

SOME ILLUSTRATIVE CASES

The table below sets out some illustrative points from some of the cases studied in the Report.

This is not a statistical survey. It is collation of feedback and information received about such Indian families, or reports of such Indian families, as the author could identify who have had children taken by US child protection agencies in recent years. Only a selection of the cases in the Report have been included here.

Cases Where Shaken Baby Syndrome Alleged by Hospital When Parents Brought Baby With Head Injury From Accidental Fall/Slipping/Rolling Off Bed										
	Family	Year of Case	Parents' Ethnicity & Nationality	Parents' Profession	Type of Visa	Length of Stay in USA Before Case	Age of Children Taken Into Foster Care	Time Spent in Foster Care	Any US relatives at time of case?	Case Outcome
	Family AA	2015	Indian	Father: Software Engineer Mother: Homemaker	L1A	Arrived 5 months before in US	2 month old boy	7.5 months in foster care	Yes, one distantly related family. But authorities delayed placement of baby with them.	Case dismissed.
Repatriation	While the case was on-going, the baby was cleared for repatriation to maternal grandparents in India on intervention of the Government of India. Shortly thereafter, the US child protection agencies dropped the case.									
Comments & Notes	<p>“During the interview (kind of interrogation) we were asked about slapping kids in India and being harsh. Getting angry to kids etc.”</p> <p>“all the families to at least have basic things at home (Crib, car seat, stroller, baby food, enough cloths etc).” “I feel these are the first things Child protection team look for. We did not have crib at home and [baby] used to sleep on same bed with us. This was highlighted as a big mistake on us.”</p> <p>Threat of adoption: “there was always a discussion about adoption/kinship to other parents... [Child protection agency] was always preparing to have the adoption option open all the time. Not sure if this is to have additional pressure on parents to go for ‘plea’ instead of fighting against [child protection agency’s abuse claims]”</p>									

	<p>Mother required a translator. Hospital delayed release of baby's medical records, thus delaying parents' defence and resolution of case.</p>									
	Family BB	2012	Indian	Father: Software Engineer Mother: Homemaker	H1B	Arrived 2 weeks before in US	11 month old boy	6 months in foster care	None, family had just arrived and were total strangers to the US.	Case dismissed.
Repatriation	<p>While the case was on-going, the baby was repatriated to maternal grandmother in India on intervention of Indian Government.</p> <p>Visitation:</p> <p>One hour a week in offices of child protection agencies. Visitation was at convenience of child protection agency, the best interests of the baby for maximum contact with his family was not a consideration. After repeated insistence, baby was allowed to spend time with family on Durga Puja/Diwali. Skype contact was denied, citing privacy of the foster carer (feelings of the baby were secondary).</p>									
Comments & Notes	<p>"Child was injured twice and rushed to hospital for medical emergency once [while in foster care with non-related American foster carer]" It is suspected this was because the foster carer was an elderly woman in her sixties with six other foster children in the home. The emergency episode happened on New Year's Eve when the baby, who had been suffering from fever, was probably given less attention.</p> <p>"[Even after US Court ordered repatriation of the baby to India] Child protection always want to delay the process like in my case they staged a surgery plan which was unnecessary." After the repatriation order was given, the child protection services announced that the baby was not safe to fly without surgery for an air bubble said to be found in his brain. The parents asked for a medical opinion on this. When the doctor opined that the baby was safe to fly, the child protection agency said they wanted an opinion of a doctor from another state (even though the earlier doctor had been of their choosing). It was only after this doctor too opined that the child was safe to fly, that he was handed over. A consular official was sent to the home of the Family BB to ensure that the baby was duly handed over. This is the degree of resistance faced for Indian children to be flown to their own relatives back to India</p> <p>"Child protection agency is a big money-making racket which kidnap innocent children in the name of protection. Everyone should be aware of this racket and [be] careful about this"</p> <p>"[Bengali-speaking Mother (prime accused as she was with the baby when he got hurt) had] no English communication skill.... faced a lot of challenges to communicate to the authorities/doctors."</p> <p>"I was offered that if I tell to court that my wife abused my child, then child will be returned to me."</p> <p>Hospital delayed release of baby's medical records, thus delaying parents' defence and resolution of case.</p>									

Cases Where Shaken Baby Syndrome Alleged by Hospital When Parents Brought Baby with Seizures.

In each case the allegation was only in respect of one baby, but all siblings were put in foster care.

