about where he might be and what condition he might be in. I took that advice, and it took me about a day to locate the pediatric social worker. She was very annoyed with me when I finally got her. She asked, "How did you get this number? How did you find me?" I said, "Well I was just persistent until I could find you, and you actually answered the phone." I told her who I was, and I said, "I'm just calling to see if I can find out how the baby is doing." She said, "I can't share any information with you." I said, "You don't have to share any information about where he might be but just, how is he doing?" She said, "I can tell you that he's healthy and he's doing ok."

Scott

Good. Well, that's what you wanted to know anyway.

Danny

That was all it was. I go on my way thinking it's the end of the story. About 6 weeks later I got a call from the attorney with The Administration of Children's Services, the child welfare agency in New York City. She said, "I've been looking for you and I would like for you to testify in court." I said, "For what?" She said, "The baby you found, there's no biological relatives that have come forward. But we're proceeding with terminating the biological parental rights so the baby can be free for adoption. Your testimony will aid our case so we can move forward with terminating the parental rights." I said, "Sure." She actually sent me a subpoena to come to court just a few days later. So, I go into court and I meet the attorney-- actually there's 3 attorneys. There's the attorney for The Administration of Children's Services, there's a legal aid attorney, and there's an attorney for the Foster Care agency. They tell me, "I'm so sorry the judge postponed the hearing for 6 more weeks because we didn't have all the paperwork in. Would you be able to come back in 6 weeks' time?" They gave me the date and I said, "Sure."

By this time, it's the beginning of December. I go back to that family court in early December. I had just started a new job, so I was going on my lunch break. I'm going in thinking I'm just telling my story and then I'll be on my way. I tell the story, the circumstances leading up to finding the baby. Then the judge asked me, "Would you mind staying for the remainder of the hearing?" I said, "Well I've got to go back to work; if it's not gonna take too long." She smiles and says, "No it won't." Sure, enough it didn't. The 2 police officers that showed up that night wrote up their testimony of what had happened when they showed up on the scene and found the baby. They told their story and two minutes later it's over. The judge is addressing me again and she says, "Mr. Stewart I just want to let you know what's happening here. In situations where we have an abandoned baby, we want to place that baby in pre-adoptive foster care as quickly as possible." In my head I'm thinking, "That makes a lot of sense." Then the next thing out of her mouth was, "Would you be interested in adopting this baby?" Of course, all eyes were on me in the court, I think mouths were dropping open. I paused for a second and I said, "Yes, but I don't think it's that easy." She said with a smile and a little chuckle, "Well it can be. If you're interested in adopting this baby, you need to show up at the next hearing and state your intention." The next thing I know she is issuing all kinds of court orders left and right, and I'm not sure what's happening. She's "setting up a home visit for Mr. Stewart to visit the baby" and "beginning an expedited home study" and "beginning the fingerprinting process" and I don't know what's happened.

Scott

This just seems so unusual. I mean obviously yes you want a baby to have a home, but did she base her offer to you just on her trust that she's a good judge of character, and that you would be a good place for the baby to go?

Danny

That's a very good question and we didn't get that question answered for a couple of years.

Scott

Alright. We'll get to that part then.

Danny

We'll get to that part. Then we got more clarity 10 years later.

Scott

Ok.

Danny

We did not know what prompted her to ask that question. She didn't know me. I mean I'm sure the background check had been done by the police and everyone else that night. I'm sure that's why they were taking their time in interviewing me. I'm sure they were doing a background check on that night. But I don't know. I mean I didn't know at the time what prompted her to ask that question. It caught everyone by surprise, I mean not just me but everyone that was involved including the attorneys. I guess everyone but the judge.

Scott

So, you left there and called Pete?

Danny

Yeah, I left court, and once again I'm going back to work. I went into the train station, there's a payphone on the platform, so I have a quarter in my pocket again and I called Pete. I said,

"You'll never guess what the judge just asked me. She asked if I would be interested in adopting this baby." He said, "What?" He was in disbelief and at the same time my train was coming in so I said, "I can't talk" and I just hung up the phone.

Scott

It seems you have a history of doing that. (laughter)

Danny

(laughter) Yeah, I guess I do.

Scott

Leaving Pete on the other end to wonder, "Ok, now what's happening?" So you guys had some conversations about this?

