

Don't rush to judge DCF

The death of Dezirae Sheldon is a tragedy. My heart goes out to those who loved and cared for her and advocated for her removal from her mother's care. Investigating why and how it happened is completely appropriate.

But looking to lynch the Department for Children and Families (DCF) is not constructive.

I am not privy to any of the facts in Dezirae's case, but I am very familiar with the child-protection system. DCF is under-resourced.

There are many dedicated DCF social workers who have made it their life's work to help disadvantaged children. But due to crushing caseloads, they don't have the time to address cases the way they would like to. This leads to burnout and a very high turnover rate in most district offices. Supervisors are ever needing to train new social workers.

The state and federal government have both been pushing DCF to avoid custody of children. In order to maintain federal subsidies, DCF is required to show that it made reasonable efforts to keep the child in the home,

before seeking removal. At what is called a temporary care hearing, the child goes back to the custodial parent unless the state can prove that such return "could result in a substantial danger to the physical health, mental health, welfare or safety of the child."

The state can also prove that the child was physically

or sexually abused by the parent, which would have been provable in Dezirae's case. However, even if the state meets its initial burden, the court is required first to consider sending the child back to the custodial

parent under a conditional care order (which might say: no use of corporal punishment, don't use heroin, make the offending stepparent leave the home.)

Only if the court finds the child would still not be protected, may the court place the child with a noncustodial parent, other relative, or DCF. The statute says the child should go back unless there is a substantial risk.

That means that if there is only some risk to the child, the child is supposed to go back to the custodial



Michael
KAINEN
Commentary



Above, child advocates march through downtown Rutland to protest the Department for Children and Families' handling of 2-year-old Dezirae Sheldon, who was killed by her stepfather, according to police. At right, Dezirae's mother, Sandra Eastman, is restrained as she tries to charge the accused killer, her husband, Dennis Duby, in Rutland criminal court.

See DCF, Page B10

DCF

Continued from Page B7

parent. That puts DCF in the position of assuming the risk when the risk is not great.

I believe the drug epidemic has resulted in an explosion of abuse and neglect cases. In the past couple of months there have been inquiries about why there are so many kids in custody. The 2008 Juvenile Proceedings Act was drafted with the idea of reducing the number of kids taken into custody and providing services to parents in order to advance their prompt return.

Until something bad happens, the pressure is on the department not to take kids into custody. In between tragedies, DCF is regularly accused of violating parents' rights because the department is taking too many children into custody.

It is not uncommon for DCF to receive anonymous reports that a parent is abusing a child, or using drugs and neglecting a child. DCF investigates. There may be a half dozen people who claim they have heard that the child is abused or neglected; but when I say to DCF that I need a live body who has seen the parent abuse the child, or deal the heroin in front of the child, or has direct evidence of

neglect, we can't find someone who will testify.

Innuendo, strong suspicion, and 10 anonymous reports of the same thing are not proof. It may seem to the public that "everyone knows" a child is abused or neglected. But "everyone knows" is not enough to take a child into custody.

The legal framework encourages return of the child to the custodial parent. DCF must follow the law. Against that backdrop you have a department which has seen an explosion of cases that I believe are related to drugs.

We are lucky to have a number of hardworking and dedicated social workers, but they are under-resourced and working in a framework that encourages reunification with the custodial parent.

I am very certain that there are social workers in the Rutland office who are agonizing over what they could have done differently to save that little girl. Dezirae's death was a horrible tragedy. But rushing to blame dedicated social workers who are overworked and under-resourced is hardly constructive.

Michael Kainen is the Windsor County state's attorney. Previously, he represented parents in juvenile cases and was a foster parent. He is a former member of the Vermont House and served on the Justice for Children Task Force.

Health

Continued from Page B7

of where they work or what they earn, will have comprehensive health coverage they can afford and never have to worry about losing.

Too often, I and my fellow members see what happens to children whose families are struggling at low-wage jobs, in substandard housing and in providing enough food to eat. Too often, we see families who don't have adequate health insurance, and we see children in those families worried about parents and relatives who are sick and lack health care. Too often, these children are struggling to keep up and lean along with their peers.

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Funding

Continued from Page B7

Education districts would be responsible for all ED services, purchasing, transportation, and personnel. And in an effort to provide more and better opportunities, students would have the option to attend any elementary or secondary school within their ED,

Education

Continued from Page B7

the world. Our graduation rate is number one in the U.S., and we're number two in social health indicators. Our achievement gap is smaller than the nation's, but it's still a problem. Community involvement is high,

It looks like education is running well. If my race car is running real well, I don't mess with it. But if she starts swapping ends in the corners, I don't tear out the engine and the transmission; I go fix the suspension and the balance. You solve the problem you got, not the one you don't."

He was warming to the subject

don't see how eliminating supervisory unions will fix that. The solution doesn't fit the problem. In my garage, I have all kinds of trouble-shooting gizmos. The first thing I do is figure out the real problem. Then I know what I have to fix. Do they know what they're trying to fix?

"Then, there's all this talk about