

# Families Separated by the State

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The nightmare started when nine-year-old Tevania Tranberg fainted momentarily for no apparent reason when she and her family were at a Trader Joe's store near their Brookline, Massachusetts apartment. The father, Steven Bennett, went with Tevania in an ambulance to nearby Children's Hospital to get her emergency care, and hopefully discover the source of her brief collapse. They were joined shortly by the mother, Heidi Tranberg, and Tevania's four siblings, including 12-day-old Evanna.

At around 10:00 at night, after seven hours in the hospital and many tests, they discovered that Tevania had a low calcium condition. A resident also did some neurological tests and suggested that the situation was not that serious.

Another resident, Catherine James, M.D., then told the family not to listen to the first resident. Not knowing which doctor to believe, the parents asked for a second opinion. Big mistake. Dr. James snapped that she was going to get a restraining order and turned on her heels to go see the legal department. She returned and explained that her request was denied, and the family asked if they could go. At the family's request, Dr. James prepared a discharge summary, in which she told the parents to get the child to her pediatrician within 48 hours and to watch for any further signs of problems. They took the paper, waited for a ride for half an hour, and left the hospital about 11:30 p.m. that night.

Unbeknownst to the parents, Dr. James called the Massachusetts Department of Social Services (DSS) immediately after they left. DSS told the police and the court that the parents had "fled the hospital," based on Dr. James' report, even though she had told them that they were free to leave. Dr. James later admitted to the court investigator that she had never said the parents "fled" the hospital and that "DSS was wrong."

## The SWAT Team Swings Into Action

The next day, the father immediately obtained an appointment with their pediatrician, and both parents were attentive to Tevania's condition. Thirty-six hours after they left the hospital, several carloads of armed police removed the children to the police station, where half a dozen DSS agents took them, without a warrant or an explanation. Later, the police log showed that DSS had lied to the police by claiming that there had been "injuries from child abuse," as well as sexual abuse to the children. There was no mention of low calcium, since that might not have seemed quite as urgent.



Victims of false allegations: Neil (right) and Heidi Howard review with their lawyer Gregory Hession the documents that the Department of Social Services used as a basis to take their children. The documents allege that the Howards had the messiest home one social worker had ever seen — failing to mention that their kitchen was in the midst of being remodeled.

Families can no longer feel safe, because a state child protective services agency, often generically referred to as “CPS,” may decide to swoop in and take their children into captivity at any time, for any arbitrary reason. Once the children are in their system, it is difficult or impossible to get them back. It usually does not matter if the condition that led to removal is resolved, because there is money to be made in warehousing children — lots of it.

Before I got involved as counsel, Steve Bennett and Heidi Tranberg’s court-appointed counsels told them to waive a temporary custody hearing.

What the lawyers didn’t tell them was that such a waiver means they have no legal means to get the children home for at least a year, if not two. When I came on the case, the damage was done, and every request to return the children is met with a smug, “They waived their hearing. We have custody.”

The Bennett/Tranberg’s five children, including the 12-day-old baby, have been gone since February 23, 2007, with no return in sight. Some calcium supplements were all the children needed. However, the Massachusetts DSS decided to lock four of the five children under 24-hour armed guard for five weeks in the hospital, all courtesy of the taxpayers. For calcium pills.

These parents are not accused of substance abuse, physical abuse or sexual abuse, or anything which would raise a caution. They live in an expensive, spacious apartment in a swanky Boston suburb, and are self-employed professionals. The children are receiving no benefit from being in DSS custody that would be an improvement over their own home. However, when the parents ask DSS why their children can’t come home, they get no answers, other than the continual refrain, “Because we have custody.”

The parents wake up each morning, sick at heart, wondering how to cope with another day of worry about the well-being of their children and how their children will bear up under the stewardship of parents who are not their own. The experience of these parents is not unusual. When children are taken this way, they are often permanently traumatized.

My experience as a lawyer defending parents against false allegations of abuse has thrust me into a world of arbitrary state power and lies, and parents with crushed hopes. The child protection business generates so much money, and employs so many social workers, therapists, lawyers, and other professionals, that it has to continue to obtain fresh meat every day for its gaping maw in order to feed all those who prey on the system.