	Family YY	2017	Indian	Father: Software Engineer Mother: Homemaker	H1B	Arrived 3 years before in US	4 month old boy	In foster care since April 2017	No US relatives. Maternal grandparents were visiting to help with the baby, but not permitted to take over care. Paternal grandmother and brother flew down and are currently caring for the baby.	Ongoing; baby still in foster care.
Comments & Notes	<p>“Get the child out of foster-care [with strangers]/[child protection services] as soon as you can. Place them with your relatives or friends. Its most important.”</p> <p>“Be careful and respectful when you are interacting with doctors/social-workers/[child protection services].</p> <p>“Maintain good logs/records of your child growth.”</p> <p>Foster care: 3 weeks with non-relative American foster carer; thereafter with paternal grandmother and uncle.</p> <p>Visitation: After the first week in hospital, even though the baby was still ill and in hospital, the parents were allowed to spend only one hour a day with it. While with first foster carer: one hour, thrice a week. While with second foster carer: 2 hours, thrice a week. Parents are concerned about short visitation with such a small baby.</p>									
	Family KS	2011	Both parents ethnically India Nationality : Unable to ascertain	Both parents: IT professionals	Unable to ascertain	Arrived 4 years before in US	1 month old baby boy & 2.5 year old girl	1.5 years in foster care	No family in US. Relatives flew in from India in rotation to care for children in separate flat hired by parents.	Case dismissed.
<p><i>I was unable to contact this family, but the case was widely written about in US legal journals. The court’s judgement exonerating the parents of any blame was also available online. There are some noteworthy excerpts:</i></p>										

<p>Comments & Notes</p>	<p>“The parents say their lives have been turned inside-out because overzealous doctors and agencies have let speculation trump medical science.....we conclude...[that the parents] have been thrust into a nightmare by well-intentioned, but misguided doctors and child protection specialists.” From Appellate Court’s unanimous judgment exonerating the parents of all blame. http://illinoiscourts.gov/Opinions/AppellateCourt/2013/1stDistrict/1123472.pdf</p> <p>“We came to the US five years ago [from India] with a few dollars in our pockets with the dream of this country being the land of justice and peace. We have worked very hard in our IT job and been completely law abiding. Our daughter [M] has never had any issues and is a happy three-and-a-half-year-old. We proactively reported health issues in the first month of our son [Y]’s birth and even videotaped a seizure to show to the paediatrician. We feel the same helplessness, outrage and desperation that an illiterate farmer in a poor Indian village feels against a corrupt moneylender who has taken everything away from him.” <i>From the book, “Flawed Convictions – Shaken Baby Syndrome and the Inertia of Injustice” by Deborah Tuerkheimer, Professor of Law, Northwestern Pritzker, School of Law. Prof. Tuerkheimer is quoting from an email to her by the mother of the taken children.</i></p>									
	Family DD	2005	Father: Indian & Mother: White American	Father: Entrepreneur Mother: Homemaker at relevant time; healthcare technology sales professional	Father: Permanent Resident (Indian citizen) Mother: N/A	Father: 14 years Mother: Lifelong	3 month old baby girl & 2 year old toddler boy	10 months in foster care	Maternal family in US.	Abuse allegation dropped and case settled when mother took plea for misdemeanour of child endangerment in exchange for return of the children.
<p>Comments & Notes</p>	<p>The younger baby fell on the ground, hitting her head when her brother (autistic 2 year old) accidentally pulled her Moses basket (a small basket-like crib for newborns) from the kitchen counter when she was just 1 week old. At the time the parents rushed her to hospital, but were told that no damage had been done. However, a few months later the baby had seizures for which she was taken to another specialist hospital which saw intra-cranial bleeding in her MRI scans. Based on this bleeding, the mother was accused of abuse. However, the mother, and medical experts testifying on her behalf, believed that the seizures were the result of injuries sustained in the earlier fall which were not correctly diagnosed at the time. The family states that they were the “victims of medical incompetence”. Though the baby seemed “ok” after the fall, “[it had] created a minor fracture.... she had a slow bleed in the brain which became worse...leading to the seizure”</p> <p>Hospital delayed release of baby’s medical records, thus delaying parents’ defence and resolution of case.</p> <p>“The system is very flawed and biased.”</p> <p>“authorities assumed [husband] was mean to me because of a stereotype of Indian men. They theorized that we had an unhappy marriage. During interrogation tried to get me to admit this.”</p>									

“There was no criminal case against [husband] but **prosecution tried to prove that the strain of having married a man from a repressive culture led me to abuse [their baby]**. They looked through our computers and at a journal I kept to try to find evidence of this”

Visitation:
One hour once a week for the first 4 months, one hour daily thereafter.

