

# CASA/GAL Volunteer Report to the Court

Re: Brandi Underwood, DOB 1/29/97 (age 5)

February 7, 2002

## History

The CPS record showed one previous neglect report that was substantiated for improper care and supervision. The mother had left the child at home unattended when she was three-and-a-half years old. The family received case management services from Child Protective Services from November 2000 through May 2001. The record indicates that the mother was not cooperative, stating throughout the agency's involvement that she had done nothing wrong and was a competent caretaker. She was observed to be very immature and isolated from support systems. The father, who resided with the mother at that time, was often gone for long hours, leaving the mother with no phone, no money, no car, and a young child to care for by herself. CPS closed the case after six months, with the parents living together and the father assuming primary caretaking responsibility for Brandi.

A month later, in June 2001, the mother left the child with the father after discovering his involvement with Ms. Scott. She moved back home to Oklahoma where she hoped to establish a future home for Brandi. Ms. Scott learned that she was pregnant with Mr. Underwood's child and moved into the home with Brandi and him. A report made to CPS on September 30, 2001, resulted in a substantiation of abuse and neglect on November 8, 2001. On November 11, 2001, the discovery of additional injuries to the child resulted in the filing of the petition that is before the court today for adjudication and disposition. The case was continued from the original adjudication hearing date of December 28, 2001, due to lack of court time. In accordance with ICWA the court found on November 22, 2001, that Brandi is of Indian descent and the Big River Nation was notified.

## The Facts

### Reports & Records Read

- Juvenile petition alleging physical abuse and neglect; and
- Physician's report (Central Carolina Indian Health Services Clinic) and hospital photographs.

### Persons Contacted

### Relationship to Child/Children

Brandi Underwood	Child (observed on: 11/21/01, 11/23/01, 11/30/01, 12/14/01, 1/8/02, 2/5/02)
Foster Mother	Current caretaker
Geneva Underwood	Biological mother
David Underwood	Biological father
Trisha Scott	Father's girlfriend, caretaker
Elizabeth Livingston	CPS, Children's Services (current case)
Lakeitha Colbert	CPS, Children's Services (previous case)
Jean Moore	Big River Nation ICWA worker
Janet Lentz	Pearson Mental Health, child's therapist
Millie Hansen	Maternal Grandmother
Brian Link	Father's employer
Ann Lindell	Mother's therapist
Ann Crutchfield	Daycare teacher
Sgt. Joe McCone	Police officer
Patricia Johnson	Parenting class instructor

## **The Facts (cont.)**

This child came to the attention of CPS because of injuries that were not adequately explained by the father and his girlfriend, the primary caregivers. She was initially reported on September 30, 2001, for severe bruising and bite marks. The father signed a protection plan indicating that he would not use physical punishment on Brandi and that he would not leave the child alone with Ms. Scott, his live-in girlfriend. The plan was violated when the child sustained new injuries. On November 11, 2001, Brandi was examined at the emergency room, where doctors found a broken upper right arm, a dislocated elbow, and numerous bruises. She was taken into CPS custody on that date.

The mother, Geneva Underwood, was living in Oklahoma at the time of the petition and had not seen Brandi in six months. The mother came to North Carolina on November 14, 2001, and had several visits with Brandi. Initially, there was a hesitation on the part of the child, but she remembered her mother and quickly warmed up. The child lit up whenever Grandma Millie, her maternal grandmother, was mentioned. The mother entered into a service agreement with CPS and returned to Oklahoma to accept services there. Dunlap County CPS requested that the Pawnee County CPS in Oklahoma assist her in obtaining services. The mother asked for physical placement and legal custody of her child.

The father, David Underwood, and his girlfriend, Trisha Scott, take some responsibility for the injuries to the child. Their explanations minimize the harm done and do not explain the nature of the injuries that occurred over a period of time. There are criminal charges of misdemeanor child abuse pending against Ms. Scott. Both David and Trisha need to address anger management in counseling. David has verbalized that he will not give up Trisha, who gave birth to his child last month.

