

Real Cases Project: The Case Studies

ANNE M. CASE STUDY

Case Details

Borough: Bronx
Type of Report: Initial
Source of Report: Social worker, Douglas Hospital
Date of Intake: 7/16/07
Date of Initial Home Visit with Subject: 7/17/07
Date Source Contacted: 7/17/07

Current Allegation: Inadequate Guardianship

Adults: Ann Taylor M, b. 5/11/75, mother
Peter M, b. 11/9/69, father
Children: Thomas, b. 3/15/01
Megan, b. 2/20/04

Allegation: Social worker from the hospital that treated Ms M. for injuries resulting from the beatings inflicted on her by her husband during their vacation in Jamaica is concerned about mother's capacity to care for and protect children.

Children were present during father's attacks on their mother.

Family Background

Anne M. is 32 years old woman employed for the past year as a secretary, earning about \$30,000 a year. She has been married to Peter M. for 7 years. They have two children, Thomas, aged 6, and Megan, aged 3. Peter is an insurance agent who earns approximately \$70,000 a year. Peter and the 2 children are all U.S. citizens. Anne, who was born in Jamaica, is a permanent resident of the US. Peter's family is also from Jamaica, but he was born in the City. They are both Episcopalians. Since the DV incident and subsequent return to the States, Mr. M. has been living in an apartment he co-owns with his mother in Brooklyn.

There was no prior ACS contact with this family, but a search of Domestic Incident Reports at the Police department revealed two prior domestic violence incidents in which Mr. M. was named as the suspect in 12/2002 and 10/2003.

Current Investigation

In the morning of 7/17 child protective service (CPS) worker left phone messages for both Mr. and Ms M. stating her name, contact number, agency, and need to schedule an appointment. Mr. M. returned the call at 2:00PM. When the CPS said she was conducting an investigation, he asked what the investigation was about and whom did it involve? The worker responded that she represented ACS and it was necessary for her to meet with him to discuss some safety concerns involving his children, Thomas and Megan. He explained that he was now living in Brooklyn, but he could be in the Bronx on Friday and agreed to a morning appointment at the worker's office.

Since Ms. M. did not return the call, the CPS made an unannounced visit to her apartment at 6:00 PM on 7/17. She was not at home, but the super agreed to take an envelope for her and said she should be home in 15-20 minutes. The worker waited and Ms M. and the children appeared shortly. When the CPS explained the purpose of her visit, Ms M. said she was planning to get the children dinner at Burger King and then go to Mr. M.'s apartment with the assistance of the police to serve her husband court papers for a temporary Order of Protection. She asked if the interview could take place at the restaurant. The worker replied yes, but a home assessment would have to be scheduled for the following day. Ms M. said she was very nervous about losing her job, but agreed to a 6:30 AM home visit on 7/18.

Subject's Account of Allegation

Ms M. said her husband inflicted bruises on her on 7/10 in the presence of the children during their vacation in Jamaica. When the CPS asked what was going on between her and her husband when this incident occurred, Ms M. explained that an old friend of hers called the week after they arrived and offered to show the family around. Her husband gave the friend directions to the house where they were staying, but when he arrived, Mr. M. said he didn't want to go and offered to stay home with the children. They were gone for about 3 hours, but when they returned her husband pulled the friend out of the car and assaulted him. He was then arrested and stayed one night in jail.

Several days later they got into an argument because he left no money for her when he went out alone, although he knew she needed to buy food for the dish she was cooking, and she was counting on his taking the children with him. When he came back, she yelled at him; he then came at her with a closed fist, saying he saw her friend's car waiting outside. He punched her repeatedly in the face, neck, shoulders and arms as he was shouting, "You're making a fool out of me" and "You ruin my vacation." She realized she was bleeding all over and there was blood on the walls and the floor. When she went into the shower, he continued punching her. He finally left, saying he was going to kill her friend.

She tried to call the police by dialing 999, but got no response so she ran with the children to an upstairs apartment. He came back and was banging at the door with a brick so she decided to open the door before he got any angrier. She saw a knife in his

pocket, but he saw the one she was holding. When he yelled, "let's go at it," she dropped her knife.

Her husband picked the knife up and held her in a choke hold while the children were screaming. He then became very frustrated with the children, screaming at them to shut up. When they did not stop, he took off his belt and started hitting them very hard. She tried to stop him from beating the children by jumping in front of them where she was hit across the back, neck and waist with the belt.

