

## **The Hernandez Family**

### **Part I: The Child Welfare Investigation**

The Hernandez family was reported to DCFS by an Effingham police officer who had taken protective custody of 3 children, ages 11 (Jose), 4 (Oswaldo) and 3 (Marilyn), of Fausto, age 33, and Milagros Hernandez, age 30, after being called to a domestic dispute involving alcohol in which both parents had been arrested. Investigation revealed that the oldest child had severe belt marks on his buttocks, back, arms, and legs and all three children had bruises of varying age and coloration. The 3 year-old also had a healing animal bite on her hand, which apparently had not been treated by a physician. Mrs. Hernandez was not charged and was released at the police station. Mr. Hernandez was charged with Battery (of Mrs. Hernandez) and Child Abuse and released on bond.

All three children were removed and placed into non-relative emergency foster care placements. 11 year-old Jose and 4 year-old Oswaldo were placed together with a bilingual (mother only) non-Latino family. 3 year-old Marilyn was placed into an English-speaking (only) family.

Father speaks English fairly well and agreed to accept services to the family in English at the time the case was opened. Mother speaks very little English. The eldest child, residing in Mexico, speaks none. Jose is fairly fluent in English. Oswaldo is learning English. Marilyn has limited language, most of it Spanish. Relatives in Mexico are only Spanish-speaking. Mr. and Mrs. Hernandez state that they have relatives living in the state, some with limited English and some who only speak Spanish. None of the relatives are documented residents. Investigation revealed that Milagros Hernandez has a fourth child, 13 year-old Reuben, residing in Mexico with his maternal grandmother. Reuben speaks only Spanish.

The mandate visit and investigation were done by an English-speaking DCFS investigator, who utilized AT&T translation services to communicate with Mrs. Hernandez and the two youngest children, Oswaldo and Marilyn. As this did not work well over the telephone with the children, the investigator also utilized the limited Spanish-language skills of the foster mother of Jose and Oswaldo. Marilyn had been placed in a separate, English-speaking foster home shortly after PC was taken. Mr. and Mrs. Hernandez are getting upset because she is not learning Spanish.

The DCP investigator consulted DCFS Procedures or Best Practice Guides to guide her work in investigating and determining the case. She reviewed Department requirements or guidelines for service to non-English-speaking families and for service to Latino or Hispanic families. Although not required to comply with the Burgos Consent Decree, she used the provisions of the Decree to guide her work. She reviewed the following DCFS Procedures, Policy Guides or Practice Guides:

300.50 c) 7): Initial Investigations (Communication requirements)

300.60 c) 1): Required Investigative Contacts (Use of qualified non-family interpreters in investigating & determining case)

300, Appendix E: Burgos Consent Decree

301.60 a) 8): Placement Selection Criteria (Children of Hispanic or Latino origin)  
303.30 c) 1): Services Delivered by the Department (LEP, non-English-speaking)  
305.50 d) 4): Service Plan (Planning w/ LEP parents and/or children)  
305, Appendix G: Content of ACRs (Identification of language/communication needs)  
Policy Guide 2004.02: Mexican Consulate Notification  
Best Practice Section 4.3.4: Initial Investigation (Communication requirements)  
Best Practice Section 4.3.5: Initial Investigation (Spanish-speaking families)  
Best Practice Section 6.5.1: Placement Selection (Placement criteria)

Investigation by DCP revealed that there has been a history of domestic violence of husband towards wife, which began after Mrs. Hernandez joined her husband in the U.S. Mrs. Hernandez reports that her husband is not an alcoholic but does drink to excess on occasion (at least weekly), when he can become angry and abusive. In addition to her, 11 year-old Jose often takes the brunt of Father's anger at those times. The boys have reported that Mrs. Hernandez has also punished them with a leather strap when they don't listen to her, but that she only spansks their 3 year-old sister. Mrs. Hernandez appears to be depressed and to exert little control over the children, although her difficulty in parenting may only be a recent circumstance. Although she did admit to using a strap to attempt to discipline the boys, she may not have been responsible for putting marks on them. The DCP investigator indicated an abuse allegation of 'cuts/welts/bruises' for both parents and an allegation of 'excessive corporal punishment.' against Mr. Hernandez. The allegation of medical neglect against both parents for lack of treatment of Marilyn's dog bite was also indicated, although the bite had successfully healed from their tending.

