

It's Not True!
How to Combat False Allegations of
Neglect and Abuse

First Edition

By Allison C. Williams, Esq.

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Williams Law Group, LLC

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Introduction

The unthinkable has happened. You're on the brink of losing custody of your children and potentially facing severe legal ramifications, thanks to false allegations that you abused or neglected your child.

In the pantheon of "parental nightmares," this scenario ranks among the most awful. On one hand, the allegations have likely touched off a firestorm of emotions, including frustration, incredulity, anger, depression and helplessness. On the other hand, they have also likely left you confused and overwhelmed about your options.

What should you do? Where should you start? What mistakes might you make? What unforeseen obstacles might be in your way? What tactics or strategies, legal and otherwise, can you use to overcome adversity, clear your name and protect your family relationships?

This eBook will introduce you to resourceful and powerful insights into the defense process and help you reclaim peace of mind and clarity. The information herein should not be construed as legal advice; but it hopefully can help you more energetically and effectively meet your diverse challenges.

Over the following pages/blog posts entries, we will cover the following areas:

Section 1 – Introduction to the Defense Process

This section will be a kind of crash course or "101" style introduction to the defense process. It will introduce you to workings of the Division of Child Protection and Permanency (DCPP), formerly known as the Division of Youth and Family Services (DYFS), and discuss common strategic and tactical concerns. We'll also walk you through several common (but unfortunately not well known or understood) strategies to fight back against DCPP and help you seize every opportunity to reunify with your child, protect your reputation, and manage other legal issues and encumbrances along the way.

Section 2 – Getting Control Over Diverse Life Challenges, As You Combat Your False Allegations and Repair Your Family

We'll cover insights to help you communicate better with your child, access effective support, get control of your life and your finances while you're struggling with the allegations and recover peace of mind.

Section 3 – Answers to Frequently Asked Questions about DCP&P and Defending Against Child Neglect and Abuse Charges

Myths and misconceptions abound about how to defend against child abuse and neglect allegations. We will address common concerns, so you can get a preview of your challenges and prepare yourself accordingly.

Please enjoy this book/series, and get in touch with an attorney here at the Williams Law Group, LLC at (908) 810-1083 for insight into your case.

Section 1: Introduction to the Defense Process

The government and the Division of Child Protection and Permanency (DCPP) have a mandate to protect the health, welfare and wellbeing of children in New Jersey. These government employees also command a broad suite of powers and resources. As someone who stands falsely accused of child abuse or neglect charges, in some ways, you face a “David versus Goliath” struggle.

In this section, we will review some of the basic processes that happen during Title 9 cases filed by DCPP, which seek an abuse and/or neglect finding against you. We’ll also discuss tactical and strategic responses that you might want to consider at various stages of this process.

Before we get into the nuts and bolts, however, let’s dial back and reflect on the purpose of what you’re trying to do. When you’re faced with an uphill battle with the odds stacked against you -- whether you’re striving to win a competitive sports event, vie for a exclusive job or wage a legal battle -- research suggests that your having a clear, well-defined, passion-infused purpose can help you remain resilient, innovative and dogged in pursuit of your goal.

So what’s driving you to refute the false allegations? Here are 5 possible answers:

1. You want to reunite with your child or children.

The parent-child bond is arguably the most powerful bond in the broad array of the human experience. Whether you’ve already been separated from your child for days -- or you’re worried that DCPP will remove your child (or children) from your custody shortly -- you want to protect this cherished relationship. You want to do so not only because you love your child, but also because your child needs your affection and insight to develop and handle life’s ups and downs.

2. You want to preserve your relationships and stature in the community.

False allegations of abuse or neglect -- even ones later completely refuted and deemed falsified -- can wreak terrible havoc upon the lives of the accused. For instance, upon learning about your legal case, your boss might rescind an offer of a promotion, or you might lose critical clients or accounts. Friends and family members might turn their backs on you. Newly blossoming relationships can dissolve. These intimate betrayals can create heartbreak, anger and confusion. DCPP cases are confidential and not open to the public, but that does not mean that people in your neighborhoods or your children's school won't find out about it.

If you wind up found guilty and entered into the Child Abuse Central Registry, you may find it challenging in the future to expand your family, work in certain professions or even avoid frivolous false abuse claims from future accusers. False allegations could also impede or ruin your ability to succeed in a custody or visitation case.

3. You want justice and truth to prevail.

In addition to wanting to avoid the “obvious” negative consequences -- like being unable to reunite with your child and suffering career devastation – you probably also have a fundamental need to expose the truth and see that justice is done. For instance, if your ex made up allegations to win a custody case, you might want to see him or her to be punished in some fashion.

4. You want clarity about what you need to do, when, and why, as well as how your life will likely unfold.

False charges are not only scary; they are also wildly disruptive. Human beings have deep needs for closure and certainty. One of the reasons why television is so addictive, for instance, is that producers and writers intentionally install “cliffhangers” at the ends of acts and episodes. We want to know “what’s going to happen?” Until we find out, our brains -- at a subconscious level - cannot let go and let us concentrate fully on other activities.

Likewise, when your case is in limbo -- when you’re not sure whether you’ll be able to see your children or not, not sure whether you’ll face sanctions (including jail time), and not sure how friends, relatives and coworkers will react to your situation -- you may find it tough to concentrate on “living life” and taking care of the bare essentials. That’s why getting a handle on your legal strategies and tactics can be such a relief. Once you have a plan regarding how to engage with DCPD, your brain can settle down and focus on what needs to get done.

5. Having a plan for dealing with the legal process should allow you to be more nimble and flexible when presented with opportunities and setbacks.

World War II general (and later President) Dwight Eisenhower famously observed that plans change but *planning* is indispensable. Why? The answer is that having a solid paradigm for thinking about a process – and a good plan to go with it – can allow you to improvise and deal with crises and opportunities as they emerge.

For instance, maybe two months into the defense process, your ex (who falsely accused you) might add a litany of additional allegations, which can create extra legal headaches for you. How should you respond? The answer will depend on the circumstances, obviously. However, if you have a plan in place – and if you understand the general flow of the defense process – you will be more likely to meet the needs of the situation.

Alternatively, maybe a few weeks from now, a school administrator will come forward with evidence that the bruises on your child -- which prompted your harrowing legal situation -- occurred on the playground. Or a teacher might testify that she saw the fall happen; and, thus, she can help you clear your name.

Take time to reflect on your purpose in fighting these allegations; you may even want to write it down and review it daily.

What Constitutes Abuse Or Neglect Under New Jersey Law?

The New Jersey S.A. 9:6-8.9 catalogues broad characteristics (including both intentional acts and omissions) that legally constitute abuse or neglect. These include:

1. A parent physical hurts a child or allows someone to hurt the child;
2. A parent creates or allows conditions that put a child at risk of physical injury;
3. A parent subjects a child to sexual abuse or puts the child in a situation in which he or she can be sexually abused;
4. A parent abandons a child on purpose;
5. A parent isolates a child inappropriately from social contact to the point that this isolation damages the child socially or emotionally;
6. A parent institutionalizes a child inappropriately;

In addition, N.J.S.A 9:6-8.21(c) has a very broad, “catchall” definition for neglect. For instance, if you fail to provide your child with enough food, education, medical care, or clothing -- or if you inflict excessive corporal punishment (hitting your child) -- DCPP can use that behavior as a basis to take your child away and otherwise punish you.

New Jersey’s Administrative Code sets forth a vast laundry list of acts that the state could consider to be abuse or neglect. For instance:

- A child dies;
- A child gets subjected to traumatic head injury, internal injuries, burns, fractures, welts, bruises, bites, sprains, or exposure to poisons or toxins;
- A child ingests, smokes or injects harmful medicines, narcotics, or over the counter medications;
- A child experiences emotional or mental impairment due to a parent’s action or inaction;
- A child experiences torture, sexually exploitation, molestation or risk of sexual injury;
- A child has been kept in confinement or inappropriately restrained physically;
- A child does not have adequate supervision;
- A child has been abandoned or deserted;

- A child does not get proper food, clothing, or shelter;
- Even “educational neglect” can be grounds for DCPP to take action against you.

The general point here is that the legal definition of abuse or neglect is broad. This means that even relatively minor offenses can lead to your inclusion in the Child Abuse Central Registry.

So what exactly happens during a Title 9 complaint, step-by-step? What options do you have during these various phases?

The Title 9 Process

DCPP litigation is initiated when a complaint is filed against you. The Attorney General’s office represents DCPP, and the government will appoint a lawyer, known as a “law guardian,” to represent your child. You may obtain private legal counsel or seek legal assistance through the Office of Parental Representation.

When does litigation start?

