

House Children & Youth Committee Public Hearing:
Statutory and Procedural Rights of Foster Parents

Testimony of Jennifer and Derik Deibler
October 4, 2021

Being a foster parent was something we felt called to do for years before we finally took the plunge. After hosting several foreign exchange students and a Nigerian refugee over the course of a few years, we thought we were as prepared as you could possibly be to foster. We had navigated the awkwardness of a German student meeting Derik's grandmother who is a practicing Jew. He was sure she would hate him and that he would not be welcome in her home – the exact opposite happened, and he completely enjoyed himself. He and our other long-term student have returned several times to visit. We housed a young lady from Chibok, Nigeria. While she wasn't kidnapped, she was just a short distance from her school that night and witnessed her friends and family being kidnapped amidst gunfire and helped search afterwards. She was an orphan from northern Nigeria and had a tremendous amount of severe trauma in her past. She had only been in our country a few months before she came to stay with us so everything was completely new – from the food, to the language, cooking on a stove, and pets in the house – and she was terrified of the woods – and you guessed it, we live in the woods. I never expected to have a disagreement over putting fish stew in the refrigerator overnight instead of leaving it on the counter, yet we did - over and over and over again. Despite all the challenges, she wanted to stay with us during another school break. We had no idea what or why, but we figured we were doing something right if these young people were not only returning but bringing friends to stay with us too. We had overcome cultural differences, language barriers, religious differences, worked through some severe trauma, fears, and a need to protect location and ID so we thought we were ready.

We had two placements and a total of four kiddos in our two years of fostering. Our first placement was just shy of 2 months before going to live with his aunt's family. Our families have become great friends and we often get together. Our second placement were two and three-year-old sisters with a sibling due about three months later. Despite everything we brought to the table this placement was going to stretch us in ways we didn't even know were possible.

When the girls came to us, they knew about 5 words each and the youngest drank from a bottle and had never had any solid food. Verbal communication was impossible because not only couldn't they speak the words, they couldn't understand when we talked to them. They seemed to have no experience with common, everyday things. Colors, apples, oranges, dogs, and even rain were completely new. Hitting was their go-to mode of communication (keep in mind the three-year-old was literally the same size as our then seven-year-old). The only help or advice we received from the county or COBYs was to tell them to "use nice touches" and to demonstrate with a doll. They could mimic that behavior but in practice it was useless. We could not tell you the number of times each of us were hit, bit, spit on, or had chairs or other objects rammed into us. We immediately enrolled the three-year-old in preschool (at our own expense) until a spot opened up in Head Start about a year later. They were put on waitlists for play therapy but despite our best efforts not much changed before the baby was born. It didn't take long before they acted out against him. Constant supervision was the term given, but we literally had to

protect the baby at all times. There were countless attempts to pull him out of our arms, hit, bite, or kick him and one of the girls kicked the baby in the car seat saying, "Die baby die." Beds and pillows were the only things we could have in their room and those were picked apart and broken countless times. Full-blown tantrums occurred an average of 5 times a day. There were ER visits, self-harm, frequent masturbation, hitting, spitting, kicking, fondling others in public and breaking or downright destroying so many things. Despite all of this it took 7 months to get any kind of help and that was just a handful of play therapy sessions. It was over a year before we were assigned a behaviorist, never got a TSS (after waiting 15 months), it took 21 months to get a neuro-psych exam and never got the recommended neuro-psych exam or intellectual assessment that was prescribed. In spite of all of this, at the time of reunification the oldest was a rising kindergartner whose teacher and IU personnel felt was well prepared academically and the youngest was making great strides developmentally.

Our foster son spent his first 20 days in the NICU. As soon as we were allowed to visit, we were there almost every day. During that time, I noticed an issue with his eyes, and it took another 6 months to convince a pediatrician to look into it. He only used one side of his body and this required various doctor and therapy appointments, multiple sets of glasses, eye patches, a neuro-ophthalmology consult and daily home therapy. There were high school girls who spent most of their summer vacation at our house playing with the younger girls so that I was free to work with Bubba, as he became affectionately known. It took a lot of work, but we were able to help him learn to stand, walk, climb, navigate his world in shoes (instead of needing to be in bare feet), and to "play" on a drum kit using muscle memory. When his speech was delayed, we began to teach him sign language and words quickly followed.

