

# Investigations Can Make Children Less Safe

When poor parents feel like we have to hide our struggles, children suffer

BY JEANETTE VEGA

**I HAVE A** friend who recently gave birth and struggles with simple things, like having enough money for Pampers or WIC lasting the month. Because I have worked as a parent advocate, I know about resources for low-income families. I told her about a program that offers Pampers monthly for free, but she denied the help. She said they might call child protective services on her.

I said, “They won’t. They just assist with Pampers.” But she was scared to go.

### TOO MANY INVESTIGATIONS

Not having enough money to take care of your child is stressful, and parents’ stress can affect kids. Still, I understand my friend’s fears.

Across the country, more than 3 million children are the subject of a child protective investigation every year, most in low-income communities.

In many big cities, like New York, Baltimore, Washington D.C. and Chicago, the number of children entering foster care has dropped dramatically while the number of families receiving support services has grown. But across the country, just as many families continue to be investigated as in the past. In New York City, where I live, there



PHOTO BY STEPHEN REISS

### Jeanette and her four sons

are nearly 55,000 investigations each year, even though only 4,000 children enter foster care.

When we are investigated, we don’t expect it to be fair. So when we hit a crisis, our fear keeps us hiding under a rock.

### CAN THIS SYSTEM CHANGE?

It’s not safe for children if parents won’t ask for help, so some people

are trying to change the system.

This year Congress tried to pass a bill that would increase the money the federal government pays for “preventive services” – family supports that help families deal with crises so that kids can safely stay at home. (The federal government spends six times more on kids being in foster care than it spends to help families keep them out of care!) The bill was a sign that leaders in child welfare are beginning to understand that we

need better ways for parents to get help before crises escalate. But the bill did not pass.

### CHANGING INVESTIGATIONS

Another change is “differential response.” That means that, when a call of suspected abuse or neglect comes into the State Central Registry, the hotline operator determines whether the allegations are at a low enough risk level that

*Continued on page 2*



Rise Senior Contributors Nancy Fortunato and Robbyne Wiley

## IN THIS ISSUE

### Facing an Investigation

Facing a child protective investigation, it can feel like the investigator has all the power and you have none. Knowing about the investigation process can help you show your family's strengths and find safe solutions. This issue offers guidance from parents and professionals on handling an investigation. It also highlights the harm to children when fear of an investigation and wrongful removal keeps parents from seeking help.

**RISE** trains parents to write about their experiences with the child welfare system in order to support parents and parent advocacy and to guide child welfare practitioners and policymakers in becoming more responsive to the families and communities they serve.

**SUPPORTERS** include the Center for the Study of Social Policy, Child Welfare Fund, Graham Windham, JCCA, NYC Children's Services, New York Women's Foundation, North Star Fund, Pinkerton Foundation, Sheltering Arms, and Warner Fund. Rise is a partner project of the Fund for the City of New York.

**SUBSCRIBE** and sign up for our free newsletter at [www.risemagazine.org](http://www.risemagazine.org)

*Continued from page 1*  
the first meeting can focus more on getting help for the family than on investigating.

Someone still visits your home. But unless your children are in imminent danger, there won't be any report against you. And instead of being mandated to do services, you'll be asked what you think might help your family.

When child welfare systems first started using differential response, people were afraid that children would be a lot less safe if investigators didn't go hard on parents, and controversy continues. But in 26 studies of this approach, only one found children less safe, while a recent study of six states by the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect found children as safe if not safer than investigated families. Parents were also more likely to reach out for help down the road, probably because they didn't feel as scared and angry as parents who have been investigated.

#### BEING HONEST

It's so important to change our culture of fear.

I was surprised to find out that, in New York City last year, only .2% of families who walked into a preventive service agency on their own ended up having their children removed, according to NYC's Administration for Children's Services (ACS). That's only 1 out of every 500 families, or 15 families all year. Out of *all* families served by preventive, only 2% had their children removed. Parents need information like that. They need to know how much of a risk they're taking in asking child welfare systems for help.

Still, NYC preventive agencies are required to report on their cases to ACS. I believe that should change because some parents won't go to child welfare anything, no matter how good the numbers are.

#### HOMELESS AND AFRAID

I know because, despite my years working as a parent advocate, when my own family hit a crisis a few years ago, a worker had to prove to me that his help came with no connection to child welfare before I was willing to take it.

At the time, it had been over a decade since my oldest son had come home from foster care and I had never been investigated by ACS since. I had a good relationship with my children's school, and was active on the PTA. I was also working as a parent advocate at a child welfare agency, and some part of me believed I was crazy to think child welfare would ever take my children again.



PHOTO BY STEPHEN REISS

#### Jeanette's oldest and youngest sons

But no matter how much time passes, the experience of having outsiders judge you as a bad parent just crumbles you up.

#### BUILDING TRUST

Our situation started when we lost the lease on our apartment and became homeless. For five months we stayed with different friends and relatives. Still, as much as possible, we tried to keep up appearances of living great. No one knew what was happening except for a few friends and family.

Finally, we found an apartment. True, it was one-bedroom sublet on a block with gangs on each corner. We also didn't have any furniture except for air mattresses and bins for clothes and toys; we lost everything in our moves. Still, I was grateful to have a place of our own. Then one day, my son mentioned

in after-school that he was sleeping on an air mattress and that Mommy gets his clothes from a garbage bag every morning. The school contacted the Children's Aid Society, and the Children's Aid Society called me to have a meeting.

My oldest son was in a rebellious stage. I felt afraid that people would look at our housing instability and his behavior and the judgments would start all over.

#### LET ME GET IT DONE MYSELF

When Mr. B, the worker, came over, he was very nice. Still, I told him we didn't want his help. I also explained that as a parent advocate, I wouldn't be able to find work if I had any kind of open case, even if it was just a preventive case.

But Mr. B let me know that the program he was offering me help through had nothing to do with ACS, and unless I was abusing or neglecting my kids, the child welfare system never needed to be involved. "I'm not having you sign a thing," he told me. "It's my name that will go on the paperwork."

