Reunification Heroes

The Gordon Family

In November 2012, Sara Gordon, a 19-year old woman, gave birth to a beautiful baby girl named Dana. Two days after giving birth, DCF removed Dana from Sara’s custody while she was still in the hospital. The reason for the removal was because Sara has a developmental disability. Despite the fact that Sara’s parents, Sam and Kim Gordon, intended to provide Sara and her child full-time, live-in support (Kim Gordon even quit her job to ensure around-the-clock assistance), DCF continued to pursue the termination of Sara’s parental rights.

This remarkable family fought for almost two and a half years to regain custody of Dana. In January 2015, the U.S. Department of Justice, Civil Rights Division and U.S. Department of Health and Human Services, Office for Civil Rights, issued a letter (“Joint Letter of Findings”) to the Interim Commissioner of Children and Families in Massachusetts. They found that “DCF had repeatedly and continuously denied Ms. Gordon the opportunity to participate in and benefit from its services, programs, and activities, and had otherwise subjected her to discrimination ...” DOJ requested that DCF promptly drop the case against Sara, as well as implement new policies and programs to educate child welfare workers on how the Americans with Disabilities Act (ADA) should be extended to parenting. In March 2015, the Gordon family was reunited.

The historic expansion of the ADA to include parents with disabilities is the result of one family’s perseverance and determination to bring their little girl home. We had the honor of interviewing Kim Gordon, Dana’s grandmother, and Kim’s attorney, Kally Walsh.

By: Elizabeth Ottman, J.D. Candidate 2017

What are some of your favorite things to do with your granddaughter?

My granddaughter is two and a half years old, and she loves to play in the bath! She just discovered bubbles, so we spend a lot of time in the water. She’s even started helping me with the dishes!

How long was your granddaughter out of your care?

Dana was out of our care for 2 years and 4 months. It just went on and on.

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1 Please note that the family has asked to use pseudonyms in order to protect their privacy.
What was one of the most memorable moments about getting your granddaughter back?

I’ll never forget being at the DCF office and seeing Dana come through the doors in the arms of a social worker. She reached her arms out to my daughter, Sara, and said, “Mom!” We grabbed her as quickly as we could and walked out the door. It was such a happy, triumphant moment.

What was the thing you struggled with most in getting your granddaughter back?

When we had visits with her, I would notice she was having medical issues. When I tried to speak up and tell the agency that she was sick and needed a doctor, they told me to back off and that it wasn’t my concern. These were some of the same medical issues my daughter had as a baby, so I knew what they were! And I knew what she needed – an eye doctor. But they wouldn’t listen to me. That was horrible. I felt very helpless.

What was the worst part about getting separated?

Every time we had to say goodbye. It broke my heart every single time. My daughter would buckle Dana into the car seat of the social worker’s car and we would watch them drive away. Most visits ended with my daughter and me crying in our car. We couldn’t do anything but cry.

In the process of working toward reunification, did you discover things about yourself – strengths, abilities, interests, or passions – that (pleasantly) surprised you or that helped you achieve your goals?

I find this a very hard question to answer. The best that came out of this is that I cherish my granddaughter. I relish every moment with her. I am incredibly patient and we all pay attention to her constantly. DCF took the first two years away from us. The only reason they took her was because of my daughter's disability.

They took the first two years of learning how to be a mother from Sara. She will never see her daughter’s first steps or hear her daughter’s first words. She was unable to learn her baby’s cries and how to adapt to her baby’s needs. There is nothing positive about the fact that DCF stole those two years from us and treated us as if we were wrong – as if we were bad parents and couldn’t be trusted. They took our baby because Sara has a disability. No one should ever have to go through this.

I guess we also discovered how strong our family is. It was an awful ordeal. But we stuck together and got through it. I’m very proud of my family.

**Kally Walsh:** I want to add that the Gordon Family was an absolute pleasure to work with. They somehow managed to keep their humor throughout the entire process despite how trying it was. Everyone who worked with them always looked forward to seeing them because of their fantastic attitudes.

What was the big turning point for you in your case?

For me and my husband, it was getting Kally as our attorney. We didn’t get Kally until August 2014 – over a year into the proceedings - and her being with us changed everything. She stood up for us. Before she was our lawyer, I was really scared of DCF.

**Kally Walsh:** It’s important to note that there is no right to representation for the grandparents,
which is why they didn’t have counsel for so long.

**What good came out of the experience if any?**

Once again, the strength I saw in my family was really amazing to watch. We supported each other through the whole ordeal and I’m really proud of us. We learned we can go through anything together.

*Kally Walsh:* The Joint Letter of Findings was also a huge accomplishment. With that document, DOJ and DHHS really expressed that they saw the injustice and bad behavior of a government agency and that it needed to change. This letter will hopefully ensure that other parents with disabilities will not have to go through the same nightmare as the Gordon Family.

**How do you think this experience has changed your life for the long term?**

Honestly, we’ve been moving day-to-day for so long that I haven’t thought too much about the future. Now that we have my granddaughter back, we are finally able to look forward and plan for her.

One silver lining from this nightmare is that we know of a lot more local support services because we received so much help and guidance from community service providers throughout the process. They helped us so much, and now I know who to call if I have a problem.

I remember calling one service provider during the trial and just breaking down because it was so hard and it looked so bleak. They were able to calm me down and help me move forward. They really became our allies and helped advocate for my family to get my granddaughter back.