Danny

Yes, we did. We had some in depth heated conversations that lasted a week or so. You know in my mind I'm thinking, "This judge is offering this baby. This baby's a gift. How can we say no to this gift?" That's what I just kept thinking was like, "I think it's meant to be. I think this is something that we should do." Pete wasn't so sure about that.

Scott

During that period, Danny and Pete obviously had very different opinions about what they should do. I wanted to get Pete's perspective on those heated discussions.

Pete

When Danny went to court to testify, they were starting the process of-- the lawyer needed Danny to testify to free the baby up for adoption. He called me after the judge asked him if he wanted to adopt the baby from a payphone at another subway station. I was at work and he said, "You're never going to believe this. The judge asked if I want to adopt the baby." I instantly said, "No. No, no, no, no, no. Go back there right now and tell her you misspoke." My initial reaction was just completely fear based. His train was whirring into the station at the time, and he said, "I've got to get back to work." He got on his train, and we didn't get a chance to discuss it again until that night. After he told me everything that happened in court in detail. I said, "How could you just say yes without consulting me? We're not ready to have a baby." We had a roommate. We lived in a small one bedroom with a roommate behind a partition in the living room. We had no money; we were in debt. We didn't have the space or the resources for a baby and I was just sort of flabbergasted, for lack of a better word, that he would even think that this was a possibility. He just said, "What was I supposed to say? You know, they were all looking at me in the courtroom." I said, "Well how about, 'Let me talk it over with my partner I'll get back to you.'" He said, "Well I'm talking it over with you now." I'm like, "Yeah but you already said yes." He was seeing this as a gift, and I was seeing this as something that was going to upend our lives completely. So, my reaction was all from being scared to death about what this was going to do to our lives and how we would ever be able to do this. So our discussions went on for a few nights and then at one point Danny just said, "This is a gift. We can't pass up this opportunity, we could make this work. I know we can make this work. We will make this work." The more he said that, the more angry I got. I felt like he wasn't listening to me and my concerns. He just said one night, "I think I'm going to go ahead and do this whether you're on board or not." So, I said, "You're choosing a baby over our relationship?" He said, "No. I would really love for you to do this with me, but I understand if you're not ready and you're not there yet. That's where you're at." I said something really sort of mean and snarky. I said, "Good luck being a single parent in New York City."

For the second or third night in a row I went out into the cold December air in New York and I just went for long walks. There was always a part of me that knew he was right. There was always a part of me that really wanted to do this so bad. But I was giving over to the fear of really-- it was consuming me, it was overwhelming me all the negative things that could happen. Who are we to think we can be this baby's parents? It was sort of like; we can't provide for him. Who are we to think that?

Scott

Back to Danny

Danny

Yeah, the conversations were heated. He was angry that I had said yes, and he was thinking that I wasn't being rational in making a decision unilaterally without consulting him.

Scott

Well, there is a little bit of basis to that.

Danny

Yeah, he wasn't wrong. He wasn't wrong.

Scott

You finally got Pete to come with you on a visit. Was that a little bit calculated on your part? To kind of help persuade him.

Danny

I was hoping that he would come around. You know, I'm pretty patient and I just kept reiterating that this is a gift, and we can't say no. I thought that he just needed time and space to be able to process it and that he would eventually come around. They had set up the visit for me to go see the baby in the foster family he had been placed with. What was unbeknownst to us at the time was that he was placed there the next day after he was found. So, he had been with this foster family for, by this time, almost 3 and a half months. We go and we meet the foster care worker to do this home visit.

On the way there Pete and I had a conversation. Pete agreed to go with me and that was all he was going to do was just go with me on this visit. One of the things I kept telling him, that everyone else also kept telling us, was that even if we were pursuing adoption it wasn't going to happen overnight. There's a process, it takes 6 to 9 months for you to get the background check, to get a home study done, to have clearance to move forward. Then you have to go through 10 weeks of parenting classes. The foster care workers and my friends who had experience in foster care were telling us this whole process and I told Pete, "Let's just take it one step at a time. This is the first step, we can go visit the baby. We're not making a permanent decision right now." Once he agreed with me the conversation on the way there, which to me was very important, was that no matter what condition the baby is in, no matter what the condition of the home he's in right now; we do not want to move forward with this just to save this child. That's not a good enough reason. We had to want to do this because we want to be his parents. Of course, Pete was just saying, "Yes. Yes. Yes." He's placating me because he wasn't fully on board yet. When we got to the home, we quickly realized the baby wasn't in the best condition.

