

Testimony to House Judiciary Committee

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Grant John Gorton

My Background

1971 USNA graduate

9 years active duty in nuclear submarines

1980 started dairy farming in Fairfield while concurrently served 12 years in Navy Reserve (8 years in submarine repair, 4 years in Western Hemisphere Branch, Joint Operations Division, J-3 Directorate, Office of the Joint Chiefs of Staff in the Pentagon and also provide 35 years of submarine repair and ship design analysis engineering services to the Navy thru a number of DoD contractors.

Retired from engineering work and stopped milking cows in 2015. Continue to harvest hay for sale and do custom field work.

A Certified Lay Servant in the Methodist Church, perform church services 1 or 2 Sundays a month.

Social Service work started with the Sheldon Food Shelf about 15 years ago. Currently serve approximately 150 families (450 People) distributing approximately 13,000 lbs of food each month. I also work with my Pastor to distribute discretionary funds to families in need for things such as fuel, electrical disconnect, or gasoline for emergency travel.

Since retiring I participate in the Franklin County Food Shelf Alliance, the Franklin/GI County Hunger Council, Franklin County Building Bright Futures Council, Franklin County Promise Community, Franklin County Community Partnership (on the Executive Leadership Team), Franklin County ACES Working Group, and the Statewide Children and Family Trauma Working Group. I have facilitated four parenting classes for Prevent Child Abuse Vermont (I no longer work with PCAVT). I currently run a parenting support group sponsored by my church.

I am the Vice Chairman and Secretary of the Board of Directors of the Vermont Parent Representation Center (a non-profit providing advocacy and legal support to families dealing with DCF).

All my social service work is 100% volunteer.

My Testimony

I will concentrate my remarks on my experience with the support group families and what I have learned thru participation in the Franklin County ACES group and the CFTWG. There are 4 families (8 parents) in my current support group. I first started with them a little over a year ago in my last Parenting Class. At that time all four sets of parents had children in DCF Custody as a result of risk of

neglect arising from ACES associated behaviors (there was no abuse or risk of abuse even alleged against any of them). Today all four sets of parents have been reunited with their children, one case was closed in November, a second will be closed in February, and the last two are progressing towards closure. One set of parents had a private lawyer, the other three had the same two Public Defenders. One of the major reasons these families were successful in reunification was that their lawyers (particularly the two Public Defenders) were willing and able to present evidence and make strong arguments about these families successes in developing and exhibiting resiliency to counteract the risk of child neglect associated with their adverse experiences. I was in the Court House prepared to testify on behalf of the parents several times. Although I never was called in to testify, the judge was always aware of my presence and willingness to testify. When the judge in these cases considered the resiliency evidence, he universally ruled in the parents favor (typically over the objection of DCF).

By contrast I have another parent who was in one my earlier parenting classes and support group (which has since disbanded). Again the allegations were all based on risk of neglect arising from ACES associated behaviors with no actual neglect, abuse or risk of abuse even alleged. This parent has had her parental rights terminated despite having a large body of evidence that the allegations were not accurate and that she had broad community support for her parenting skills and resiliency. She even had a copy of her Case Plan annotated by the DCF District Director acknowledging that she had completed **everything** in the Case Plan!!! The difference was her lawyer would not present her evidence or make any arguments about her success at developing resiliency. All the judge ever saw was the ACES (risk) side of the argument and he didn't question it!

This Trauma training for judges and lawyers is very important because they need to recognize the difference between the "trauma" associated with simple adversity, the trauma associated with an Adverse Experience (parent or child) and the trauma associated with toxic stress and to understand the limitations of ACES evaluation. I put "" around trauma for adversity because simple adversity is both an inevitable and necessary part of life.

ADVERSITY:

There is a lyric from Lonestar with a refrain of:

*I've been around and I've noticed that
Walking's easy when the road is flat
Them danged ole hills'll get you every time
Yeah, the good Lord gave us mountains
So we could learn how to climb*

An example of "adversity" is are going thru the checkout counter at the grocery store and your child says "I want a candy bar" and you say "no we are going home for lunch". It may seem like a "traumatizing experience" for your child and they may behave like it is, but it really isn't. I sat at the Dairy Farmers of America Annual Meeting for many years and along with 1000 other farmers from across the country was told "the consumer wants what they want, when they want it, at lowest cost so if you want to sell your milk and dairy products you have to meet that expectation". While some people may get whatever they

want when they want it at no expense most of the time, and most people may get whatever they want when they want it at no expense sometime, no one gets it all the time and that really shouldn't be traumatizing adversity. The goal is that young children learn how to "walk" (simple adversities) then "climb hills" (bigger adversities) then as adults they can "climb mountains" (Adverse Experiences).