When Mr. B finally convinced me that it was safe for us to accept their help, tears rolled down my cheeks. After that, he called the landlord and requested my floors be redone. Then the program gave us \$1,000 to buy beds for the kids and gift cards to assist with school uniforms and winter clothing. That was a blessing because thinking how to get the boys their coats and boots had me going crazy. I was even considering not paying rent for that month in order to keep them warm that winter.

When you get the help you need once, you're more likely to ask the next time. We have to keep investing in families in ways that have nothing to do with investigations. To keep children safe, we need to send a message of hope within communities. ■

# Changing the Frame

## How parents and investigators can focus on family strengths

INTERVIEW BY BEVANJAE KELLEY AND NANCY FORTUNATO

*During a family crisis or investigation, it can be hard to believe you have strengths. Investigations, by their nature, make parents feel attacked and ashamed. But all parents have strengths, and being able to show investigators what's positive about you and your family is incredibly important. Investigators need a full picture of families' "protective factors," because those factors have been shown to help keep children safe.*

*Here Corey Best, a parent partner in Flagler and Volusia Counties, Florida, and a member of the Birth Parent National Network, and Kevin Jackson, Kyla Clarke and Sarah Houser, Division of Child and Family Services, in Salt Lake City, Utah, explain:*

### Q: How can parents show their "protective factors" to an investigator?

**Corey:** During an investigation, parents feel outnumbered, outgunned and outraged. But when you know your own protective factors—the positive things you do to keep yourself and your children safe—you can have more confidence and can become part of a dialogue with an investigator.

For instance, when parents pick up the phone to call a sponsor, that's a protective factor—using social connections.

When parents read a book or go to a parenting group because they're noticing something concerning in their child's behavior, that's being pro-active in gaining knowledge of child development.

The times you spend listening and talking to your children are protective because they support

your children's social and emotional competence.

It's hard to know what an investigator is going to consider important. But if you can tell an investigator all the ways you build healthy relationships with your kids, from activities you do together to books you read, that can begin to change the picture that investigator has of you.

During an investigation, everything we as parents have done wrong is magnified tenfold. Therefore, it's a parent's responsibility to magnify all the positives they possibly can.

### Q: How can child protective investigators use protective factors in their work?

**Sarah:** When investigators look through a protective factors lens, it gives them a broader view of families rather than just focusing on the allegation.

Instead of just seeing "lack of supervision," for instance, we might see a parent who is depressed but is also doing things that are successful. Even small successes—like that the kids ate breakfast—can be important. A lot of parents have been through hell in their lives, for lack of a better term, and they're still pushing forward. That's resilience.

Once we understand both the positives and the challenges, we can ask: "Where does this parent need support to be more effective as a parent?"

When parents have protective factors in their lives, that can also help us make a safety plan with them. For instance, just because a parent is using drugs does not mean removal is needed. We might ask: "Can we bring in that family's

support system to create safety for the children?" The question is: "What's the impact on the children and what can we do to resolve it?"

**Kevin:** When we ask about social connections, some families will say: "I don't have anyone." But when we brainstorm with parents about all the people in their lives, often they're surprised. They'll say: "Oh, well, my brother does take the kids every couple of weeks so they can hang around their cousins." Or, often there are burnt bridges we can work to mend in order to bring more safety to a family.

For many parents, a religious organization is also part of their support system.

**Kayla:** Just including parents in problem-solving can help them and the investigator see that they have the ability to get through a difficult situation rather than needing the state to dictate what happens next. We have a protective factors self-assessment tool that workers give to parents. We're also training our workers that if they observe some example of good parenting, or a parent overcoming a challenge, they should point those out.

### Q: What if you aren't strong in some of the protective factors? How can you start building them?

**Corey:** Parents need to be careful about sharing what they're struggling with during an investigation, because when we we're too open, that can come back and bite us. But parents can also use an investigation as an opportunity to grow.

The investigator or the judge may outline their requirements

## The 5 Protective Factors

*Below are qualities in parents that have been shown to help keep children safe:*

- 1. Resilience:** Most simply, this means that when you hit tough times, you are able to bounce back and keep moving forward.
- 2. Social Connections:** Research shows that it's easier to handle parenting challenges when you have positive relationships with family, friends and others.
- 3. Knowledge of Parenting and Child Development:** There's no such thing as a perfect parent, but when you have a basic understanding of what to expect from early childhood through the teenage years, you're less likely to get frustrated.
- 4. Concrete Support in Times of Need:** All families go through tough times. Knowing where to get help—from food, clothing and shelter to domestic violence or drug treatment—can help you rebound.
- 5. Building Children's Social and Emotional Competence:** When parents are able to help their children with their emotions, children become better able to manage their own feelings and build healthy relationships.

for you. But you can do your own self-assessment and become your own case manager. Whatever you think you need, you can learn what resources are out there and reach out to get your own goals accomplished. ■



# Out in Front

## When my family was investigated, I was terrified but I took charge

BY SAMANTHA RUIZ

**IT WAS AUGUST 2, 2010, 10:30** p.m. It was hot and my two children were dirty and sweaty from playing outside.

I was running their bath when the doorbell rang. My 10-year-old son ran to the door, then quickly ran back to the bathroom. “Mommy! Mommy! Child protective services is at the door.”

“That isn’t even funny to joke about,” I said. “No, Mom, really, they are,” he said. My heart pounded.

As I let the two ladies in, I lit a cigarette and asked, “What is the allegation?”

One said, “Discipline. We are investigating how you discipline your children.”

### ‘DO YOU BEAT YOUR SON?’

One of the investigators leaned against my refrigerator, rolling her eyes and sucking her teeth. She was probably tired and didn’t like my cigarette smoke. But I felt insulted, like she thought she could act however she wanted in my home.

The other was polite, but even after I told her that I didn’t beat my son, she asked, “What do you beat him with?”

I said, “Watch how you speak because I know my rights.” I’m sure my attitude didn’t help. But I was afraid that if I acted soft, they’d eat me alive.

### ‘CONFLICTING REPORTS’

I told the investigators the truth: My 10-year-old and I had conflicts, and I’d hit him maybe 10 times in his life, but it was a slap on the arm or the butt with an open hand, not a closed fist.

