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**RE: Bill H.265 - Office of the Child Advocate**

Dear Representative Pugh and Members of the House Committee on Human Services,

Our names are Sueño LeBlond and Andrew Cunningham. We have had an up close and personal look at the State of Vermont's Child Protective System over the past 2.5 years as foster parents. During this time it has become abundantly clear to us that

- a) the current system needs to be doing a better job, and
- b) independent oversight is necessary to make this happen.

The impact of DCF involvement on children, families, and their communities cannot be undone and has immediate and life-long consequences. It is imperative that DCF provide quality, case-specific services.

We often found DCF services to be reactive and piecemeal rather than planned and integrated. The policies that are in place can be blind to, and therefore neither acknowledge nor consider, the best interests of the actual people involved. In our experience, procedures were not followed, communication was slow, and transparency was lacking.

Over time, we came to expect the bare minimum. Sadly, we have come to believe that the only right children in the system have is to be “free from abuse and neglect” and that the term “in the child’s best interests” is a feel-good facade to use with the public. This “good enough” standard is unacceptable when so many lives are being traumatically disrupted.

There is no independent forum to voice concerns nor is there an oversight agency to provide accountability. For these reasons, we are testifying in favor of the creation of an Office of the Child Advocate (OCA) in Vermont. This initiative is incredibly important to us, and we hope you will support this bill.

The following are a few examples illustrating our concerns.

**Shortage of foster families = desperation = broken policy**

We had not committed to becoming foster parents when we signed up to take the required Foundations Course. We wanted to learn more before becoming a registered foster home. During the first Saturday class we were approached at the break to see if we were willing to take a child into our home that Monday.

The child was placed with us without the Department doing an official background check or home study. The regulations that state “A person shall not receive, board, or keep any child in foster care for more than 15 consecutive days unless he has a license from the department to do so.”<sup>1</sup> Despite this, it was over a month before we were officially licensed.

Imagine how a family of origin might feel knowing their child(ren) might be placed in a home without a background check being done.

**Reactive and piecemeal rather than planned and integrated = poor planning = inadequate support to children and families**

We came to expect that important communications and action from the Department staff was going to either be last minute or late. We grew accustomed to receiving answers to time sensitive questions late on Friday afternoons.

Case plans (often 30+ pages) were handed out as people came to the Case Plan Review or Permanency Hearings, giving little time to process, review, discuss, and approve with due diligence.

In some instances, standard operating procedures were not followed or did not occur until we, the foster parents, brought it up. Impactful things, like:

1) Counseling for the child

Removing a child from their home is an acute traumatic experience. When DCF removes a child, the agency should be prepared to offer immediate therapy to both the child and the family of origin to address the traumatic experience. In the case of the child in our care, counseling didn't start until three months after removal from her home, after we expressed our concerns.

2) Reunification Case Plan<sup>2</sup>

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<sup>1</sup> Licensing Regulations for Foster Homes in Vermont, page 3

<sup>2</sup> Policy 98

The purpose of this case plan was to support a 6-year old child's transition from her life-long community (2.5 years with her foster family) to a new home, new school, new community, & new state. After our discovery of this omission (during a Level 1 review / policy 123 that we requested), this document was hastily put together over a three day weekend, at our insistence, and presented to the team only one week before her final move.

This meant that the child's team, and thus the child, did not have any answers as to the plans for child care, schooling, visitation with her biological mother and foster parents, or how oversight would work across state borders during Covid times.

## **Additional Concerns**

### DCF Oversight

One face-to-face contact per month with child/youth, parent and caretaker by the social worker is the contact minimum, with the majority of the visits conducted in the placement setting (Policy 70). This did not happen in our case, even pre-Covid.

### "Reunification" vs "Unification"

There is no distinction in the DCF policies between "reunification," (return to family/home of origin) and "unification" to a new family/home. The child in our care was not actually reunified with her family of origin. Instead, she was sent to live with a bioparent she did not meet, or even know existed, until after being in foster care for over a year. The misleading terminology, *Reunification*, was used on all official documents, leading people not familiar to the case (including rotating judges) to believe the child was returning to something familiar - a parent, a home, a community. It is terribly misleading, insensitive, and unconscionable that this was the accepted term to discuss the child's permanency plan. The distinction is quite dramatic and important.

## **Summary**

We do not fault individuals for systemic failures or the outcome of our case. However, despite the best intentions of the "team," most of whom had reservations about the permanency plan, our child's case was determined for the most part by bureaucratic inertia. The question of the "best interest" of the child vs. legal requirements was not adequately explained or justified. An Office of the Child Advocate could address these conflicts and help clarify the legal blind spots.

In our opinion, child advocacy should begin with support for the caregiver(s) of origin, before the child is removed from her home, and continue through DCF custody and final placement.

We do not regret our decision to nurture, provide stability, and love the children in our care. Despite our disappointment in (and personal grief with) the foster care system, we are committed to focusing our energy on promoting positive change for current and future children and families working with DCF. An Office of the Child Advocate would undoubtedly help address and alleviate some, if not all, of the issues we encountered with the system.

We are open to providing more testimony. Please don't hesitate to contact us if you have questions or comments.

Thank you,  
Sueño LeBlond & Andrew Cunningham