

To: Lori Darnel

From: Kimberly and Stephen Mayo

Pueblo, CO

Our story begins on August 31, 2007, wherein we received into our home a foster /adopt child. He was placed with us as an adoptive placement, and had been in another foster home for approximately six weeks. The baby was removed from his mother's care on July 17, 2007; she had lost her other four children earlier that year. She was given a treatment plan for this child, at that point, before giving birth on May 5, 2007. It is important to note, before placement, both the caseworker and the GAL insisted on viewing our home study. We were told that this child had four siblings, all of whom were in foster care, and that the Pueblo Department of Social Services had separated their case from this child because of their paternity, and this child was an infant. They explained to us that they (DSS) had filed for termination of parental rights on this child. The termination was to begin in December of 2007. Supervised Visits continued with both parents and siblings as ordered; it was explained to us that the mother was unable to provide for her children (i.e., food, shelter, etc.). Mom was homeless at this time; closer to the December date, mom got a job with a local telemarketing firm and moved into an apartment. The trial started and spanned on until April. Mom was found to have lied on a government form, stating that she had custody of the child in order to receive housing. She, of course, had to vacate the apartment. At the end of the hearing, the court ordered not to terminate her or the father's rights, but ordered that they, the parents, stay away from each other. By this time, the mother had found another apartment that she was supporting via her job. Restraining orders were put into place to assure the parents distance from one another as it was considered by the court to be a safety issue.

Reconciliation started with the extension of visits; allowing unsupervised visits for the mother. The father was still required to have supervised visits, as he had not complied with his plan. It was not

long that the caseworker caught mom and dad exiting her apartment together and leaving together. It was at this time, visits were pulled back to the visit center. It was also at this time that mom lost her job (July 2008). At the hearing to have the visits supervised, again it was suggested by the judge that new termination charges be filed. At this point, mom had still not told the caseworker she was not working; they found this out while trying to serve her court papers. Mom was not complying with her treatment plan which included: working 40 hours per week, maintaining mental health appointments, staying away from boyfriend, maintaining a home, and informing the caseworker of any and all changes to life, police contact, and/or contact with the father. Please note, these are pieces of her treatment plan that we were told of; we never received a copy of the court ordered treatment plan. The court date for the second termination hearing was scheduled for October 24, 2008. Earlier in October, I had seen the parents together at a local grocery store parking lot and boarding a city bus together. The caseworker subpoenaed me to testify to what I had seen. The second hearing began and did not finish until Nov 7, 2008. It ended with the father's rights being terminated, but not the mother's rights. Please note, throughout both hearings, my husband and I asked to be present to show the court the importance of this child to us; we were told that we needed permission from the court to attend. Even during the second trial, when we were already there, we were told that the caseworker had to ask if we could come in. We were allowed in to hear the judge's decision to continue the case; that's it. After the hearing, it was still the feelings of the DSS caseworker that mom could not care or provide for the child. The caseworker told us that the mother had perjured herself on the stand concerning her unemployment and, when it ended, we were told that contempt charges were going to be filed. The same day that we were told this, a few hours later, we were told that they were extending visits. Our family was absolutely floored; just a few hours earlier, we were told that she was in trouble for lying to the court. When questioned about the perjury charge, we were told by the caseworker that it would be filed in the mother's file and used at the next hearing. It was at this point that the on-going case

supervisor got more involved. It was also, at this time, we were informed that a case aide would be directly involved with the case. Our family believed that something drastic had to have happened to change the direction of DSS so radically.

The following week, I was informed by the caseworker that I would be transporting the child directly to and from the mother's apartment. When questioned, the caseworker said it was for the well-being of the child (i.e., whether or not I agreed with it). It is important to note, after the second hearing, the mother was showing signs of stress and non-compliance with the new visit schedule. She was coming late to pick him up and canceling visits. This, again, was a problem for me and I did not understand how this fit into her treatment plan of showing stability and consistency. From that point on we began to suspect that DSS was purposely keeping us out of the loop. During the visits, pick-ups and drop-offs, the biological mother and I were not allowed to have contact; it was the case aide that took the child into her apartment and then removed him at pick-ups. I was told it was for my benefit, but only it only served to fuel the animosity building up; caused by the of the actions of the caseworker. The caseworker would neglect to inform me of changes like overnight visits and trips to Denver; I would be informed by the case aide, usually, in front of the mother. After being treated so shabbily, I started contacting different agencies, like the Rocky Mountain Law Center and local attorneys, to find out our rights. We were informed by these agencies, that we had the right to attend each hearing and address the court if we had anything to say. The caseworker informed me that she was taking a leave of absence for a medical condition and that a new caseworker would be involved. She went on to schedule a meeting with us and the new caseworker. Our relationship was strained, at this point, because of recent developments. On January 20, 2009, the caseworker, the new caseworker, the case aide, and my foster care coordinator sat down in our home to tell us what was going on. At this meeting, we learned that they were going to place the baby with mom for a trial home visit. It was explained to us that since

there had been two court trials, DSS was placing the child with the mother reluctantly. It was at this time that we were first told of the "sink or swim" approach to this case.