We actually had to wait because the baby had been sick and the foster care mother had taken him to the clinic, so we waited a few minutes before they got there. When they arrived the foster care mother put the baby in something similar to a car seat on the floor. Then she and the foster care worker went to another room to have a conversation. We're just in there with the baby. The foster care worker asked, "Would you like to hold him?" and I said, "Sure!" so she puts him in my arms. He had the biggest eyes, that's what I remember from that first night that he had just very big wide eyes. His eyes seemed to be so curious but also, he seemed scared at the same time. We had brought a camera, so Pete took a photo of me holding the baby and then I just said, "Here, your turn." Then I snapped a photo of him holding the baby.

Scott

I really wanted to know how Pete felt, holding that baby for the first time.

Pete

When we went Danny held the baby first and that was really beautiful. Just witnessing this person who found this little baby, in his arms. Danny looked at him and said, "Hey! Remember me?" It was just beautiful, my heart just melted. Then Danny held out the baby to me and said, "Your turn." I reflexively took him even though I didn't want to hold him because I kind of felt that if I held him the bond would form. I think Danny knew that too. I held the baby and he instantly put his entire hand around my finger. I looked down at him and he was just looking up at me. The baby did not take his eyes off of us and we did not take our eyes off of him on that visit. It was almost like he was saying, "I'm your son. Just realize it already." I turned to Danny after he was in my arms a few moments and I said, "This is our boy." I made the decision, "We will be able to figure it out. We will be able to make it work. We'll do what most parents have to do and figure out how to bring a child into our lives."

Scott

So, Danny and Pete were finally in agreement to move ahead with the adoption. Here's Danny with what happened next.

Danny

The next court hearing was scheduled for about a week after the visit on December 20th. Both Pete and I show up. This is Pete's first time in court there. When the judge sees us, she addresses us, "Gentlemen I hope you're here for the reason I think that you're here." We nodded. She said, "Are you ready to state your intentions?" We said, "Yes." She asked, "Are you stating your intentions that you would like to adopt this baby?" We said, "Yes." She looks down at her calendar and says, "Holidays are coming up. Would you like to have the baby for a visit during the holidays?" We just nodded and said, "Yes." Then she said, "Ok." Then she addressed the foster care agency and said, "Have the baby ready for Mr. Stewart and Mr. Mercurio to pick up in 2 days." The morning of December 22nd we made arrangements to go pick up the baby. All of our notions, all of our thinking that it was going to be 6 to 9 months before we were placed with this baby all were condensed to 48 hours.

Scott

Anybody else gets at least 9 months to prepare for a baby to arrive! You got 2 days.

Danny

Yes, it was unbelievable. Once again, this judge is doing something unbelievable and unexpected. She had arranged for us to be given the baby. Thankfully Pete's family lived in northern New Jersey, not far from Manhattan. We get on the phone with them and let them know what's happened and they just jump into action and buy everything that you could ever

possibly need for a new baby. We actually got a hand-me-down crib, but everything else they went out to purchase. On the morning of December 22nd when we went to pick up the baby, they all came over to our small little apartment and transformed it into a nursery. It was unrecognizable when we got back from picking him up. They provided every possible thing we needed which was really wonderful. I don't know if we would have been able to do it. I'm sure we would have found a way but they were just amazingly generous.

We went that Friday morning to pick up the baby. We're there just long enough for the nurse to check the baby. When she opened the diaper, it's at that point that we knew exactly what condition he was in. When I mentioned earlier that he was not in a good place-- he had a diaper rash from his belly button all the way down and around to the small of his back. It seemed like they never changed his diaper. It also seemed like he was never picked up, or only picked up very infrequently. He was very scared and guarded and stiff when we held him. The nurse was there so she saw the diaper rash and gave us some ointment and told us how to care for it, then made sure that we can change a diaper. Then we gave him his first feeding and she said, "Ok you're on your way. You're on your own now." We go home and are there in the apartment that night, the 3 of us alone for the first time. The whole thing was unbelievable, here we were the 3 of us with this baby. He had fallen asleep on one of us on the couch. We just looked at one another in disbelief at what had transpired in such a short period of time.