But when the investigators questioned my son in the bathroom, he said I regularly beat him with a

shoe. Months later, my son told me he said that because he thought he might get to live with his grandma, who treated him like a prince. At that moment, though, I was confused, beyond furious and really scared.

One investigator kept saying, “We’re having conflicting reports here,” and walking in and out of my apartment, saying she needed to call the supervisor. I thought they might



PHOTO BY STEPHEN REISS

take my children and arrest me.

When one investigator approached my 2-year-old, he yelled, “No! Don’t touch! Mommy!” Then he ran to me for protection. The investigators were in my home for 2 ½ hours. Underneath my toughness I felt like the weakest person on earth.

### FRUSTRATING BEHAVIORS

For a few years, I had been battling my older son. He is a good brother and a compassionate kid. But when he was about 6, he started acting out in school, and lying, too.

When I was growing up, my parents’ discipline was harsh. Late at night, my brother and I would lie in bed counting the shots in

our neighborhood. My parents wanted better for us, so if we came out of line, there were serious consequences.

When my children were young, I didn’t adopt that harsh discipline. I tried to understand my children’s perspectives. I thought maybe my son was acting out because after his brother was born, he was no longer the center of attention. I

tried to give him extra attention, but nothing seemed to work.

Eventually, his behavior made me think I had been too soft, and I began to go back to some of the ways I was raised. Not the physical discipline. But the attitude: This is what you wear, eat, do, and if you mess up, you will be punished. Instead of helping, my son just became resentful.

### LOOKING FOR MIRACLES

The April before I was investigated, my son asked me to get him help. He said, “Mom, I don’t know why I behave the way I do.”

I felt sad for him and for me. I took him to be evaluated and he was diagnosed with ADHD. I

wondered if I had done something wrong that caused him to have ADHD and I hoped that once he started therapy, miraculously, he would be the same child I knew when he was little.

---

**I decided to make it my mission to show the investigator how committed a mother I am. I’m sure it helped that she saw the efforts I’d made for my son.**

---

But there were no miracles. Then in June, I suddenly lost my job. Life felt very stressful.

Not long after that, CPS came to my door.

### FURIOUS

That night, my children were not removed, but I felt terrified—and shocked. For more than 10 years, my job had been to help people set up daycare centers and make sure they knew how to protect children. I wasn’t an unsafe mom.

After the investigators left, I sat in the bath and sobbed. Then my anger overcame me and I yelled for my older son.

He came into the bathroom half asleep. “Why did you say I beat you? Don’t you know they can take you away?” I screamed. My son kept his head down. After I sent him to bed, I picked up the phone, and sobbed to my girlfriend, “I don’t want to lose my children! I am not a bad mother!”

My younger son was awakened by my cries. I hung up and lay with him in his toddler bed. He held on to me like a baby koala and cried, “Mommy, don’t leave me.” I lay there

with my eyes opened, clutching him, listening to the street, wondering the fate of my children.

### TAKING CONTROL

The next day, I began to take control.

First, I went to my son's summer camp to tell the director and assistant director about the case. I felt so ashamed but I also felt they needed to hear it from me. The assistant director hugged me and said, "I will pray for you." That they didn't judge me meant more to me than anything.

Then I met with my new caseworker, Ms. Veloz, a 10-year veteran of the job. She also asked me whether I beat my son. But somehow Ms. Veloz asked the same questions in a less accusatory way, like we were having a conversation.

She also checked my son's back. Then she told me a scary thing—that the first investigator had written down that my son had bruises on his back. She said, "There are no bruises. I don't know why the report says there are." My son had been sweaty and dirty, and under the dim bathroom light, his skin might have looked discolored. But I also think the investigator was looking for bruises. I was very

relieved that Ms. Veloz wrote down the truth.

I decided to make it my mission to show her how committed a mother I am. I offered to take her to my son's camp and to my parents' home. She also spoke with my son's therapist. I'm sure it helped that she saw the efforts I'd made for my son.

When Ms. Veloz "strongly suggested" I take parenting and anger management classes, I found a class myself. Those classes helped me make something positive out of a really terrible situation.

### CONSEQUENCES, NOT PUNISHMENT

Every week I would test out the "hocus pocus" we learned in class to see if it really worked. My mother always told me that if you give a child choices, you're setting yourself up for headaches. But I started giving my son simple choices about his clothes, food and activities. My son even complimented me one day, saying, "Wow, Mom. Those classes must be really working."

I also learned to explain "consequences" instead of punishing my child. While I was taking the class, my son

participated in a study of children with ADHD, and they paid him \$200. I took \$80 of it to pay for my transportation to and from my class. Since my son's lies contributed to the investigation,

---

**I respect that child protective workers have a very hard job to do. But families would be better served if parents were approached in a way that was respectful.**

---

I wanted him to know that there were consequences. He was very upset with me, but giving him consequences helped me stop being so angry at him.

What helped most was writing my son a letter telling him how much he means to me. It was difficult because I was still so angry, but it forced me to remember all his positive qualities.

### THE BEST NEWS

On October 2, I received a letter from ACS. I thought, "What now?" I climbed the stairs, and with my coat and purse still on, I ripped

the envelope open. All I remember reading is, "Your case is not indicated," and, "All allegations were unfounded." I jumped up and down. I called to thank all who were supportive.

Even so, the two-month investigation took a terrible toll. I fell asleep every night crying. My younger son even started biting and screaming. I think he could sense how out of control our family was, and that made him act out.

I couldn't look for work either, because in my field I needed to be cleared by the State Central Registry. I felt like my life had been pulled out from under me.

### SHOWING RESPECT

I respect that child protective workers have a very hard job to do. Like police, they don't know what kinds of situations they are walking into, and sometimes they walk into bad ones.

