

What Survival Strategies Will Help with an Allegation?

Rules require that the foster parents be told the general nature of the allegation but not the specifics or who made the allegation. You should also be told your rights when you are notified of an investigation. This is not a criminal charge so there is no right to have specific information. Check to find out if it is an allegation of abuse/neglect or a license infraction. Ask what agency will be investigating. Depending on the circumstances and your location, it may be the county agency of your residence, a neighboring county or county of the child in question, or the local sheriff or other law enforcement.

Then immediately begin **Documentation**

- Start a notebook to record details of every phone conversation, personal interview, and correspondence related to the allegation. Write in pen, using a bound notebook where pages cannot be torn out so you will be prepared to use the notebook to back up your story in court if need be. Do not use a computer or a three-ring binder for notes because these may not be submitted for legal review. Request copies of the written charge against your family. After the process, you will receive a letter that formally states that the allegations were unsubstantiated, indicated or substantiated. Keep this copy for your records.
- Write everything down you are told about the process.
- Reconstruct a summary as best you can of what happened - you may be able to find data in your checkbook, on calendars, notepads, e-mails, etc.
- Use only evidence that applies to the case. If you need to write something emotional down, write it on a separate sheet of paper. Then read it when you are settled down and transcribe the facts into your bound notebook.
- Keep a notebook by the phone. Record times calls are made, whom you talk to, and quotes from key sentences.



Always document any serious conflicts with parents, children, social workers, teachers, etc., and keep these records in a separate bound notebook. Identify conflicts that arise with parents, children, teachers, etc., because of value differences. Be respectful of individual rights to be heard.

Do not be afraid to take notes or tape record conversations.

Meet with people who are gathering information. If an investigator asks to meet with you, don't keep them waiting. If you need to, bring along a friend or someone from your support group who can give you perspective on how the meeting went. It is not illegal to ask for support from another confidential participant during the investigation. This person cannot contribute but can listen to help you understand.

During the investigation interview and in any conversations with personnel, remember **NOT to OVERTALK**. Be honest and open but don't offer suggestions of "what might have happened." When we try to figure out what happened and explore this in the presence of investigators or agency staff, other issues are sometimes picked up. Talk ideas over with another foster parent rather than the investigator or agency staff. When speaking to the investigators or agency staff,



Speak with confidence, and be factual, honest, respectful, and business like. Avoid emotional language when telling your side of the story. It may be extremely hard, but you must try to be objective.

Keep the allegation experience as low keyed as possible. Since your emotions are generally high, it is easy to think of the most extreme thing to do, like hiring an attorney. However, getting an attorney into a child-welfare investigation done by the agency can interrupt the process. When an attorney becomes involved, the agency brings in their legal team and this slows down the process of investigation. Many attorneys do not have experience with child-welfare rules and try to deal with allegations in ways that can increase the charge as easily as help. A child-welfare investigation done by the agency is not a legal process – so, when an allegation is made against a foster parent and investigated by the agency it is not a legal process requiring attorneys.

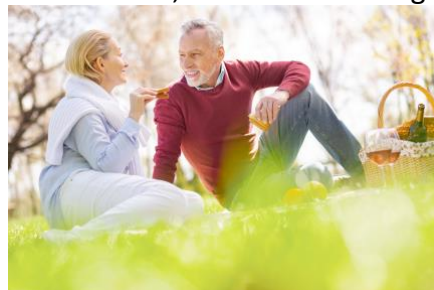
However, if you are arrested or you end up with charges in a court process, do not panic, but quickly hire a good attorney. At that point, you would be in a legal process and you would need the counsel of a good attorney.

Try to stay positive and cooperate fully. Assume that the charge will be proven false, and try not to presume guilt. Statistics I've seen say that about 65 to 70 percent of all allegations are false. Child protection has to investigate to make certain that the child is not being abused. The best thing you can do is to maintain your professionalism and cooperate fully. Be open to feedback about preventing problems in the future.