In completing the investigation, the DCP worker sent a notice (CFS 1000-6, Notification to the Mexican Consulate) to the DCFS Office of Latino Services, alerting OLS that the Hernandez children had recently been taken into the custody of the Department and that, as Mexican-American minors, their status as wards must be reported to the Mexican Consulate General of Chicago.

## **Part II: Sorting Out Issues of Culture & Migration Experience.**

The Hernandez family shares a small rented home with Milagros' sister, brother-in-law and their two children, who moved in one year ago. On occasion, a close boyhood friend of Fausto also resides in the home when he is in the area. The friend, Ramon, is considered as a brother by Fausto, and he consistently supports and defends Fausto as the head of the household. Ramon is undocumented.

The sister and brother-in-law, Maria and Luis Chaparro, moved into the home to share expenses and other kinds of support. They are compadres to the two youngest Hernandez children, and Milagros and Fausto are compadres to the Chaparro children. The original plan was for Maria to stay home and provide cooking and childcare for all the children, but she took a job a few months after moving in. The immigration status of the Chaparras is unknown; they may be undocumented. They cannot be considered as relative placement resources because they continue to reside in the same home with the Hernandez's. Maria has been critical of her sister Milagros of late, because Fausto's drinking and abusive behavior are becoming difficult to live with. Milagros is beginning

to feel criticized and less supported by her sister, and their relationship is becoming slightly strained; however, there are no plans for the two families to separate.

The two women, who both work full time when they can, are responsible for all of the cooking, cleaning, laundering and childcare of the smaller children in the home. Their husbands, who are the main supports of their families (and contribute to relatives in Mexico), work much longer hours, leaving the home early in the morning and returning tired late in the evening. The men expect to have a substantial hot meal prepared and ready for them when they get home at night. Except for fixing things and participating in household shopping, they have no established or routine domestic chores. They play with the children and are involved in disciplining them, usually for the more serious offences or when they notice behavior they don't like. Luis Chaparro takes an interest in his oldest child's schooling and attends on report card day and other parent functions; Fausto, who only attended school to the 4<sup>th</sup> grade, does not. Milagros and Maria do not appear to have expectations that their spouses would play a significant role in domestic chores. Although the couples each might fight about a number of issues, the spouses do not fight about cooking, housework or childcare. Everyone seems to accept that those responsibilities are the domain of women, even when they also work full time outside the home.

Milagros is beginning to understand that DCFS and the court will not return the children unless she and Fausto can demonstrate that they can change conditions at home and show that they are good parents. She does not know exactly how this will be demonstrated, only that she will have to do certain things, such as see a counselor, to satisfy the authorities. She senses that Fausto does not understand that he will have to actively participate in that process in order for the children to be returned to them.

Milagros has suffered the increasing alcohol abuse and domestic violence in the home and other difficult circumstances since she joined her husband in the U.S. She has tried to remain with her husband and keep the family together, hoping things would get better as they gained a better economic foothold. She is a religious Catholic, although the family does not attend mass regularly.

Milagros oldest son, Reuben, is being raised by her mother in Mexico. She has promised for several years to bring him to live with the rest of the family in the U.S. and had considered attempting to bring him over this year, documented if possible or undocumented if necessary, but had been fearful of the potential for conflict between her son and his stepfather, Fausto. She is also fearful about the dangers of his crossing the border illegally and unaccompanied. This is an area of great sorrow and stress for her. Reuben is increasingly angry with her in phone conversations, accusing her of abandoning him, of neglecting him, of not loving him and of ruining his life. He tells her that his real mother is "mamita," the grandmother who is raising him.

Milagros' has not told her mother yet that the children are not at home, but her mother is becoming suspicious that something is wrong, and Milagros will need to tell her very soon. Milagros does not wish to reveal too much of what has been going on to her

mother, would like her mother's support but is ashamed and humiliated for her to know what has happened.

Fausto had a difficult and impoverished childhood in Mexico, marked by the death of his father at an early age and scarred by the loss of one eye in a childhood accident at age 8. He has not seen his family in Mexico, to which he still sends support remittances, for 10 years. During that time his remaining grandparents and one sister have died. He was not able to attend any of the funerals. His mother is in poor health. He has issues with his wife and children about not always being shown respect and appreciation for the sacrifices he has made, for how hard he has to work and for his role as the man of the house. When he drinks, he becomes hyper-sensitive on these points. When drinking, he also insinuates that Milagros had been unfaithful to him during the period in their relationship when she remained behind in Mexico with Reuben and the infant Jose. He becomes annoyed with the intensity of her family relationships and jealous of the parent/child bond between Milagros and Reuben.

