

Unprepared Caseworker with Unhelpful Attorney

LAWYER: Hi Sean, good to see you. What can I do for you?

CASEWORKER: Hi Robbie. I made an appointment with your secretary last week to see you today about the Smith case. I sent the file at the end of last week. We have the adjudicatory hearing scheduled for this Friday. What do you think?

LAWYER: Oh, I have not had a chance to look at it. I will read it later. Why don't you just tell me what you think we should argue.

CASEWORKER: Okay. I want the children declared abused or neglected at the adjudicatory hearing and for them to remain in foster care. This mother is not willing to admit she abused her son Joey. She's also not willing to clean up her house or meet with me to work on her problems. She doesn't seem to be looking for a job. The foster parents adore the kids and really want the children to remain with them. In fact, they are even considering adoption. I think the mother is too young and immature to handle the responsibility of raising children. The kids should have some stability, and the foster parents, as an intact, two-parent household who have financial resources, can offer that.

LAWYER: Well, before we can talk about disposition, we first have to prove that the children were abused, neglected or dependent at the adjudicatory hearing. Will the mother be contesting this?

CASEWORKER: Yes. She has been very defensive and has hired a lawyer. She says that she will be arguing the agency had no right to take her children.

LAWYER: So, what legal basis is there for our allegation of neglect?

CASEWORKER: I'm not sure; I was hoping you could tell me that.

LAWYER: (Sighing) I really don't have time for this right now. Well, let's get some background on the case. Why did the children originally come into care of the agency?

CASEWORKER: I think they were home alone after school. No wait; maybe that is another case I have. Oh yes, now I recall. The mom was on a vacation and left the kids in the house. Uh, maybe it wasn't a vacation, but she was out of the state. (Worker starts to look through the file.)

LAWYER: For how long were the children left alone?

CASEWORKER: I don't remember. I know it's in here somewhere (looking through the file).

LAWYER: Well, what was the reason for suspecting abuse to the children?

CASEWORKER: I think mom disciplined them harshly. She may have hit them. The son was bruised.

LAWYER: Where and when was he bruised?

CASEWORKER: I think he had a bruise on his arm, but I would have to look it up to be exact. I don't know when. It was an old bruise.

LAWYER: How long have the children been in foster care?

CASEWORKER: Since we took emergency custody when I found the children alone.

LAWYER: What have you been doing with the mother?

CASEWORKER: I've talked to her about finding work, and about cleaning her house. She has done neither. I don't think she's applied for employment yet. And her house is a wreck.

LAWYER: What about visitation?

CASEWORKER: Oh, that has been going on, but poorly. I arranged for ten visits, I think. (Again, starts looking through the file again.)

LAWYER: I don't have time for you to be reviewing the file now. Just tell me what you think, if you don't remember.

CASEWORKER: Let me see. We took custody of the children about four weeks ago and I think I scheduled about two visits a week, so I guess it would be more like seven or eight visits.

LAWYER: What do you mean that the visits are going poorly? What facts do you have that support your opinion?

CASEWORKER: Uh . . . I haven't really thought about that. I guess it is just that the mom does not relate well to her children. It is pretty obvious when you see them together.

LAWYER: What about the father?

CASEWORKER: Mom says he has never been in the picture. I think he is in Georgia, but I don't know. I'll have to get back to you on that one.

LAWYER: Can you tell me why you believe that this mother is neglecting her children?

CASEWORKER: She's not a good parent! She shouldn't be raising kids and the children should be able to stay with the foster family.

LAWYER: Why do you say that?

CASEWORKER: They just seem so happy with the foster parents. They're great. They really like the kids. They want to adopt. I think they bought a new dog.

LAWYER: Can you be a little more specific? How are you going to explain to the court why the children can't be returned to their mother now that she is home?

CASEWORKER: I thought I already told you that! She has not ever admitted to hitting her kids. Her living conditions are unsuitable for kids because her home is dirty. She is not working. And she might leave the kids alone again. There is no guarantee that she won't just take off again. Her mom said as much to me on the telephone.

LAWYER: Are there any witnesses to —what did you say?—her hitting the boy? Didn't you say he had a bruise?

CASEWORKER: I don't think there is any way we can prove she did it. I just don't believe her story.

LAWYER: How about the children being left alone? Any witnesses?

CASEWORKER: Well there's me. I can testify, and there is the neighbor who called in the report.

LAWYER: Okay, that's something. But look Sean, I don't think we have enough specific facts to support our allegations of abuse or neglect. You know Judge Judy, she's a stickler when it comes to families. Always thinks that the agency overstepped its obligation to respect the rights of parents. I know that she will dismiss our complaint, and find that the children belong with the mother, unless you can prove otherwise. And we don't have the proof. Maybe it would be better to voluntarily dismiss our complaint and return the children to their mother at this time.

WORKER: Oh, no. That would be just awful. Can't you just read the file and figure out the facts which would justify a finding of abuse or neglect?

LAWYER: I don't have time. Besides that's your job.