

***The following is actual court status update with the identifying information changed to protect confidentiality.**

**In Re: Alejandro Cruz-Smith, DOB: 1/1/00
Angela Cruz-Smith, DOB: 1/5/03
Marta Cruz-Smith, DOB: 7/11/04**

Superior Court for Juvenile Matters at:
1 Main Street
Willis, Vermont 00000

Court Update for Superior Court for Juvenile Matters

Date: October 31, 2005

Mother and Father have a long history of domestic violence in Maine, New Hampshire and Vermont. On 1/24/01, Maine Child Protective Services (CPS) responded to a referral of a domestic violence incident between Mother and Father. Maine Child Protective Services (CPS) records indicate that father assaulted mother while she was holding her son Alejandro. Mother sustained two black eyes. As a result, father was arrested. An Order of Protection was ordered by the court for a period of twelve months.

On 8/23/03, the State of New Hampshire, Town of Dover Police Department was dispatched to a domestic violence incident between mother and father. Father was arrested for physically assaulting mother. Two of the children witnessed this incident. Father was found guilty and incarcerated on 9/2/03. On 8/27/03, the State of New Hampshire CPS reported the above incident to the State of Vermont Department of Children and Families (DCF). DCF substantiated Physical Neglect against father and Emotional Neglect against mother.

On 2/19/04, neglect petitions were filed by the Department of Children and Families on behalf of Alejandro Smith-Cruz and Angela Cruz-Smith. The neglect petition for Angela was withdrawn and on 3/2/05, Alejandro Cruz-Smith was adjudicated as uncared for/specialized needs and protective supervision was ordered for nine months.

On 8/9/05, a petition of Neglect was filed by the Department of Children and Families (DCF), State of Vermont in Superior Court for Juvenile Matters on behalf of Angela Cruz-Smith, and Marta Cruz-Smith.

On 7/29/05, the court ordered mother and father to engage in Intensive Family Preservation (IFP) Services. However, father did not participate with the IFP worker to address his parenting nor did he attend all of the meetings.

Father has not kept appointments or made himself available to the Department.

On 10/7/05, Mrs. Cruz reported to this worker that she was three months pregnant.

The Department has received six other reports from the Willis Police Department of domestic violence at the home. On 6/3/03, the police reported to a call stating Mr. Cruz was involved in a verbal argument with his wife and threatening to leave and take his son with him. The report states that Mr. Cruz also was demanding to take all credit cards and bank cards. On 9/21/03, the police responded to a call stating a male was outside the home and may have a gun. The report also stated the man wants to shoot them and the dog. On 8/27/04, police responded to a call reporting Mr. Cruz was engaged in an argument with his wife. On 12/31/04, maternal grandmother called the police and stated her son-in-law was out of control and fighting with the family. On 3/1/05, a report stated a domestic dispute was in progress between Mr. and Mrs. Cruz and that the husband was violent. The police last responded to a domestic violence call on 7/15/05, stating that Mr. Cruz was being abusive towards his wife and children, and assaulting the children.

Mother has expressed to the Department and other service providers that she is fearful of her husband and is afraid for the safety of her children in Mr. Cruz's care. Mother previously has stated that she has not left her husband because she feels she can better protect her children by remaining together.

Father maintains an environment in the home of fear and terror. Maternal grandmother has reported that Mr. Cruz can be violent and that the family is fearful of him.

Father is verbally aggressive and abusive towards his wife and children. Father often verbally threatens his wife and uses intimidation as a means of control.

Father is known to shift responsibility and blame his wife for DCF involvement and other family issues. Father has stated that he does not see a problem with his actions and blames his wife for their problems. Father has reported to the Department and other service providers that his "wife is the problem."

Father becomes angry with his wife if he believes she has disclosed too much information to the Department or other service providers. Father has asked mother "not to open her mouth too much."

Father has threatened that if his wife were to leave him that he would take his son.

Father maintains a chaotic and unpredictable environment. Father encourages aggression through play with his children. Father also has provided his son Alejandro with aggressive and violent video games not meant for his age group.

Father undermines his wife's parenting and encourages his children to disobey house rules. Father uses slang and swear words with his child after his wife has worked to eliminate it from the home.

Mother has cooperated with DCF recommendations and Intensive Family Preservation (IFP) services. Mrs. Cruz has demonstrated progress in her ability to effectively parent the children and set rules. If father continues to undermine his wife in front of the children he will alter his wife's progress and prevent her from gaining more control in the household.

Father has threatened to leave his wife or not support her with her current pregnancy. Mother is relying on her husband to bring her for prenatal care.

Mother is an illegal immigrant who does not have many resources of her own. She is financially dependant on her husband. Mr. Cruz controls how much money he gives his wife and the money she has for groceries or clothing for the children.

The Department strongly feels that Mr. Cruz continues to assault, threaten, and expose his children to his domestic abuse.

The Department has assessed that mother is fearful of her husband and as a result has been unable to protect herself and her children. Due to her fear, she has been unable to take the steps necessary to protect herself and her family.

The Department respectfully requests that the court intervene to protect this mother and her children from any further trauma from Mr. Cruz. The Department recommends protective supervision for Alejandro Cruz be extended for another six months and that the court also order protective supervision on behalf of Angela and Marta Cruz for a period of six months. The Department further requests that the father be ordered to complete the following specific steps under the order of protective supervision:

- Mr. Cruz must attend and engage in a domestic violence offender program, which includes group intervention.
- Father to attend and show progress in a parenting education program through Child Guidance or equivalent program.
- Father to actively engage in Children FIRST in-home services.
- Father to refrain from physically disciplining his children or using verbal threats.
- Father to not assault or threaten his wife in any way.
- The Department also requests that mother participate with the Women's Center and continue domestic violence counseling and support services.

If father is unable to comply with these specific steps then the Department requests the court order father to be removed from the residence immediately. The Department further

advises that if the steps are not adhered to and the Department continues to observe violence in the home, the Department will seek commitment of the children.

Submitted by _____
Lauren Rogers, BSW
Social Worker

Date: _____

Reviewed by _____
Sally Smith, LCSW, ACSW
Social Work Supervisor

Date: _____

Approved by _____
Gail Petrokoff
Program Supervisor

Date: _____