At that point the police arrived, alerted by a neighbor that it sounded like someone was trying to kill a woman. The police reportedly told her that if she had her husband arrested, she would be too because it takes two people to fight. They also told her if she wanted to press charges, she would have to stay in Jamaica to present evidence, they didn't know for how long.

She was able to get a flight to New York City for herself and the children early the next morning, 7/15. That evening she sought medical attention for herself and the children. The triage nurse in the ER called the police who interviewed Ms M. and the children and observed the bruises. However, they said they could just keep a note on file. Because the incident occurred out of the country, they could not arrest Mr. M. They told Ms M. she should go to Family Court and get an Order of Protection for herself and the children.

On 7/16 Ms M. went to Family Court and obtained a temporary Order of Protection for the children, herself, the children's day care provider, baby sitter, and various family members.

Initial Home Visit

At the home visit, it was clear that this 2-bedroom apartment was clean, well organized and furnished, with plenty of food in the refrigerator, locks and guards on the windows, and smoke and carbon monoxide alarms. Ms M. was able to show the worker the children's vaccination records and said the children have no special medical or mental health needs. Since the children share a twin bed in the 2nd bedroom, the worker explained why this was not a good idea and said she would help Ms M. get a set of bunk beds for the children.

The worker looked at the medical report Ms M. was given. The doctor wrote that Ms M. had a perforated ear drum with nerve damage, possibly resulting in some hearing loss, as well as bruises over her right eye requiring some stitches.

The CPS worker observed the children for marks and bruises. Both of the children had visible welts on their backs and arms. Thomas reported that "daddy hit me hard there, and it still hurts. When I was going upstairs, daddy hit me on the back and I was crying so he hit me again." Megan said, "daddy hit me right there," pointing to the welts on her

arm, "daddy did it." When the CPS asked her if she could tell her what happened, Megan put her hands over her ears and said, "don't talk, don't talk."

Ms M. described her fear about her husband entering the apartment, explaining that before entering the apartment she leaves the children standing at the front door and dials 911 on her cell phone; she leaves the number on ready, so it can be pushed in an emergency. She then does a walk through of the apartment to insure her husband is not there.

Safety Plan

The worker discussed safety plans with Ms. M. She recommended that Ms. M. gather all vital documents in one safe place, pack a change of clothes for her and the children, have sufficient cash available in case she has to move in a hurry, and identify a place she can go unknown to her husband. Ms. M. agreed to these suggestions, saying she will request the assistance of a friend she has known for many years and will arrange a code word so others will know to call the police immediately if she calls and is in danger.

Ms. M. had already obtained an Order of Protection, but since she had difficulty serving him, the worker suggested she hire a process server.

Ms. M purchased new locks for both doors and requested help in getting them installed. The worker agreed to this, but suggested she might want to explore the possibility of other apartments with her landlord. Ms M. said she is not willing to do that at the moment because she likes the apartment and the community and feels safe once she enters and locks the door from the inside.

Court Involvement

Because of the safety concerns, the worker checked with a legal consultant in the agency and was told to prepare a complete W865d. Once this was reviewed, it was decided there were sufficient grounds for a neglect petition (Article 10) against Mr. M. The worker completed a COI (Court Ordered Investigation) and the court date was scheduled for 7/20. At the initial hearing Ms M. was assigned an 18B lawyer, and the case was adjourned for a week.

Mr. M. refused to attend either court hearing. When he talked with the worker, he said a friend who works for ACS told him there was something wrong with this hearing. "What is this court date about?" When the worker explained the hearing involves the safety concerns ACS has about his children, he responded: "I know my wife must have reported that while we were on vacation, I hit my kids. She's angry and reported that I hit them in the US because she wants me arrested." When the worker asked if he could explain what happened, he said, "We went on vacation and she disrespected me by going on a date with another man... I was fighting with my wife and I took off my belt and hit my kids. I know I hit them, but I don't abuse my kids." The worker told him it was in his best interest to go to the court hearing. She also informed him that an Order of Protection has been issued, which means he must not contact them, go to their

residence or the children's school. He is to make no contact and is to stay away from them.

At the 856 hearing on 7/20, the children were paroled to their mother on condition of weekly ACS supervision with announced and unannounced visits. Respondent father was to have supervised visitation with the children upon consent of the law guardian. And children were to be evaluated, especially for play therapy. (The children did not want to see their father at this time, but it was hoped they would be able to move beyond this incident once they were enrolled in therapy).