**What was your experience like in court? Was it what you expected? What was difficult? What was helpful?**

I was very anxious. I knew we were going to court and I knew there would be a judge, but it’s hard to prepare yourself emotionally for court.

Because we were the grandparents and not the parents, we were kicked out of the proceedings a lot. When that would happen, I would just pace the hallways waiting for someone to come let us know what was going on. That was very frustrating.

Once Kally was there, things got better. She provided us with legal protection and that made me feel much more comfortable and confident. Before, our interests weren’t protected at all.

**Were you able to meet with your granddaughter regularly?**

Our visits were always supervised. We were only allowed to see her for one hour every other week for two years.

For the first year, I wasn’t allowed to be with my daughter and granddaughter during visits. That was really hard for all of us because it was scary for my daughter to go to the visits by herself. My daughter has disabilities, so they would time her ability to perform certain actions during the visits. Because she was nervous, she wouldn’t do as well as she normally could, and then they would use that against her in court. If I had been allowed in, I think that would have helped her relax and maybe enjoy the time more.
After about a year of visits, I was finally allowed to go with her and see my granddaughter.

*Tell me one person that was a big help to you getting your granddaughter back? For example, a social worker, lawyer, service provider, the judge.*

There wasn’t just one, but three people who were the biggest help. The attorneys that we worked with – all of them – were so incredibly instrumental in getting my granddaughter back. They really worked together to keep our family together. We can’t thank them enough!

Mark Watkins was my daughter’s attorney for the entire process. Jeannie Rhinehart was my granddaughter’s attorney. And, of course, Kally Walsh was my and my husband’s attorney. All of these attorneys recognized that we are good people who would give my granddaughter a loving and happy home, and they fought an uphill battle to make sure that reunification happened. Jeannie said from the beginning that she was going to help us get my granddaughter back. And we did it!

*Was there anyone else that was important in helping you get your granddaughter back? For example, a relative, a member of your church, temple, etc.*

There were so many service providers that helped us get her back. We would like to thank each and every one that helped us throughout the past two and a half years.

We would also like to thank William Lynch with the Department of Justice, David Corbett with the U.S. Department of Health and Human Services, and Robyn Powell with the National Council on Disability.

*Were there services that you did not have that would have been helpful?*

Honestly, it’s hard to answer that question because we didn’t get any services. Everything we got were things that we sought out on our own. DHS wanted us to switch to their service providers, but we didn’t. We were happy and comfortable with the providers we were already working with.

I would have liked to be able to attend the visits with my granddaughter. That was very difficult and something that I think would have made a big difference.

*What is the biggest thing you would want someone else to know about your experience? Other parents? Attorneys? Child welfare staff? Judges?*

I really felt like we weren’t treated respectfully throughout the entire process. DCF spoke down to us and made us feel small. They weren’t interested in working with us – it was always us against them. They made us jump through hoops that didn’t need to be jumped through. For instance, DCF placed our baby in a pre-adoptive home within the first week and that placement was at least an hour away from us. In order to attend her medical appointments, we needed to drive an hour and a half each way. Additionally, we couldn’t see her without the social worker and we think the drive made her reluctant to go. As a result, we were only able to go to two appointments. This also meant our baby had to drive at least an hour each way to visit with us for the first two years of her life. That had to be hard on her.

DCF never made real efforts to reunify. The case was weighted to adoption since that initial placement. Overall, it was a horrible experience, and one that I hope no other family has to go through.
They would also say things that just aren’t true, so don’t listen to them all the time. Like they said my granddaughter wouldn’t bond with my husband (her grandfather). Well, since she has been home, he’s probably her favorite person! Every morning, she walks right over to his side of the bed and says, “Up!” Then they go down to the kitchen and have breakfast together. It’s their own special time with each other.

To the parents and families, I would say don’t give up. Keep fighting. There is a perfect, awesome person waiting for you to bring them home.

**What advice would you give to judges, agency directors, legislators, governors or the president about how to improve the system?**

I would love them to completely overhaul the system. From what I can see, DCF goes after families that don’t deserve to go through what we did. There was no abuse or neglect. Our daughter just has a disability.

**Is there anything else about you or your experience that we should highlight?**

Overall, we just want to thank the attorneys again. They helped us so much and we couldn’t have done it without them.

We also never want any other family to have to go through what we went through. Our daughter has a disability, but that doesn’t mean she can’t parent. I’m so excited that my granddaughter gets to grow up with her mother and grandparents who love her. You can already see the change in her demeanor. Through the whole process, she wasn’t talking or laughing. Now, she laughs and smiles all the time.

**Anything else?**

**Kally Walsh:** I have a couple of points I would like to make about the Gordon Family’s case.

The Joint Letter of Findings correctly points out the focus of the law is reunification. The courts and the state intervention system should also be focused on reunification, as long as it is safe to do so. The Joint Letter of Findings outlines how Massachusetts DCF *did not* follow this standard and that Sara should be reunited with her daughter.

In Massachusetts, juvenile courts are closed courts. Juvenile court is the intersection of all of the chronically underfunded programs for the poor and disenfranchised. Their stories do not see the light of day, which makes it easy for the public to dismiss them. The Joint Letter of Findings points out the kind of injustice that happens behind closed doors. Maybe it is time to revisit the idea of opening juvenile courts to the light of public opinion, to the public, and to the press.