

March 24, 2015

V. Susan Alford, State Director  
SC Department of Social Services  
1535 Confederate Avenue Extension  
P.O. Box 1520  
Columbia, SC 29202-1520

Governor Nikki R. Haley  
Office of the Governor  
1205 Pendleton Street  
Columbia, South Carolina 29201

Re: Request for review of foster child's case

Dear Director Alford & Governor Haley,

My husband and I are licensed SC resource-foster parents through Miracle Hill Ministries, a licensed CPA. We are currently fostering a 7 year old little girl that stole our heart the day we met her in April 2013. We are also approved to adopt in the state of SC and have been chosen by Region I Adoptions to be her adoptive parents once she is legally free.

Our foster daughter has been in foster care now for 2 years. DSS removed her from her home in March 2013 after neighbors called and reported a little girl roaming the neighborhood unaccompanied by an adult. When the police arrived, her mother was found to be impaired and not able to care for her daughter. This incident came after multiple attempts for DSS to help her mother with her drug addiction. Our foster daughter and her mother lived in two different institutions and were evicted from both homes due to the mother not following her treatment plan. As for the biological father, our foster daughter never had an opportunity to develop a relationship with him due to his criminal history resulting in him spending most of her childhood life serving prison time.

As foster parents, we have experienced multiple periods of frustration with DSS. For a year and a half, our foster daughter has had visits with her biological mother. While we understand that biological parents retain certain parental rights, including visitation, these visits have been so detrimental to any progress that we have made with her behavioral issues. I have sent countless emails to DSS case workers informing them of the spike in our foster daughter's behaviors around these visits and how we were having a very difficult time managing her behaviors at home and at school. I was informed by DSS that the only way that the visits would stop is if we could get her psychiatrist/counselor to provide documentation that the visits with her mother were detrimental to her well-being or appear in court to obtain an emergency hearing to have the visits stopped. Unfortunately neither the psychiatrist nor the counselors could provide us with this documentation because they were not present during her visits with her mother. In addition their case loads would not allow them to take time away from seeing other patients to go to a visit or appear before the judge to get an emergency court order to stop the visits.

The school year of 2014 was extremely difficult for our foster daughter. It was very rare for us not to receive a phone call from the school or a note from the school about how she was disrespectful to her teachers and to her classmates. It was well documented from the school that her behaviors would be horrendous around the DSS scheduled visits with her mom. There came a time when we would not tell her when her visits would be, so that she would not be so disruptive at school and at home. There were also times of disappointment in which we would tell her that she was going to have a visit with her mom and then DSS would not pick her up. The reasons we were told were because her mom did not confirm her visit or DSS would cancel the visit, but not let us know in advance. On those days, I would get a call from the school to inform me that our foster daughter was extremely upset and crying because DSS had not picked her up for her visit. So I would have to get on the phone with her Guardian ad litem to find out what happened to the scheduled visit. On one particular supervised visit, her mom was observed by DSS falling asleep to the point of passing out due to being impaired. This visit was extremely detrimental, resulting in our foster daughter crying for hours following the visit and having nightmares for about a week afterwards. I thought for sure after this incident that the visits would stop, but DSS stated that her mother still had parental rights to continue to see her.

Our foster daughter's case has continued to languish in court, despite her mother's failure to follow the DSS treatment plan. In fact, it has been almost one year since the plan was changed to TPR and DSS was relieved of reunification efforts as to the mother. Also at this same court hearing, the biological father was brought to court from jail and for the first time he expressed interest in getting custody of his daughter, so DSS was forced to offer him a treatment plan at that time in which he was to start his treatment plan by taking parental classes while in jail. After a few months went by, we were back to square one and the father had not completed any of the treatment plan offered to him. It is my understanding that DSS was supposed to have offered both parents concurrent treatment plans at the same time regardless of their interest to obtain custody or not. Since this did not happen, at least 6 months of time was lost. In addition, the judge questioned DSS as to why they were not filing TPR for the father due to his failure to pay child support while in jail; according to the judge, DSS failed to look at all causes to file TPR for the biological father. A few months later, we received notice that the biological father had relinquished his parental rights.

