



Vermont Kin As Parents

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S. 9 TESTIMONY MARCH 27, 2015 HOUSE HUMAN SERVICES COMMITTEE

Lynn Granger, Executive Director, Vermont Kin As Parents (VKAP)

Good morning! My name is Lynn Granger and today I am speaking with two hats. The first is as Executive Director of Vermont Kin As Parents, a grassroots non-profit focused on supporting kinship families and educating community partners and the public about the joys and challenges these families face. We represent the voice of kinship families—grandparents and other relatives raising the children when the parents are unable to do so.

I am also speaking from my personal experience as a foster-adoptive parent and a kinship caregiver—my other hat. My two children were in DCF custody and came to me as legal risk foster children when they five and six. I adopted them when they were 8 and 9. They had experienced severe abuse and neglect before they went into DCF custody at 18 months and 3 years respectively; the impact has been life-long.

I have been a kinship caregiver for my grandson, my daughter's child, since he was two. The court proceedings ended when he was five. He was not in DCF custody but his younger sibling who has lived with the paternal grandparents all her life, was in custody because of issues shortly after her birth. The parents were living in the same household. (My daughter is the mother of both children; they had different fathers.) After a lengthy court process, the paternal grandparents adopted her. (We get together with them whenever possible.)

I would like to highlight specific sections in S. 9. Please note the page numbers referenced are from the version "As Passed by the Senate Unofficial"

Sec.8. 33 V.S.A. Sec. 5124 POSTADOPTION CONTACT AGREEMENTS

(a) (p. 10) I applaud the voluntary nature of the contract with the use of "may" since each situation and family is unique.

Facing a TPR as a parent, a relative, or a potential adoptive parent is daunting, especially for the parent. A parent may agree to a TPR with the postadoption contract, but my fear is that this could also become an easy way for DCF workers, attorneys, and court personnel to close cases. Parents and caregivers are on an emotional rollercoaster when children are in custody. A postadoption contract may be the solution that ends the rollercoaster ride but perhaps not for the right reasons, especially if the contract is set up to forgo the TPR process and end the uncertainty rather than real agreement between the parties.

Having experienced two TPRs, first with my children and then with my grandson, the process was very challenging. I was somewhat removed from the depth of the emotion as a “stranger foster/adoptive” parent—I only knew of the challenges the children in my care had faced. However, their bio mom was willing to sign off on the TPR (which would have been lengthy) if she were able to have visits. On the advice of the lawyers in the case (I did not have party status.) I agreed to regular contact with one additional stipulation: a therapist who worked with the children would be able to make a decision to end the visits if they became detrimental to the children. For three years, each quarterly half hour visits (the longest the mother could maintain) resulted in 6 weeks of upheaval and trauma for the children. At that time, the therapist who had also supervised the visits recommended that they be terminated in the best interests of the children. Though the visits ended, I did agree to send pictures annually through the therapist. I am hesitant to make a recommendation that a therapist make the final decision, but would recommend that he/she at least be required to give input.

When my daughter was 14 she had specific questions about her bio family and wanted to ask her bio mother. We were fortunate to be working with another great therapist who was willing to facilitate, supervise, and videotape the visit. Some of my daughter’s important questions, particularly about her father, were answered. Since the therapist supervised the visit, she was able to help my daughter process the information and move forward. (Of the four children in the family--I had the two youngest-- and the only girl; she was the most abused and traumatized.)

(b) (p. 11) BEST INTERESTS OF THE CHILD DETERMINATION

Sec. (1) (p. 11) I would suggest that the words: ***“the age of the child and”*** be inserted before ***“the length of time that the child has been under the actual care, custody, and control of a person other than a parent.”***

Children at different ages have different connections with the parents. Depending on the specific circumstances, a young child who has been in custody a while and has had limited contact with either or both parents would be impacted differently than a teen who has lived with at least one parent most of his life. Loyalty issues that a young child may not experience can be very strong in a teenager who is trying to figure out who he is.

Sec. (8) (p. 11) “The recommendations of any guardian ad litem involved...”

Because of the volunteer nature of GALs, more training should be provided and paid for.

(p. 11) I would respectfully suggest adding another consideration to the best interests of the child determination: Sec. (9) ***“The recommendation of a therapist working with the child.”*** (See related comments above.)