But I think many families would be better served if parents were approached in a way that was respectful—the way Ms. Veloz approached me. During investigations, it's hard not to feel like a criminal, even when you're just a parent who's struggling. ■

## What Are The Possible Outcomes Of An Investigation?

*A child protective investigation begins because someone called a state child abuse hotline to make an allegation that you have abused or neglected your child, and the state has determined that the allegation warrants an investigation. The different possible outcomes of an investigation are:*

■ **The allegations are deemed "unfounded," "not indicated" or "unsubstantiated" and the investigation is closed. That means that the agency did not find credible evidence that your**

**child was abused or neglected.**

■ **The case is "founded," "indicated" or "substantiated"—meaning that the agency believes there is credible evidence that a child was abused or neglected—but the investigation is closed and no services are recommended. Your name will be listed in the State Central Registry (SCR) as someone who has maltreated a child, but CPS will not ask you to take any other action to keep your children. You have the right to appeal this finding.**

■ **The case is founded/indicated/substantiated but closed and you agree to voluntarily participate in services. Again, your name will be listed in the State Central Registry. You have a right to appeal this finding, even if you agree to services.**

■ **The case goes to court, and the court orders court-ordered supervision, which means that your children stay with you under certain conditions, like agreeing to services, monitored by the court. In court, you have a right**

**to a trial in which the judge will decide if you abused/neglected your children.**

■ **You agree to voluntarily place your children in care and plan for their return.**

■ **The case goes to court, and the court removes your children involuntarily and places them with a relative or foster family. You have a right to a trial to determine whether you abused/neglected your children.** ■

# Prepared for Parenting

After I gave birth, I had to prove I was a fit mother

BY LINDSAY REILLY

**AFTER MY ELDEST** daughter, Anastacia, went into foster care at 2 years old, I gave birth to another daughter, Harmony, and then to a son, Jeremiah. After each birth, a Child Safety Conference was held to assess whether or not the child welfare system believed my newborns would be safe coming home with me. In New York City, these conferences are required if you have another baby while your child is in foster care.

## ALL OVER THE PLACE

While I was pregnant with Harmony, I felt very confused about what would happen when she was born. In some ways, I prepared for Harmony's arrival. I read up on healthy parenting and how to encourage positive sibling relationships. I explained to Ana that she was going to have a sister. I let her feel kicks as Harmony got bigger.

But it's painful to look back and realize how hectic my life was when I had Harmony. I'd been bouncing around since I left foster care. I was living with an abusive man and only halfway doing the services to get Ana back. I didn't see then that I was all over the place.

## CHOKING UP

I delivered Harmony on April 18, 2013. She was very chunky with big, rosy cheeks, and unlike Ana, she was bald! All I wanted to do was get us home so I could hold her and dress her up in all the pink outfits I had bought her. But two days after giving birth, I learned I had to leave her in the hospital to go to a conference.

It broke my heart leaving Harmony in that empty nursery. Outside, I sobbed and didn't care that everyone was staring. It was frightening to

have to prove myself to workers who knew nothing about me except what documents I could provide.

I was lucky that my case worker from GEMS, a youth advocacy organization I am a part of, stood by my side. That let the workers see the good in me, and they allowed me to take Harmony home. A short time later, though, I lost Harmony to foster care because I was still in a violent relationship.

## 'YOU NEED TO BE SERIOUS'

A year later, when I became pregnant with my son, my best friend grabbed me by the shoulders and told me, "I love you. You're crazy for wanting to go through all this again but if you are, you need to be serious about it this time." I listened to her.

I also enrolled in preventive services and began working with a case manager who helped me connect to supports, like prenatal care. I collected every document from every appointment I attended so I could bring them to the Child Safety Conference to show how much I'd accomplished.

## PREPARED FOR PARENTING

With Jeremiah, I was in labor for 36 hours. He came out with one eye open. He looked like someone had woken him up from a very good nap. He was so pale but had a mop of black, curly hair.

When a child welfare worker alerted Shaka and me about the conference, I had my fears, of course. Shaka was beside himself with anxiety. This time, though, we

## STRENGTHS, CONCERNS, SUPPORTS

On a board they wrote down three columns: Strengths, Concerns and Supports. In the strengths column, Shaka and I listed how we utilize our support system, how we had taken parenting classes and how we aimed to maintain a stable environment that Jeremiah would thrive in. Pretty soon our strengths filled up the whole column!

Next up were the Concerns. The concerns were that my husband and I both had a history of mental illness, and that my two older daughters were still in foster care.

Under Supports, we listed all the organizations that we were affiliated with and the resources we utilized. The ACS worker and her supervisor were impressed and proudly declared there wasn't a doubt Jeremiah should be going home with us. I was so happy!

In that meeting, I learned that I had built a support system and had grown up a lot. I've proved it since then by keeping my son safe at home.

## STRUGGLING BUT OPTIMISTIC

Now it's almost a full year later. Miah, as we call him, has grown from a little guy with the silliest faces to a handsome little big man who loves screaming out "Momma" or "Dadada!" and is trying so hard to run all over.

We're still fighting to get my daughters home from foster care. I face a lot of discouragement. When I think back to how I was able to bring Miah home, though, I'm reminded of how hard I can work, how I can persevere, and how to be a positive role model for my children, despite all the struggles I've faced. ■



PHOTO COURTESY OF THE AUTHOR

## Lindsay with her husband and daughters

This time, I was no longer in an abusive relationship. Jeremiah's father, Shaka, is a very wonderful, supportive man. He was genuinely excited about getting ready for our baby, and he fought right alongside me to visit my daughters.

were prepared!

The meeting went unbelievably smoothly. The conference included the facilitator, my new CPS worker, her supervisor, my foster care case planner, my caseworker from GEMS, and my social worker from Brooklyn Defender Services, which represents me with my two daughters.



# What You Should Know About Child Safety Conferences

BY BEVANJAE KELLEY

*In NYC, parents facing removal of their children are asked to attend a Child Safety Conference, where a decision is made whether or not a child will be placed in foster care. Many other jurisdictions hold similar conferences.*

*As a Parent Advocate, I have supported parents in hundreds of conferences. When parents come prepared, it can increase the chances that children remain at home, and it shows that you are committed to resolving concerns about you.*

## 1ST STEP: WHETHER TO GO

Some parents don't go to the conference because they're scared and angry. One risk to going is that everything you say and do at the conference will be documented.

But going does show that you care enough about your child to show up.

It also gives you a chance to give your side of the story. The report the department has from the State Central Registry cannot be changed. But anything that you say is not true about it will be written down and given to the judge if the case goes to court.