Scott

Did the baby have a name yet?

Danny

Yeah, this is interesting. The name that was given to him was a combination of borrowed names. His name was Daniel Ace Doe. I think the police officers named him Daniel. Then the hospital, knowing that he was found on the ACE line of the subway, named him Ace. Then because he didn't have a last name, he had Doe. His official name was Daniel Ace Doe until his adoption was finalized 2 years later. We named him Kevin, that was the name that we had picked out.

That was another pretty miraculous story in and of itself. On the way home after the visit with Kevin-- well with the baby when he was with that foster family Pete asked me, "Have you thought about a name for the baby?" I said, "I've always liked the name Devin." He said, "Wow! Just one letter off. I like the name Kevin." He said, "Let me tell you why." Then he told me the story. Prior to Pete being born his parents had given birth to a stillborn. That stillborn had been named Kevin. Pete had always thought that this baby Kevin his parents had was almost like a guardian angel in his life. The name Kevin had significance for him because, at various points in his life, a person by the name of Kevin would come into his life for a brief amount of time and change it. Then they had quickly disappeared. He always felt like this character Kevin was a guardian angel. Once he told me the story of the significance of this name. I said, "Absolutely his name should be Kevin." A year after we found Kevin, 9/11 happened and that put a delay on everything because family court was close to ground zero. So, everything was on delay for many months and that was a big reason the adoption took 2 years. It was almost 2 years to the date that we went back into family court to finalize his adoption. It was at that moment Pete asked the judge, "Your Honor, what ever prompted you to ask Danny that question? If he was interested in adopting this baby?" She said, "I had a hunch. Was I wrong?" We said, "No of course not." We didn't know the full story either, there was actually more to that that we learned when we had our wedding.

Scott

Let's talk about that. At this point Kevin was 10 when that happened.

Danny

Kevin was 10 years old when same-sex marriage was legal in New York state. The night the state assembly was passing the vote in New York state we were up watching it on the political channel. We had a friend who was state assembly for Staten Island at the time, so we were very curious about how that was going. The 3 of us, Kevin, Pete and I were watching it that night, so when it passed, we cheered. I think it was the next day or maybe a couple days later, Pete was walking Kevin to school. He asked Kevin, "Do you think your dad and I should get married?" Kevin said, "Sure, I guess. Yeah." I think Kevin in his mind had started to see same-sex marriages being performed by judges. He asked, "Don't judges perform weddings?" Pete said, "Yeah. Would you be interested in meeting the judge who finalized your adoption?" Kevin said, "Yeah!" Then he ran off into school.

Then Pete went in and called Manhattan family court-- actually no he sent an email to the family court to the generic email and got a response like a couple hours later. He was asking if the judge who had performed the adoption would be available and interested in performing our wedding ceremony. He got a response 2 hours later that the judge remembered us and would definitely be interested and would like to set up a time for us to meet. Then we set a date. We wanted it to coincide with the anniversary we already celebrated which is July 13th so we decided that July 13, 2012, would be the date that we would get married.

We met with the judge probably a month or so before. She wanted to talk with us about what we were wanting and what we were thinking about, and just to catch up also. It had been 8 years since we were in court together. She was interested in knowing about Kevin and what his interests were, and she was also interested in knowing how we were doing. It was at that point we asked her - we just wanted to get more information - about her ability to expedite the adoption process. We also wanted to know what was behind that question, in asking me if we wanted to adopt. It was still burning in the back of our mind, "What was behind that hunch?" By this time, she had been a family court judge for over 30 years, and she was about to retire. She told us, "You caught me just at the right time because I'm retiring in just a few months. All babies need to have some connection with somebody, and you were the only connection that this baby had so, I went on that." She also told us that at the time she was leading a pilot project in New York state to expedite placement for babies that had been abandoned so they would not languish and linger in foster care for years and years before they were adopted. She had the power and authority to expedite the whole process of adoption. That is the reason she was able to do what she did. She could cut through bureaucratic red tape by deciding that she was going to place the baby with us in the timely manner that she did. That's why it didn't take 6 to 9 months. We still had to go through the whole process, but she was able to place him with us.

Scott

She has to look at that as one of the crowning achievements of her career as a judge. I mean I'm sure she did a lot of other things as well but what a story.