(c) (p. 12) “COURT MUST REVIEW OF ALL OF THE FOLLOWING...”

Sec. (1) “a sworn affidavit by the parties that the agreement...was entered into knowingly and voluntarily...”

A factor to be considered in this section is this: kinship caregivers and adoptive parents may agree to the contract so as to avoid more delay in getting back to “normal” life. They may not think about the long term ramifications for the child, depending on his/her age. If the parents are in the throes of addiction, they may agree to the contact to avoid the challenges of a TPR, but cannot follow through on their responsibilities.

(d) p. 12 Reads: “A postadoption contact agreement must be in writing and signed by each parent and each intended adoptive parent entering into the agreement. There may be separate agreements for each parent. The agreement shall specify...”

Sec. (3) p. 13 “If visits are agreed to, whether supervision shall be required...”

If there are agreed upon visits, but a parent doesn’t show up repeatedly and without letting the adoptive parent or kinship caregiver know, what happens? How does that impact the child?

In my personal experience it negatively affected the child. At one point with my grandson, his father had bi-weekly court ordered visits, with the agreement that we meet at Dunkin Donuts Saturday mornings, and he would take my grandson for a while. Visits happened twice, and after that his father did not show up. However, because of the court involvement we had to continue going to the meeting place for months despite the fact the visits did not happen. My grandson reacted to the disappointment by holding his bowels, and acting out angrily. It was difficult to watch my grandson’s suffering. I remember so clearly pleading with my attorney to end the visits because of the impact. Unfortunately, the court process moved slowly and we had to continue going to Dunkin Donuts for months. I can see this happening to other children. How quickly will the court act in these situation or can the court accept the adoptive parent’s recommendation based on the Sec. 9.

Sec. (9) p.13 “***an acknowledgement that once the adoption is finalized, the court shall presume that the adoptive parent’s judgement concerning the best interests of the child is correct:***”

This seems to contradict the sections below

ARTICLE 9. ENFORCEMENT, MODIFICATION, AND TERMINATION OF POSTADOPTION CONTRACT AGREEMENTS p. 14

Sec. 9-101 p. 15

(b) p. 15 “An adoptive parent may *petition for review* of a postadoption contact agreement...best interests of the child being compromised by the terms of the agreement.” Why does the adoptive parent need to petition for review if the presumption is their

judgement is correct concerning the best interests of the child? Is it contradictory to the above statement in Sec. (9) p. 13 above?

(c) p. 15 “A former parent petitions for enforcement...” This could contradict judgement of adoptive parent.

(e) p. 15 “The Court shall not act on a petition to modify or enforce the agreement unless...mediation...” See the notes above about the impact of court delays on children.

Sec. 14 33 V.S.A. Sec. 5110 (p. 27 -28) CONDUCT OF HEARINGS

Sec. 5110 (b) p. 28 “The general public shall be excluded...and only the parties...and such other persons as the Court finds to have proper interest in the case or in the work of the Court, *including a foster parent or representative of a residential program where the child resides*, may be admitted by the Court.”

I would respectfully (and strongly) suggest that after “a foster parent” ***“a relative caring or potentially caring for the child”*** be added. This would allow kinship caregivers the same status as foster parents.

This section currently excludes kinship families who are not foster parents but who may be involved in a conditional custody case or who may have taken temporary custody. The kinship caregivers are doing the same work as the foster parents, generally with fewer supports, yet are not allowed in the courtroom. Yet they sit outside the courtroom, are told little or nothing, often have to miss work. They feel that not knowing what is happening makes it harder to best support the child. We hear this often from the families VKAP works with.

When I was in court re: my grandson, I had to petition the court for party status. I fortunately was allowed in court with “partial party status” which I believe was only because I had hired a well-respected attorney. The other grandparents, who were foster parents to my granddaughter, were not allowed into court, which was the practice at the time. It was very difficult for them, especially as the process dragged on. They were doing the work of caring for my granddaughter and yet were not privy to what was happening.

Someone who is caring or potentially caring for the child should not have to seek party status and possibly be denied— which seems to happen often. It seems that the best interests of child would be served if kinship caregivers were included in the court proceedings, along with foster parents.

Respectfully submitted,

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