

CAFL NEWS

Volume I, Issue IV

July/August 2017

Your place for CAFL news, updates, training notices and more.

CAFL would like to extend a warm welcome to the new attorneys who were certified this July to represent parents and children in Children Requiring Assistance cases. In addition, we want to acknowledge the many attorneys who have decided to expand their practice and completed the Probate & Family Court guardianship certification training. Thank you to the many attorneys and court personnel who helped make these trainings a success.

-CAFL Training Unit

Quote of the Month

“The liberty interests at issue in this case—the interest of parents in the care, custody and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court.”

— *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

DCF Policy Update

Recently, DCF posted its policies online. You can now find up to date versions of current DCF policies and regulations here: <http://www.mass.gov/eohhs/gov/laws-regs/dcf/regulations-and-policies.html>

Also, the new DCF Family Assessment and Action Planning Policy (# 2017-01) has gone into effect and we are beginning to see “action plans” replace service plans throughout the Commonwealth. The CAFL Training Unit has posted a summary of the new policy that includes helpful practice tips. The policy and summary can be found at the CPCS website here: <http://www.publiccounsel.net/news>.

Save the Date: 2017 Juvenile & Child Welfare Law Conference

The 18th Annual Juvenile Delinquency & Child Welfare Law Conference will be held on December 15, 2017 at MCLE, Boston. Please mark your calendars and we look forward to seeing you there!



Training Notices

Brown Bag Lunch: Efficient and Effective Legal Research

September 19, 2017 @ 1:00 PM-2:00 PM

1 CLE Credit

Immediately followed by: When Due Process is Long Overdue

2 CLE Credits, 2:00-4:00

Massachusetts School of Law, Rm. 2014

Andover MA

To register, please contact Fran Weiner at fweiner@bradleymoorelaw.com



Greenfield "Basic Mediation Training"

September 26, October 3, 10, 17, 24 & 30, November 7 & 14, 2017

<http://www.communityaction.us/upcoming-trainings-events.html>

8 CAFL/CLE credits

Advanced Evidence for the CAFL Attorney

September 26, 2017 2:00-4:00

Hyannis CAFL Office, 973 Iyannough Road, Hyannis MA 02601

Presenter: Andy Cohen

2 CLE Credits, Free

To register, please contact Deborah Cassell at

Deborahcassell_attorney@hotmail.com

Protecting the Education Rights of Court-Involved Youth and Children

A two-day training for attorneys and social workers on the basics of educational advocacy

Tuesday, October 3rd and Wednesday, October 4th

9:00 am - 5:00 pm each day

6 CLE Credits per day

Western New England University School of Law

\$20

<https://www.eventbrite.com/e/protecting-the-education-rights-of-court-involved-children-and-youth-springfield-tickets-29783328738>

Protecting the Education Rights of Court-Involved Youth and Children

A two-day training for attorneys and social workers on the basics of educational advocacy

Monday, October 23rd & Tuesday October 24th, 9am-5pm (both days)

6.5 CLE Credits per day

Morgan, Lewis & Bockius LLP,

Federal Street, Boston, MA 02110

\$20

<https://www.eventbrite.com/e/protecting-the-education-rights-of-court-involved-youth-and-children-boston-registration-36775962895>

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CPCS Resources for Private Panel Attorneys

The CAFL Appellate Panel Support Unit is pleased to welcome two new attorneys to the Boston office. Andy Cohen is the CAFL Director of the Appellate Panel. He has been with CAFL for 22 years; Katrina (McCusker) Rusteika, formerly a CAFL appeals staff attorney in Worcester, has joined the Boston office. She will be assigning appeals, matching appellate mentors and mentees, critiquing briefs, moot-courting, conducting appellate trainings and more. She can be reached at krusteika@publiccounsel.net. Lisa Augusto, formerly a staff attorney in the Boston and Fall River trial offices, has joined the Bromfield Street office. She will be taking some appeals, spear-heading our new single justice model/training initiative for private counsel, overseeing research for our Due Process Issue Bank and moot-courting appellate panel attorneys. She can be reached at laugusto@publiccounsel.net and (617) 910-5738.