Over the course of the placement the children had up to 6 visits a week at various locations. At the county offices there was a procedure in place to keep one of the children from having contact with a visitor. When visits moved to a private facility nothing was done to prevent this despite direct instruction from the caseworker. Visits continued to go downhill, and we began to repeatedly request that visits move back to the county offices because we feared for the children's safety as well as our own for many different reasons. These requests were denied. We repeatedly begged the caseworker to come to one of the visits so she could see for herself what was happening, yet she never came. Our fears were not unfounded as one of those visiting is now accused of shooting two people.

Going into the summer of 2019 we thought we had three – maybe four - big things coming down the pike. Our second daughter was heading to college, the girls were being reunified, TPR was being filed for Bubba and we were told we would likely be able to adopt him that fall. Although it was going to be very hard to say goodbye to the girls, we knew it was coming and were preparing. We were ecstatic at the prospect of adopting Bubba. At 18 months old he was completely a part of our family and close to us all – especially our youngest daughter. She has always been homeschooled, so she was with him as much as I was as a stay-at-home mom. I wish we could share pictures and you could see the way they looked at each other. Unfortunately, that is not what happened.

Our second daughter left for college, 10 days later the girls were reunified, the next day TPR was filed, and 10 days later Bubba and our youngest daughter were removed from our home with

“child abuse” given as the reason. There is really only one word to even begin to describe the days, weeks, months and even years following their removal. We were given a safety plan for our daughter that permitted supervised visits for me but no contact for Derik, the name of a person from the PA Dept. of Health and Human Services who was to contact us and were reassured multiple times that Bubba would be returning home. Two days later we had a court appearance for the safety plan and Lancaster County Children and Youth told us that this plan would be in effect for two more days until our daughter went for her forensic interview. She made no disclosures, but the county called to inform us that she would not be returning home until the other two girls went for their interview. That would be the last communication we had as we were told the county and COBYs would no longer communicate with us in any way. We were distraught and had no clue what to do so we consulted an attorney. Over the next three weeks she made phone calls and sent emails trying to contact the state so we could understand what was happening. No one ever responded and we had no information other than the safety plan and the words “child abuse”. Our attorney told us to file a complaint with the state and when we tried to, we were told there was no way to file a complaint at that level. We had no idea what to do, no idea where to turn to get help, and neither did anyone else. We had attorneys asking other attorneys - even though one of them had even previously worked for the county. At that point we decided to contact Bryan Cutler. Our families have known each other in various ways for quite some time and he had even held Bubba during our children’s volleyball matches so we figured he had knowledge of us and knowledge of the state. Bryan very quickly became our daughter’s hero because he was able to work to get her home when no one else could. Without him stepping in it could have taken another three weeks for her to come home as the agency had to send a car for the girls to go for their interview after six weeks.

We then got a letter from the state (dated three days after the kids were taken but postmarked three weeks later) and that’s when we found out that the allegation was not only child abuse but child abuse of a sexual nature. Under our attorney’s advisement we retained a criminal defense attorney. He contacted the investigating officer from the State Police who told him that one of the girls – he couldn’t remember which one – made a clear and concise statement and that it didn’t matter what we said it was going to the district attorney. None of it made sense. It had taken six weeks for the girls to get an interview, we had already had one of the girls in for an alliance interview a few months earlier, our daughter made no disclosures, and we had so many doctors and caseworkers (6 over the 2 years) and therapists who were all mandatory reporters constantly involved with the children (we had an open door policy with all of them) and there was never a time when there were not two adults (or our then 17-year-old daughter) present due to the safety concern.

Despite their growth, communication was still difficult for the girls. Just a few weeks earlier we had taken a vacation to Florida and at the next visit the girls were asked what we did. The response was “Chicken.” Even when questioned a second time, just “Chicken.” They had the words to talk about the pools at the resort, the lake, the beach trip, visiting Derik’s grandma, and holding an alligator so we struggle with the idea of a clear and concise statement being made. We have no way to know if the entire interview was clear and concise or just one statement. We have no idea if it was actually the girls who were interviewed (it was in a different county so they would not have been known), nor do we have any idea what we allegedly did. The reports

on both of us came back “Unfounded” but the county only received a letter referring to Derik and COBYs only received a letter about me.