Naturally, we questioned every action taken because nothing with the mother had changed. We were told that she was employed for only three weeks yet, she told the courts that she was supporting her apartment and other necessities via unemployment and family. We were also informed that no one in her family would step-up to back up her claim. It was believed that she was still with the child's father and he was helping her with money. The case aide assigned to the case was doing everything for the mother. She would transport her to any and all appointments, she went with the mother to all her daycare appointments, and stayed while mom interviewed them. This case aide completed every facet of the mother's treatment plan. I kept questioning how all of this proved that the mother was stable and consistent; needless to say, I did not receive an answer. Every time I came into contact with the new worker or the aide, I was told that if I had any questions, I was to address them to their supervisor. So, I contacted the supervisor. I was told, at the beginning of the conversation, that her phone call was a courtesy and that she did not have to talk to me. I informed her that one of her staff had sent me her way. She told me that since they had had two termination hearings, DSS had no choice but to return the child and see if the mother could maintain. I pointed out that this seemed kind of dangerous. I questioned why the mother's other children were not going to be returned to her. I was, basically, told that this was the way it is and I did not have any right to interfere with DSS's decision to return the baby. I questioned this lady about the "sink or swim" approach to this case; she denied that her staff would ever say that and how dare I question her ability to decide. She also informed me that she would never put a child in danger. I disagreed with her completely. I asked her how the case aide, completing the mother's treatment plan was in the baby's best interest; I was informed that the aide was "modeling" behaviors for mom and that I needed to understand that. I went on to ask how "modeling" was going to help now; since it hadn't helped for the nineteen months the baby was in care.

It is very important to note, the mother in this case was offered every service available through the entirety of the case.

Throughout all of this, I kept in contact with the Rocky Mountain Law Center. Lori tried to find us an attorney that would represent us pro bono, but was unable to. She explained that we did have the right to know what was done with this child. We searched for an attorney and found one that agreed to look into our concerns; after telling us we had no right to legal representation. I was informed that this attorney went to DSS and looked at the case file. He finally returned my call and told me that he had spoken to mother's attorney, using no names, and was informed that the mother was relinquishing her rights. This attorney was so confident in his words that he offered me his services for the adoption. I had a hard time believing this, as the child was with the mother on an overnight visit.

It was, at this point, I was informed by the new caseworker that he could not discuss any details of the case with us. He told us that his supervisor said that no more should be said until the facilitators meeting. I asked him what I should do if I needed to report any wrong doing or any thing going on with the baby; I was told that he could not be involved with any he said/she said information. He believed, we had an attorney at this point; which we did not. This prompted me to call my coordinator; she recommended that I contact her supervisor. I called the supervisor and explained what I had been told and that I was uncomfortable not having any communication with the baby's caseworker. She contacted the caseworker's supervisor and asked her to call me and clarify what the caseworker was saying. The supervisor called my cell phone; my daughter answered and told the supervisor that I was at work with a client at that time. The supervisor told my daughter, loud enough for my office to hear, that if I wanted to speak with her, I had better call back that day as she was leaving for a few days and would be unable to answer my questions.

My family and I continued to search for attorneys that would help us in our plight, but were unsuccessful. Several other foster parents told us that they had also went through similar situations with kids in their care and tried to offer any help they could. We were told of two other attorneys that were unafraid of "taking on DSS" but, they were both partners with the attorneys on this case and could not help us. Every other attorney, basically, told us sorry we work with DSS and don't want to get involved. We were at the end of our rope and really did not know where else to turn. The foster care review was scheduled for February 4, 2009, and I almost did not go because they were removing the child that Sunday the eighth. But, I figured, since I had gone this far, I had better go.

The foster care reviewer started the meeting with how she completely disagreed with the decision to return the child to his mother. She pointed out that mom had not proved that she could complete any of her treatment plan. She also said that it was not the aide's job to complete the treatment plan but the mother's. She also pointed out that the case file was unkempt and sloppy; she said it looked as if DSS was backtracking to cover up for sloppy case work. She was quick to point out that everything needed for termination was in the file and she did not understand why termination had not been granted. She said that the decision to return was dangerous and that the state of Colorado would not support this decision. It was at this meeting that I continued to stress my concerns and pointed out that every time I picked this child up from an overnight visit, the mother had put him in the same two unmatched socks and clothes that were at least four sizes too big. I turned to the caseworker and asked him if the mother had any clothes for the baby. The caseworker remained, for the most part, silent; quietly writing notes. When he was directly asked about this decision, the caseworker responded with the "sink or swim" approach. I went on to explain to the reviewer that I had been told by the case aide that I needed to bring clothes that could remain at the mother's house. I also told the reviewer that I asked the aide why DSS is having a facilitators meeting if the decision to return has already been made; the aide looked at me and responded he (the baby) is going home on Sunday. The reviewer

seemed upset at this because she wondered the same thing. I have to say, I was glad to see that she had seen what I had been seeing all along. The reviewer told me to get intervener status and try and get the procession of this case stopped until it could be reviewed by a judge. This was difficult as we could not find an attorney to help us. It is also important to note that after I had mentioned the clothes issue at that meeting, two days later he had clothes that fit and new socks.

