

# What to do if DCF Pays You a Visit

By Atty. Michael H. Agranoff

## Three Frightening Situations

1. You (and possibly your spouse or companion) are called to the school principal's office. There you are met by the principal, a school social worker, a DCF investigator, and a police officer or detective. You are told that your child has made statements indicating that he or she has been abused or neglected at home. The child is being held in another room, away from you. You are confused, bewildered and asked to answer questions and sign Service Agreements and releases. You are unsure what these are. You are given no Miranda rights or advised to call a lawyer.

What Do You Do?

2. You are visited at home by a DCF investigator, and possibly a police detective. You are told that your child has made statements indicating that he or she was abused by your spouse or companion. You are asked to sign a "Service Agreement" stating that your spouse or companion will move out of the house, and that all of you will get certain counseling or other treatment. DCF implies that if you don't, they will remove all of your children. You are confused and bewildered. No one tells you what will actually happen if you do comply, or makes any promise on reunifying the family. You are given no Miranda rights, no advice to call a lawyer, and no advice on possible criminal charges.

What Do You Do?

3. You are visited at your home by a DCF investigator. You are told that someone reported that your child had bruises. You say that these were made in the normal course of play and were nothing serious, but the investigator makes a noncommittal reply. You ask who reported you, but the investigator will not say. You are asked to sign a Service Agreement and releases. You are given no Miranda rights or advised to call a lawyer. You ask what the next step is, and you are told that someone will be in touch. You are bewildered, to say the least.

What Do You Do?

## What Is Going On?

There is only one correct first step: **Call an experienced Juvenile lawyer!**

Do not panic; do not become defensive; do not threaten and demand your rights like people do on TV. The only likely result of that would be an arrest for Breach of Peace. Instead, understand what's happening.

## Why Did DCF Get Involved?

DCF got involved because of a "referral". That is, someone called DCF and said that there was a possibility that a child was being abused or neglected. DCF is required to investigate.

You are glad to cooperate, but have no idea what is going on, and sense that you are not being told everything. And what about a lawyer?

What could happen from here on?

Several things. The Police could get involved. DCF could substantiate you for abuse or neglect. You could be placed on the Child Abuse/Neglect Registry. DCF could also file a Juvenile Court

petition against you. The important thing to remember is that DCF will not – repeat, will not – give you competent legal advice. DCF workers are not lawyers, and in particular, they are not your lawyer. Their job is not to represent you.

Further, the DCF investigation will not exactly be what you expected if you watch “Law and Order” or similar police TV shows.

## **Criminal Charges**

If the police get involved, they may recommend that a warrant be issued for your arrest. Of course, they may not; and if they do, the State's Attorney (or the judge) may decline. But, the threat is there.

The police will ask you to cooperate. They will NOT tell you your Miranda rights (remain silent; get a lawyer, etc.) because it is only an investigation. You are not under arrest, and are free to move about. True, it may result in an arrest, but Miranda doesn't go that far.

There is no effective time limit beyond the statute of limitations of five years for most crimes. The police move at their own pace, depending upon other priorities. Prosecutors may do the same. You should immediately consult an attorney.

## **DCF Charges**

DCF may file a petition against you, alleging abuse or neglect. Then, you are in the Juvenile Court System. Please see [Answers to Frequently-Asked Questions on Connecticut Juvenile Courts](#).

Keep in mind that many of the Constitutional protections of the criminal justice system do not apply in Juvenile Court. You do not have to be found "guilty beyond a reasonable doubt." Hearsay statements in many circumstances can be used against you. In some cases, DCF can frustrate the will of the Court with impunity, knowing that individual workers will seldom if ever be held personally liable. It can be a nightmarish experience.

DCF may also "substantiate" you for abuse or neglect. That may put your name on a registry of offenders; and while that is not public, it could prevent you from obtaining certain employment, becoming a foster parent, or could come back to haunt you in a future investigation. Please see:

- [Fighting Substantiation of Abuse or Neglect](#)
- [The Child Abuse/Neglect Registry](#)

## **"SCAN" Warning**

A DCF social worker may tell you to make an appointment with the SCAN program. If you ask what that is, you may be told that it's a new service designed to help you.

What you will not be told is that SCAN stands for "Suspected Child Abuse and Neglect". That is a function staffed by highly dedicated medical professionals, who are not lawyers, and who will not tell you your legal rights.

If SCAN makes an error, and issues a finding of child abuse or neglect, you will expend a great deal of time and money to contest that, at the very least. Life is much easier if you have independent legal advice before you make a commitment.