In the tiny state of Massachusetts, more than 70,000 calls are made every year to the state child-abuse hot line. Thousands of social workers oversee more than 40,000 cases per year, and the state keeps nearly 10,000 children in custody at any one time. Most of these children are heavily drugged, placed in special education classes, and given therapy. When you add up the cost of all of these services in Massachusetts alone, it amounts to billions of dollars per year, which the state can leverage to obtain prodigious quantities of federal reimbursement.

## **Anything to Take Children**

No aspect of life is too remote, and no angle is too obscure for the state to investigate in its fanatic desire to get children away from parents. Neil Howard and his wife Heidi lost their three children to the Massachusetts DSS in October of 1999, when DSS alleged that their home was too messy. Neil had gutted the kitchen, and the new cabinets and flooring were in boxes waiting to be installed in the next few days.

Their severely brain-damaged baby, Faith, was about to come home from the hospital, and DSS took upon itself to send a visiting nurse to their home prior to the child returning. The nurse took a look at

the kitchen project, and noted that the home was “the messiest she had ever seen,” without mentioning the remodeling. Things went downhill from there, with DSS interviewing the children, who made vague “disclosures” like the father tapped the son on the head with a book once.

But that was enough to get DSS to swing into action. First, they demanded that Heidi throw her husband out and get a domestic-abuse restraining order against him, even though she told the judge that there was no abuse and DSS was making her do it. After Heidi decided to defy the agency and remove the order, two DSS agents walked into their home without permission, got the police to arrest Neil for violation of the non-existent restraining order, and took the distraught Heidi to a locked hospital psych ward, after promising her she could come right back. Then, of course, they took their two boys, eight-year-old Christopher and four-year-old Ethan, into captivity. For two years.

As happened to the Bennett/Tranberg family, the Howards’ court-appointed lawyers told them to waive their custody hearing, without explaining the consequences. When I later began to represent them, much damage had been done that could not be fixed.



They're waiting to come home: Four daughters of Heidi Tranberg (back) enjoy a family outing in Lexington, Massachusetts, prior to being taken into captivity by children's social services because a doctor had reported the parents for not immediately following her advice after one child was found to have low calcium levels.

Poor little Faith died in the hospital on her first birthday, alone because the parents were prohibited from visiting her. The gracious DSS personnel gave custody of Faith back to the parents after that. The two boys, Chris and Ethan, were kept at foster homes, where Ethan was consistently abused. While in custody, Ethan suffered a broken arm, bruises in many places, wounds on his face, and other medical problems. His day care reported that the bruises were covered up by makeup. Despite all this being reported to DSS, it was all swept under the rug.

In order to provide a pretext for continuing to hold the boys, the DSS bored in on Ethan, who had a pervasive developmental disorder, and worked him over. Therapists hired by the agency elicited patently false and absurd “disclosures” from Ethan, like his daddy cut off his “peewee” with scissors. After continual badgering by another therapist, Chris also made some

equally fatuous disclosures.

Meanwhile, Heidi had another baby named Jessica, and DSS wanted her, too. The Howards decided to not turn over the child, so DSS used high-tech GPS and a helicopter to locate her and take her from the arms of the Howards’ pastor, with whom she was staying. The judge also threatened to put me in jail for refusing to disclose Jessica’s whereabouts.

Halfway through a trial, after much of the DSS wrongdoing had been exposed on the witness stand, the three remaining children came home. What started with a bang, ended with a whimper, as most of these cases do. The family will never forget their experience, and they mourn Faith each year on her birthday.

## **No Checks and Balances**

How does this happen? Virtually no checks and balances are in place to ensure that these rogue agencies are accountable. Courts are supposed to perform that function, but rarely dare to defy the plans of child protective services. Although laws in every state comply with the federal requirement that CPS use “reasonable efforts” to keep children with families before taking them, CPS rarely does so.

In my 12 years of doing CPS cases, I have seen enough mockery of the law and harm to families to dissuade even the most hardened believer in the effectiveness of government intervention and to convince any honest person that such a system is incapable of reform.

Fraud is never far away in child protection practice. Kay and Slade Henson were persecuted by CPS in Wisconsin when Kay spanked her disobedient 10-year-old boy with her hand. As a result, Walworth County Department of Health and Social Services took her four school-aged children from their school, and their two toddlers at home. Reports indicated that someone else re-spanked the 10-year-old, in order to exaggerate the damage. After some complicated legal machinations, Kay was jailed for four months.

