

Major Findings of VPRC Report with Examples

(updated: February 4, 2021)

- 1. There are cases where investigations were never performed by DCF but children were removed (via court action or coercion).**

Example: In the middle of a winter snow storm parents are called by a DCF worker who tells them she is investigating a report of child abuse. The worker tells them the storm is too bad for her to drive to their home, so the parents must immediately move their children to someone else, or DCF will take them into custody. The parents, though reluctant to involve their landlord for obvious reasons, contact him, explain the situation and are able to take the children to his house to stay.

It is common for DCF to coerce parents to move their children to someone else's care by threatening them with taking the children into custody. This circumvents judicial review in custody cases, a major check in the system to guard against abuses (and simply poor judgement).

- 2. In Commissioner's reviews and Human Services Board appeals of substantiations, where parents are supposedly getting a "Fair Hearing," there are numerous instances of hearing officers having private conversations with DCF staff unknown to the parents or their attorney, with no opportunity to either know they were taking place, what was said about them, or a chance to respond. There seems to be no doubt that this has been the experience of many people, whose names are now in the registry and some of whom have lost their jobs as a result of an improperly upheld substantiations of abuse/neglect.**

Example: Hearing Officers for Commissioner's Reviews and the Human Services Board acknowledge that this is a regular practice, in spite of a footnote to a Supreme Court case written by Justice Beth Robinson well over a year ago which states that this practice should cease and the Human Services Board remand cases back to DCF when this has been shown to occur.

- 3. There are cases where positive information about a parent(s) is removed or not included in substantiation proceedings and/or affidavits for the court in child removal proceedings. There are also instances where information in affidavits is deliberately skewed to improve the DCF case and put the parent in a more negative light, but is not otherwise supported when the full file is reviewed. There are instances of simple false information in affidavits.**

Example: A DCF substantiation states that a child has permanent scarring on his back from abuse. There are no scars on the child's back.

Example: A DCF affidavit states that a mother bruised her young child on the back. In its investigation DCF asks the child how the bruise came about and the child says "sledding while at school." But DCF asks, "How else might it have happened" repeatedly and the child then goes on to add two other possibilities. The mother is asked the same question and says, "I don't know", but is then asked repeatedly for "ways that you think it could have happened" and she identifies other possibilities starting with "probably sledding which she does a lot at school and elsewhere", but under prodding identifies several other possibilities including tripping in her bedroom and falling on a bed frame. DCF then sends a photo of the bruise to a pediatrician and says that the mother said that it happened when the child fell on a bedframe. No mention of sledding. The doctor says that the bruise could not have happened on a bed frame, so it must be non-accidental (i.e. abuse). DCF takes the child into custody. In desperation the mother calls Larry Crist of the VPRC. Larry asks if anyone talked to the school nurse and the answer is "no." He works with the mother's attorney to check with the school nurse. The school nurse is

contacted and says, “Yes, she had a sledding accident and crashed into a post on her back, it’s right here in my file.” In checking with the school Larry learns that neither the nurse nor the principal knew about the DCF investigation because under the new mandated reporter law teachers can report independently. DCF never contacted the school. After 3 weeks in 4 different foster homes the child was returned to her mother.

Example: A couple have their children taken into custody. They have a job but are extremely poor and have no car. They attend almost all parent/child visits scheduled by DCF (in the town where they live). Then, without discussion with them, DCF changes the location of the parent/child visits to another town, many miles away. The parents have no way of getting there and no money. DCF does not offer any help with transportation. They do not attend because they can’t. The affidavit to the Court states: “Parents missed half of their parent/child visits,” but makes no mention of the reason, or the fact that they attended initially when it was possible for them to do so.

Example: A 35 year old working mother is being investigated for suspected substance abuse because she was seen “staggering” while walking her child to school. The DCF worker asks about any history of suspected drug abuse. The mother states that when she was 17 she became addicted to alcohol and other drugs and “was a mess” until she was 19 when she got into treatment and AA. Since then she has attended an AA meeting every day of her life, chairs her local AA Meeting and is active in other AA activities, speaking at other AA meetings. The DCF file report states only: “Mother has a history of substance abuse problems,” with no mention of how old that history is and how she has successfully overcome her earlier addiction problem. VPRC discovered that the mother’s “staggering” was the result of a concussion recently experienced by the mother. DCF had the case open and active for over 4 months before VPRC convinced them to close it.