In the meantime, the mother continued to refuse drug testing and failed to complete her treatment plan. After months of waiting for a court date and multiple continuances due to avoidable procedural issues, TPR was scheduled for December 2014. The mother did not show up for the TPR hearing even though she was served. Finding that the mother was properly served, the judge proceeded with the TPR case in which 3 of 4 criteria were met to terminate parental rights. The only reason 4 of 4 criteria were not met, was because the judge considered all of the excessive gifts (toys and clothes) that the mother would give to our foster daughter during the visits could be considered offering support. The gifts were another whole issue in which DSS had told her mother not to bring excessive gifts to her daughter, but instead to use that money and pay her child support.

Although the appeal period has now passed following the December ruling terminating the mother's parental rights, we were told by DSS that the mother was appealing to the judge about how she was not properly served and not represented during the TPR case and that she deserved another TPR trial. During the TPR court hearing in December, the judge specifically asked the attorneys whether she was served and they confirmed that they had the paperwork in which she was served. As a result of the mother's written letter to the judge, which he construed as an appeal, a hearing was scheduled for 3/25/15 in Florence in which they would determine if the mother would receive another TPR trial or not. I received an email on 3/18/15 stating that DSS had come to an agreement with the biological mother to

rescind the December TPR order and her subsequent "appeal" of the service issue. A new TPR trial date has been scheduled for May 5, 2015, which means a whole new TPR trial (based on an agreement by DSS) and the restarting of the appeal period, assuming TPR is once again the ruling at the May 2015 trial date, and a strong likelihood that the mother will appeal a ruling of TPR, further delaying permanency, stability and closure for our foster daughter.

The most frustrating part of this entire process is watching our foster daughter go through ups and downs with her behavior and medical problems. She has multiple diagnoses, including Attention Deficit Hyperactivity Disorder (ADHD), Oppositional Defiance Disorder (ODD), Sensory Processing Disorder, and in recent weeks her psychiatrist has started to treat her for anxiety. Treatment for her medical conditions and psychosocial problems include Occupational Therapy twice a week, Psychiatrist visits monthly to adjust her medications for ADHD and anxiety, weekly visits at Mental Health with a counselor and a Behavior Modification Specialist that works with her 5 to 10 hours a week to help reinforce positive behaviors. As you can see with all of the assistance and resources being utilized for this precious little girl, it is a travesty that we are not able to provide her with the permanence and stability she desperately needs. Since TPR was granted back in December, the Adoptions worker has been preparing our foster daughter for her final goodbye visit with her mom, and talking to our foster daughter about what it means to be adopted. She is a very smart little girl and she knows there will come a time in the near future that she will see her biological mother for the last time. You can tell her thoughts are often consumed by it, which I feel confident is leading to her anxiety. For the first time in the last few months, she has started to accept the fact that she is going to be adopted and that she will (legally) have a new family, one that loves her unconditionally and meets her physical, emotional and psychosocial needs. For several months, she has written her name using our last name on all of her school work. We have plans to go on a 7 day cruise for spring break and she has asked me multiple times "Can the cruise be my celebration for my adoption?" Of course our response continues to be, "I don't know, but we will see."

At this point and time, I am requesting that our foster daughter's DSS case be reviewed. There are so many things that have happened in which it is obvious that we need stiffer laws/penalties to protect the innocent lives of children being removed from their home and placed into foster care, and better safeguards to prevent unnecessary delays due to legal and procedural errors. The focus seems to be concentrated on not violating the rights of the parents and not enough emphasis is being put on the well-being of the children caught up in these horrific situations. I hope that by reviewing our case that new laws and regulations will be created and implemented to protect the lives of these precious children and to provide them with the closure they need to move forward through foster care to either be reunited with their families or to allow them to be adopted within an appropriate time frame.

I appreciate your time and hope that my request will be granted in an effort to improve the Foster Care System.

Sincerely,

A handwritten signature in black ink that reads "Ann Marie Roberts". The signature is written in a cursive, flowing style.

Ann Marie Roberts