It was our belief that DSS provided clothes and again made the mother look like she was completing her treatment plan. We remembered that a fellow church member was a GAL and she would be knowledgeable about what we needed to do. Luckily, she helped us to file for intervener status, but she would not be able to represent us. She also spoke to the baby's GAL and he was not even aware of DSS's intentions to place the baby with his mother; this seemed odd to us, since the facilitators meetings was the next morning. It is also important to note, that throughout all of this turmoil, we tried, unsuccessfully, to contact the GAL appointed to this case; to have our questions answered. The morning of the sixth, we filed the paperwork to become interveners in this case. Later on that morning, my husband attended the facilitator's meeting. When asked by the GAL on the case if he had anything to say, the mom's attorney jumped up and told my husband he had no right to be there or say anything. He then marched his client out of the meeting. My husband went on to say that it was our belief that this decision was dangerous and we did not feel that the mom was ready for this responsibility. He also stated, on the record, that if the child were to come back into care we wanted the opportunity to adopt him again.

They removed the baby that Sunday. It was horrible! The case aide was mean and hateful to my family. Afterward, we sent e-mails to everyone involved with the case at DSS of our intentions to have the baby back if he were returned to care. We sent a certified letter to the GAL in the case of our intentions as well, but the letter was never signed for and it was returned to us. They removed the baby

on Sunday Feb 8, 2009, it was not long after that we received notice that our intervener status was granted. We expected, at that point, that we would receive any paperwork filed for this case. We received a visit from the department head to find out our side of the story and, basically, we were asked about the reviewer meeting. We were reminded about how they decide placement if the baby were to come back into care. When she left my home, I felt I had just been told to back off; however, no one told us that directly. Because we were now, basically, black balled from the on-going unit at DSS, it was not like we could call and ask about the case. We expected that we would receive notification of all legal actions; via our rights through the intervener. We didn't; after all, it had been four months. I asked our coordinator, who we still have a good relationship with, to ask about the case. She was informed, by the caseworker, that they were still involved, the mother was still in the apartment, and the baby was fine. A week later, I asked her if she would e-mail the caseworker to find out where the case was. The supervisor, not the caseworker, e-mailed her back informing her that the case had been dismissed June 8, 2009. This was peculiar because the earlier question to the caseworker was after this date. We then went to the court and, sure enough, that's what happened. My husband asked the court employee, who was responsible for notifying us about the case; he said DSS. While looking at the paperwork filed with the court, we noticed that two others had been named special respondents to the case. Their last name made us believe that they were family members of the terminated dad. We thought this was interesting because early in the case we were told by the original caseworker that all family members willing to take the baby could not or would not pass a background check.

I called Lori Darnel yet again, to find out who we could tell our story to that could get something done to have this case looked at from the point of the DSS case file and the reports to the court. I think it is important to share, this child felt like our own and we feel that what was done to us and him was a travesty and should have never happened.

We need to do something that truly protects the rights of these kids and their foster families. We were all that baby knew to be family and he was ripped away from us with no regard to any part of him or his needs. We were appalled that after 19 months of hearing that this mom could not take care of her children and seeing that she had no intention of changing; in a two month span, DSS returned this baby to a home they deemed unsafe for her older children. We were saddened that our family had to suffer the consequence of losing this baby to a situation that was, referred to by the caseworkers, as a "sink or swim" deal. There were other players, as well. For instance, the GAL who didn't seem to have a clue about the case most of the time and refused to return phone calls; the county attorney who had stood before a judge and fought to have the parents rights removed, just sit back in his chair and comply with this decision. When we asked the original caseworker, at that Jan 20th meeting, who would be responsible if something happened to this baby, she replied, "Ahhhh, the court I guess. It was the judge who didn't terminate." We would also like to stress that her other children are still in care. Her oldest daughter is in a resident treatment facility in Denver, her oldest son is in permanent foster care, and her two middle children are currently residing with their great-grandmother. We were told that these children will never return home because of behavioral and safety issues. We were also told over and over again that reconciliation with the biological family is in the best interest of any child. We, understandably, disagree with that statement.

Biology is a wonderful gift, there is no doubt; but, only if your willing to take responsibility for it. These kids deserve the right to overcome their biology and end the cycle of abuse and neglect. No one can ever take away someone's biology; they can just give them the tools in which to live their lives and then, it's the kid's choice whether or not to find his biology later. It is truly our hope that telling our story will wake someone up to the unjustified actions of a department that has way too much power and not enough oversight. If I, a novice, to the law can see such a blatant disregard for the rights of these babies and their foster families, surely someone with the power to change things can see it and

make the changes we need to have a better system. My husband said it best, "How can a broken system, fix a broken society!" Thank you.