Danny

She's become a part of our extended family. We've kept in touch with her through the years, she has remained in contact with us, and she emails us from time to time. She came to Kevin's graduation ceremony we held. We send her an annual newsletter and holiday card every year and she sends us one back. So, we keep in touch and we've always expressed our gratitude for her changing our lives. But she says, "I was just doing my job."

Scott

How old is Kevin now and what's he like?

Danny

Kevin is 21. He is a senior in school. He is going to a small liberal arts school. He's a dual major in both mathematics and computer science. He really loves math but over the last year he has shifted more to computer science but those are his passions. The other passion is ultimate frisbee. He is one of the co-captains on his team in school. Not only does he play it through his school team, this past summer he was also on 2 teams in Philadelphia where he played on club teams, so he was playing a lot of Ultimate. He really loves that.

Scott

I understand he's run some marathons as well.

Danny

Yes. This is another thing; he loves to challenge himself. One challenge he had, this started right after he graduated high school. He told us, "I'm going to run in a half marathon. It's called the Rockapulco. It's in the rockaways where they have a half marathon." He ran it the day before he started his freshman year in college. Then he did another one in Yonkers. His sophomore year he did the Chicago marathon, he registered and got into that. Then a month later he did the Philadelphia marathon. He's done a few other ones, but I wouldn't call it a marathon; it's like a super marathon. He did this 4 by 4 by 4. So, you run 4 miles every 4 hours for 48 hours. He likes to set a challenge and a goal, and he likes to see how far he can push himself.

Scott

Yeah. That's awesome. Ok, one thing I'm wondering. Have you guys ever considered doing like a DNA kit? Like 23andMe to see if you can find any of his biological relatives? Does he have any interest in that at all?

Danny

We have done that. In 2013 the 3 of us did 23andMe. We had always guessed about what his ancestry or lineage was, but it was never known at all. I had made a guess but when we did the 23andMe-- now it's more refined they've been able to be more specific, back then they were able to provide things like: Oceanic, Southeast Asian and possibly Tonkin or Samoan. Since then, it's been refined, and they know pretty much exactly that he is American Samoan. More broadly geographically, in the Pacific Islands, so he's definitely an island boy. That was always my guess, looking at his features and coloring he always seemed to be Samoan. He was always big for his age, tall and his skin coloring made me think, "He's got to be from the islands somewhere." Sure enough, that's where he's from.

As far as locating any biological relatives-- now we had, even very recently over the last few months, have had conversations with him about this. We support him in wanting to go down that journey in locating any biological relatives. We told him, "It would not diminish what we have as a family or the love that we have. It would not infringe on the family that we have together. If there are others in your life that you can find and find connection with, we support that." He said, "Maybe someday, but I'm not ready right now. I'm not wanting to do that." He knows that that option is available. Through 23andMe his profile is private, so no biological relatives would be able to find him. We suspect that there are some out there but he's just not ready to start that journey.

Scott

You've got to be ready for that for sure.

Danny

We wanted to give him permission thinking that it's not going to take away-- it wouldn't be anything against us, our feelings wouldn't be hurt at all if he wanted to do that. If he finds others in his life that can help him answer questions that he may have or that he can expand love for him. We support that process for him.

Scott

It's amazing how the tiniest little turn of events-- that brief moment of noticing the baby while you were rushing out of the subway can just change your life so profoundly. Do you ever go back to that spot?

Danny

All the time, yeah. For years when Kevin was an infant and older, that was the closest station to where we lived so we were going through it all the time. It became known as Kevin's Corner or Kevin's Spot. We embraced as like; this is the place where we found each other. This is the place where we became a family.

Scott

You know, one thing that struck me about this story – before they agreed to take Kevin, and Pete was saying they shouldn't do it, one of his objections was “who are we to think we can do this? We have no skills at being parents”. But what they did have was compassion. The day to day stuff you can learn – how to change a diaper, checking that the bath water isn't too hot or cold, those things are teachable. But when you have two people who have so much love to give, that makes just about anything possible. And now it's obvious that they did a really great job of parenting with Kevin.

And Pete wrote a book about this. It's a children's book, a large hardcover with great illustrations on each page, and it tells the story in a way that makes it easy for kids to understand and enjoy. If you know a family who has adopted children, this is a great gift. I'll have a link to that in the show notes for this episode. And also in the show notes you'll see pictures of Danny and Pete on that first visit when they held baby Kevin for the first time, as well as more recent family photos where Kevin is the tallest one in the picture. All of that is at WhatWasThatLike.com/96.