After the children were removed, Bubba and our three girls had been having weekly visits. Our middle daughter even made the drive to and from Bloomsburg just for the two hour visit 7 of the 9 weeks (she had required school conflicts the other two weeks). When our oldest had not heard anything the night before what would’ve been the 10th visit she contacted the respite mom only to find out that there were to be no more visits. The kids were devastated as they never got to say goodbye and had no chance to prepare for the visits to end. Our youngest had taken every last bit of her savings to do a Build-A-Bear with Bubba on what ended up being the last visit and it was the one positive she could cling to.

Weeks later the Guardian Ad Litem told our attorney that Bubba was not returning home. I will never forget the look on our youngest daughter’s face or the way she ran off bawling when we told her. She had been asking daily when Bubba was coming home and when she heard his name come up in the phone conversation, she thought it meant that was the day. She went from jubilation to utter devastation in seconds. We still don’t understand why the change was made. We had gotten paperwork citing the change of Bubba’s goal to adoption with us as the adoptive parents just two days after the kids were taken. The GAL told our attorney that “everyone knew it was a set up” but she had been asked to sign off on the change and did so without looking into it at all. She admitted she “may have made a mistake” and we should ask for a hearing.

The new CASA worker also signed off on it without ever meeting us, having just replaced our CASA workers who had to resign for health reasons. Our CASA workers (a retired counselor and a retired attorney) had previously testified at an update hearing that the kids had hit the jackpot when they were placed with us. We have become friends with them too and get together on a regular basis.

We also knew it was a set up. In the 10 days between the girls’ reunification and our children being taken TPR was filed for Bubba and scheduled 17 days later, two people were denied kinship, the abuse claim was made, and there was an unexpected three-way call made from Lancaster County Prison to check in with the caseworker when there was a history of struggling to make any contact. On top of that the end of the 60-day investigation period coincided with someone’s release date, the family had made no effort to have the girls interviewed and we were told that TPR could not take place while there was an on-going investigation.

The GAL said she was told that the investigation was not even over when it had been for nearly a month. The GAL also said the county caseworker told her that I struggled to do the girls’ hair and that made us culturally insensitive. I am admittedly ‘hair-challenged’ and it was an ongoing joke that even after having three girls I still couldn’t do hair, so God decided to give me two more girls with even more difficult hair. However, I took them to get their hair done, got advice about how to do it – over and over and over again - and I learned to do their hair and kept it silky soft. I wish you could see because honestly, I was a little proud of myself. Then one of the girls wanted to go to school with her hair natural and ended up asking her bus driver, teacher, and friend to do it – on a visit day. That started a series of complaints about their skin and hair which ended up with me being told that I could no longer do their hair in ponytails (their favorite) and

must always have it divided into small sections and braided. This meant that I couldn't put a protective layer of gel on for swimming and all of their hair was exposed to the chlorine. I asked what I should do to protect it and there was no response. Every week I explained the girls were in the pool until the last possible minute because I didn't want them to resent visits. The person complaining was deathly afraid of water and had never been swimming and I often wonder if the caseworker ever took the time to explain the effects of chlorine on skin and hair.

Half of Derik's family are practicing Jews. We are not. Cultural sensitivity is an everyday part of our family. Derik is employed and we not only attend, but are part of the worship team, at a bilingual Spanish church. We followed advice from appropriate first- and second-generation Americans concerning things such as customs and food. I would've never thought it was appropriate to give a toddler hot peppers, but Bubba couldn't get enough of them and Three King's Day has become part of our own traditions.

The county also stated that the new foster parents did a better job of reaching out to the biological family. We had been told not to communicate in any way outside of visits for very specific reasons. I also have an email where I asked the caseworker for advice to better my relationship with the bio-family and she responded by saying what I was doing was just fine. The county also cited the three months Bubba had been living with the new family as another reason for the change despite spending 18 months with us in the only home he had ever known.