The CAFL Panel Trial Support Unit is pleased to welcome new members to our office and to reintroduce our team. Carol Rosensweig is the CAFL Trial Panel Director. Our three staff attorneys have a wealth of experience working as members of the CAFL private bar. Alexandra Roark practiced in northern Middlesex and Worcester; Alice Turner in Suffolk and Norfolk; Paula Caradonna in Essex and Middlesex. Ernie Anemone is our federally grant-funded Client Contact Coordinator. The main duties of Margaret (Meg) Grant, our federally grant-funded Social Worker Coordinator, are to expand our expert witness database and to assist the private bar in assessing their need for social service expertise; she can be reached at mgrant@publiccounsel.net. We couldn't do any of this without Rita Caso, our Certification Coordinator, tracking attorney certifications and CLEs (rcaso@publiccounsel.net) and Nick Twohig, our Administrative Assistant. The trial support unit is available to answer calls or emails requesting advice from the private bar. For questions involving the representation of parents, contact Paula pcaradonna@publiccounsel.net, 617-910-5839 or Carol croensweig@publiccounsel.net, 617-910-5744. For questions involving the representation of children, contact Alex aroark@publiccounsel.net, 617-910-5741 or Alice aturner@publiccounsel.net, 617-910-5743.

Resource Attorneys are available to all private panel lawyers to support you in the great work you do. They provide legal and technical assistance in designated regions or courts across the Commonwealth. Resource Attorneys also organize local trainings and serve as liaisons between the court and the CAFL Trial Support Unit. We are pleased to welcome our new Plymouth County Resource Attorney, Tara Comendul. She can be reached at (508) 561-4084 or via email at tcomendul@outlook.com.

All resource attorneys have "office hours" at least twice a month where they are available to members of the private bar. They are also available by phone or email or can schedule a meeting. You can find their contact information at:

<https://www.publiccounsel.net/cafl/private-counsel-trial-panel/resource-attorneys/>.

We also want to welcome many new mentor attorneys who will be available to provide support for newly certified trial attorneys. Thank you, all, for the hard work that you do.

In the News

In July, DCF announced a new campaign to recruit foster care resources throughout the state. This will include efforts to find short-term and long-term homes, but also more families to provide hotline homes that exist just until the “next business day.” DCF reports that since January it has already added 117 new foster homes to the system. DCF will hire 15 new foster care recruiters. Evaluating the quality of placements for children in foster care is always central to our representation of families. For more information about DCF’s efforts to add additional foster care resources, see <http://www.mass.gov/eohhs/gov/newsroom/dcf/dcf-launches-foster-care-recruitment-initiative.html>.

In June 2017, Hampden County Superior Court Judge Richard J. Carey dismissed several consolidated drug cases. An evidentiary hearing was held on the defendants’ motions to overturn convictions from criminal cases where drugs were tested at the Amherst Drug Lab. After days of testimony, Judge Carey found that the two Assistant Attorneys General who had prosecuted the drug lab analyst Sonja Farak had committed a fraud on the court by purposefully withholding exculpatory evidence. The court found that, “Kaczmarek's and Foster's (Assistant Attorney Generals’) intentional, repeated, prolonged and deceptive withholding of that evidence from the defendants, the court, and local prosecutors, justifies dismissal of indictments with prejudice in many cases.” Judge Carey also stated, “[t]he court finds that Farak was, throughout her employment at the Amherst lab, under the influence of drugs or drug withdrawal symptoms on almost a daily basis. What began as theft from lab standards in 2004, evolved by 2009, to Farak's theft of police-submitted drug samples.” The judge’s findings and rulings will have a rippling effect on drug cases in Massachusetts and could lead to hundreds, if not thousands, of reversals of past drug convictions or dismissals.

Judge Carey’s Findings: https://aclum.org/wp-content/uploads/2017/03/2017_06_26-Memorandum-of-Decision-and-Order.pdf

A timeline of the evidence and media coverage: <https://aclum.org/cases-briefs/commonwealth-v-cotto/>

In other news from around the country, Missouri’s National Center for Youth Law, the Saint Louis University School of Law Legal Clinic, and the legal advocacy group Children's Rights have filed a law suit to challenge the alleged over use of psychotropic medications on children in the state’s foster care



system. The suit alleges that medications typically prescribed to patients with schizophrenia or bipolar are being prescribed to children in foster care with behavioral issues in an effort to control them. The suit further alleges that these inappropriate prescriptions are being prescribed with minimal oversight as to dosage and lack of training to caregivers.

