
Psychology and Family Law

The Real Problem with the Department of Children and Family Services

By Mark Baer, Esq.



On May 16, 2010, in a news story entitled, "Many tips on LA's child abuse hotline unresolved," the Los Angeles Times reported on the fact that thousands of tips (more than 18,000) go uninvestigated within the time mandated by the State. In response, Troist Ploehn, the Director of the Los Angeles County Department of Children and Family Services (DCFS) blamed the fact that DCFS is short staffed and stated, "All of the things that equate with quality do take time."

Regardless of the funds available to DCFS, the most appropriate allocation of its funding should be the investigation of allegations of abuse and neglect in those situations in which the children are still at risk. Once the children have been removed from a dangerous environment by DCFS, the immediate risk to the children is alleviated. Therefore, resources could be cut from those divisions within DCFS handling situations involving children already removed from a dangerous situation. The County of Los Angeles admits that DCFS has approximately 7,000 employees and an annual budget in excess of \$1.5 billion. According to the Los Angeles Times, only 596 of those employees are emergency response unit workers.

It is false and misleading to imply that if fully staffed, DCFS would produce quality results. On May 12, 2010, I wrote a blog entitled "False Allegations and Domestic Violence." In response, an individual who works with Child Protective Services commented that "many things seem to slip through the cracks... within the Department," and about the lack of criminal prosecution for acts committed against spouses and children. This particular individual speculated that the problem could just be "plain laziness." Regardless of the cause, this individual admitted that "lives and families (especially the children) seem to pay the price.... When children are involved with the state, they are the ones to suffer the most."

Family law attorneys are well aware that dealing with DCFS is the last place any family wants to find itself. In fact, many family law attorneys have their clients retain private attorneys who specialize in handling DCFS matters, to try and persuade the case managers to close a file before one is ever opened in an effort to keep the matter out of DCFS. This is not being done in an effort to somehow protect these individuals for wrongs that they might have committed. Instead, the reason for doing such things is because the family law court cannot make rulings on matters with open files in DCFS. With all of the problems in the family law courts, seasoned attorneys still know that the families and children are far better served in the family law court than they would be by DCFS.

Moreover, DCFS does not like the involvement of attorneys during the investigative part of the case. In fact, if someone informs DCFS that they do not want to be interviewed without their attorney, or they make a request for their attorney to be present at a team decision meeting, the children tend to simply be taken into custody by DCFS.

Even in those cases in which DCFS performs thorough investigations, they still manage to get it wrong. It is the luck of the draw whether the investigator assigned to a given case has seniority and is familiar with the ins and outs of the system, and the likely outcome with regard to a particular child. The investigators are not known for properly evaluating situations and could very well worsen a situation by taking a child away from the protective parent and placing the child in the custody of the parent more dangerous to that child. It is also possible that DCFS could take children away from both parents for no good reason, and based upon an improper investigation. According to the Los Angeles Times, "more than a dozen children have died of abuse or neglect in each of the two previous years after coming to the attention of the department." Furthermore, DCFS focuses on family reunification, but without making certain that sufficient safeguards are in place to protect the children.

When "lives and families (especially the children) seem to pay the price" for DCFS' failings, that price is just a bit too high for my comfort.

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