At the Article 10 hearing on 8/8, the earlier orders were continued. No decision was made because Mr. M. did not have an attorney; and the judge said he could not have a court-appointed lawyer because of his income. The hearing was continued until 8/20. When he appeared at this hearing, Mr. M. still did not have an attorney. The judge informed him if he appeared again without a lawyer, he would have to represent himself.

Ongoing Contacts

During the approximate 6 weeks after the initial investigation, the CPS worker had 3 visits with the family, made 3 additional unannounced evening visits but no one was home, and had numerous telephone conversations with Ms. M. and related others. The worker's supervisors reviewed her activities several times during this time. She also tried to arrange an Elevated Risk conference with a child evaluation specialist (CES). This conference was never held because the CES worker was unable to work out a time with Ms. M. due to her work schedule and child care issues.

During this same period the CPS worker received at least 7 calls from Ms. M. Her calls involved checking on the phone number of the law guardian assigned to the children, requesting help with the children's day care fees because she wasn't sure her husband would pay, and reports of a couple of text messages she received from her husband. Also, since the department had provided mattresses and bunk beds for the children, several of her calls related to the fact that her daughter had a severe allergic reaction to the bed bugs in the new mattress. (The worker eventually arranged for replacement mattresses).

The worker's calls and visits were focused primarily on the children's welfare and response to the domestic violence incident. She also followed up to make sure Ms. M. had contacted the domestic violence program to which she had been referred. During her visit on 8/3 she talked with the children and then asked them to go play in their room. When the worker commented that Ms. M. must be concerned her husband was not following the Order of Protection, Thomas ran into the room and turned the TV up loud. When the worker asked why he had done this, he ran to his mother and put his head on the couch. His mother said that whenever his sister mentions daddy, he says "no more daddy" and turns the TV up loud.

The worker made a visit to the children's day care program to discuss the children's progress. She was told that there had been no real change in the children's behavior. When she learned that Ms. M. had only given a copy of the Order of Protection to the head teacher, she said that each teacher should have a copy and called Ms. M. to remind her she must give each person a copy in order to protect the children.

On 8/17 the worker met with the family and the children's maternal grandmother (whom Ms. M. had named as her main support) at the day care center. During that meeting Ms. M. said she wanted to look for a new apartment. She was very nervous about staying in her current home. Ms. M. told the worker she would like to get some counseling for herself because she keeps having flashbacks to DV incident in Jamaica. She is worried that the children may also be having flashbacks and thinks they should have counseling too. When asked what she does to relieve her anxiety, she said she prays.

On 8/17 in the evening, the worker met with the mother and the children at the home of the babysitter whom Ms. M. had hired to cover while she is looking for a new apartment. Although she still seemed very anxious, the children were reportedly doing well and related comfortably to the worker.

Elevated Risk Conference

On 8/30 an Elevated Risk Conference was held with Ms. M, the worker, and a child evaluation specialist. They discussed the history of domestic violence in the family. Ms. M. said they had several incidents in the past when her husband would get very angry, bump her and put his finger in her face. Thomas would run into the middle of them and say, "Don't talk to my mommy like that." Mr. M. would then go to the apartment he shares with his mother in Brooklyn for the weekend. There were two prior complaint of domestic violence in 2002 and 2003 when Ms. M. called the police after fights in which he hit and choked her. However, the incident in Jamaica was the only one in which their father hurt the children physically in any way.

Ms. M. said Megan is very anxious to see her father and keeps asking to call daddy. She sometimes plays with toys and calls them daddy. She covers her ears if anyone gets loud. Thomas is willing to talk with his father, but he doesn't want to see him. Ms. M. wants her children to see their father, but she doesn't know how they can ever have a normal relationship.

She also mentioned that before the incident in Jamaica, they had a very close relationship with her husband's brothers and they are her children's godfathers. They haven't said anything to her since the incident, but she is afraid to have her children visit them because their father may be there.

The child evaluation specialist said it was very important to get Mr. M. involved in services such as anger management and batterers' counseling. The plan recommended was that the CPS worker would continue monitoring the family, make

strenuous attempts to engage Mr. M, and follow up on the referral of Mrs. M. to a domestic violence program.

A formal supervisory review was held on 8/31. It was noted that Mrs. M. response to the domestic violence was more than appropriate. She was always focused on safeguarding the children and removing them from the potential for more damage. She is looking forward to becoming engaged with a preventive service program that can help her deal with the domestic violence and other family needs.