For more information see:

<http://www.newsweek.com/missouri-drugs-foster-children-keep-them-docile-628575>

In the News (cont'd)

Lisa MacFarquar of the New Yorker published the article in the August 7 & 14, 2017 issue titled, "When Should a Child Be Taken From his Parents". It offers a poignant look into the hard decisions faced in the juvenile courts. The article was written first as an advice letter for any parent when child protection came knocking. It goes on to set out the complicated nature of the decision making in child welfare cases and the pitfalls that many parents face. MacFarquar tells stories that are familiar to all of us in the child welfare justice system, including the judge's perspective. To read more, click here:

<http://www.newyorker.com/magazine/2017/08/07/when-should-a-child-be-taken-from-his-parents>

Also in the news, the New York Times published an article featuring the stories of families involved in the New York state foster care system. The article "Foster Care as Punishment: The New Reality of 'Jane Crow,'" details the disparate treatment that people of color and families living in poverty receive by the child welfare system. It describes the sharp increase in removals that occurred in 2017, the risk children in foster care face, and the delay in having children return home. To read this article, click here:

<https://www.nytimes.com/2017/07/21/nyregion/foster-care-nyc-jane-crow.html>

Judicial Announcement: Judge Kafker Confirmed to the SJC

On July 19, 2017, Massachusetts Appeals Court Chief Justice Scott Kafker was confirmed to the Massachusetts Supreme Judicial Court. He will replace Geraldine Hines, who will be retiring from the bench later this year. Prior to joining the Appeals Court in 2001, Justice Kafker served as chief legal counsel for Massport. There, he handled collective bargaining, litigation support and other legal matters. Additionally, he has taught state constitutional law at Boston College Law School from 2009 to 2015. Justice Kafker is Governor Baker's fifth SJC judicial nomination.

Self Care Tips: Mindfulness for Lawyers

The American Bar Association has long recognized that "lawyers suffer from stress-related health conditions at an alarmingly high rate." A daily or regular mindfulness practice, like meditation, can have real benefits. Studies show that regular mindfulness exercises increase creativity, feelings of balance and can even boost your immune system. For that reason, "mindful lawyering" has become a movement seen in retreats and programs throughout the country. Our tip this month? Try a daily mindfulness app right on your phone, like "insight timer" that provides guided meditations or just relaxing sounds to help you focus inward. There is another app called "headspace" that only takes 10 minutes a day and can make a real difference for a busy lawyer. For more information on mindfulness for lawyers, click here:

https://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/mindfullawyer.html

Or

https://www.americanbar.org/publications/tyl/topics/work-life/the_benefits_mindfulness_lawyers.html



Legal Updates

Guardianship of Yosselin Guadalupe Penate/DOR v. Manuel Morales Lopez & Another, 477 Mass. 268 (June 9, 2017) Summary by Jennifer Klein, Immigration Impact Unit

Keywords: Special Immigrant Juvenile Status

In this case, the SJC addressed the question of whether a state Probate and Family Court or Juvenile Court judge may decline to make special findings in the case of a child under age 21 applying for Special Immigrant Juvenile Status (SIJ) (which provides undocumented youth with a path to citizenship). To apply for SIJ, a juvenile below age 21 must obtain special findings from a “juvenile court” that (1) the child is dependent of a juvenile court, or under the custody of an agency or department of a state or an individual or entity appointed by the court or state; (2) reunification with one or both parents is not viable due to abuse, neglect, or abandonment; and (3) returning the child to his or her country of origin would not be in the child’s best interest. The child must then submit these findings along with an I-360 application to the U.S. Citizenship and Immigration Service (USCIS) which ultimately determines whether the child meets all the requirements of eligibility for SIJ status. After obtaining SIJ status, a child can be considered for a green card.

This case involved two juveniles – Yosselin Penate and EG. Yosselin was living in the custody of an uncle and presented a motion for special findings against her mother in conjunction with her uncle’s petition for guardianship. EG was living in the custody of her mother and filed a motion for special findings against her father in conjunction with a paternity suit initiated by the Department of Revenue. In both cases the Probate and Family Court judges denied the motions. In Yosselin’s case, the judge declined to make findings as to the first and third prongs and found that Yosselin’s case did not satisfy the second prong because her primary motivation in moving for special findings was to be able to apply for SIJ and not that she could not be reunited with her mother. In EG’s case, the judge declined to make any special findings because EG was in her mother’s custody.