It can begin before or after the government takes your child from your custody. The government must have a court order to take your child away, unless it believes that there is an “imminent danger to your child’s life, safety or health.” In fact, according to the agency’s mandate, the Division is supposed to engage in “reasonable efforts” to allow your child to stay with you – to keep families unified -- and it is also supposed to make an effort to *reunify* families after children have been removed.

But DCPP does not always act so solicitously.

The Division has two days to file a complaint, once it has removed your child from your custody, but it can also deny you access to your child during an investigation. For instance, the other (custodial) parent might agree to keep the child away from you by signing a Safety and Protection Plan.

If the Division tries to keep your child away from you using this tactic, consider trying to force the issue; otherwise, you’ll give the Division more time to compile a case against you. Plus, when you accelerate the process, it becomes more likely that the Division will make a mistake, per New Jersey Administrative Code, that you can exploit.

Once the complaint has been formally served, you (along with your attorney) need to make a decision about whether to file an Answer. Answers are not required and, in fact, are quite rare. However, in certain cases, it might make sense for you to fight back and challenge DCPP’s allegation that your child is “in imminent danger to life, safety or health.” That’s a high standard,

after all. The Division must provide the court (and legal counsel) with expert evidence and documents, which it plans to use at trial.

Believe it or not, sometimes the Division withholds documents that could help a defendant be proven innocent! That sounds unfair (and it is). But you should go into the process appreciating that the Division often fails to act as a neutral entity. Be prepared to meet that bias strategically.

Unfortunately, the defense is limited in its ability to use discovery to submit additional evidence. This can put you at a disadvantage. You are not allowed, for instance, to depose case workers without a Court Order authorizing it. You also can't demand that a child be subjected to a psychological examination, without jumping through additional hoops. Basically, the division gets to put forth its case over months, while you effectively have to "sit there and take it" until trial. This part of process can be quite painful, for obvious reasons, especially if you have to listen to blatantly untrue or highly exaggerated accounts of what actually happened.

Custody Hearing

After the Division's case has been made, if the court finds that you didn't commit the alleged acts – or that you have addressed the underlying issue or issues that prompted the involvement of DCPD – you can have a hearing to determine what will happen regarding custody.

Depending on whether the caseworker likes you -- which is often in part determined by what you stand accused of doing (or not doing) -- he or she may help or hinder you with this process. In order for the Court to return your child to you, you must have addressed the issues raised in the Division's Complaint.

The Next Steps

DCPD hearings and trials are confidential, in general. However, the court has the discretion to open up the hearings to allow, for instance, the parent to be surrounded and supported by loved ones and friends.

Once this first part of the process is over -- and hopefully, the child is either back in your custody or in the custody of the other parent or a friend or family member -- the court has to conduct something called a "Case Management Conference".

A Title 9 trial -- known also as a fact finding hearing -- commences within four to six months. You and your attorney should read over the Title 9 statute with a fine-toothed comb to determine whether the allegations against you meet the statute's definition of abuse or neglect discussed as earlier. Together with your attorney, go through all the facts set out in the Division's complaint against you, line by line. You want to try to look for inaccuracies, distortions or anything else

that could discredit the investigation. What's not true? What kind of evidence can you muster to bust the state's case? Be systematic, and work with your attorney to figure out a plan.

In some cases, you may need to act relatively rapidly to preserve and protect evidence that might exonerate you. For instance, on the day of the alleged abuse, you might have been on a business trip far away from your child. If you can produce evidence that you were, for instance, in Albuquerque rather than in New Jersey on the day the abuse happened (e.g. plane tickets, hotel stubs, etc) that would obviously devastate the state's case.

You and your attorney also should determine whether the Division's investigation was sufficient.

The case worker has to interview or observe the allegedly victimized child and interview all caregivers and adults at home as well as the reporter of the abuse or neglect. The Division also has to *interview you in person* (not over the phone, not via email, etc). Case workers often refuse to interview parents who have retained legal representation, but this act violates the agency's procedure. (It does make the case worker's job easier, since it speeds up how quickly he or she can file the compliant!)

After the initial investigation, the case worker begins a "formal investigation," if he or she believes abuse or neglect likely occurred. In doing so, the case worker must examine the strengths and needs of the caregiver and the alleged victim, interview two or more collateral contacts who knew about what happened and interview diverse stakeholders, such as:

- A childcare provider, teacher, or principal who has knowledge of the parents or parental care;
- Any witness who had knowledge of the abuse or neglect;
- Other community professionals who might have had knowledge of the abuse or neglect;
- Any physician involved, even indirectly, in diagnosing or treating the alleged victim;
- Every witness who could provide evidence that *you did not abuse or neglect the child.* (This is an important point – often, the case worker does not do this. That's a problem! The division has a mandate from the statute not to prosecute a case against you, like a Prosecutor might, but rather to determine in a neutral fashion whether a child has been abused or neglected and whether the government needs to step in and help that child.

You and your attorney will then need to figure out how to defend against the state's complaint. There are two basic categories of allegations:

1. A single incident of severe abuse or neglect.

For instance, maybe you allegedly sexually assaulted a child or left him or her unattended overnight while you went out partying or shopping.

2. A pattern of abuse or neglect.

For instance, the state may argue that you didn't feed your child enough nutritious food (e.g. you let him or her have free range access to orange soda and Twix bars without providing enough healthy fat, protein, and vegetables).

Defending against the "single act" type of charge, in general, is simpler. Single acts are discrete in nature and in time. "Multiple-act" charges are more challenging to defend. In fact, the state can make a case that you abused or neglected your child systematically, even if no single act that you committed (or failed to commit) would rise to the level of actionable abuse or neglect on its own.

The court understands that "synergistically related" acts can illustrate an ongoing pattern of neglect or abuse. For instance, maybe you generally fed your children unhealthy food for dinner or kept them home from school systematically or punished them in arbitrary, unfair ways over the course of months or years. The state might say that the "net effect" of these acts constitute harm.

Proving (or disproving) this "net effect" can be challenging for both sides.

For instance, let's say a case worker regularly started dropping by your home, unannounced. Concurrently, your child began acting out at school and getting in trouble with his teachers. It *could* be that the case worker's disruptions caused your child's anxiety or anger and led to the acting out. Quantum physics says that the act of observing a subatomic particle can change its position and other fundamental characteristics. Likewise, a case worker's observations of a family can likewise change that family's dynamics in ways that can lead to neurotic or dysfunctional behavior.

What Evidence Issues Might You Face During the Process? How Does the Fact Finding Hearing Work?

As an innocent person accused of something truly horrendous -- hurting or neglecting your child -- you want to have your say and clear your name. The fact finding hearing offers you an opportunity to present evidence to combat what's been said about you and to challenge evidence that you committed a wrongdoing.

The court wants to consider all information surrounding the allegations and to ensure the relevance and competence of all evidence. Be forewarned: DCPD may submit a lot of evidence, including interviews with you, the other parent, therapists, staff, teachers and other experts.

Legally, this evidence is known as a “*prima facie* evidence,” and you and your attorney can have an opportunity to rebut and challenge it.

You might be also familiar with a concept called the “**hearsay rule.**” This legal rule limits how and when hearsay can be used as evidence in a court proceeding. For instance, if a witness *sees or hears something directly*, his or her testimony might be valid. But if that same person *overhears a third-party* report to have seen or heard something, such testimony normally cannot be used without an exception.

That may all sounds a little abstract. Here’s a concrete example to illustrate the difference.

Let’s say that a pre-school teacher saw you lose your temper and spank your child in the parking lot. That teacher’s testimony would be a first person account, and the court would generally want to take it into consideration. However, what if a mom at your pre-school overheard your child’s teacher talking about how you spanked your child in the parking lot? Could the mom testify against you? Her perspective would be considered *hearsay*, because she didn’t observe things directly; the court would likely reject the testimony as evidence.

Hopefully, that’s all pretty clear. But now things get a bit nuanced.

The records that DCPD generate when they speak to anyone technically create what’s known as a “**business record.**” Without getting into the legal weeds, in this type of situation, sometimes hearsay *can* be admitted into the court record. This distinction can be crucial, since cases involving allegations of abuse and neglect often boil down to “he said, she said” arguments.

Even though hearsay can technically be used as evidence against you, the division must abide by very strict rules when introducing this evidence. A caseworker or consultant may get the court to consider a document based on firsthand knowledge gathered relatively soon after an alleged event or incident. The division will often pile on a lot of evidence, including documented conversations involving caseworkers, therapists, teachers, neighbors, etc.

Even if the records of these conversations are allowed, the hearsay rule can still govern what will be admissible as evidence. In addition, the caseworker himself or herself must testify about the conversations -- *someone else’s hearsay* won’t be accepted.