The mother writes: “my son [redacted], diagnosed with autism at 2 years of age, was very traumatized by the displacement and disruption. His development was most likely delayed. His occupational, speech and developmental therapies were completely put on hold....[he was used to] being rocked to sleep or patted with [mother’s] hand. After his placement [in foster care] he was just left in bed to fall asleep....”

“[foster carers] were not able to drive kids places to socialize or partake in activities for enrichment”

Cases Where Shaken Baby Syndrome Alleged by Hospital When Parents Brought Baby with Fever/ Acute Discomfort.

In each case the allegation was only in respect of one baby, but all siblings were put in foster care.

Family EE	2015	Father: Indian Mother: American	Father: IT Professional Mother: Homemaker	Father: Permanent Resident (Indian citizen) Mother: N/A	Father: 10 years Mother: Lifelong	5 month old twins & 3 year old girl	3 months in foster care.	Maternal family in US. Paternal family flew in from India, but were refused care of children on frivolous grounds.	Case dismissed.
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Comments & Notes

““Father’s parents when they arrived from India were not allowed to take care of kids but were limited to visitation.....**primary care giving request [of paternal grandparents].... was never granted stating lack of communication in English, not used to living in United States, etc**”

“We decided to move to another state...after this traumatic experience”

Baby was forced to have unnecessary MRIs and scans.

Hospital delayed release of baby’s medical records, thus delaying parents’ defence and resolution of case.

Cases Where Non-Accidental Trauma (Physical Abuse) Alleged by Hospital When Parents Brought Baby with Discomfort in Leg Discovered to be a Fracture.

In each case the allegation was only in respect of one baby, but all siblings were put in foster care.

	Family FF	2015	Indian	Father: IT Professional Mother: Homemaker	Father: H1B Mother: H4	Arrived 5 years before in foster care.	5 week old baby boy & 2 year old girl	7 months in foster care.	Yes, paternal aunt and uncle of the children; but authorities delayed placing children with them.	Abuse claim dismissed. Minor negligence claim upheld in respect of baby.
Comments & Notes	<p>“When we met her for the first time after a week, I think my baby consumed the food as if she hasn’t eaten for days. It is difficult to explain in words what we felt at that time.” About 2 year old daughter who was used to strict vegetarian food at home and could eat nothing but fruit in the American foster home she was sent to.</p> <p>“Anyone could make from my daughter’s eyes that she didn’t sleep for many nights, It was so bad that even CPS, who was good at hiding all issues, mentioned that she is having a little hard time in sleeping....”</p> <p>“[communication with American foster carers] was way difficult since there many words [2-year-old daughter] would only say in Hindi.We did provide a cheat sheet to the foster caregiver to know what she means by certain words like godi, duddu etc.”</p> <p><i>Though US law mandates family foster care in preference to non-relative foster care, the child protection agency resisted family placement and for the first 3.5 months the children were placed with a non-related American family, total strangers to them and with a totally different food and culture to their home. The older child was especially traumatised by this unable to eat, sleep or communicate with the foster carers.</i></p> <p>“Our case worker kept on saying that she doesn’t understand the Indian culture. Her questions were about how do we control the kids, what are our religious thoughts and culture etc. etc.”</p> <p>Hospital delayed release of baby’s medical records, thus delaying parents’ defence and resolution of case.</p>									

	<p>“In our case, we did take the baby to the hospital after we saw that he was in pain even 5 days after the vaccination and it did not seem to get any better. We went to our pediatrician, who did not suspect any kind of abuse whatsoever, but suspected a leg infection. He referred us to the child specialty Hospital in another city. We immediately took the baby to that hospital in Emergency. There when the doctors saw (in X Ray) that the baby had fracture in his leg, the whole story of Abuse started</p> <p>Our baby has EDS (genetically passed from Mom) and was low on VIT D (which doctors have mentioned with a high probability) due to which when he got a shot he might have got a bone fracture . The baby was uncomfortable only after the shot. Even after getting opinion from the experts and letting DCF know about the same, the agency did not back up. Rather they kept on engaging more and more doctors from the same hospital that initially made the case (although we objected strongly). This was all done to have more and more doctors say that there is no medical reason for the kids injury and that their claim for abuse can be strengthened.</p> <p>As talked with some other people who are part of system or know the system well, are of view that these decision do have some political impact also. It is not easy to say directly that a govt organization did everything wrong. In someone words, “The judge gave a backdoor to the DCF for escape””</p>