As time went on, we heard more and more complaints about Lancaster County Children and Youth (one name came up more frequently, but there was a variety) from many people. People who had felt helpless and treated poorly in one way or the other. These were not parents who may have had a grudge because their children were taken but foster and kinship families and teachers. We also learned that almost every foster and adoptive family we knew had been accused of abuse at some point, but the issue had been resolved within a week or two and their biological children had not been removed from their home. We also had person after person tell us that their family had been either seriously considering or actually in training to become foster parents until they heard what happened to us. With all this in mind we again asked Bryan Cutler to help and the three of us ended up meeting with Commissioner Parsons and another county administrator to discuss our experiences. They seemed genuinely concerned but refused to get involved.

We appealed Bubba's removal to the county and were denied. We appealed that decision to the State where the county attorney was not truthful, and we were again denied. We then petitioned to adopt Bubba. After waiting over a year for a hearing, our petition was ultimately dismissed after the county filed to do so about 10 days before the scheduled hearing. We had to be able to look our girls and Bubba in the eyes and be able to tell them we did everything we could. Our youngest said it best – "We had to fight for him because his parents didn't fight for him and if we didn't, he might think he wasn't worth fighting for."

Not long after we lost our state appeal, COBYs dropped us as foster parents. The reason given was that we said negative things about the county in our appeal. That night I had seizures for the first time and ended up in the emergency room. I was ultimately diagnosed with psychogenic

seizures which are a symptom of post-traumatic stress disorder. I have had them frequently ever since.

Our youngest went from being one of the most cheerful, easy going children I have ever known to always angry with horrible tantrums. She went from sleeping like a rock to sleep talking and walking several times a night, waking numerous times a night, and sleeping on the floor of our bedroom nearly every night. She constantly said she felt afraid but didn't know why she was afraid. She began binge eating, struggled to keep friends, and her academics suffered. She was diagnosed with severe emotional trauma, went to weekly therapy for 21 months, and we've been told her triggers may be lifelong. She feels betrayed by the girls she still loves as sisters. She also doesn't understand why Children and Youth did this to Bubba and us but let the girls leave that last day without car seats and after they reported being hit on the previous visit. Beyond anything she misses Bubba. Our middle daughter got the call about the removal and left class crying during her first week of college. She went from being accustomed to being away for a week at a time with her father, to calling at least 5 times a day. She has had the same issues with feeling afraid without knowing why and began needing medication for her ADHD for the first time in her life. Handprints that Bubba left on her bedroom window are sealed on with plexiglass. The respite mom admitted that Bubba was the happiest she ever saw him when he was with the girls. He would run and greet them and cling to them trying not to leave. The bond they had was undeniable.

Bubba was, however, the one who was failed the most. He was still running to the door looking and calling for his big sister every time it opened when two more of his sisters left. Then 10 days later he lost his other sister, parents, home, and pets. He was the happiest little boy and loved his people and animals. We had shown time and time again that we wanted to do all we could for him – from his eyes, to therapy, the progress he was making, and his joyful personality. When he wasn't growing our German "daughter" brought boxes and boxes of a highly recommended organic German formula with her and he quickly grew two clothing sizes. When we got home from Florida that summer, he was so cute as he ran and squealed through our house greeting all of our animals, including his favorite, Brandy, our shepherd. She was his guardian from day one and he loved her for it. She still lays at the sliding glass door every night crying and we can't play a video with his voice or "Baby Shark" without her popping up, looking for him and then crying. She's 13 so that's really the only pop she has anymore. Bubba lost it all, everything he had ever known, even though "everyone knew it was a set up." On the last visit with our girls he was still asking to see and trying to kiss and say hi to us through videos on my daughter's phone. It kills us to think that he wonders why we left him and never came back. We cannot imagine the level of betrayal and abandonment he feels. "Everyone knew it was a set-up" yet no one stepped up. No one decided they weren't going to let this happen. No one protected these children from pain they should not have had to experience even when "everyone knew it was a set-up."