The Big Picture about Evidence at Your Fact Finding Hearing

You don’t really need to understand these technical rules -- who can submit what evidence, when and how, etc. Just appreciate the general concept. If your case hinges on one person’s account that you did something wrong or failed to meet your child’s needs in some way, you can potentially challenge that account, preventing the court from ever allowing such testimony to be introduced into the record.

The battle over the admissibility of evidence is somewhat analogous to a goal-line stand in football, in which both sides grind it out for a few vital yards. The casual fan might not understand the technical battle – how various plays are supposed to work. But the fan gets the gist, which is that the battle for yardage is crucial. Likewise, the battle over evidence can lead to game altering “touchdowns” that can have profound ramifications for the case.

Police Evidence – When It Can Be Used

If the police ever needed to respond to a family situation and fill out a report at your home, the division may include copies of any conversations involving law enforcement. However, unless an officer actively testifies, the content in the police report *cannot be used as evidence*.

Other Evidence of Abuse or Neglect: Implications

If the division can prove that you abused or neglected another child in your family -- even in a very minor way -- that proof can be used as evidence in your current abuse or neglect case.

Innocent Until Proven Guilty?

You’re probably familiar with the concept of “innocent until proven guilty.” In American jurisprudence, the court general gives the accused the benefit of the doubt. Prosecutors must go on offense and prove their case. However, this “innocent until proven guilty” concept has its exceptions. Shockingly, it does not really apply in child abuse cases. Let’s say a doctor found an injury on your child that is not directly linked to you. But the injury couldn’t reasonably have happened except as a result of something harmful done to your child or some act of negligence on your part or the part of another caregiver of your child. In that case, the injury can be considered *prima facie evidence* that you abused or neglected the child, which shifts the burden of proof. The accused parent now must prove his or her innocence.

Fighting Back Against What the State’s Mental Health Professional Says About You

Therapy can be a wonderful tool in terms of promoting self-knowledge, healing and wisdom. However, when wrongly or clumsily deployed, therapy can lead to more harm than good.

DCPP will almost certainly ask the court to have you psychologically evaluated by a psychologist. The results from these sessions will then be submitted and used during the fact-finding hearing. These sessions are not confidential therapy sessions. The state’s mental health professionals are not necessarily bad people or inept, but you need to be very careful. You and your attorney should review this report and develop a plan to defend against any untrue or exaggerated implications in it.

Can an Overworked Psychologist Who Barely Knows You and Who Works for the State Be Objective and Fair?

The division likes to speed up and rush the process. To that end, it often limits how much time the psychologist spends with patients. It is not uncommon, for instance, for the psychologist to only spend 30 minutes interviewing each patient! Meanwhile, the psychologist may administer a variety of tests, which can be interpreted in diverse ways. The division often rushes the report-writing process, as well. For instance, a psychologist might meet with you on a Monday and have to prepare a report for the court about you by Wednesday.

Many psychologists genuinely want to help and get to the truth of a given situation. But how well can you really come to understand a complex human being in 30 minutes?

Your attorney should scrutinize the report and thoroughly cross-examine the psychologist:

- How long did the psychologist give you to take various tests?
- What are the shortcomings of these tests? What are alternative interpretations?
- How long was the interview?
- How long did the psychologist take to write the report?
- Etc.

Your attorney may be able to highlight biases or expose vague or unsupported conclusions. A thin, shallow, inaccurate analysis of your personality or of a reaction you had to an event or to some arbitrary test should not be permitted as evidence against you.

Before meeting with the psychologist, work with your attorney to come up with a game plan. Obviously, you don't want to lie or behave in an uncivil fashion. Be authentic, and demonstrate your compassion and empathy. You have nothing to hide, since the charges against you are exaggerated or untrue altogether. But, you must be strategic in how you present information once the Court is involved.

Meeting with a psychologist is not the same as getting interrogated by the CIA. However, you still want to parse your words carefully and come across as your best self. Dress appropriately, and make sure you shower and get enough sleep and enough to eat before the appointment.

Caring Too Little about You

Sadly, the real danger to you (in terms of your case) is not that the psychologist will care *too much* and intentionally draft a bad report to spite you but rather that he or she will *care too little* and deliver a perfunctory, impersonal report. Believe it or not, some psychologists copy and

paste whole chunks of evaluations done on other parents and use them for patient after patient after patient.

Such a practice is abominable, but the blame does not rest solely with these corner-cutting psychologists. The expedited, paint-by-numbers process discourages original thinking; it's sad, but not surprising that many psychologists surrender to the urge to self plagiarize.

Challenging the Diagnosis

The court may strongly consider the psychologist's opinion about your situation, provided that he or she has a *factual basis* based on some *psychological certainty*. However, if the therapist uses certain facts to make a diagnosis, which your attorney later discredits or the court renders inadmissible, then that negative opinion about you can't be used.

Your attorney can also use a lot of tactics to discredit the diagnosis:

- **Maybe the psychologist has exceeded the scope of his or her expertise.** A psychologist, for instance, is not qualified to make a psychiatric diagnosis.
- **Maybe the diagnosis fails to meet criteria set out in the Diagnostic and Statistical Manual of Mental Disorders V (DSM-V).** Many mental health professionals have criticized the DSM, for various reasons; but in order for a diagnosis to stick -- that is, for it to be used as evidence in court -- it has to meet DSM criteria. The court will not accept related criteria established by other manuals, such as the ICD-10 (International Statistical Classification of Diseases and Related Health Problems 10th Revision).
- **Maybe the psychologist is biased.** Your attorney might want to take a look at how frequently the therapist works with the division; an overly close, cozy relationship could indicate that the professional can't be trusted as an objective source. For instance, what if the psychologist makes half his or her income working with the division? Exposing bias, a lack relevant expertise or an overly thin resume or work history can prevent sloppy or inappropriate evidence from being used against you.

The Division Wants to “Help” You During the Trial? Be Skeptical and Be Prepared

As your Title 9 case progresses, the division may ask the court to ask to compel you to accept certain “services,” ostensibly to help you, psychologically and otherwise. This offer can be quite the Trojan Horse, however. First of all, unless the court finds that you did engage in abusive or neglectful acts, it can't “order services” for you, unless you consent. However, the court *can* order services for your child, such as counseling. This therapy is supposed to be confidential, but the reality is that this confidentiality is routinely violated. The division can take things that your

child said or did during these counseling sessions and use them against you during the proceedings. That may sound nefarious and unfair, but that frequently happens.

Even if you're completely innocent -- you didn't abuse or neglect your child or even engage in acts that verged on bad behavior -- this counseling process can cause problems. For instance, what if the therapist asks leading or confusing questions to your child, who accidentally gives answers that paint you in a bad light? There's a long and sordid history -- stretching back to the Salem Witch Trials and no doubt long before that -- of children making up stories or exaggerating events under pressure and "guidance" from well-meaning adults.

You may be tempted to start these services because of a deadline created by the Adoption and Safe Families Act (ASFA). Among other things, the ASFA forces the court to hold a permanency hearing after the child has been in placement for one year. Your attorney can ask the court to extend this deadline, based on what's known as a *good cause exception*.

The bottom line is this: avoid being bullied into accepting services or letting the division set the tone of the proceedings. An alert, skilled attorney can be a watchdog for every element of the process, so that you're treated fairly.

A Note on the Understandable Psychological Urge to "Cooperate" with DCP

Most of us have a strong, innate sense of what's just. We want to believe that the agencies and institutions that regulate family life in New Jersey, for all intents and purposes, share these fundamental notions.

As someone who stands falsely accused of abuse or neglect -- or who faces grossly exaggerated charges along those lines -- you want to believe that you can trust the process to clear your name, reunite with your children (if they've been taken from you) and patch up damage caused by the allegations. After all, the system has been set up to separate the guilty from the innocent. So it should, in an ideal world, do just that.

Here's the truth. Most people who work on child abuse and neglect cases genuinely want to do the right thing, both by the children and by their families. Unfortunately, good people can often make big mistakes or fail to ensure just outcomes. Fatigue, stereotyping, groupthink and other psychological factors can compromise results.

The mindset of "I will just cooperate and do what I'm told, and life will be okay" can be a dangerous one that can lead to injustice:

- Per DCP's request, the court may provide you with *cumbersome services requirements*. But DCP shouldn't be allowed to impose this obligation on you without going through a more formal, rigorous process.