At the time of the petition, Ms. Scott appeared to have considerable influence over Mr. Underwood regarding how to raise Brandi. Both individuals are from a military background and believe that Brandi should be a disciplined, well-mannered machine. Brandi was forbidden to run around the house, speak out of turn, or eat outside of the kitchen, and received severe consequences (whipping with a switch) if she broke the rules. The couple now acknowledges that some of their expectations were unrealistic and that their discipline was harsh. They say that parenting class has given them this insight. Their instructor reported that both seem to understand the information regarding appropriate parenting of a child.

The child has been observed by the CASA/GAL volunteer on six occasions, twice in the foster home, twice on a visit with the mom, and twice with the dad. She interacts in a friendly manner with other children in the home and has regained complete use of her arm. According to the daycare teacher, Brandi is outgoing, helpful, and playful. The child made statements to the CASA/GAL volunteer, the foster mother, and to CPS that her dad can visit her for a little while, but then he should go home without her. Brandi is less anxious about visiting with her mother and is now eager for those contacts. She also has a very positive response to memories of Grandma Millie, the maternal grandmother in Oklahoma. When this grandmother was mentioned, Brandi stated, "I love her and she loves me."

## **The Needs & Wishes of the Child**

- Brandi needs to be in an environment where she feels emotionally and physically safe.
- Brandi needs caregivers who understand the developmental issues of a five-year-old and are interested and motivated to learn more about the developmental stages and needs of children.
- Brandi needs to be encouraged to tell those she trusts about what she feels, needs, and wants without fear of punishment.
- Brandi needs someone she trusts to talk to her about the living arrangements of the mother and father and what this means in terms of her visits with them.
- Brandi needs one caregiver that will make sure she is not harmed in the future and who has her best interests in mind.
- Brandi needs to be in an environment that is culturally appropriate and supportive.

## **Available Resources Within the Family to Meet These Needs**

### **MOTHER: Geneva Underwood**

Has recently demonstrated her interest and motivation through her behavior with her child and her compliance with CPS expectations. She admits to not always making the best parenting and life decisions; she denies allegations made by the father of drug use and prostitution. Ms. Underwood is supported financially by her mother and other relatives who are able and willing to provide child care and other supportive services for her. She has begun counseling and parenting classes in Oklahoma.

### **FATHER: David Underwood**

Has attended parenting classes and has expressed a willingness to seek a psychological evaluation and counseling, but has not yet followed through with appointments arranged by the caseworker.

### **GIRLFRIEND: Trisha Scott**

The father's live-in girlfriend attended parenting classes with Mr. Underwood and agrees to participate in counseling.

The father and his girlfriend are willing to do these things even if Brandi is not placed with them. The father's ongoing involvement with Ms. Scott, the recent birth of their child, and Brandi's reluctance to live with her father mean that reunification with him would not be in the child's best interest at this time. Additionally, he has never acknowledged responsibility for the abuse or for his failure to protect Brandi. He should be encouraged to continue with all of the positive efforts and ordered to undergo a psychological evaluation and counseling.

### **GRANDMOTHER: Millie Hansen**

The maternal grandmother in Oklahoma is willing to undergo an ICPC home study in order to be considered as a permanent placement for Brandi should reunification with a parent prove unsuccessful. Ms. Hansen has maintained contact with the caseworker and with Brandi throughout this case.

## **Available Resources Within Community/Tribe to Meet These Needs**

- CPS placed the child in a suitable foster home until the child is reunified with a parent or until it is found to be in her best interest to be placed with a relative.
- The child continues to receive medical care for the injuries sustained from the abuse.

- Brandi is in counseling with Janet Lentz at Pearson Mental Health Center. She has ongoing appointments to assist her with the emotional trauma and with the transition into her permanent placement. The mother feels that therapy for the child is readily available in Oklahoma, and CPS there agreed to offer courtesy assistance with resources for the mother.
- The father and Ms. Scott already completed a series of parenting classes that were recommended to them by CPS. There are resources for obtaining a psychological evaluation and a number of counselors who can address any needs identified in such an evaluation.
- The mother is receiving counseling and parenting classes from Ann Lindell, a therapist in Oklahoma.
- The tribe has social services available to assist the mother and Brandi if she is placed with her mother or grandmother.