ADVERSE EXPERIENCES:

ACES is a set of 10 very specific experiences that studies have shown create trauma and correlate to health and wellness issues later in life. While I have no argument with the science of the ACES, there are other adverse experiences that create significant trauma (like losing a close friend or relative to accident, poor health, mass shooting, military or emergency service death, or natural disaster; or losing your home or other valuables to natural disaster). The resiliency you develop in dealing with the "little adversities" of life are what help you deal with the trauma associated with these bigger "adverse experiences". Make no mistake, these kinds of adverse experiences will be harder to deal with and potentially have life-long effect, but everyone will experience some of them. The developers of the ACES concept even acknowledge that in a large group of successful professionals the average ACES score is around 3. A score of 4 supposedly means you are a serious risk to your children.

TOXIC STRESS:

Adversity is very low level situations which we deal with regularly. Adverse Experiences are "one-time events" which we may have to deal with over life. Toxic Stress is a situation where people are "bombarded" constantly with adversity and reoccurring adverse experiences with no escape. The trauma associated with Toxic Stress is what is really bad and very challenging to deal with. Resiliency is the antidote to the trauma, just a much more difficult process than for simple adversity or one-time adverse experiences. The two biggest contributors to Toxic Stress are untreated drug/substance addiction and poverty (a family with insufficient income to meet living expenses). Unfortunately, here in Vermont, we have an increasing number of families in both categories. There are lots of other initiatives in progress or planned to combat these two issues and to strengthen families which I will not try to list.

The important take away is that the training directed by this bill will help lawyers and judges analyze the effectiveness, or lack thereof of the resiliency of families involved in CHINS proceedings in order to make correct decisions about child custody (and there will be families who can not or will not develop resiliency). Resiliency is the antidote to the trauma and the risk to child safety and child development associated with parents who have experienced ACEs.

THE LIMITATIONS OF ACES:

ACES is becoming a "buzz word" in child development and child safety discussions. The ACES correlation to health, wellness, and risk of child neglect and abuse is applicable only to a large population and does not necessarily correlate to an individual's trauma situation or risk to children. There are three reasons for this. First, the evaluation is very granular. Consider an HDTV displays a picture with 921,600 pixels each having one of 256 colors. ACES is a picture with ten pixels either black or white all given equal weight!!! Not a very meaningful picture. Second, the actual trauma associated with an ACE is variable

for each ACE and variable from ACE to ACE. Consider the ACE “parent divorce”. Three of my four daughter in laws have divorced parents. One divorce was very civil. As a result that daughter in law enjoys a good relationship with her sibling brother, and both parents (who are both remarried). As a result my family also enjoys a good relationship with the entire set of in laws. The other two daughter in laws parents had very fractious divorces. As a result, they have very fractured relationships with siblings and parents. My family has very limited relationships because we are put in the middle of the fight and have to “take sides”. Very different outcomes as far as trauma and risk but they all score the same ACE. Third, the ACES score is not time sensitive in that past ACES may not reflect the current trauma or risk situation (as a result of resiliency). Consider a parent in an abusive relationship. There are three basic long term scenarios. First, for reasons mostly bad, the parent doesn’t escape the situation. This subjects both the parent and any children to a toxic stress environment where abuse/domestic violence can be a regular recurring event. Very traumatic and unsafe. Second, the parent exits the relationship, but for reasons again mostly bad, winds up in another abusive relationship. Same result and same consequence. Third, the parent exits the abusive relationship, seeks counseling and support, and doesn’t enter another abusive relationship. This resilience developed in this third case creates a very different trauma and safety situation. Yet the ACES test scores all three of these situations the same.

This training is also important for lawyers and judges to be key players in improving the child protection system in Vermont.

To quote from the Casey Family Programs Signature report 2016:

Our child welfare system’s history has been rooted in a belief that, to keep children safe, we must separate children from their families. Efforts to address abuse and neglect historically take place after a decision to “save the child” has been made, and they are aimed at preventing further harm.

To keep children truly safe, we must think more broadly and more holistically. We must consider how strengthening and supporting families can help set the bar higher, so children go beyond surviving to thriving.