- You could *give in or give up unnecessarily*. To win its case, DCPD needs to have a “preponderance of the evidence” on its side (over 50% of the evidence). This is a lower bar than what’s used in criminal cases, in which the prosecution needs to prove the defendant’s guilt “beyond a reasonable doubt.” But a “preponderance of the evidence” is still a high standard.
- When the agency dictates the flow of events, your case can be compromised in unanticipated ways. Let’s say, for instance, that you agree to participate in therapy to placate the agency. The State of New Jersey does not have to provide this service; you can seek a private therapist through your own insurance, thus saving money and also ensuring that you’ll be more comfortable trusting the therapist as a neutral party.
- In addition, you might feel pressure to cooperate because you don’t want appear to the court as if you have anything to hide (because you don’t). Here’s where your qualified attorney can stand up for you. Your lawyer can tell the court that, while you’re more than happy to cooperate, he or she must protect you from any negative inferences.

Should You “Settle” to Avoid a Trial?

In much the same way that a criminal can agree to a plea deal to avoid a lengthy trial, someone accused of abuse or neglect in New Jersey can “stipulate” to an allegation to avoid the hassle of a fact finding hearing and trial.

However, unlike a plea deal in a criminal case, this kind of settlement generally offers the accused parent very little in the way of benefits. You might be able to avoid a trial; however, your settling in this fashion will not compel the division to withdraw its complaint. Plus, if you accept *certain* facts and allegations, the court may tacitly decide that *all* of the allegations against you are true.

Among other things, you could be compelled to engage in much lengthier and more complex services in order to get back together with your child and heal your family. Finally, since you actually didn’t do anything wrong, you might (rightfully) rankle at the notion that you need to “admit” to having engaged in wrongdoing.

If you did engage in behaviors (or failed to do certain things) that were on the edge, you could consider settling. However, you should only do so under very specific conditions. Your defense attorney should draft the language and include a provision that forces the division to withdraw its complaint with respect to any acts to which you do not stipulate and work out exactly what services the division will provide you.

Wanting to Do the Right Thing, But Still Confused About the Rules and Process?

We’ve just covered (in some detail) how Title 9 cases typically work in New Jersey, as well as what you and your lawyer should consider doing at various stages of the process. We discussed

how to maximize opportunities to challenge false abuse and neglect allegations, reunite with your family and prevent the division from enjoying an unfair advantage or engaging in tactics that would put you at a disadvantage.

You obviously don't have to remember everything that happens in Title 9 cases, point by point. However, hopefully, you now have a global sense for what goes on during the process, as well as insight into the motivation of the court, the division and the division's mental health professionals. In addition, we discussed common mistakes that parents (and sometimes their defense attorneys!) make that create unnecessary complexity or lead to bad results.

In our next section, we're going to explore the diverse life, career, and emotional challenges created by false abuse and neglect allegations. After that, we'll return to practical, "nuts and bolts" issues in our section on Frequently Asked Questions about the defense process.

Section 2: Getting Control Over Diverse Life Challenges, As You Combat Your False Allegations and Repair Your Family

You face no shortages of technical and legal challenges, as someone who stands falsely accused of abusing or neglecting your children. To make headway and to prevent other aspects of your life from going off the rails, you need to think strategically.

Restoring your confidence, repairing your family and strengthening your relationships requires more than just winning your case; you must address other elements of your life, your career and your psychology. In this brief chapter, we will touch on your unique challenges and discuss strategic solutions to them.

Organizing Your Thinking and Getting a Grip on Your Commitments

Fighting against false allegations is infuriating and frustrating, not just because it violates your sense of justice, but also because it consumes so much emotional and intellectual bandwidth. The battle can prevent you from taking care of other areas of your life that may be critically important. For instance, maybe you're dealing with an awful, recently diagnosed medical issue, like type 2 diabetes, or perhaps a sick friend or parent depends on you for care and comfort.

Also, consider that your life was probably quite busy prior to the false allegations that blindsided you. Like a Chinese circus performer spinning 30 plates at once -- or like a character out of *Cat In The Hat* -- it's only a matter of time before something metaphorically "falls and breaks." You need pay the bills, potentially deal with a divorce, take care of your children (if they are still in your custody), hire an attorney and beyond.

Stress and Uncertainty: They Go Together Like Chocolate and Peanut Butter

In addition to being overloaded, you face uncertainty about your future:

- Will you reunite with your children? If so, when and how?
- What will the fall-out be for your career, for your relationship, and for your mental and emotional health?
- How long will it take to get better answers and develop a strategy?
- What should you be doing (or not doing) right now to maximize your chances of getting good results?
- Who can be trusted as an ally?

- What support do you need from your financial advisor, your nanny, your attorney and your therapist?

These unknowns create a permanent background noise. Consciously, you may forget about them. Unconsciously, though, your mind won't let go; it will always remember that you need to do something about something. Like a computer that has overtaxed its Random Access Memory (RAM), your over-committed mind will run slower and less effectively. You'll struggle to focus clearly, make mindful decisions and restrain impulsive behavior.

Failure to manage this agitation can have ramifications for your case. For instance, in response to the uncertainty, you might start to drink heavily or fall behind in your job. The division can note such failures of competence and use them as evidence to imply that you have a drinking problem or that you're not a trustworthy employee or parent.

Finally, you may be distracted by the case itself, which can feed back in unhelpful ways. For instance, perhaps you're going through a divorce, and your ex-spouse accused you of abuse to win points in a custody negotiation. Or maybe a trusted teacher or a family friend "turned against you," for whatever reason. It's easy to become obsessed with thinking about the broken relationship to the point that you're unable to focus on what's really important.

Paying Attention to the Problems That Have Your Attention

There are no silver bullets for managing your fractured attention. However, you may find it resourceful to write down your commitments on paper or on a computer document, so that you can process them, organize them, take action on them, and review your list as needed, so that your mind isn't constantly buzzing.

A Useful Exercise to Get Back Some Control

Clear off three or four hours from your schedule one day, and spend that time documenting all of the questions and commitments on your mind. Believe it or not, you don't actually have a "million" things on your plate. Even the busiest parent (or executive) usually only has a few hundred open items at any one time.

Write down anything that's grabbing your attention. Thoughts ranging from "buy more dog food" to "book a tour to Egypt" to "repair relationship with brother that's been damaged by the abuse allegations" are all fair game. Just writing this list should help you feel better, because you will see that there are limits to your concerns.

The next steps involve processing, organizing and prioritizing your projects and what you need to do about each one of them. Here's a [powerful article](#) that describes how to go through these phases methodically. Even if you do only the collection phase, however, you'll still enjoy more peace of mind, because cleaning out the mental cobwebs enhances focus. Plus, it's hard to feel

good about whatever you're doing in any moment if you feel like you "should" be doing something else.

For instance, you might want to climb Mt. Kilimanjaro or help your mother clean her basement or forge an ambitious marketing initiative at work... but what if you're swamped triaging your finances? By writing down and tracking what you need to do in an organized way, you can circle back to things later and feel okay deferring them. Create placeholders on a document, instead of trying to keep everything in your head.

Begin with the End in Mind

The issues stirred up or worsened by false allegations can provoke impulsive, bad actions. For instance, as we discussed in a prior chapter, to stop the pain of a Title 9 trial, you might be tempted to cooperate with DCPP and just "play along to get along." This strategy may feel tempting in the moment, but it may be counterproductive in the long run, as we discussed.

You must visualize your end goals prior to taking action. Here's how author, Steven Covey, eloquently put it in his [famous bestseller](#), *The Seven Habits of Highly Effective People*:

"[Beginning with the end in mind] is based on imagination--the ability to envision in your mind what you cannot at present see with your eyes. It is based on the principle that all things are created twice. There is a mental (first) creation, and a physical (second) creation. The physical creation follows the mental, just as a building follows a blueprint. If you don't make a conscious effort to visualize who you are and what you want in life, then you empower other people and circumstances to shape you and your life by default. It's about connecting again with your own uniqueness and then defining the personal, moral, and ethical guidelines within which you can most happily express and fulfill yourself. Begin with the End in Mind means to begin each day, task, or project with a clear vision of your desired direction and destination, and then continue by flexing your proactive muscles to make things happen."

What do you want to accomplish, with respect to your career, your relationships, your public perception, and your mental and physical health? Clarify those goals, and write them down.

Goals Are Important, But So Is Focus, And Your Attention Is Limited

As you review your plans and commitments, you'll probably quickly be daunted by the scope of what you want to accomplish. For instance, you might want to:

- Lose 15 pounds
- Switch companies
- Fight your allegations
- Rebalance your financial plans in the wake a your divorce

You cannot take on all these projects at once. As a Chinese proverb warns: *he who chases two rabbits catches neither*. Focus is key. Restrict your focus to three or fewer mission-critical projects. Narrow your focus by identifying the current *constraint* in your life.

Here's how to think about constraints. Imagine a factory that produces bowling balls. The process that makes the balls is probably quite complicated, involving many machines. But at any given point, one machine will always be the slowest. Improvements to other machines won't make much of a difference in terms of how many bowling balls the factory can produce. However, improvements at the bottleneck can have an outsized positive effect.