Lastly, the conference is a place to show your strengths, which may help you negotiate for a better outcome. A strength might be that you are working to improve your family's finances, that you always go to your child's school meetings, or that you have people who support you.

## WHAT HAPPENS AT A CONFERENCE?

Be prepared to attend for at least 90 minutes. At the beginning, the facilitator will go over the rules of conduct and state the conference's possible outcomes—everything



PHOTO BY STEPHEN REISS

## Bevanjae with her granddaughter

from dismissal of the case to removal of the children.

After that, there is a discussion of Concerns, Strengths, Ideas to Keep the Children Safe, and Outcomes. The group makes lists and discusses possible outcomes. If everyone at the table is in agreement about what should happen, that's what will happen. If there's no agreement, Child Protective Services has the final say.

## PREPARING EMOTIONALLY

At all conferences, the facilitator says that there will be no blaming or shaming. But it can feel embarrassing and depressing to talk about your family at a conference. Parents often feel even angrier when they have a child welfare history. In those situations, CPS is mandated by law to speak about your past.

Hopefully, knowing this in advance can help you prepare emotionally so you don't get so upset that you hurt your case. If you've addressed problems from your past, find ways to show the changes you've made.

## PLANNING WHAT TO SHARE

It's important to plan all the good things about your family you want to share, as well as how to explain anything about the allegations that is false.

Parents are asked questions like, "Did you leave your child home alone?" or, "Do you use drugs?" It can help to show that you are engaged in resolving the safety concerns raised about you. For instance, a parent might say, "I know my child needs supervision after school when I can't be there. I would like to ask for help finding an after-school program so he will be safe until I get home from work."

Other times, though, answering questions can make it harder to resolve the situation. For instance, CPS will often ask about drug use even if the initial allegation has nothing to do with drugs. If you don't want to answer, you can say something like, "I don't see how that question relates to the allegations in my case."

In many conferences, you will be asked to sign a blank HIPAA form, which gives CPS the right

to information from any doctor, therapist or provider who ever worked with you or your child. To limit access, you can ask them to write on the form who they will get information from, and from what dates, before you sign it. You can also not sign, but CPS may believe you have something to hide.

## WHO AND WHAT TO BRING

You can bring anyone with you except a lawyer, such as family or friends, a religious leader, or someone from a program you participate in. People who can speak about your family's strengths are good to invite. You do have to be comfortable having them know your business, though. And you certainly don't want to bring someone who has a short fuse, or who tends to share too much.

You should also bring names and numbers or letters from people who can speak positively about you. Bringing immunization records, report cards, IEP evaluations, school attendance reports and information about your child's extracurriculars shows that you are on top of your child's well-being. ■

# Devastated

## We couldn't explain our infant's fractures and he was taken for 17 months

BY JIM DOSSETT

**BEFORE CHILD** welfare came into my family's life, my understanding of the court system was that truth is found by careful and dutiful dissection in the court room; evidence is paramount and lies are dissolved. However, I have come to learn that in child welfare, there are flaws that tilt the scales of justice.

The family is considered guilty until proven innocent. The state's Department of Human Service (as it's called here in Oregon) has adequate funds for legal representation and experts, while most families do not. Children may be taken instantly, on little evidence, and their time apart from family is of no consequence to DHS.

This is our story. It could happen to anyone.

### FIVE WEEKS

On October 1, 2011, my grandson was born. He was like his mother, stubborn, as he refused to come out. Two weeks after his due date, the doctor induced labor.

The delivery was scary. My grandson's shoulders were stuck. He was blue and not breathing when he finally inched through. He came out bruised and had jaundice.

In my grandson's first weeks, he was seen by several medical professionals. Jaundice required returning to the hospital for check-ups.

At the time, my daughter, her husband, and their 17-month-old daughter were between homes and staying with us. My wife and I were glad to spend time with our grandkids. My grandson was almost a mini-me: chubby, with auburn hair.

### THE NIGHTMARE

The nightmare started on Nov. 8, 2011, when my grandson was 5 weeks old. He had been fussier than

usual, with an elevated temperature, and whenever he was adjusted for feeding or diaper changes, it was obvious he was in discomfort.

My daughter and son-in-law called a nurse, who instructed them to see a doctor. It was after 5 p.m., so they took him to the hospital. While being examined, the baby let out a horrific scream. The X-ray showed he had a fractured femur—his leg was broken and we didn't know how it happened.

At that point, the doctor told

### NO CHANCE TO SAY GOODBYE

The next day, we went to an emergency hearing in Yamhill County Court. We were not prepared. Up until the hearing began, my daughter had been at the hospital waiting for answers. Fortunately, an attorney we knew agreed to represent my son-in-law.

The State was prepared. At first, the judge ordered that my grandson and granddaughter be allowed to stay with their parents,

### HE WAS GONE

The first court hearing was set for almost two months later. Imagine having your 5-week-old taken, while believing that he must have some kind of medical condition, and the system just whisks him away for months. I don't want to say that it's like when a child dies, but it was very close to that.

Before the next hearing, we kept going over how this could have happened. Did we swaddle him too tightly? Were the straps on the car seat too tight?

But when the hearing came, the tone was "We believe you did this." I wondered, "Why do they hate us so much that they won't listen?"

### SHOCK AFTER SHOCK

I understood why child welfare got involved. I know that people abuse children. But what I didn't expect was that the system seemed more interested in proving abuse than finding out the truth.

Plus, if the state thought we abused one child, how could they allow us to keep the other? It was surreal.

### ONE-HOUR VISITS

For 17 months, my daughter and son-in-law visited their son for one hour, three times a week. After about 6 months, my wife and I were also granted visits for an hour once a week. During those hours, we just hugged our grandson and played with him, trying to give everyone some of his time.

The goodbyes hurt. After each visit, my wife and I took my granddaughter to look at horses at a farm not far from our house. I would park on the shoulder and we would look out and sometimes talk to the ones by the fence.



Jim with his grandchildren

my daughter and son-in-law that he was mandated to open an investigation. My grandson was transferred to a larger hospital in Portland for a battery of tests.

