



Allegations! *Standing in the shadow of doubt!*

Allegation: a word that strikes terror in the hearts of foster parents across the nation, standing in a shadow of doubt accused of harming a child in their care. This situation is devastating to reputations and integrity both as foster parents, and as loving citizens. As a foster parent, you have chosen to serve children because your heart stirred by the desperate need. You have spoken to a friend who is a foster parent, saw a billboard, or ad on television; someone has brought the plight of America's most precious asset to the doorway of your heart. Hence, you have discovered a rewarding way to serve God and your country and having completed the foster parent training to receive your license, you are waiting anxiously for your first placement.

In the midst of your service, suddenly you find yourself in the middle of a hurricane or a maze, called an allegation wondering

what happened, lacking the knowledge on how to proceed. We offer you this abbreviated synopsis on allegations, a crash course as we examine the challenges you are about to face.

First, what takes place when you have an allegation? Your first reaction — shock, when that wears off you feel intense anger, then you finally resign yourself to the fact that this nightmare is real. Then you realize that somehow you must defend yourself, but how?

What to expect: If the allegation is regarding physical or sexual child abuse, the foster children will in all likelihood be removed. When you hear the knock on your door, you will see a social worker, possibly accompanied by a police officer. You know you have done nothing wrong so you allow entry into your home, your faith in the justice system dictates that if you cooperate everything will be alright and the truth will be known.

Think of it this way: The social worker from your agency or police do not know what is going on behind the walls in your home, so if the allegation is physical abuse then the child could be in danger and is removed from the home. The agency has no choice but to protect the child until the investigation is complete. It's funny, many foster parents still believe that the close relationship between them and their social worker will somehow intervene, stop this procedure from taking place. In reality, the social worker has little to say about it. Someone has reported child abuse, a child harmed, and an investigation is required.

The hardest part of an allegation is waiting as it may be weeks before you know anything. You will not know where your foster children are, or what the allegation entails. While foster parents are under investigation,

they are not aware of anything. You will more than likely hear from many people involved in your life — neighbors, relatives, school officials, and even your children that they were interviewed and questioned by Child Protective Services investigators.

Eventually you will receive the investigative report in the mail letting you know the outcome of the investigation. Depending on your state's terminology, the case will be founded or unfounded, substantiated or unsubstantiated, indicated or unindicated.

When you know that you are being investigated this is the time for you to go to work. "Be ready to give an answer." What do we mean by that? For all practical purposes you are, "guilty until proven innocent." Oh, I know what you're thinking, "what happened to innocent until proven guilty." You're about to learn "lady justice" wears a price tag on her sleeve as you discover attorneys are expensive. Now you are faced with the decision as to what kind of lawyer to retain.

Interviewing attorneys: This is always a challenge but let us suppose that you have located the right one to handle your case, someone you feel comfortable with and you think you can work with. Now you start explaining. Where do you start? Like any topic, if you do not totally understand your case it is not easy to explain to someone else. You see, your lawyer will depend on you to provide the information to defend you — no information, no defense, your fault.

As we stated before when you know you are under investigation, as in when your foster child is removed, you need to go to work immediately. Begin educating yourself, take a crash course in "Administrative Law," gather information. For example, print off your state statutes pertaining to foster parents, review and become thoroughly familiar with these laws. Make copies of your journals or documentation. If you have not been educated on the procedure of documentation, start writ-

ing everything you can remember on events that have taken place in your home. Get your mate to do the same and then bring the notes together. Gather any information that you may have — agency manuals, hospital emergency room visits, school reports and other documentation. When you finally receive your investigative report through the U.S. Postal Service you will be one step ahead.

For example; your investigative report states you are founded of AZ-RVS § 8-201 — these numbers will mean nothing to you? The report will list the charge against you, for example "physical abuse," which is an elastic term. Simply turn to this particular statute you have printed off placed in a loose-leaf binder and you suddenly have a clear definition, you see preparation is everything. At this point you are ready to start preparing your case either for Pro Se, (Latin for defending/representing yourself) or to assist your attorney. As we said, you cannot explain to someone else if you do not understand. Make a copy of this report and go through it carefully, word by word, highlight every word or phrase that you disagree with. Then set out to prove this is a false statement. Use receipts, your journal, witnesses and other sources. Keep two words in your head while doing this — "prove it."

Remember our statement earlier; you are "guilty until proven innocent," unfair but this is the way it is.

When you are compiling information you effectively have a puzzle in front of you. If you only have the middle pieces, it is impossible to see the whole picture. However, if you have most of the puzzle together it is easier to set the final pieces when you receive your investigative report, then suddenly this paradox becomes clearer. This organizational tool is what we refer to as your "law book." Without exception, everyone who has completed this while doing the work has noticed inconsistencies, areas where their agency was negligent, violations the agency made

in their own procedures, manual, rules and regulations.

We believe that most people can go "Pro Se" if they are given the right tools, are willing to do the work and preparation as any attorney would do, enabling them to walk into the Administrative Law courtroom as a professional armed with an organized "law book." The book, "Standing in the Shadow of Law" is at present being adapted into pdf format so that every foster parent will be able to print it off "free of charge" on nfpcar.org.

This book is a complete look at "administrative law," what every foster/adoptive or biological parent needs to learn about the administrative law courtroom you will sit in when you are notified by mail of your pending administrative inquiry or hearing. Let *Fostering Families Today* magazine know if you would like articles on "administrative law" or the "appeal process" we would be happy to assist in your education. You have the right to appeal this decision too but that is another article. ☼

ABOUT THE AUTHOR: Marilyn Harrison is the founder/owner of Foster Parents Legal Solutions, an advocacy group, in business for 13 years, educating and assisting foster/adoptive parents who experience allegations. Harrison is the national director for NFPCAR, one of the largest, most successful support groups on the Internet for foster, adoptive and biological parents seeking advice or assistance. During her 15 years serving as a foster parent, Harrison saw many examples of gaps in both the initial foster parent training, and support being offered to foster parents across the nation, then set out to fill those gaps with creativity and otherwise comprehensive programs that work, programs designed, not by bureaucrats, but by a former foster parent. Although not an attorney, she does have access to law firms in each state. For more information, visit nfpcar.org.