### **Issues for the Court's Attention**

Ample resources exist in the family, the community, and the tribe to meet the needs of this child. Despite this, the issues of severe physical abuse and the failure to protect the child require ongoing involvement by the child protective services system. The family is complying with the individual terms of the CPS plan but has not made adequate progress on acknowledging and remedying the underlying problems.

#### **A Plan of Transition**

This child has been traumatized and needs a period of adjustment and support with any new caretakers. At this point, she does not trust adults to tell her the truth as evidenced by her fears about being sent home with her father despite verbal reassurance that this would not happen. I believe that the foster mother can assist with the transition, although I worry that if we wait too long the child will have separation problems when she has to leave the foster home. This child is young and needs permanence quickly.

#### **Are the mother's uncertain job and school situations, and her lack of plans for child care, issues for this court?**

Geneva Underwood's sole income comes from her mother's generosity. The mother says she is a student although she admits she is not in school at this time. I have also been told that she uses drugs and sometimes prostitutes herself, but she denies this. She states that she is looking for work. The real issue is the need for clear plans for financial support and adequate child care when the mother is not available. After a period of adjustment, it would be beneficial to child and mother if she were gainfully employed so that she could provide for some of the child's financial care and serve as an appropriate role model.

#### **Supervised Visits**

David Underwood and Geneva Underwood do not agree on many issues, and animosity is present so it will be difficult to make a plan that works if the child is placed with a parent. The fact that they are in two different states complicates the matter. Both parents' visits have been supervised by CPS to date. Currently visitation is with the father but not with his girlfriend. With the new baby, it is important to consider Brandi's place within that part of her family. With the pending criminal matter, visitation with the girlfriend should not be allowed unless the child's therapist recommends otherwise. The father's visits should continue to be supervised unless the child's feelings about those visits change and unless the child's therapist recommends that they be unsupervised. The foster mother is willing to supervise visits with either parent if they occur at a neutral place, such as a park. This will allow Brandi to see the parent and foster parent working together for her care, and visits will not feel as unnatural as having the caseworker supervise.

### **Visitation with Biological Mom Out of State**

During the upcoming months, the mother should come to North Carolina on a regular basis to build her relationship with the child and to participate in the child's therapy. CPS should pay for her transportation as needed. If the visits with the mother and Brandi continue to go well, she could move to unsupervised visits when the child's therapist feels this is appropriate. Any change from supervised to unsupervised visits will require court approval and can be considered at the first review, which should be held within two months of this date.

### **Recommendations to Protect & Promote the Best Interest of the Child**

1. Brandi still needs a neutral and safe home, and that is to be in the home of the foster family, even though the foster family does not fall within the placement preferences of ICWA. Custody should remain with CPS, and the CASA/GAL volunteer should be informed of any changes in the child's circumstances. Any change of placement must be initiated through the court.
2. Brandi wishes to see her parents but only if she feels safe and sure that she is not going home with them. At this time and for the next two months, I am recommending weekly visits with parents (separately) to be supervised by CPS staff or the foster parent. Weekly visits may not be practical for Ms. Underwood since she lives out of state, and therefore should be supplemented by frequent phone contact.
3. Since Brandi is the victim in a criminal case against the girlfriend, I would recommend no visits with Ms. Scott at this time, unless the child's therapist recommends that visitation is in her best interest.
4. Brandi needs to continue therapy sessions at Pearson Mental Health Center with Janet Lentz so the therapist can gain Brandi's trust. This will help the parties determine issues such as future placement, visitation, and other important matters in Brandi's life.
5. Brandi needs to have parents who are financially able to provide for her. Both parents need to financially support their own needs and the needs of Brandi. Child support issues need to be addressed by the court.
6. It is in Brandi's best interest that her father, David Underwood, obtain a psychological evaluation and follow any recommended counseling.
7. It is in Brandi's best interest that all parental figures learn more about child development, appropriate discipline, and how to work together on behalf of the child.
8. It is in Brandi's best interest that her cultural ties be supported, especially through contact with her maternal grandmother, Millie Hansen.
9. To determine the next steps in this case for placement, visitation, and services, I recommend this case be calendared in sixty days.

Respectfully submitted,

*Michael C. Howell*

Michael C. Howell,  
CASA/GAL Volunteer

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