Since the above warning was first published, the name of the SCAN program has been changed to "the Aetna Foundation Children's Center." Perhaps it will be changed again. No matter. It's the same thing: DCF and Police are present when the child is questioned; but not the parents or their attorney.

**It is simply unwise to say anything or to sign anything without first getting competent legal advice. Acting without legal advice has caused more misery than most people could imagine!**

### **The Lawyer's Role**

The lawyer's job is to help you get DCF out of your life and get your family back to normal. That is not always easy. Sometimes, it is not possible. However, a qualified Juvenile lawyer will fight for you to protect your legal rights.

If you have been at fault, the lawyer will work to help you meet Court expectations and restore your family situation as quickly as possible. The lawyer, in short, is on your side and is not tied to DCF, but understands what the Judge will expect.

Few cases are more emotional than child protection cases. Logic dictates the assistance of a qualified, objective, experienced Juvenile lawyer in these difficult times.

The lawyer can also help you defend against criminal charges, if these are filed. Even if you retain a separate criminal lawyer, the juvenile lawyer can provide valuable assistance. Very often, a condition of probation in a criminal case is that the adult cooperate with DCF and the Juvenile Court.

### **Note on Delinquency Cases**

These days, "boys will be boys" is less accepted as an excuse. Parents are often surprised to find a policeman at their door with a Juvenile summons, requiring them and their child to appear in court. As noted, you have many of the rights of a regular criminal court, but proceedings are not open to the public.

Your child will usually deny that he or she did anything. The child will blame others, or will say that someone is lying about him. It is very difficult for parents to get at the truth in these emotional situations.

A qualified, experience Juvenile lawyer can help. The lawyer will also advise you of your rights, conduct a preliminary investigation, and make recommendations that will help you to gain some peace of mind.

It is an error to try to be your own lawyer, even when your own child is involved. Make no mistake about it!

### **What About the Cost**

Lawyers have only time to sell, and it can be expensive in contested cases. However, an experienced Juvenile lawyer will be able to **consult with you at the outset for a modest fee**. This will help you plan your course of action: you can receive quality legal advice without committing to large expenditures. You have time to make an informed decision. That is certainly preferable to "going it alone."

In juvenile work, bigger is not necessarily better. Experience in the system counts. Our office provides quality service at reasonable cost. Our staff is experienced; there are no buck-passers.

One of the techniques used by Juvenile Courts is to employ psychologists and clinicians as "expert witnesses", to testify if your child is likely abused or neglected, or has suffered trauma or is doing better in a foster home, etc. In certain cases, it might be to your advantage to hire your own expert witnesses to counter those of the Court. This is expensive, but if you can afford it, we will secure the services of qualified experts at the best possible cost; and we will work with the experts to provide you with the best possible defense.

No lawyer can guarantee that you will win, and we do not. We do guarantee that, to the best of our ability, we will put you on a level playing field against the resources of the State of Connecticut.

## Key Points

- Do not panic
- **Do not take legal advice from friends, doctors, teachers, social workers or other well-wishers**
- Do not count on suing DCF; that is technically possible, but seldom successful
- **Do** call an attorney to protect your legal rights
- **Do not talk to DCF without a lawyer present to represent you**  
DCF will often tell you that you will do better without a lawyer. That is simply not true. DCF is not a normal adversary, and has little incentive to settle cases. DCF is very experienced in getting what it wants, and people are often surprised to find that what they said is not quite what comes out in an investigation report. Interviews are not videotaped or recorded.

If you deal with DCF without a lawyer, then it is very difficult for a lawyer to protect your rights.

This is not like dealing with the police in a "Law and Order" episode. DCF does not easily go away. You will do better with a qualified lawyer present -- to represent you.

[Click here](#) for facts on legal representation during an investigation.

- **It can happen to you**  
A business client of mine once called in a panic. His young daughter went to the school nurse, saying that she had a pain in her leg. The nurse asked the reason, and the girl said it was probably from an incident the night before, when her father had taken her on a sled in the snow, and they accidentally hit a tree stump. The nurse interpreted this remark as the girl's attempt to say that her father, my client, had abused her. The parents were called to the school and met by DCF. Their state of mind ranged between anger, disbelief, and confusion over how this could happen in the U.S. Finally (without going into details), everything was straightened out, but a lot of bad feeling remains.

The lesson is that no one is immune. People interpret situations as they will. You might not be as fortunate as the parents in this example were. **Again, don't panic, and seek the assistance of an experienced professional.**

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