Then it got worse. The skeletal survey came back showing three fractured ribs and three "Classic Metaphyseal Lesions" on the leg bones, a type of fracture highly associated with abuse, although there are other medical explanations.

under the stipulation that my wife and I be safety supervisors. Then the DHS caseworker again detailed the multiple fractures, and the judge changed his ruling. Our granddaughter could remain with us but my grandson would be placed in foster care.

We left devastated. My daughter sank to the floor in the hallway, crying in disbelief and pain. My grandson went straight from the hospital to a special needs foster home. We did not get a chance to hug or kiss him goodbye.



Finally we provided the court a plan for an outside observer (a former DHS caseworker) to observe our visits and submit a report to the judge. She saw how well we cared for our grandson. After many visits, my grandson was allowed overnight and weekend visits.

### FIGHTING TO THE END

We also kept fighting. We hired a lawyer and appealed the judge's finding that someone had abused our son, but the appeals court did not overturn the lower court. The Oregon Supreme Court refused to hear our case.

The expense of fighting was mind boggling. So was the process.

The state and court required parenting classes, domestic violence classes, psychological evaluations, court hearings, meetings and visits—all on their

**Imagine having your 5-week-old taken, while believing that he must have some kind of medical condition, and you don't even get to kiss him goodbye. I don't want to say that it's like when a child dies, but it was very close to that.**

terms and times. If you have a job that allows so many days off, you're very lucky. For me, my job as a security officer became history.

Nothing in the world boiled me over as much as the court's double standard. When we suspected that our grandson was being abused in foster care, we asked for a hearing. The court in its all mightiness scheduled a hearing for two weeks away. That was bad enough. Then a continuation was set for two months away. This was the same court that took our child in an instant.

The upshot of the hearing,

however, was that the court agreed to send my grandson home.

### FINALLY, HOME

My grandson was almost 2 the day he was released from the chains of the state. We were overjoyed. Soon he was on track to be a bubbly,

active, fun little kid. Luckily, children are resilient.

My family is relieved to have our child home without having to admit guilt when it wasn't true. Still, I'm writing my story because I want families to know that you don't just have to say "OK" to everything they

ask. I want doctors, investigators and judges to understand that their role is to find out what happened, not to presume. I want the media to keep telling the stories of families like ours.

People think, "That could never happen to me," but it can. ■

## Bad Break

### What to do when doctors accuse you of child abuse

BY JIM DOSSETT

*WHEN MY DAUGHTER and her husband were accused of child abuse, we felt lost in darkness. But light came on social media from other families who shared advice and encouragement, while the attorneys and medical professionals who helped were the brightest lights. Here, Seattle-based lawyer Heather Kirkwood, who represents parents pro bono in medical cases, suggests steps parents can take.*

**Q:** What can parents do to prove they haven't abused their child?

**Kirkwood:** Get the best lawyer you can as early as you can. Some parents spend their entire life savings for a private attorney – and sometimes it is worth it. But there are also benefits if you qualify for a public defender, because then the court will usually provide money for at least one medical expert who can give you a second opinion about what might be wrong with your child.

Educate yourself. There are many other causes of symptoms that may be diagnosed as abuse, including prenatal conditions, birth trauma, nutritional deficiencies, infection, childhood stroke, accidental injury, and

congenital conditions. It's your lawyer's job to educate the court about these causes but you may need to educate your lawyer.

If your lawyer is not helping you find medical experts to testify on your behalf, go on the internet and Facebook and find other parents to advise you. In this area, it is often the parents who educate the lawyers, rather than the other way around.

Immediately gather all the records you can, including your child's prenatal, birth, pediatric and any hospitalization records. Sometimes these contain clues to your child's condition. Investigate your family history for clues as well. One mother whose child was diagnosed with multiple fractures said her family didn't have any bone issues. But I urged her to call all her relatives, and she discovered a cousin who'd been diagnosed with severe rickets. As it turned out, her child also had rickets. Find out if there was anything like rickets, stroke, hypertension, early deaths in the family, or unexplained infant deaths.

Make a list of any people who can describe the good care you provide your child and any symptoms they may have noticed.

Give your attorney a list with addresses, emails, telephone numbers, and a brief description of what these witnesses can contribute.

I recommend doing all the services asked of you, even if you think you don't need them, to move your case forward. I also urge parents to get independent psychological evaluations of their parenting skills and of their relationship with their child. If you set up the evaluation yourself and you don't like what it says, you don't have to use it. On the other hand, if you pass with flying colors, having that evaluation may help the judge feel safe ruling in your favor.

**Q:** What can parents do to help bring attention to these types of cases?

**Kirkwood:** I don't ask people to commit to speaking out after their case is over because reliving these events can be very hard. But we desperately do need parents—and their friends and families—to speak out. We need parents to come out of the closet and join groups that are organizing around this issue. ■

# ‘They Will Not Win’

I had to overcome my hopelessness to fight the false allegations against me

BY LAQUANA CHAPPELLE

## WHEN MY YOUNGEST

**SON** was 7 weeks old, I noticed a peppermint-sized lump on the right side of his head. There was no bruising, only swelling. I called my mother, frantic. As an infant, my sister had had a lump on her head that turned out to be a tumor.

I took my son to the doctor, and the doctor told me to go to the hospital. He did not appear to be in pain. He was looking around, acting like himself. But I felt like a wreck, lonely, sad and worried.

## HOW DID THIS HAPPEN?

When he had to be X-rayed, I had to strip my little baby to put him in the cold machine. I wanted to cry. He looked so flustered in his little onesie. By the time it was over, he was all worked up.

The X-ray showed that he had a skull fracture. A big part of me was relieved—it wasn’t a tumor. But how did my baby get a fracture? Would this cause long-term damage? What would happen next?

When I phoned my kids’ godfather, he began cursing me out. “You need to pay attention to what’s going on! Take a break from school! Focus on your kids! You’d better come up with an explanation,” he told me. “This looks very bad.”

My mind bounced all over. I didn’t have a lot of help with my kids and slept very little. Had my older kids hurt him? What had happened? Around 1 a.m., the first set of CPS workers came to question me. Then they visited my home and gave a good report. The house was a little messy but the kids had plenty of food, toys, clothes and they were fine.