### **Part III: Sorting Out Immigration Issues**

Milagros and Fausto had emigrated to the U.S. from a small town in Michoacan, Mexico, where they were married 12 years ago. Fausto came to the U.S. by himself 10 years ago to work as an agricultural laborer and is a Lawful Permanent Resident. Milagros followed him to this country 5 years ago. She has almost no education and does not have a green card of her own. The couple have four children, three of whom reside with them. The eldest child, Reuben, a 13 year-old son of Milagros from a previous relationship, lives in Mexico with his maternal grandmother. Reuben, and his next sibling, Jose, 11, were born in Mexico. Four year-old Oswaldo and 3 year-old Marilyn were both born in the U.S.

Father works and is the main support for the family. Mother is dependent upon the father for economic and other supports, and her legal status is linked to that of her husband. She and Jose reside here on his green card and she cannot become a Lawful Permanent Resident of the U.S. without his consent or knowledge. Although she has not attempted to leave Fausto in the past for a number of reasons, she has also been aware that her ability to remain in the U.S. legally was dependent on his consent and this has limited her sense of initiative and leverage in dealing with her family's problems.

Mother is desperate to regain custody of her children. She has admitted to disciplining the boys with a strap on occasion, but denies being abusive or being responsible for the serious bruises found on them. She is very worried that the children will never come home if Fausto cannot or will demonstrate that he can change his pattern of alcohol abuse or physical abuse. If that would be the case, she would prefer separating from Fausto, but this would complicate her legal status within the U.S. She also does not know how she would be able to support herself and the children financially on her own, especially since the two youngest children have not yet started school.

Fausto is also fearful that the children will not be returned and is angry about the intervention by authorities in his family life. He has begun to verbalize a wish for

everyone to return to Mexico, either together if the children can be returned or separately if the children can be placed with his relatives near his hometown. Upon consideration, Milagros realizes that she does not want to return to Mexico if the children can be returned to her. That also reinforces her desire to separate from Fausto if he returns to Mexico and to remain in the U.S. with her children, eventually bringing Reuben over as well.

#### **Part IV: Using Practice Competencies**

The Hernandez case was assigned to a DCFS Child Welfare Specialist who is not bilingual or bicultural but who did complete two years of college-level Spanish. He relies on translators some of the time with Milagros and relative collateral contacts, but he also communicates in English and his limited Spanish with Fausto and the children and, at times, with Milagros.

After being assigned the case, his supervisor suggested that he review the following DCFS Procedures and Guides:

- 301.60 a) 8): Placement Selection Criteria (Children of Hispanic or Latino origin)
- 303.30 c) 1): Services Delivered by the Department (LEP, non-English-speaking)
- 305.50 d) 4): Service Plan (Planning w/ LEP parents and/or children)
- 305, Appendix G: Content of ACRs (Identification of language/communication needs)
- Policy Guide 2004.02: Mexican Consulate Notification
- Best Practice Section 6.5.1: Placement Selection (Placement criteria)

It is very challenging finding linguistically competent and appropriate services and resources for the family. Fausto has curtailed his drinking on his own and is willing to participate in AA, but is uncomfortable attending any of the local groups, which are English-speaking and non-Latino. Fausto feels that he is not abusive to his wife when he is not drinking heavily and is resistant to participating in any domestic violence program. There is no professional counseling resource in the area that can provide services in Spanish that could accommodate Milagros, who has become more overtly angry with Fausto over what has happened. The experience has not pulled them closer together and they fight frequently. The allegations and circumstances in the case are not the most serious, but progress in the case has been slow because of difficulty in communication for the parents and in finding useful services.

Mr. and Mrs. Hernandez are comfortable with the quality of material and physical care provided by the two sets of foster parents, but are very unhappy that Marilyn is separated from the two boys and that the children are in English-speaking, non-Latino homes. Jose has become resistant to speaking Spanish to them, often answering in English when they ask him anything. Oswaldo responds in Spanish, but is becoming more comfortable expressing himself in English. In just 1 and 1/2 months of foster care, Marilyn has switched from being primarily oriented to Spanish to being oriented toward English; in fact, she is noticeably losing the interest and ability to use Spanish for communication. Milagros and Fausto are becoming increasingly concerned about this. They feel that they would prefer to have the children placed with relatives in Mexico if the children are going to remain out of their care for long and would absolutely want that if the children

are not to return. The foster parents of Marilyn have already indicated a strong interest in adopting her if she becomes available.

A 45-day Administrative Case Review is scheduled for the coming week.