Our youngest daughter still hasn't really talked much about any of this. It happened on her first day of the fine arts co-op she now attends. She told us that she "left that day expecting to come home to (her) life and her brother but (she) didn't and Bubba never came home." She's asked why we didn't know what to do when she was taken, and we explained that no one knew. We told her that we had never run through "what if" questions in our head because we had never dreamed it was a possibility.

We have been humbled by our community's reaction. We will never forget the tears and audible gasps when we told our previous congregation Bubba was not coming home. Meals, visits, help with our children, and offers to testify or do whatever to help came from not only close friends but acquaintances. We expected to be scrutinized and looked upon suspiciously, but we got the exact opposite. I've worked with our first attorney for years with custody of our oldest two daughters (she has also worked for the county with contested adoptions) and she looked at Derik that first day and said "I don't even have to ask you if you did it because I know your %&@ would have been on the curb and I would've been her first phone call." Another person said they knew how we handled a previous situation and because of that they knew there was no way. At the time Derik was the worship leader at that congregation and directly asked the pastor if we were a hindrance to worship in any way. He told him it was the exact opposite and not a single congregant had come to him with questions or concerns about us. There had even been a motion to cut church funding to COBYs, and although it didn't pass, there was a sizeable vote in favor of the cut. Being that the head of COBYs grew up in that church, his father was a pastor there, and the ball field is named in his brother's memory, it was kind of a big deal.

It is, however, still hard to not feel judged or looked upon suspiciously. It's hard not to wonder if it's because of all of this when our daughter's new friend is not allowed to spend the night even though all her old friends still do. It is incredibly unnerving to be asked if we still foster or to explain to someone what happened. It is so easy to overthink every interaction we have with children now and have removed ourselves from most things involving children. The "what ifs" are terrifying and it's hard for all of us to shake the feeling that this will always be over us.

No one knowingly signs up to have PTSD, their children traumatized, to have their name, reputation and family dragged through the mud, or to spend thousands upon thousands of dollars to try to clear their name, get their children home, and get them lots and lots of counseling or to live with a scarlet letter of sorts. We never dreamed that something like this would ever be allowed to happen or that foster parents could be so disregarded.

When the kids were first removed, we had several people recommend contacting a specific agency that provides help and guidance to foster parents accused of abuse, however this agency was in another country and we couldn't find anything similar here. With as hard as it was to navigate the system having an organization that knew the process could have made this process much less stressful. We have never understood how it was ok to wait six weeks for the girls to interview. Our children returning home was dependent on someone else's actions and yet it was allowed to be delayed for 6 weeks. We also question whether our former foster daughters were actually the children interviewed. The investigating officer said there was a clear and concise statement. If there was, we question whether the rest of the interview was as clear and concise as that statement. We understand why we should not be able to see the actual interview, but we felt there should be a way to have a screen shot taken or another concrete way for us to know they were the actual girls interviewed. We did not go to our own interview because the officer involved told our criminal attorney it didn't matter what we said it was going to the district attorney because kids don't lie. In our minds there was no reason not to go but our attorney felt nothing good could come of it because of the officer's attitude towards us. To this day we still do not know what we were accused of doing. Our defense attorney had even scheduled a lie detector

test with a well-respected examiner only to have it cancelled that morning because the examiner felt he didn't even have enough information to write the questions needed to have an accurate result. It never felt like finding the truth was the goal and didn't feel like those involved understood the dynamics of foster care. Even though the county claimed they informed us about the hearing to change Bubba's placement, they did not. We would have done anything we could to keep that change from happening, but we had no chance to stand up for ourselves or Bubba.

When the judge dismissed our adoption petition, he cited a similar case from 25 years ago which concluded the foster parents had no rights. There is so much more known about attachment and development now and many studies that show newborns bond with non-biological parents the same way they bond with biological parents – even when one of the parents is biological and the other is not. This would mean that Bubba bonded with us as though we were his biological parents and family. It certainly felt like it. There are also studies that show how traumatizing it is for a child to be removed from their home (homes that are themselves traumatizing, not loving homes where a child is thriving) and other studies that show removal before age two can predispose children to aggression and anger issues which can surface beginning between ages three and five. This is Bubba. This was allowed to happen to Bubba by the agencies charged with protecting him and we as foster parents were powerless to do anything about it.