

WELCOME TO MY NIGHTMARE!

By Robert Howell, a private dependency attorney representing parents in Los Angeles County

The more you know the worse it is, at least in dealing with DCFS. Each day I meet with my client's and listen to horror stories about how their family has been torn apart by the intervention of DCFS.

It is thus ironic that the intent of the legislature regarding Welfare and Institutions Code Section 300 is that nothing in that code section should be used to disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the method of parental discipline, or prescribe a particular method of parenting.

The facts are, at least in Los Angeles County that DCFS most often acts in a way that violates the legislative intent. In my own practice I have had to defend many parents who were dealing with aberrant teen age behavior (usually the result of mental illness) or the normal tensions brought on by raising children in a poor economy (translate that as poverty). Discipline is also a big issue, as the dependency courts continually find that spanking a child is jurisdictional and remove the child from the parent. Finally, the most egregious intervention into family life is when DCFS is not in agreement with a parent's method of raising their children. These allegations are the most insidious, because they usually add other allegations to hide their true intent.

However, the most tragic and far reaching allegation used to destroy a family is an accusation that there is sexually inappropriate behavior, usually by the father. When this happens DCFS immediately begins to drive a wedge in the family, insisting the mother seek a restraining order, commences a divorce and never allow the father around the children again. These families usually never recover from this intervention. What furthers the tragedy is that the father is still being labeled a sex offender, yet has none of the protections that would have been afforded him if he were charged criminally (in most my cases there is no criminal charge). Adding to this tragedy is that the victim (especially if it is a teenage girl) often recants, admitting it was a false allegation used to gain power in a family where she did not like the rules being imposed on her. In several of my cases I have tried to have the matter reheard, without success.

Thus, I must participate in an event that results in the destruction of a nuclear family unit. Statistics indicate that the national average for returning children to their families is 80%, but the average in Los Angeles is closer to 30%. Thus, if your children are placed into the custody of DCFS, it is twice likely in Los Angeles County than for the rest of the county that they will never return home!

Finally, I recently attended a conference for attorneys who represent parents in which one of the speakers, a well respected child psychologist with more than 20 years of dealing with DCFS, noted that in her experience, children removed from the home (even the home of the abuser) are more likely to suffer severe emotional trauma than if they had been left in the home with their abuser. Welcome to my nightmare!