The SJC’s decision in these two cases contains two major holdings. First, the SJC declared that the Probate and Family Court judge may not decline to make special findings if requested by an immigrant child. This holding applies regardless of whether the judge suspects that the juvenile seeks a path to lawful status for reasons other than abuse/abandonment/neglect. In short, “[t]he immigrant child’s motivation is irrelevant to the judge’s special findings.” Additionally, a judge must make the special findings even if the judge believes that the child will not prevail in her application for SIJ status before USCIS, because, as the SJC noted, immigration “lies exclusively within the purview of the Federal government.” The SJC took the opportunity to clarify that special findings must be limited to the parent with whom the child claims that reunification is not viable. So, for a child like EG who is in the custody of her mother and moves for special findings regarding her father, the judge should only discuss the father in its findings. Finally, the SJC did not answer the question of whether the immigration statute requires a finding against one or both parents, as the state court’s duty is solely to make special findings against either one or both parents as requested by a child.

Practice Note: There are serious risks involved in applying for SIJ status. Counsel must always consult with an immigration attorney before seeking SIJ status for a child.

Legal Updates (Cont'd)

S.M. v. M.P., 91 Mass. App. Ct. 775 (July 14, 2017)

Keywords: Open Adoption Agreement, equitable authority, implied covenant of good faith
Summary by Katy Krywonis, CAFL Training Unit

In this case, the biological parents filed an equity complaint in the juvenile court after the adoptive parents notified them they were terminating their visits. They successfully sought an order compelling the adoptive parents to provide the agreed upon four visits per year. The adoptive parents appealed. The Appeals Court vacated the order and remanded the matter to the juvenile court to (1) enter the appropriate findings and an order of modification if “a material and substantial change in circumstances” is found and the judge determines that “the modification is necessary in the best interests of the child,” and (2) determine whether the adoptive parents acted in good faith in terminating the visits. The Appeals Court agreed that the adoptive parents waived the requirement to provide a working telephone number because they acquiesced in this failure for almost a year while communicating with the biological parents solely by mail.

Facts: The biological parents and adoptive parents entered into an open adoption agreement that provided for four supervised visits per year. The agreement provided that if a visit causes the child “undue stress or anxiety,” the adoptive parents “have the sole ability to modify visitation to conform to what they believe is in that child’s best interest, including the ability to terminate the visit.” The agreement also required the biological parents to provide a working telephone number. If the biological parents fail to do so, the adoptive parents, in their discretion, may terminate the agreement.

In June 2014, the adoptive parents notified the biological parents that they were terminating all future visits because (1) the biological parents had not provided a working telephone number, (2) the biological parents continued to refer to themselves as “mom and dad” (this was not addressed in the written agreement) and (3) the visits caused the children “undue stress, anxiety and confusion.” The biological parents filed an equity complaint seeking specific performance of the visits. At the hearing the adoptive mother testified that she believed the visits were causing the child undue stress because several days after the visits, the child would resume her old habit of picking the skin off her fingers and toes. This behavior would cease well before the next visit.

The judge found that the biological parents’ failure to provide a telephone number was not a material breach of the agreement, and that there was no indication that their use of the term “mom and dad,” or any other behavior at visits, had caused undue stress or anxiety. The judge issued an order reinstating the visits. She further ordered the biological parents to provide a working telephone number, and to stop referring to themselves as “mom and dad.”



Legal Updates (Cont'd)

Discussion: (1) Equitable Powers: The Appeals Court said the court could not exercise its equitable powers here because G.L. c. 210, §§ 6C and 6D provide a prescribed and adequate legal remedy. The sole remedy for the breach of an open adoption agreement is an order for specific performance. G.L. c. 210, § 6D provides that the court may modify the terms of the agreement if it finds that there has been “a material and substantial change in circumstances and the modification is necessary in the best interests of the child.” Here, the judge modified the agreement by ordering the biological parents to stop referring to themselves as “mom and dad,” even though she found no material and substantial change in circumstances.

(2) Adoptive Parents Discretion to Terminate Visits: The Appeals Court held that the terms of the agreement gave the adoptive parents sole discretionary power to modify or terminate the visits if the visits caused the children undue anxiety or stress. The adoptive parents were simply obligated to exercise that discretion honestly and in good faith. Thus, the Appeals Court stated that the judge’s only review should be whether the adoptive parents exercised their discretion in good faith. The Appeals Court said that the judge should not review whether the biological parents’ use of the term “mom and dad” caused undue stress or anxiety.

