

How do I get information from DYFS?

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Dear Ask the Attorney:

I have a question. My husband and I have shared custody of his 10 yr old daughter with his ex-wife. We are now your typical American family by adding 2 more boys to our bunch. We have our 10 yr old daughter 50% of her time & the other is spent at her grandmother's house with her natural mother. Over the last year it seems her mother has been going to drug classes through DYFS because she (mother) has been using for over two years now. For some reason DYFS will not give my husband any information on this matter. A lot has happened over at the mother's home. . . and yes, my 10 year old stepdaughter was in the home at this time! Why does DYFS give us no information & why do they think it's a good idea to leave a child in this environment? It's so frustrating and nerve racking each time my stepdaughter heads over there. Is there any way to get information about what is going on over there?

Thank you

L.D.

Our guest blogger today is Michael R. Ascher. Esq. Mr. Ascher is a partner in the firm and is engaged in a litigation practice handling both criminal and complex civil matters. His practice includes all categories of criminal cases including drunk driving defense, sex offenses, drug and white collar crimes, computer crime, conspiracy, fraud & theft cases and matters involving the Division of Youth and Family Services (DYFS).

Dear L.D.

Your frustration is understandable and your concern well founded.

There is a potential solution to the problem. Your husband's attorney must make a post-judgment application in the Family Court to obtain the contents of the DYFS (now known as DCPD- Department of Child Placement and Permanency) file and to change the present custodial arrangement. This would include asking for suspension of contact with the mother or providing for limited, supervised parenting time. Since the records are protected by statute, a motion must be filed and the Judge would review the DCPD records to determine if your husband and his attorney are entitled to receive them. The application would serve a multiple purpose—It would alert the court of the problems you describe, provide a way of getting the records, and serve as the basis for changing custody/parenting time if the court deems that necessary for the protection of the child.

You may want to contact your family law attorney or an attorney who has experience working with the DCPD system to help you.

Ask the Attorney” is a blog in which answers to your legal questions submitted to asktheattorney@einhornlawyers.com may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney–client relationship. The facts of each case are different and you should therefore seek competent legal representation.