For instance, let's say the machine that polishes the balls to make them spherical is the pinch point. Double the speed of the hole-drilling, and not much will happen. Double the speed of the polishing machine, though, and the factory will pump out twice as many bowling bowls!

Likewise, in your life right now, there is some pinch point that's limiting your energy, resourcefulness and concentration. If you can figure out what that pinch point is and do something about it, then your entire life should get easier, more manageable and happier.

Maybe your current constraint is psychological. You can't stop replaying the "abusive" event in your head, or you can't stop thinking about some awful thing your boss said to you after she heard about your ex-spouse's allegations. Or maybe it's financial: you're in between jobs or just too disorganized financially to concentrate. Or maybe you've reached the limits of what you know about the legal process, and you're stumped about how to handle your case. To be efficient and separate truly essential activities from optional ones, you need to know your constraint.

Taking Good Care of Yourself and Your Family While Battling the Allegations

When life gets stressful, most of us tuck into a defense crouch: we tend to abandon or curtail routines, habits and behaviors that normally nurture us.

For instance, maybe you typically eat a healthy, low sugar “real foods” diet; however, since the allegations, you’ve been binge eating Cheetos and Little Debbie snack cakes and watching way too much TV. It’s tempting, given what you’re facing, to wait until you’ve achieved clarity or resolved your case to attend to your wellbeing. However, this delaying can backfire. In an apocryphal story, a Zen Master reveals that the key to enlightenment is simply: “[When hungry, eat. When tired, sleep.](#)”

Consider that wisdom. Let’s say you’ve cut down on sleep to burn the midnight oil at work, take care of your children and work on your case. All these projects might seem “essential,” but the lack of sleep could make you more susceptible to getting sick. It could damage your judgment and make you sluggish, angry, irritable and depressed.

Get enough rest! Avoid sugary processed carbohydrates and junk food, and eat enough vegetables, healthy fats and proteins. Spend quality time outside. Make time to be around friends and associates who support you and who bring out your best self, and engage in healing practices, like meditation, prayer, journaling and self reflection.

Here’s another good reason to take care of yourself; DCPP and the court will consider your behavior and lifestyle when contemplating your case. If the false accusations turn you into an unproductive, depressed mess, your case will suffer.

Dealing with Judgments from Others and Getting Proper Support

The subject of child abuse and neglect inspires lots of passion and judgment.

Rightly or wrongly, society treats people accused of sexual assault against children with strong contempt, bordering on hatred. Even if you stand accused of something less polarizing -- such as charges that you hit your child at the park or fed your child Fruit Loops for three meals a day -- you might find yourself isolated not just from your children but also from people whom you thought would support you, no matter what.

For instance, your parents or siblings might withdraw support or even actively assist the case against you. Colleagues, friends and coworkers may likewise betray you or refuse to listen to your story. This can be a very painful and socially isolating time.

Respond with as much self-compassion and empathy as you can muster. You know, in your heart of hearts, that you committed no wrongdoing, but others might not see your point of view (yet), or they may just be shy and/or confused about how to handle the situation.

A Way Out of the Isolation

Be resourceful in terms of how you solicit help from good people and trustworthy institutions. While you can find a lot of “support” from places like Facebook, you need to be careful. First of all, information that you post online can be potentially used against you during your case. When typing an email or sharing something on a social site, imagine how you would feel if your words were read aloud in a courtroom. Regulate your conduct thusly. Second of all, communicating with strangers over the web is not the same thing as getting personalized, responsive, professional support.

Handling Your Finances Effectively

Child abuse and neglect cases often (but not always) coincide with other family rifts.

For instance, maybe you and the other parent are in the throes of a divorce. Or you may be struggling with a job crisis. Financial uncertainties can compound your problems. A professional bookkeeper or financial advisor can help you reclaim some control in this area.

With tools like a working household budget, a sensible savings and retirement plan, and a strategy for your career, you can more flexibly respond to the needs of the moment. First off, be radically honest with yourself, and identify what’s true now about your situation:

- How much money do you have in your various accounts?
- What are your assets and debts?
- What’s happening with your job and career?

As much as you would love to roll back the clock to a time before the allegations, pay attention to what’s true in your life now, financially and otherwise. Next, develop a complete set of goals for your finances. Don’t worry about how you’ll get to where you want to go; first, just establish a “starting line” and a “finish line” that are based on real numbers and present objectives. Once these goalposts are in place, you can then start the (potentially fun) work of brainstorming creative solutions to get from A to B faster, more efficiently and with less effort. For instance, to conserve money, you could move in with a parent or a friend. Alternatively, you might move your child from private school to public school until your legal situation has been resolved.

The Bottom Line When It Comes to Reclaiming Control Over Your Life

Whether you are wrestling with false abuse and neglect allegations or just trying to get a grip on the challenges of the day-to-day, remember these two basic strategies.

1. Strive to “think better” about your problems.
2. Recruit great people to meet your needs and find solutions.

Neither of these strategies is simple. No recipe can guarantee results and help you feel happy and comfortable about your situation. However, if you invest time into learning how to think, analyze, and reflect on your life more resourcefully; and if you devote time and energy looking for great people, you are more likely to be sharp, focused and ready for your case.

Here are other useful exercises and articles that can help you understand and meet the challenges caused by the false abuse and neglect allegations:

- [The 5 Whys](#)
- [16 Ways to Manage Your Anger](#)
- [How to Forgive Someone When It’s Hard](#)
- [Emotional Intelligence: Developing Strong "People Skills"](#)
- [4 Steps to Turn Setbacks into Comebacks](#)
- [4 Journaling Exercises to Help You Manage Your Emotions](#)

Strategies for Finding and Working Effectively With an Attorney

Before you search for a legal representative, take time to reflect. What values do you want to govern the relationship? What goals are important for you to achieve? You probably have a general sense of what you want, but the more specific you can be at the beginning, the better.

Understand Your Purpose

“All successful people men and women are big dreamers. They imagine what their future could be, ideal in every respect, and then they work every day toward their distant vision, that goal or purpose.” – Brian Tracy

Why, exactly, do you want an attorney? You want a specific-enough answer, so that you can easily answer the question: *is this relationship on purpose or off purpose?* Here are some possible reasons:

- **You want to heal your family after a single unpleasant incident.** For instance, maybe a school nurse noticed that your child had unusual bruises that she picked up after getting bumped on the playground. She reported her concern to authorities, which touched off a nightmare process for you and your partner. You want this process to end, ASAP.
- **Your ex-spouse made false accusations that you hit, underfed or neglected your children.** You obviously want to fight these allegations and clear your name, but you also want to finalize the divorce process with as little “drama” as possible and limit or prevent further legal and emotional peril.
- **Your spouse (or another caregiver) engaged in parental alienation, and now your child thinks you did some act of wrongdoing that you did not do.** Not only do you want to make sure that the truth is known, but you’d also like to restore your relationship with your child and hold the person who engaged in the alienating acts to justice.

Try this exercise right now. (Don’t worry about giving a “perfect” answer. Just write down a first draft – whatever comes to mind.)

The reason I need a lawyer for my case is:

Articulating the Values That You Want to Govern the Process

Whenever we need the help of a specialized professional -- an accountant, a doctor, an attorney, a home remodeler, etc. -- we often have unspoken expectations about the relationship. Obviously, you probably want your attorney to be ethical, experienced, and knowledgeable about how to handle child abuse and neglect allegations.

But what else do you need from the relationship? What could go wrong? In ideal world, what would you like to get out of the relationship?

By taking a few minutes to get a handle on these parameters, you’ll not only be less likely to hire the wrong attorney (for you), but you’ll also be more likely to enjoy smooth sailing with whomever you retain. Here’s a simple “hack” to surface these subtle values. Imagine if you had to ask a friend to find an attorney for you. What instructions would you give him or her? What would you say to do and to avoid doing? For instance:

- Make sure the attorney has handled dozens of cases like mine successfully;
- Make sure the lawyer has a State-wide reputation and is a trusted authority.
- The lawyer’s staff should be friendly, communicative, and “on it.”

- You should get a good vibe after speaking with the attorney.
- The attorney should have an impeccable ethical record and should be very smart.

Try this exercise now. I would retain any attorney, as long as he or she:

Finding and Vetting Prospective Law Firms for Your Abuse or Neglect Case

It's not hard to find attorney referrals – the web alone can deliver more prospects than you could possibly review, even if you spent weeks. The question is: *how do you find qualified prospects who share your values?*

Your budget and financial circumstances may preclude you from hiring a private attorney. In that case, the New Jersey Public Defender system can refer you to attorneys through its Office of Parental Representation (OPR). However, just remember that the quality of your legal representation can profoundly affect not only the dynamics between you and your children, but also your future job and career prospects. Avoid being “penny wise, pound foolish.” Think about this process as an investment in your future, in your children and in your mental health. Hiring the cheapest lawyer today will likely cost you two or three-fold tomorrow to have the right attorney undo the damage done by the budget lawyer you first retained.