(3) Requirement to provide a telephone number: The Appeals Court concluded that the judge correctly deemed this provision waived, and appropriately reinstated (or retained) the agreement’s requirement to provide a working telephone number, including the potential negative consequences of failing to do so.

Dissent: The adoptive parents bear the burden to show not just that they acted in good faith. They must provide sufficient proof that it was the biological parents’ behavior that caused the child undue stress. A good faith belief that a causal link exists does not by itself equate to proof of it. The dissent stated that the adoptive parents’ discretion is not unfettered, and that adopted children can benefit from supportive relationships with their biological family. “Too much love, by itself, is seldom a problem.”

Practice Note: Be careful what you agree to! Settlement is a minefield - there are no assurances. The risks, which are substantial, are really all on the parent’s (and sometimes the child’s) side. Clients need to understand those risks to make an informed choice. Watch out for language that is so vague it renders the agreement meaningless, or that gives adoptive parents too much discretion. For example, include language requiring an independent clinical clinician to opine that suspension or termination of visits is necessary to avoid serious emotional harm to the child; don’t leave it for adoptive parents to decide.

Legal Practice Tip: Seeking Discovery in the Juvenile Court

Fair and full discovery is an important part of any litigation. Due process requires that parties know the facts relevant to their case so that they can defend themselves and also to develop a case strategy going forward. Moreover, exculpatory evidence is often revealed through discovery. As we saw most recently in the Sonja Farak hearings (see “in the news section”), discovery can also lead to important information relative to the state’s case management procedures and agency conduct. Gross misconduct in the Hinton Drug Lab was discovered through access to government controlled information. See *Bridgeman v. District Attorney for Suffolk District*, 471 Mass. 465 (2015) and *Bridgeman v. District Attorney for Suffolk District (2)*, 476 Mass. 298 (2017).

Massachusetts Juvenile Court Rule 9 controls discovery in care and protection cases in the Juvenile Court and provides for mandatory DCF discovery. DCF is required to produce “a copy of its entire social service file” within 30 days of the case being filed and to provide updates during the proceedings and prior to trial. If DCF does not produce the complete file, including all social worker dictation and case records, an attorney can file motions to compel DCF to comply with Rule 9. To that end, be sure to keep a record of all written correspondence sent requesting discovery, including any initial discovery request made upon your assignment.

Mandatory discovery can become tricky if DCF chooses to withhold the adoption home study or the lead agency records. Massachusetts Juvenile Court Rule 9 permits DCF to withhold privileged material and work product of its attorney, along with any identifying data of past or present foster parents of a child. Attorneys can file a motion to order DCF to produce those records if it is important in preparing your case because permission to withhold is “subject to orders for further production.” The CAFL Appeals Unit has developed a model motion to compel the production of the DCF home finding file that you can request from your local Resource Attorney. With regard to lead agency records, one can argue that a lead agency is a subcontracted part of DCF and therefore, acting as an arm of the state agency. Its records should also be produced as part of mandatory discovery. In any case, DCF is required to “produce with the copy of the file a list of the materials and information withheld” and attorneys can file motions requiring DCF to do so. This will help attorneys in know what discovery is missing and what they should request.

While it is not customarily done in the Juvenile Courts, attorneys can certainly file motions permitting discovery beyond the DCF file. Depositions, requests for interrogatories, independent physical exams or expert interrogatories can occur in our cases “by leave of court on such terms as the court prescribes.” Rule 9 provides that this leave of court is sought through motions. Generally speaking, discovery tools are described in greater detail in the Massachusetts Rules of Civil Procedure 26-37. A motion for funds to transcribe the deposition may also be in order.

DCF’s failure to comply with discovery can be grave in our cases, leading to unnecessary delays and unfair trial practices. Under Massachusetts Rules of Civil Procedure 37, sanctions for DCF’s failure to comply with discovery orders can include the exclusion of evidence or even the judge making findings of fact relating to the missing information.

Legal Practice Tip: Seeking Discovery in the Juvenile Court (cont'd)

The Massachusetts Appeals Court permits a single justice review of any discovery motion that has been denied under M.G.L. c. 231 § 118. If you have a case where you are being denied fair discovery and you want to file for interlocutory relief, the petition for interlocutory relief must be filed within 30 days of the order which is being appealed. The Appeals Court website provides a helpful standing order. Here's a link to that standing order can be found here: <http://www.mass.gov/courts/case-legal-res/rules-of-court/appeals-court/appeals-single-justice-standing-order.html>. For more information on single justice practice, you can contact the CAFL Appellate Panel Support Unit.