## A WORKER FROM HELL

The next day, I met with the hospital



PHOTO COURTESY OF THE AUTHOR

## Laquana and her children

social worker, child abuse specialist, a detective, and another CPS worker (a CPS worker from hell!). This time, the tone was different. The child abuse specialist told me, “You had better find out what happened.” It was painful to have to leave my baby and go with the CPS worker to do another home visit.

At my apartment, the worker made snide remarks about all my belongings (I’m a savvy shopper) and asked how I could afford designer clothes for the baby.

## NO ANSWERS

The next step was a visit from the police detective. He made me feel comfortable. He asked me if I fell asleep holding the baby, if I had left the kids unattended with him. He pulled out all the details that led up to the moment I discovered the lump on my son’s head. I said that I accepted full responsibility but did not have an answer.

Later, the worker scolded me for not giving her all the information that I gave the cop. But the cop was better at his job; he helped me think. I thought, “If you were more

concerned about the investigation than my Gucci shoes, you could have covered more ground.”

## POWERLESS

I’ve always been a lioness when it comes to my children. I know what it’s like to feel powerless. After my mother placed me in foster care at age 12, I felt like I had no control over my life.

As a teenager, I promised myself that I would be productive. I believe financial stress is one of the reasons my mother put me in care. My drive propelled me through college and into graduate school, and kept me motivated even when my relationships fell apart and I found myself raising my children mostly alone.

I vowed never to allow my children to go into foster care. That vow was broken on April 26, 2012. CPS decided to take my baby from the hospital, and my three older children. I cried hysterically. I nearly fainted. I didn’t know how to react.

## SAD, EMPTY, OUTRAGED

My children stayed in foster care for 7 weeks. In the first month, I spiraled into a deep depression. I

didn’t want to eat. I didn’t want to go outside. I just wanted my kids.

Visits were the most tormenting. My older son kept asking why he couldn’t come home.

I was also terrified about the baby, because I truly did not understand what had happened to him. (It wasn’t until weeks later that a friend who had babysat my children stepped forward to confess that he had accidentally dropped him.)

When I wasn’t sad and angry with myself, I was outraged. I wanted to fight, scream, throw a few blows to the face of the worker. But I knew I couldn’t express my depression or anger because the system uses everything against you. Growing up in care gave me an edge; I knew I needed to maintain my composure.

## FIGHTING BACK

Then, during a visit four weeks after my children were removed, I sang to my boys, and that somehow helped me shake my hopelessness.

That day I took a long look in the mirror and said to my reflection, “They will not win.” I can regain my self. My anger and hurt can fuel me.

I cried one final time. After that, I called my lawyer and requested a 1028 hearing. That’s a chance to present evidence and request that children in foster care immediately return home. By then, my friend had stepped forward and taken responsibility for his actions. The hospital’s senior doctor had written a letter ruling out abuse.

I knew I had a case. I went and got a suit cleaned for court. ■

*After 7 weeks, the writer’s children were returned to her. The writer sued the city child welfare agency for wrongful removal and won a settlement.*

# Your Rights During an Investigation— And How to Use Them

INTERVIEW BY RISE PARENT LEADERS

*When you're investigated by child protective services, you have to make decisions every step of the way. You have to decide what information to share, whether to enroll in services, and, if you wind up with a case, whether or not to go to trial.*

*You can't know for sure what will help or hurt your situation. But the more you know about investigations, the better able you are to make educated decisions. Here Jessica Weidmann, a lawyer formerly with the Center for Family Representation in New York, explains parents' rights:*

**Q: Why is it important for parents to know their rights?**

**A:** When you're being questioned by a person in authority, you can think that you have to do everything they say. Knowing your rights can help you understand that you also have power.

But how you exercise your rights is also important.

I've had cases that begin in court with CPS describing how the parent reacted to the investigation—by becoming very angry, screaming, or sometimes destroying property. Those reactions often come from a place of frustration and fear. But they can become part of a picture the worker is building of a parent who is willing to resort to violence. How you react to CPS can make a difference in your case.

**Q: Do parents have the right to refuse entry to an investigator?**

**A:** Yes. But refusing entry to CPS will not end the investigation. If CPS has information that a child may be in danger, they have the authority to go to court to ask for a court order—similar to a search warrant—

requiring you to allow them access. CPS must give you notice if they intend to do this, and you have a right to go to that court hearing. In an emergency, CPS can also return with the police without a court order.

If you're confident that there's nothing to be seen in your home that raises red flags, you may want to allow entry, since denying entry may make the worker see you as uncooperative.

If you do refuse entry, how you do it can make a difference. You might say, "I'd like to have this conversation with you at a later date," or, "I'd like to have this conversation with you when I have my husband here." The suggestion of an alternative time can help build a respectful relationship.

**Before answering questions, ask: What were the allegations made against me? What exact information are you looking for? What exactly are your concerns?**

**Q: Do parents have the right to know what they are being investigated for?**

**A:** Yes. It's one of first questions parents should ask an investigator. In addition, at any stage in the investigation, the parent has the right to write to the State Central Registry requesting all documentation against them.

**Q: Should parents answer all the questions they are asked?**

**A:** Before answering questions, I would encourage anyone under



PHOTO BY STEPHEN REISS

investigation to ask questions. Those include: What were the allegations made against me? What exact information are you looking for? What exactly are your concerns?

You do have a right to refuse to answer questions, so if you're told the allegations are about domestic violence, but they're asking you about something else entirely, you may want to say, "I don't think that question is relevant to the concerns you've raised." One thing you don't want to do is minimize serious concerns. You want your answers to reduce concerns, not raise more concerns.

If you've had prior cases, CPS is required to ask you about them. If you have addressed any problems you were struggling with in the past, it's a good idea to explain how you've done that.

**Q: Can parents refuse to let the investigator interview their children, or insist on being present during the interview?**

**A:** If it's in your own home, you can,

but investigators are also required by law to interview your children. If they're unable to, or think your children are not going to speak honestly with you present, they will go to court to require that you bring your children to a different location to be interviewed without you. They also have the right to interview your child in school without your permission.