Kay stood up and spoke out on the abuses perpetrated on their family by Walworth County CPS. She brought a film producer, Suzanne Shell, to Walworth County so she could investigate and document the case in March of 2003. Shell uncovered tampered evidence in Kay’s criminal file, which she filmed. Shortly thereafter, as she was quietly interviewing Kay in a hallway of the courthouse, she was assaulted by deputies, falsely arrested, and her tape confiscated — all of which was captured on videotape. I represented Mrs. Shell in a lawsuit in federal court, where she won a settlement against the county for its officers’ brutal treatment of her based on the video evidence.

Although the six children were returned home in 60 days, they exhibited signs of sexual abuse, which had never been an issue prior to their abduction by CPS. Slade and Kay remain vigilant against further attacks on their family.

## **The System Attacks Its Own**

Many families who try to help children in the system get ground up by it themselves. Kevin Cross, a Baptist minister living in semi-rural Wales, Massachusetts, and his wife Linda have adopted seven children through state social services in several states, including Massachusetts. Records show that they are an exceptionally loving, nurturing family to their multi-cultural adopted brood and their two biological children, and that myriads of social workers had praised their parenting over the years.

Continuing their commitment to helping children, they took in a Russian foster child, who had some behavioral difficulties stemming from early mistreatment. While hospitalized for psychiatric treatment, the child accused Kevin of hitting him. The hospital immediately called the Massachusetts DSS, which concluded that the troubled young man was telling the truth, even though all the other nine children in the home were interviewed separately and denied that there had been any abuse, as did the parents. To CPS agents, disclosures are almost always true, no matter how implausible.

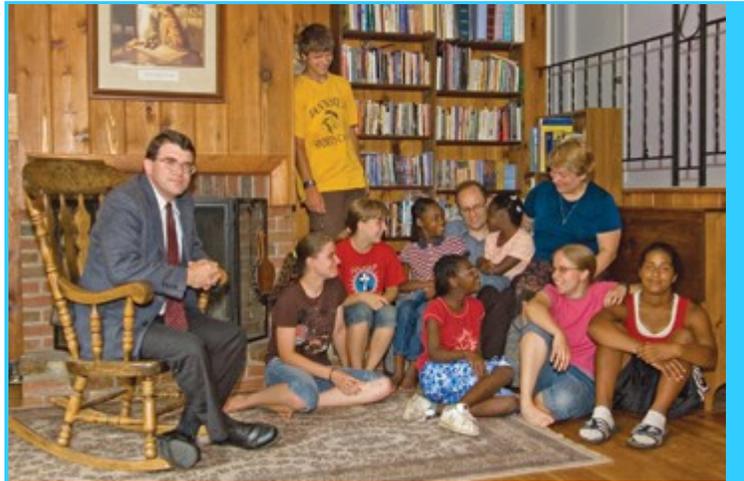
A social-worker intern at the hospital where the foster son was taken told DSS that the parents were “overwhelmed with the care of their nine children and day-to-day tasks.” However, this intern had never met the family and never been to the home. She also noted that the family home-schooled their children and that the father was (horrors!) a Christian minister.

When a DSS investigator demanded to again interview all the children, I got involved. We arranged all nine children and the parents in a circle around the living room, and when the DSS social worker came in, she was greeted by the silent stare of all 12 of us. After just a few minutes, she could tell there was strength in numbers, and she departed, never to be seen again. Although their children were not removed from the home, it was a terribly unnerving experience. “We truly felt like we were in a communist country,” sighed Linda.

All of these stories are true, and happened to families who never expected the club of the state to come crashing down on their heads. The feelings of heartache that these parents experienced can never be fully expressed by mere description in an article. Nor can the sense of disillusionment and betrayal by a system that they thought they could trust.

A lawyer who fights these agencies, rather than simply giving up his clients’ rights (as their previous attorneys often did), is a lonely figure. The one thing that continues to supply me with energy and hope is the knowledge that I can save some families from losing their children, and can help reunite other families that have already been torn apart, for no reason other than the state decreed it be done.

For more on Child Protective Services and the need to preserve families, [click here](#).



A unified front: Kevin and Linda Cross and family with their attorney Gregory Hession (left). Though the parents received many accolades from social service workers in the past, one child’s allegation of abuse would have resulted in all the children being abducted by child protective services if the children hadn’t supported the parents 100 percent.

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