Clinical Resources: Opioid Treatment for Mothers

The federal *Substance Abuse and Mental Health Services Administration*, an arm of the US Department of Health and Human Services, has issued an advisory letter for professionals treating parents with opioid use disorder. This June 2017 letter provides clear, straightforward clinical data and recommendations (e.g. like the need for family-friendly relapse prevention and recovery plans).

The SAMHSA letter shows that it can be risky for women with an opioid disorder to medically withdraw during pregnancy. Instead, doctors often recommend medication—such as Suboxone (buprenorphine). This type of intervention can be safer for the child and the mother—having a much smaller risk of relapse or miscarriage. Moreover, absent counter indications, mothers taking buprenorphine should be encouraged to breastfeed. Consulting with the doctors involved in your case can help you understand the medical recommendations for each mother and infant and educate DCF social workers or the court.

This letter can be found here:

<https://www.publiccounsel.net/cafl/>

The letter also summarizes several recent federal reports that studied the treatment and care of mothers with opioid use disorder. For more information on their clinical data, click here:

<https://www.samhsa.gov/specific-populations/age-gender-based#poia>.

Also, the Journal of Addiction Medicine published an article in April entitled “Treating Women Who Are Pregnant and Parenting for Opioid Use Disorder and the Concurrent Care of Their Infants and Children: Literature to Support National Guidance.” This can be found at:

<http://insights.ovid.com/pubmed?pmid=28406856>.



Services FAQ: Obtaining Housing Services from DCF

What services can DCF provide to address a family's housing insecurity?

The services that DCF can provide around housing vary from area to area. A good start is to request a referral to a DCF Housing Stabilization Specialist. DCF has five regions across the state. Each region has a housing stabilization specialist who works directly with the social workers and their families. The DCF housing specialist can consult with the clinical team around housing options for a family. DCF may provide information or referrals for community based housing agencies, shelter placement options, possible legal aid lawyers, or advise on how to secure housing resources like Emergency Assistance (EA), Residential Assistance for Families in Transition (RAFT) or HomeBase funds.

But perhaps most importantly, the DCF clinical housing supervisor makes referrals to the Department of Housing and Community Development (DHCD) when the family would be reunified but for the housing issues. If the family is eligible for shelter (EA) placement, the referral from the DCF housing stabilization supervisor can lead to the family being placed into a shelter. The DCF management and clinical team approves of immediate placement before the "MOU" process can begin. The DCF worker must contact the DCF Housing Stabilization Supervisor directly; the family cannot apply on their own. Currently, the DCF housing supervisor is Shavon Fulcher (Shavon.Fulcher@state.ma.us). (Attorneys can also contact Ms. Fulcher directly with specific housing related questions for their clients). Families must be found eligible under the Department of Housing and Community Development regulations. The location of the shelter is determined by DHCD. This service, and other similar collaborative efforts, are described in a Memorandum of Understanding released on January 2, 2015, by the two agencies. The memo outlines ways in which the agencies can collaborate to help families access shelter (EA). This Memorandum of Understanding can be found here: <https://www.publiccounsel.net/cafl/wp-content/uploads/sites/7/2014/11/Memo-of-understanding-DCF-and-HCD.pdf>

DCF also has access to the federal Family Unification Program "FUP" section 8 request forms that social workers can help families. There are only 187 of these FUP vouchers and they are given to families as one becomes available. The social worker has to request to put a family on their wait list. This list is maintained by the housing supervisor.

Legal Practice Tip: DCF regulations describe specific housing services that should be available, such as emergency shelter. (See 110 CMR 7.09). DCF only has one shelter service located on New Chardon Street. DCF's regulations also state that the agency is supposed to refer the family to emergency shelter services. Services for women in transition are also supposed to be provided by DCF or through a contracted agency. Instead, DCF operates much like a referral agency. It is good practice for any parent or attorney to request specific DCF housing services in writing, even though the requests will likely be denied, and document their efforts. The lack of these required resources might be fodder to challenge DCF's efforts to reunify a family. For more law on DCF's housing related services obligations, see M.G.L. c. 18B (DCF enabling Statute) and *Care & Protection of Elaine*, 54 Mass. App. Ct. 266 (2002).