Our Child Protection System currently stresses the Risk associated with ACEs behaviors with no accounting for the counterbalance of Resiliency. The Safety Assessment Document used to make case/custody decisions is more sophisticated than a simple ACES Score. It does apply some weighting factors rather than simple yes or no. There exists no guidance or mechanism for the DCF Social Worker to analyze or factor in resiliency. The parent who lost her children to TPR had suffered domestic violence from an abusive relationship 10 years ago. She had cried for help at the time and gotten none (couldn’t even get a restraining order). She had ended the relationship, gotten counseling, completed DV recovery training and never had any abuse/DV in the 10 years since. Yet one of the main allegations used to initially pull her children into custody and thrown at her during her entire CHINS proceeding was that she was supposedly a DV risk to her children. Unfortunately nobody could recognize resiliency!!! AHS has just established a policy of becoming a “Trauma Informed Agency” (the CFTWG helped write the policy). All the specific actions that will be taken to implement this policy have not yet been

determined. Changing the SDM Assessment to account for Resiliency needs to be one of those actions. This training of lawyers and judges will help to both drive and facilitate that change.

To further quote the Casey Report:

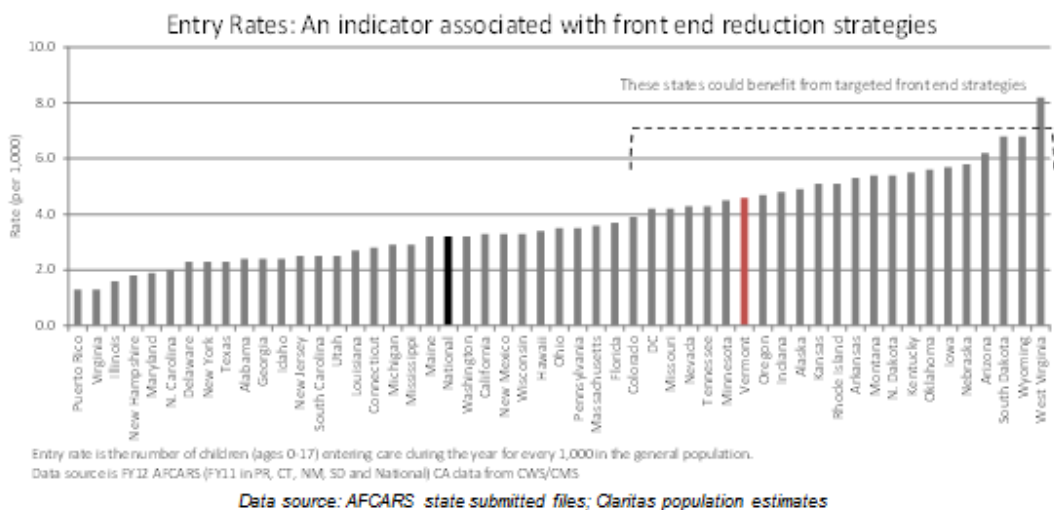
The act of removing a child from his or her family and home creates emotional distress that can bring about long-lasting trauma. Permanency without safety is not acceptable. But safety at the expense of well-being or permanency also is not acceptable.

For some children, foster care provides a safe haven. But no child should grow up in foster care. And foster care is not the best solution for every vulnerable child, as many can be better served by remaining safely at home. By receiving the proper community services and support, parents can successfully provide the care and nurturing their children need to thrive.

The following is a slide taken directly from a DCF presentation.

The entry rate in VT (4.6 per 1,000 in FY12) is higher than the national rate (3.2 per 1,000 in FY11).

However...not all states include Juvenile Justice entries...



The slide clearly states that Vermont is a state that could benefit from front end strategies to reduce the high custody rate. Wrapping families in services that build resiliency and strengthen the family is a proven front end strategy. Having lawyers trained in understanding trauma and resiliency in order to make effective and accurate arguments and having judges trained in that same understanding to insist the information is presented and then to use those arguments in making custody decisions is a vital part of that proven front end strategy. This bill has the potential to dramatically reduce custody rates,

reduce DCF social worker case loads, reduce Family Court work load and backlog and reduce cost in the child protection system. In addition the reduced custody rates would take a lot of pressure off the currently overloaded Foster Care system.

While I admittedly have no rigorous analysis, with my experience with parenting classes, support groups, and the clients/contacts from VPRC I estimate that the effective application of trauma and resiliency would reduce custody rates by at least 25% and possibly as much as 50%.

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