Using your purpose and principles to guide you, winnow down your list of prospects to two to three firms, maximum. Then set up consultations with your top choices. A chat over the phone will not give you good insight into the professional's skill, knowledge or connection to your case or cause. Prepare for the consultation by writing down a list of questions. Be as comprehensive as possible, and take good notes during the meetings. The consultations, by the way, should be protected by attorney-client privilege.

Your ideal choice should have a wealth of resources available to you prior to your consultation. Read articles they have published. Check out videos they may have recorded on the topic of concern to your situation. Once you find candidates with whom to consult, read their bio's. Google their names and see what comes up about them, beyond their website content.

Here are some questions you might want to ask:

- How many years have you been defending parents against wrongful accusations of child abuse and neglect?
- What is the typical process that you use to help people like me?
- Will I be working with you or another attorney directly? Who my “point people” be?
- Have you trained the attorneys on your staff to deliver peak performance comparable to your own?
- What are your rates?
- What qualifications or relevant experience do you bring to the table?
- What inspired you to go into this area of law?
- What mistakes do you fear that clients like me might make?
- If I decide to go forward with your firm, what would the next steps be?

Collect your notes from your various consultations and review them. Consider recruiting a close friend or trusted advisor to sort through your options. Pay attention not just to the “facts on the ground” but also to your intuition. The subconscious has a fantastic ability to pick up critical clues about subtle red flags that we may consciously miss.

For instance, the attorney may have great credentials but may lack the warmth or compassion that you feel like you need during your crisis. Pay attention to those feelings.

Once You Hire an Attorney – 4 Tips for Making the Relationship Smooth and Seamless

1. Learn the law firm’s processes and systems.

How does the law firm prefer to work with clients like you? What are the attorneys' expectations? How does the office work? Take time to learn these basics, not just to make things easier for the firm and its people, but also to *ensure that your needs are always met.*

2. Write down any questions and concerns you have, when you have them, so that you ask them in batches.

Our brains, unfortunately, do not work in a linear fashion. There is a reason why we compile things like grocery lists. It’s easy to forget that you need to buy batteries or fresh flowers when you’re at the grocery store and overwhelmed by sales and stimuli. You write things down, so you don’t have to remember them consciously.

Worries and ideas about your case will pop up at inopportune times, such as when you're driving, when you're showering, when you wake up in the middle of the night at 3 AM. Get into the habit of writing down these thoughts on index cards or post-it notes. Then compile this list for your lawyer. And then ask them all at once, via email, a phone call or at an in-person meeting. Doing this exercise will do two things for you. One, it will help you reclaim peace of mind; instead of worrying unproductively about your case, you'll have a process to handle your concerns efficiently. Two, it can reduce your legal fees, because you'll get more "legal stuff" done in less time and hence tally fewer billable hours.

3. Make sure you understand what is going on with your case and what you need to do.

Avoid needless stress and agitation. You should always understand what's going on with your case, what the next steps will be, and what you should be thinking about or doing. Lean on your attorney and the law firm's staff to get that clarity, consistently.

4. If the law firm isn't a good match, for whatever reason, recognize the problem and take decisive corrective action.

For instance, for budgetary reasons, you may opt not to hire a private lawyer... only to find yourself frustrated by a lack of attention from your public defender. Or maybe your attorney fails to return your phone calls or emails, or the staff treats you rudely. Don't be passive. Address your concerns directly, and try to work with your team to solve them. If problems persist, consider seeking a second opinion from a qualified attorney who has worked on DCP&P cases.

3 Case Studies: How False Allegations of Child Abuse and Neglect Can Lead to Complex Problems... and What to Do About Them

These three fictitious stories illustrate some common challenges:

1. Kenny's bruises on the playground.

Kenny Haven was a third grader who liked to get scrappy. One day, after a tumble off the monkey bars, Kenny got sent to the school nurse, who became concerned because she saw a rash of bruises and cuts on the boy's body. The nurse got the school administrators involved, who ended up calling DCP&P, which then initiated an investigation of Kenny's single father, Chris.

Chris had a criminal history -- one DUI and one charge of resisting arrest for causing disruption at a bar. He also did not have a particularly good relationship with his ex-wife. Chris, like his son, was a rough-and-tumble guy. That's just genetics at play.

Chris understood that his background might not look particularly "good on paper." But he also cherished his son and would never lay a hand on him -- let alone subject him to the bruises and cuts the nurse found. The reality is that Kenny just happened to be a risk taker: he often fell and got banged up. Like his dad, he was naturally on the wild and aggressive side.

To protect his reputation and keep his family intact, Chris hired a qualified attorney who had worked successfully on numerous DCP&P cases. Among other things, she helped him compile evidence from pediatrician reports and from teachers at the school -- as well as a video of one of his falls -- that proved that Kenny often got scraped up on the playground. Based on the strength of this evidence, Chris was exonerated of wrongdoing and reunited with his son.

2. "War of the Roses" style divorce leads to a bitter, false accusation of abuse.

Jeremy Taylor and his ex-wife, Carol, had been feuding in the courts for five months, ever since Jeremy "blindsided" his wife with a request to separate. Initial attempts to mediate the divorce broke down, and the couple entered litigation, causing no small amount of sadness and confusion for their two young children, Mila, age 5 and Debra, age 2.

In the five months since separation, Jeremy had fallen into a pretty serious depression and found himself doing things like eating nothing but cereal for all his meals and missing work. However, he did take great care to be loving and present for his children. But one day, a week after a particularly grueling court experience, Jeremy suddenly found himself facing accusations that he had been malnourishing his children -- feeding them unhealthy foods and allowing them to live and sleep in dirty, dangerous conditions. While Jeremy's apartment would certainly not have qualified for the cover of Martha Stewart Living, the allegations were objectively unfounded.

Working with his attorney, Jeremy challenged the accusations as hearsay and got them discredited. Although he had the option of "punishing" his ex for making up the accusations, he

chose to let bygones be bygones, so he could complete the divorce as soon as possible and start rebuilding his life and his relationship with his daughters.

3. Hurtful allegations of mental illness and incompetence exaggerate reality.

When Veronica Canes gave birth to her son, Jaden, at a young age of 23, she quickly fell into a postpartum depression that coincided with her breaking up with her boyfriend at the time.

Being a single mother who had to work -- and who didn't exactly have the world's most supportive or wealthy family -- Veronica struggled for years to get her bearings. Despite having a decent, high paying job at a marketing firm, she had to be hospitalized for depression twice: once when Jaden was seven months and once shortly after her father passed.

However, she had been on the upswing -- both professionally and personally -- when she got into a fight with an apartment complex neighbor, who had been playing loud music late into the night, which prevented Jaden from sleeping. In retaliation for Veronica's complaint to the manager of their apartment building about the noise, the neighbor sought revenge by making up allegations that Veronica had mistreated Jaden. He said she kept him home from school and yelled at and hit him. Truth be told, Veronica had been forced to take Jaden out of school a few times due to work emergencies. And she had, occasionally, yelled at her son loudly. But the neighbor's allegations wildly exaggerated the situation. Unfortunately, Veronica knew that her psychiatric history could pose a serious problem during the DCP&P process.

Her lawyer helped her not only effectively manage the investigation into her psychiatric history but also challenge the neighbor's account and trustworthiness. Veronica wound up keeping Jaden in her custody, and the landlord later evicted the lying neighbor for illegally growing marijuana.

Section 3: Answers to Frequently Asked Questions about DCP&P and Defending Against Child Neglect and Abuse Charges

Can you provide a quick overview of the DCP&P's process?

1. **DCP&P files a complaint.**
2. **You attend your preliminary hearing.** The judge makes a decision about whether DCP&P has a case and whether your child needs to be placed for the immediate future.
3. The next phase involves **case management and a status conference.**
4. **Depending on what has happened so far in the case, there may be a fact finding hearing or stipulations.** The DCP&P will try to prove that you committed an act of abuse or neglect, and you can defend.
5. **A dispositional hearing takes place.** If the court rules against you, the judge holds this hearing to decide next actions for you, for your child, and for the process.
6. **A review hearing takes place.** Reviewing hearings are designed to check up on you and your child to make sure that the process is in order.
7. **A permanency hearing decides the final outcome of the process.** A permanency hearing must be held within 12 months after your child has been removed from the home and placed in foster care. During this hearing, the judge makes a decision about the child's permanent living situation.

What services can DCP&P provide for you?