Still, there may be times when you want to insist on being present—for instance, if your child has a disability that may make them scared or confused. In that situation, you can explain your reason. You can also ask that your child be interviewed at a Child Advocacy Center, where there'll be an investigator and a mental health professional present.

**Q: Can CPS mandate services during an investigation?**

**A:** CPS workers will sometimes say that services are mandated but nothing is really mandated until you go to court and the judge orders it. That said, if you understand the safety concerns that CPS has about you, any steps you take to address those concerns may help, including voluntarily participating in services.

You also have the right to tell CPS, "I'd rather do this program in a different place," or, "Here's why I think a different service makes more sense." Before you engage in any services you've found on your own, though, you should find out whether that service is approved by CPS. ■

*Interview by Bevanjae Kelley, Sara Werner, Jeanette Vega, Nicole Goodwin, Piaadora Footman and Nancy Fortunato*



# The Fear Stays With Me

Living my life right hasn't made me feel safe from an investigation.

BY PIAZADORA FOOTMAN

**IT SEEMS LIKE** I've been afraid of child protective services all of my life.

Growing up in the projects, we called CPS the "Parent Police," and it was normal for the girls I knew to lose custody of their children because they were smoking weed, drinking or hanging out late. Many of my friends still don't have custody of their children.

I grew up in foster care, and I lost my own son, Xavier, for three years. Xavier was 1 and I was 23 when he was removed because I was using drugs.

At the time, I was depressed about not being a good enough mother. I didn't know what to do when Xavier would get into so much stuff or when he was so clingy when I tried to cook or bathe. I'd tell guys that liked me to take me food shopping so I could feed my son. But when food ran low and no money was near, I felt like a bad mom.

When Xavier was taken, I felt like a failure. I cried out of fear, knowing that no one would love him like I did.

## INVESTIGATED FOR LIES

But I also live in fear because I've been investigated for lies.

Once, when Xavier was small, we went outside, and in front of the shelter we lived in, I slipped on ice and Xavier's stroller and I fell over. (Luckily Xavier didn't fall out.)

For no apparent reason, the guards called CPS on me. When the investigator arrived, she said: "We got a call that you threw your baby's stroller over and that your baby puts stuff from the floor in his mouth."

I told the investigators, "My son can't pick nothing up. He's only 3 months old. He can't even crawl."

The investigator said, "I've seen enough," and left. Still, it was scary

to know that at any time anyone can call with lies.

## INNOCENT AND PETRIFIED

Then, a couple of years ago, I was having conflicts with my son's school because they weren't giving him the services he needed. One night, my son and daughter wound up writing all over each other with a red marker. When I noticed, I washed it but it didn't all come off.

The next day my son's school saw the marks, thought it was bruising, spoke to my son and called child protection. That night, investigators came knocking on my door.



PHOTO BY TODD ANTONIO SOMODEVILLA

## Pia and her son

I tried to act light-hearted. I told the investigator, "Xavier doesn't go to sleep easily. If you wake him, you're going to have to put him back to sleep." But actually I was petrified. I knew she'd see he wasn't bruised but was afraid she might accuse me of neglect for not watching my children while they were playing. I was relieved that my case was closed, unfounded.

## ALWAYS ON ALERT

It's been 6 years since Xavier came home. He and my younger daughter, Blossum, and I live in a nice 3-bedroom. When I look at

my family, I think we should have nothing to fear. Our walls are filled with my children's drawings, school work and learning posters. We do arts and crafts, go on picnics, and are more happy than frustrated daily.

Still, if my children get hurt in the park or act up in school, I feel like CPS is going to knock.

One day last year, we woke up late, with no time for breakfast. I was scared that the school would say I let my children go hungry.

At the bus stop, I told them sternly, "Don't y'all tell no one at school that y'all ain't have breakfast, OK?"

My son said, "Ma, we don't ever be hungry." We laughed and I hugged them. I didn't want them to know I was scared. But for the next two days I worried.

## PARENTING WITH FEAR

The worst part is that my fear turns me into a helicopter mom. I'm always hovering over my children and making sure they follow the rules. Part of me is proud that they speak well and don't curse.

But I also think I'm not allowing them to be themselves, or to be enough like other kids. In my building there's a 9-year-old who goes across the street to the park by himself. A few months ago, he knocked for Xavier, who was 10, to go with him. I almost passed out. "No," I said, without even thinking, for fear I would be charged with lack of supervision.

Still, I don't want my children to turn into hermits. So I decided that when Xavier turned 11 I'd let him go to the store by himself, and I have. I fear that if I don't give him a little more independence, he'll turn into someone who can't survive life 'cause he never lived it.

# Rise

Issue #31 | FALL 2016  
www.risemagazine.org

112 W. 27th St. #607  
New York, NY 10001  
646-543-7099

**DIRECTOR**  
Nora McCarthy

**EDITORIAL DIRECTOR**  
Rachel Blustain

**PARENT LEADER**  
Jeanette Vega

**PRODUCTION**  
Jeff Faerber

**SENIOR CONTRIBUTORS**  
Dominique Arrington  
Nancy Fortunato  
Bevanjae Kelley  
Sara Werner  
Robbyne Wiley

**CONTRIBUTING WRITERS**  
Michael Blamo, Laquana Chappelle, Rebecca Cedeño, D'Juan Collins, Monique Diaz, Jim Dossett, Latisha Dupree, Latoya Fitzgerald, Adisha Garner, Railei Girard, Nicole Goodwin, Yasheameia Hamilton, Sharkkarah Harrison, Sabra Jackson, Lakisha Johnson, Codee Jones, Mariya Kolesnichenko, Alisha Maglio, Jeffrey Mays, Lynne Miller, Herbert Morales, Eric Mullins, Lashonda Murray, Melissa Landrau, Nelson Lopez, Sylvia Perez, Lorenzo Ransom, Lindsay Reilly, Antoinette Robinson, James X. Sumrow, Krystal Williams

**SUBSCRIBE** to our print edition to hand out to parents, foster parents or staff - 3 issues/year:  
10 copies - \$50  
25 copies - \$110  
50 copies - \$225  
100 copies - \$450  
www.risemagazine.org/store/

**SIGN UP** for our free newsletter at www.risemagazine.org