



My Experiences With Child Welfare and the Legal System

Shaine Yates, as told to Ellen Kinney,
American Humane, Ellen.Kinney@americanhumane.org

I proved that I was clean and that I was working hard, but they did not even look to me as an option. Even though I wasn't the one in trouble, I was not allowed to care for my son.

When my son Cassidy was born in 2000, his mother and I were both addicted to methamphetamines. Until Cassidy was about 3 years old, I was in and out of his life as I struggled to get clean. In 2003, I went to my final treatment program, where I met my current wife, Shannon. We have both been clean ever since and regularly attend Alcoholics Anonymous meetings. I was ready to be in Cassidy's life and began to see him and spend weekends with him.

Unfortunately, as I was getting clean, Cassidy's mom fell deeper into her addiction. In 2004, Cassidy pulled a meth pipe out of his pocket at school. The school called the police and the Department of Human Services (DHS). Cassidy, his half-brother and his mom all tested positive for methamphetamines, which meant his mom was doing drugs around the children.

Choosing Foster Care Over an Available Non-Resident Father

DHS called to tell me that Cassidy and his half-brother were being removed from their mother's home. They asked if I was willing to take Cassidy and I said yes. But when I arrived at DHS, the children were crying and Cassidy's mother told the caseworker that she would rather have the children go to foster care together than split them up and give Cassidy to me. DHS did as Cassidy's mother requested. The children were in

foster care for two months, after which they joined their mother in an inpatient treatment facility. I was only allowed to visit once a week. I had a demanding job two hours from where I lived, and I couldn't make the visits in time. I didn't see Cassidy for the nine months he was in the treatment facility with his mother.

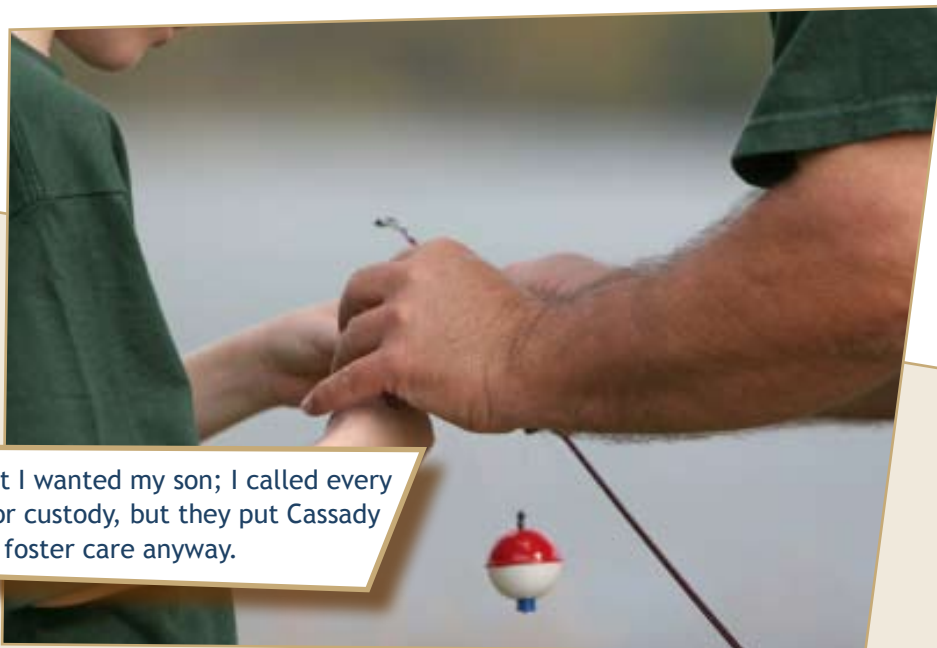
In and Out of the System

DHS closed its case a few months after Cassidy's mom left the treatment facility. But I heard that she had relapsed. I called DHS and they re-opened the case. This time, DHS let her keep the children because her mother was in the home. They never considered me a placement option.

A few months later, and despite DHS' involvement, I learned that Cassidy's mother was using drugs again and had not seen Cassidy recently. Cassidy and his mother both tested positive again. DHS informed me that they were going to put Cassidy in foster care. They claimed that they wanted to keep Cassidy in the same school, and that I wasn't a good placement option because I lived in a different city. I visited every weekend while he was back in foster care.

Going to Court

It wasn't until June 2007 that we went to court and Cassidy was finally allowed to live with me. For the first



I told them that I wanted my son; I called every day begging for custody, but they put Cassidy in foster care anyway.

year he was living with me, DHS was still trying to reunify him with his mom. They encouraged visits between Cassidy and his mom, even though she tested positive for drugs. As she continued to use, she fell out of touch with Cassidy and DHS. She has not seen Cassidy in over a year.

Ongoing Court Battles

I worked hard to be a responsible, sober, working parent. But I felt that DHS was never on my side. I had to jump through a lot of hoops to even be considered an option for my son, yet his mother kept getting chances and kept putting him in the same dangerous situations. Once I had Cassidy, I received no support or services from DHS and I cannot get child support from his mother.

After DHS stopped visiting my home, I continued to struggle in the court system, trying to gain full custody of my son. I couldn't afford my own lawyer in this process, so I was appointed one. This experience has been negative and confusing.

My lawyer rarely asks my opinion or what I hope to see happen during a hearing. If I do tell her something that I think should happen, it usually doesn't happen. In general, it feels like all decisions are made before we even get to court.

Everyone always seemed worried about what Cassidy's mom wanted, even though she got Cassidy involved in the system. For me, it seems like DHS and the lawyers are just doing what's easiest for them, and everyone tells me different versions of what is happening. They have made

me feel pressured to close the case, even though I don't have full custody yet.

I have a permanency hearing coming up. The judge is supposed to rule where Cassidy will live. I have not been contacted by my attorney, the caseworker, the guardian ad litem or anyone connected to the case and I am not sure where they stand. I don't think the court will award full custody to me, but I think DHS wants to close our case. If this happens, then both parents can continue to be involved in Cassidy's life. I worry about sharing joint custody of Cassidy, since his mom has repeatedly put him in dangerous situations. Despite this, DHS refuses to terminate her rights and won't help me get full custody.

New Beginnings

Since Cassidy has been with me, he is clean and healthy. He went from being a child who couldn't count to 10 to a second grader who reads at a fifth grade level. He is involved in wrestling and baseball. My wife and I have overcome our own struggles with addiction to do what is best for our family. We are raising four other boys and know that we provide the best, safest place for Cassidy. We hope that DHS and the court system will recognize that soon.

To Dads in a Similar Situation: Don't ever give up. Keep fighting for your child. Ask questions, talk to people and let them know your opinions. One of the best things that happened to me was being able to share my story at a statewide judges' conference. Keep telling your story and get help from whomever you can.