4. There are cases of social workers threatening parents to comply with Family Services Assessment instructions or plans or face transfer to an abuse/neglect investigation and possible substantiation.

Example: This is an experience of many parents involved with VPRC. I was advised by a well - informed DCF person that a family who had come to me for advice should “be careful not to get angry with the social worker or they’ll find themselves transferred to the abuse/neglect track and possibly in the registry. It happens all the time.”

Example: DCF’s own data indicates that virtually every report that is accepted by the Central Intake system ends with an open DCF case. If no abuse/neglect is found families are frequently told that they pose a “risk” based on a standardized risk assessment tool, and must agree to an open family services case for monitoring. This is a major contributor to the DCF workload and it is almost entirely self-imposed. Standardized risk assessment tools should be used as a guide for further investigation and fact checking, never as the basis for opening a “Risk of Harm” case.

5. Parents often get inadequate legal representation from appointed legal counsel who often just tell them to agree to what DCF is asking the Court to do, with attorneys not meeting with the parents before the court appearance and sometimes refusing to confront DCF about false or misleading statements to the Court. This is not an issue of supporting either children or their parents. The experience in other states has been that when everyone gets good legal support, less children come into custody and more children come home quicker, but also that children who clearly cannot go home are “TPR’d” quicker and adopted quicker. Parents only get legal counsel assigned in custody cases, but not when DCF opens

an investigation, in spite of the fact that VT law now gives many employers access to the child abuse/neglect registry. Many parents have lost their jobs as a result, with accompanying problems such as loss of housing and homelessness.

Example: It is common for parents to report meeting their attorney for the first time just before a court hearing in cases lasting up to 2 years. Additionally, it is common for attorneys not to return telephone calls or email ever. Given the impossible caseloads carried by public defenders, some defenders routinely tell parents to “agree with DCF and you’ll get your kids back quicker” which is virtually never the case. There are instances of attorneys refusing to ask questions suggested by VPRC, through the parents, that would show mistakes and misinformation on the part of DCF. Some parents can have as many as 5 different public defenders assigned over a two year period, none of whom provide effective counsel. In some cases the attorneys change so quickly that the parent never actually meets them before a new one is assigned. The Defender General contracts for parent legal counsel, often for representing numbers of parents that far exceed caseload numbers recommended by the American Bar Association ethics committee. There is no complaint process or oversight relative to attorneys’ failure to effectively represent parents.

6. There are instances of children being taken into custody and placed in a foster home when competent relatives were willing to take care of them.

Example: Two children are taken into custody as a result of their father’s substance abuse and mental health problems. A grandmother and an Aunt, who live in another state, contact DCF to say that they want to take them. They are Jews and the father and children were raised in that religion and they want the children to be raised in their family’s religion. DCF opposes them in court for months. At one point the Aunt tells the DCF worker they would like the children placed in a Jewish child care program. The worker tells the Aunt that there aren’t any in VT. The Aunt replies that there is one in Burlington that would take them. The children are placed in a foster home of an entirely different faith and the children’s connection to their faith and culture of heritage is severed.

7. There seems to be a “circle the wagons” culture and DCF, an unhealthy culture of “us vs. them.” A culture where too often the parents are seen as the enemy, as “perps” before an investigation is concluded, and sometimes to be feared, is a very dangerous culture for such an agency.

Example: When asked about an investigation, two senior DCF managers stated: “We don’t need to investigate allegations, we know who these people are.” Or, in another instance, a worker told a parent, “I don’t need to interview you. The fact that you are denying that you abused your child is all I need to know that you did it.” One parent was recently told that the worker would not visit them at their apartment because it was on a list of places that are unsafe for DCF workers to go, a building that another DCF worker historically visited without incident.

A note about money: The financial impact of these failings on the State is significant. It means that children are coming into custody who do not need to be, that children are in custody for longer than they need to be, that investigations are being opened that are unnecessary, that numbers of cases are increasing due in part to children in custody who don’t need to be. It has been the experience in other states that when these issues are addressed, there is a significant decrease in numbers of children in custody and the concurrent savings. Decisions about children and families should never be made for financial reasons, but neither should State funds be spent unnecessarily.

Contact: William Young, Tel. 802-777-7760; Email: wyoungvt@gmail.com