Do not isolate yourself, especially from other foster parents. Do not stigmatize and stress yourselves by keeping this crisis a "secret." Agency staff may sometimes tell you not to talk about the situation. Confidentiality of children's lives must be maintained, of course, but that does not prohibit you from saying that you have been reported for abuse. While you will not want to let everyone know while you are going through the investigation, connecting with another foster family that has previously survived an allegation may help you deal with your emotions. If you do not know someone in your circle of support, ask your agency to reach out to someone who they know has experienced an allegation so that you can talk with them during this time.

Insist on having full input into the investigation. If you have found the interviews inadequate, put into writing (keeping a copy) the complete information you wish to give. Have an objective foster parent read it before sending it off to check to see that the facts are correct and that your emotion has been removed. Be sure that none of the facts you are writing down, might cause concern by agency personnel. If you feel it would be helpful, send it to the investigator after having it reviewed. You should also keep a copy of these records in your files for future use.

Communicate with your partner. Allegations, especially those of sexual abuse, can drive a wedge between partners. The husband thinks, "How could they think I would do something like that?!" The wife wonders, "Could it possibly be true?!" If not openly discussed, these questions can pull couples apart just when they need each other's support the most. Sometimes called the 'kernel of truth' this thought can build up in the back of one's mind. It will need to be brought forward with compassion and understanding as you work together to come through the allegation.



Get assistance from the agency in explaining to the children, as needed, what is happening and why. Ask the agency for assistance in maintaining your family's communication with children-in-care who have been removed from your home. This is important to the children-in-care and should be pushed! If the agency is afraid that you might say something negative or related to the investigation to the child, ask that at a minimum the children-in-care be read letters from you. Review your letters before sending them to make sure they are appropriate given the child's ability to understand. Also make sure that whatever is written will be helpful to the child.

Expect the process to take a long time to resolve. The agency has 45-60 days to complete their investigation. Keep yourself involved with other foster parents during this time. Pay attention to your health--both physical and emotional. Foster parents may suffer a loss of confidence and self-esteem when suddenly treated by the agency in ways which feel very negative.

You may need to work on **letting go of your emotions** regarding the allegations. Members of your support team, other advocates who have been through allegations or other members of the agency may be helpful in this process. You may find yourself lacking confidence and feeling fearful for a period of time. To get over the fear of new allegations you must continue to deal with the issues and the persons who have been involved in the process.

Educate yourself. Insist on getting a copy of your state's foster care rules and laws pertaining to allegations and abuse, and learn about county or agency policies and procedures too. Find out what will happen during the investigation, what your rights are, and, if necessary, how you can appeal an investigator's determination.

Know your rights. Don't be afraid to appeal and learn how the grievance procedure works. If you disagree with a finding, **file an appeal.** Realize that the appeal will probably not judge the merits of the case but it will look at whether or not the investigators have been appropriate in the process. The appeal will not go further than your agency head or a person appointed to hear appeals in the agency. If you like, create a 100-word statement to concisely say what happened and why you disagree. Be sure to have someone else read and edit your 100-word statement before you send it in. Also, ask if this statement can be put in your file at the agency and whether or not it can be attached to your state SACWIS file.

After the investigation is over, **help establish procedures within your agency** that will be helpful in future situations. Work with the state association in the refinement of state policy, information, and resources for foster families when abuse/neglect is reported. See [How can I help my Agency Assist our Families.](#)

Request a current evaluation of your foster home, in writing, with specific feedback on any concerns/problems the agency has in regards to your home. Be prepared and willing to accept negatives in the evaluation and work to make needed changes. Do not assume, because you are continually asked to care for children with difficult behaviors, that the agency sees you as a highly capable family. If the agency's concerns are without basis, respond in writing to show how these have been corrected.

Another resource can be found here: **NACAC Allegation Survival Strategies – [NACAC Allegation Survival](#)**