But before that book was beautifully illustrated and published, the first version was just put together by Pete at home, so that Kevin could hear about his story from a very young age – and coming up at the end of this episode in today's Listener Story, you'll hear about what happened with that.

Voicemail**Justin**

Hi Scott. My name's Justin. I just wanted to say that I enjoy your show immensely. I'll admit that when I first checked out your episode list, my first reaction was that they were maybe going to

be sensationalist and morbidly interesting; but I was very wrong. After diving into your show, I've been amazed and inspired by some of these stories. I love that you have found people that have experienced crazy, traumatic events. They then, despite these events, have used them to go on to lead incredible, courageous, and admirable lives, usually also guiding others towards the better lives they seek. What you bring to listeners is what I wish our mainstream media and news outlets would bring more of to the public. It's easy to feel a level of despair, or at the very least, a pessimistic view of humans when you just skim the headlines or even read the articles of the world's events that the media chooses to present to us. Through your curiosity and effort, your show presents events with human depth. You focus just as much if not more on the positives of the people and the experiences in their lives after these events. I was just telling my wife about the Grizzly Attack and Plane Crash episodes the other day and she's become a listener as well. Please keep up your great work. Thanks. Bye.

Scott

And if you have any comments about the podcast, this is your invitation – that's right, this is me, personally inviting YOU – to call in and leave a message. The podcast voicemail line is 727-386-9468, and you can call anytime night or day and leave me a message. I'd love to hear from you!

And just a quick mention – if you follow me on Instagram, that may be no more. I got a notice from Instagram that my account has been disabled because it has violated their terms. I looked at their terms and can't see anything listed there that I've violated, but that's unfortunately the way it is sometimes. They don't give you specifics so you can't really argue with them. As I record this, I'm trying to get it resolved, but I may not be on Instagram any more. And this is exactly why I also have plans to get the podcast community off of Facebook. It's too easy to build a nice big community and then just have it canceled. I have over 10k followers on Instagram so I hope it gets fixed but if you don't see me on there any more, you know why.

But enough of that silliness, let's get on to today's Listener Story. This is going to be Danny again, talking about when Kevin gradually learned about how he was found – and how his story affected someone else.

Stay safe, have a great holiday season, and I'll see you in two weeks – for the last episode of 2021, coming out on New Year's Eve.

Danny

We wanted to always frame his story in as positive a light as we could, given the circumstances of being abandoned. We didn't want it to be focused on that he was left, or that he was abandoned, but that he was found. That we found each other. We wanted it to be a source-- I mean we always wanted him to know his story, we never hid anything from him. He knew from the earliest of times about the creation of our family and how that all happened. We would even tell him bedtime stories. Pete put together a very rudimentary picture book telling the story of how we became a family. It was just like clip art and telling the story in the voices of the trains. They were animated trains that told the story of Danny, and Clara the C train carrying Danny down the subway line to the station to find baby Kevin. Using all of our names and telling in a very simple way how we became a family, that's what we read to him for a few years when he was really young.

Probably when he was about 5 it finally clicked; even using all of our real names and even going through the station, it happened one night where he was sitting on the couch. He had the book in his hands, and he wanted each of us to sit on either side of him and he wanted us to read the story to him. It was a frequent bedtime story we would read. As we're reading it, at the very end he pauses and asks, "Is this about me?" We paused for a second wondering where this is going to go. We said, "Yes this is your story. This is how we became a family." He had this BIG grin on his face, and smiling he said, "Let's read it again!" It took on a different meaning for him and because of that he then took it into school for show and tell. He told the story with such pride.

I think this was probably in 1st or 2nd grade, we got a call from one of the parents that said, "Your son brought in a book about your family and shared your family's story." We were thinking it was going to be bad news, that this parent was going to have a very strong negative reaction. She said, "I just want to let you know that this had a really big impact on our daughter. Our daughter is adopted, and she has been struggling with that. Kevin was so comfortable, confident, happy and had such pride in being adopted and about his story. It's helped my daughter feel better about her being adopted, that she has a friend that is also adopted that she can talk about this with." That's just a wonderful thing. What a gift that is.