In addition to therapy -- which we discussed in detail in an earlier section of this book (Make sure not to reference the book in the blog posts, except in reference to the free-standing E-book)- DCP&P offers education courses for caregivers, home healthcare, daycare, alcohol and drug abuse treatment and emergency housing. You also may be able to qualify for assistance with emergency housing or money for a security deposit or rent from DCP&P's emergency fund.

What if DCP&P refuses to provide services that you actually want?

You can ask the judge to order DCP&P to provide these services and appeal if denied.

If your child is going to be removed from your custody, can you ask that he or she stay with friends or local family members?

Yes. Tell DCP&P about these options, as the agency won't necessarily know about them. DCP&P must search for relatives with whom to place the child, but you should make it easy for them. Only offer relatives with no criminal background or child abuse history.

What is the CPRB, and what impact can it have on your case?

The Child Placement Review Board (CPRB) is a volunteer group that assesses abuse and neglect cases and provides recommendations for the court regarding what should be done for placement of your child. Each county has its own CPRB, and the board is supposed to review each case within 45 days of the child's removal from the home.

Is mediation ever an option?

In some New Jersey counties, mediators – neutral third parties – may be available to help resolve issues, but only after a Fact Finding hearing has occurred. This way, you can avoid an aggravating and time consuming court process.

Will the legal process impact benefits that you get, such as welfare benefits?

Quite possibly. If you had been collecting welfare prior to the removal of your child, you will likely lose your benefits. If the child remains at home, your benefits may be reduced.

What is the OSCAR Program?

The Office of Parental Representation runs the Order to Show Cause Attorney Representation (OSCAR) program to make sure that an attorney represents each parent at the first hearing. This lawyer from OPR would be a provisional representative. You still must apply to be represented by the Public Defender's Office.

What if you can't afford an attorney?

The Office of Parental Representation (OPR) can assign an attorney to represent you, if you qualify, financially and otherwise.

Before you apply for an OPR attorney -- or the court says that your income level qualifies you for this service -- the attorney can start representing you. You need documents to prove your income and property. The court (not OPR) gets to decide whether you qualify for services. But buyer beware -- saving money by agreeing to be represented by OPR may cost you - precious contact with your child and perhaps more.

Are these legal services free?

No. After your case finishes, you will get a bill from the New Jersey Public Defender's office, which will include fees for things like calling in extra witnesses and other costs of defending you

in court. If you can't pay right away, a lien can be placed on your bank account, your property, your automobile, etc. You have the right to challenge this lien or to make a case that you can't pay for the services.

What is the Legal Service's Family Representation Project?

Legal Services of New Jersey (LSNJ) sponsors this project, which connects low income parents with legal assistance for dealing with DCP&P cases involving accusations of neglect and abuse.

What is the DAG?

The DAG, also known as Deputy Attorney General, is an attorney who represents the DCP&P in Court.

What is a Law Guardian?

This is an attorney who will represent the interests of your child. The Law Guardian is appointed by the Court from a special section of the Office of Public Defender - the Law Guardian's Section.

What are the judge's responsibilities in your case?

Judges, obviously, strive to shield children from harm caused by neglectful or abusive parents. At the same time, they also want to protect the rights of parents and try to keep families intact. The judge will try to assess, objectively, the facts of your case in light of applicable New Jersey law and form an equitable decision. However, when in doubt, most judges err on the side of DCP&P. For this reason, it is imperative that you have a skilled attorney at your side to ensure you have every opportunity to successfully defeat specious requests made by DCP&P.

What is a Court Appointed Special Advocate (CASA)?

The CASA worker is an agent of the court who is tasked to get to know you and your child and collect information for the court to evaluate.

What's the difference between a DCP&P action and a criminal case?

The kind of action we've been discussing in this book is known as a *civil action*. As we touched on earlier, there are several critical distinctions between *civil* and *criminal* cases. In a criminal case, for instance, the prosecuting side must prove its case "beyond a reasonable doubt"; whereas in a civil case, the prosecution needs to prove its case by a "preponderance of the evidence" – basically, 50% plus a little more. Evidence that would be strong enough to achieve victory in a civil case, for instance, could fall short in a criminal case.

On the other hand, criminal convictions come with criminal penalties, such as jail time. If you lose your civil case, you will not be subjected to criminal penalties. Even if you are found culpable of child abuse or neglect in a DCP&P action, most cases are eligible for reunification between parent and child.

Can you still get charged with a crime related to the abuse or neglect charges?

Yes. The prosecutor's office can go after you for criminal charges related to abuse or neglect.

Will what happens in the criminal case affect what happens in the civil case and vice versa?

Yes. For instance, if you admit during the civil case that you did harm your child (even to a minor extent), that fact may then be used in the criminal case, although not directly. Likewise, if you plead guilty in the criminal case, that would have obvious implications for the civil case.

When might you be in danger of permanently being stripped of your parental rights?

After DCP&P removes your child from the home -- and your child is in foster care for 15 of 22 consecutive months -- the agency must file a court case to end your parental rights permanently.

Are there any exceptions to this?

There are three basic exceptions. First, if your child is living with a relative (such as a mother or brother) who can provide permanent care, DCP&P does not have to file a case. Second, DCP&P might determine that ending your parental rights would not be in the best interest of your child. Third, you can show that DCP&P has failed to provide the help it was supposed to give you, as determined by the court.

What is the New Jersey Child Abuse Registry?

Often also referred to as the Central Registry, the New Jersey Child Abuse Registry is a list of parents and caregivers whose rights are restricted. Even if ultimately you get your child back and your family intact, your name will still be included in the registry unless you win the Fact Finding hearing.

What are the downsides of being included in the Central Registry?

First of all, you may not be able to obtain or keep certain jobs in which you work with children or adults with disabilities. Second, you may be disallowed from adopting children or acting as a guardian for the children of relatives. On top of that, the DCP&P must disclose your name to the police and other agencies.

Can you get your name off of this registry?

Yes. It is possible to clear your name and your record using an administrative process.

How confidential is any information I share with my attorney?

In general, what you tell your attorney in confidence (when no one else is around) must remain confidential. However, your attorney is obligated to go to the police if you say that you are going to commit a crime in the future.

Will the general public be able to access information from the court hearings?

No. Both information at the hearings and also information contained in DCP&P's files must remain confidential.

What are some tips and strategies for how to handle your DCP&P caseworker?

First off, keep records of who your caseworker is and what happens in various meetings. As the Chinese saying goes, the faintest ink is clearer than strongest memory. Track information, such as the person's name, email, telephone number, supervisor, etc. Track the dates and times of any conversations or emails with DCP&P representatives (including covering workers, supervisors, etc.). Include failed attempts to reach the agency, such as voice mails or emails that don't get returned. Your attorney can also help you organize and orchestrate these communications.

Be your best self when interacting with DCP&P. Avoid getting heated or overly defensive, even if you feel understandably emotional about the situation. Yelling at people or making inappropriate emotional appeals will not serve your interests. Instead, be business like. Be diligent. Be clear. Understand precisely what your responsibilities are and what kinds of deadlines you have to meet during the process. Stick with facts instead of generalities.

What responsibilities does DCP&P have to you and your child?

In an ideal world, DCP&P is supposed to try to keep families intact, to create action plans to solve underlying issues and to provide needed support. The reality, as we've discussed, can be often quite different and more adversarial. But that's at least the mission statement.

DCP&P, at minimum, must provide a case plan for you and your family, offer services that can restore your family or keep it intact, and keep you up-to-date about the case. If your child is placed in care, DCP&P must set up times for a visit with your child and also inform you about what's going on with your child educationally, developmentally, medically, and so forth.

Is DCP&P obligated to help you?

In severe situations, DCP&P can ask the judge to be excused from assisting you, because your parental rights have been ended or because you seriously hurt the child.

How do visits with your child work?

In general, when your child is in foster care, it's up to DCP&P to arrange visits that will occur for one hour every other week at the DCP&P office. Your attorney can help you obtain longer and more frequent times to meet up with your child. You also may be able to arrange things, so that you meet with your child outside the DCP&P office at a place like a park or restaurant. Your attorney can help you negotiate other elements of the process, such as when and how you can communicate with your child via mail, phone and email, etc.

How should you make most of the visits with your child?

The number one rule is to be as pleasant as possible. Put away distractions, such as your cell phone, and be your best self.

Demonstrating good behavior at the visits can obviously help you, while losing control verbally, emotionally or physically will obviously not be helpful. Especially since you face *false* or trumped up allegations, you may find these visits quite emotionally challenging.

Perhaps the child is now living with the ex-spouse who lied about you, and the child has grown to believe the false tale that's been constructed. Or maybe the child is not sure who is telling the truth. Use active listening. Be empathetic. Try to reflect your child's feelings and needs without getting caught up in your own thoughts, feelings or drama.

For instance, let's say that your child reports that he got a string of D's and C's on his report card. He used to be a mostly A and B student. This revelation about the report card could be quite charged. Your instinct might be to sympathize, tell stories, get emotional, blame, etc. For instance you might find yourself saying things along the lines of:

- "I'm really disappointed."
- "This is all my fault. If I hadn't got myself into this mess, your grades would be better."
- "Your teachers are obviously not listening to you."
- "I remember when my friend Johnny went through something similar."

Engaging in this manner makes the situation all about you and your feelings and needs. Instead, take a step back and just be a mirror for your child. You can follow this three-step process.

1. Just reflect the objective facts of the situation, almost as if you were a video camera recording the scene.
2. Guess at what the child is feeling and needing in light of those facts.

3. Make a simple, actionable, and positive request.

For instance: “Wow, you got a string of D’s and C’s on this report card. Last semester, when we were all together as a family, you got all A’s and B’s. I’m guessing you might be feeling embarrassed and scared to show me this report card, because you’re worried about how I might react. Did I get that right?”

Never assume that you understand what other people are feeling. Instead, try to listen from the heart. Do you see how this approach is profoundly different and potentially more useful?

A Quick Exploration of Parental Alienation in Abuse and Neglect Cases

During custody battles, emotions can understandably become quite charged.

Some parents – particularly those who lack effective coping skills and self-regulation – find themselves engaged in behaviors that are not exactly consonant with their better angels.

For instance, the other parent may not only invent false allegations about abuse or neglect, but may also recruit a child to be an accomplice to those stories. “Parent alienation” (also known as “PA” or referred to by some parents as “Parental Alienation Syndrome”) is the official, technical name for when a parent brainwashes a child to turn against another parent.

Identified and described in 1987 by Dr. Richard Gardner, Parental Alienation has been the subject of much discussion and debate. At first, many psychologists and other experts in the field refused to acknowledge the term, and some organizations, like the National Organization for Women (NOW) fought to prevent the latest Diagnostic and Statistical Manual of Mental Disorders (DSM-5) from including PA as a "syndrome". Scholars such as Dr. Michael Bone, Dr. Douglas Darnall and Dr. Richard Warshak have all written extensively on the concept and its political implications.

How Parental Alienation Typically Works and What to Expect

In addition to planting stories in your child’s head that you committed abuse or neglect -- or some other act of wrongdoing -- the alienating parent may try to:

- Flout visitation orders and other court orders;
- Engage in persuasion to convince the child to withdraw from you or even hate you;
- Encourage the child to hate or disrespect your friends or family or anyone who associates with you; or

- Convince interested third parties, such as therapists and attorneys involved in a divorce, of lies about you.

3 Types of Alienating Behavior

1. The parent can *positively reinforce* the alienation.

The parent rewards the child when he or she agrees with a critical statement about you or makes fun of you. For example: *“You’re so right that your father looks ridiculous in that picture. He was never able to control himself around alcohol.”*

2. The parent can *negatively reinforce* the alienation.

The parent can scream or become emotionally agitated when the child refuses to go along with the criticism of you. For example: *“What are you talking about? Your father does NOT look like he lost weight. I’d be surprised if that fat slob has even moved from that couch of his. You can never excuse that kind of lazy behavior!”*

3. The parent can *partially reinforce* the alienation.

This is the most vexing and psychologically harmful strategy. The parent mixes up positive and negative reinforcement, so that the child never knows what to expect. To stop this chaotic behavior – and regain a sense of control – the child may agree with the attacks to mollify the alienating parent.

Even when a child just “goes along with” the alienating parent just to get the unpleasant behavior to stop, over time, he or she may come to believe the lies and distortions. In such cases, reversing the brainwashing can be quite challenging. Once the false narrative has been fully implanted, the child may resist attempts to rewrite that narrative and may start even inventing new details to embellish and support the stories made up by the alienating parent.

Three Levels of Parental Alienation

1. Mild Alienation

This is characterized by the following:

- The alienating parent occasionally says or does things to make the other parent “look bad” in the eyes of the child but then later regrets the actions and often tries to engage in repair of the relationship;
- The parent generally complies with court orders and engages in respectful conversation with the targeted parent;

- The alienating behavior typically occurs during the most challenging times of a divorce and then later stops;

2. Moderate Alienation

This is characterized by the following:

- The alienating parent often loses control and engages in rage-fueled alienating behavior, which he or she often later deeply regrets.
- The parent will comply with court orders, but the relationship with the targeted parent is very rigid, or there might not be much civil conversation between them;
- The parent is able to understand that the child is separate; that is, they're *not* a “team” designed to “fight back” against an “evil” parent – an attitude that a severely alienating parent might have;

3. Severe Alienation

This is characterized by the following:

- The alienating parent may be mentally ill and/or incapable of rationally discussing the situation. Even when neutral third parties (e.g. an attorney or a therapist) brings up the behavior, the parent may get furious. The parent will refuse therapy, for instance.
- The parent often disobeys court orders, under the pretense of “I’ll do whatever it takes to protect my child,” and solicits others into his or her “us vs. them” paradigm;
- Reversing this kind of alienation often requires removing the child from the custody of the alienating parent;

Legal and Emotional Challenges

Alienation obviously poses profound challenges for the targeted parent. Not only does it threaten to derail and potentially destroy your relationship with your child forever -- alienated children often continue to believe the implanted false narratives as adults – but it also poses huge challenges when you’re negotiating with DCP&P or dealing with criminal charges.

For instance, a brainwashed child might convincingly argue way that you engaged in abuse or neglect, even though you didn’t. When it’s your word against your child’s word, how can you defend your rights and prevent negative outcomes?

The silver lining is that, when caught early enough, Parental Alienation can usually be reversed, and the other parent can even be punished for the brainwashing.

Even though psychologists only developed a name for this constellation of symptoms a few decades ago, evidence of similar practices date back hundreds or even thousands of years. For instance, consider the famous example of the Salem Witch Trials. Back in the very early days of the U.S. colonies, children in Salem, Massachusetts became convinced that several local women were “witches.” These poor women suffered severe punishment, ostracism, and even death as a result of this trumped up and entirely fabricated testimony.

Here is dramatic description of actions that went on during the Salem Witch Trial that illustrate the depth of brainwashing that can occur (from [The Salem Witch Trials, 1692](#)):

“The seeds of the hysteria that afflicted Salem Village, Massachusetts were sown in January 1692 when a group of young girls began to display bizarre behavior. The tight-knit community was at a loss to explain the convulsive seizures, blasphemous screaming, and trance-like states that afflicted the youngsters. The physicians called in to examine the girls could find no natural cause of the disturbing behavior. If the source of the affliction was not attributable to a physical malady, the community reasoned that it must be the work of Satan. Witches had invaded Salem...

In March the afflicted girls accused Martha Corey. The three women previously denounced as colluding with the devil were marginal to the community. Martha Corey was different; she was an upstanding member of the Puritan congregation - her revelation as a witch demonstrated that Satan's influence reached to the very core of the community. Events snowballed as the accusatory atmosphere intensified and reached a fever pitch. During the period from March into the fall many were charged, examined, tried and condemned to death.”

Identifying, stopping and reversing Parental Alienations can be a tough project. However, a qualified New Jersey family law attorney can help you understand the proper steps to take to deal with this problem in the context of your overall DCP&P case.

Conclusion

Standing accused of false allegations of abusing or neglecting your children can be one of the most painful and emotional experiences you will ever face in your life.

Congratulations on working your way through this whole book. You've taken a brave first step to understanding what challenges you face and what resources might be available to you. Hopefully, this book has begun to return to you a sense of clarity and control.

In this book, we defined the critical terms and processes involved in New Jersey abuse and neglect cases, and we discussed strategic and tactical tools a falsely accused parent can use to restore parental rights, challenge unfair actions by DCP&P, negotiate more effectively, and communicate in a loving, clear fashion with your child throughout the experience. We also touched upon how to handle myriad problems in your life that are related, if only peripherally, to your case. Finally, we discussed how to find appropriate legal help and to communicate in a coherent, resourceful manner with your legal representative.

Whether you are a falsely accused parent – or you are a medical provider, psychologist or criminal defense lawyer who works with falsely accused parents – we'd love to speak with you at length and in confidence about your case and your needs. Please call us at (908) 810-1083 today to set up the consultation, or discover more about what we do and why at <http://newjerseydysdefense.com>.

We wish you the best of luck and healing as you navigate the complexities ahead of you. Stay strong. Stay focused. You *can* clear your name and restore your family to wholeness.

Disclaimer for "It's Not True! How to Combat False Allegations of Neglect and Abuse"

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