

Massachusetts News

POLITICS



Judge Carol Smith Under Investigation

Barnstable Juvenile Court Judge under scrutiny for improprieties

By Nev Moore

The Commission on Judicial Conduct has opened an investigation on Judge Carol Smith of Barnstable Juvenile Court, based on several affidavits filed about her handling of DSS Care and Protection cases.

Judge Smith was the presiding justice in the Peterson, Crowley and Moore cases featured in past editions of Massachusetts News. The Commission investigates judges for violation of judicial canons, misconduct and violation of their oath to uphold the laws and the Constitution.

Some of the areas of impropriety alleged in Judge Smith's case are:

- * Allowing the existing laws and policies governing the involvement of DSS to be consistently and grossly violated.
- * Not allowing parents to present exculpatory evidence.
- * Often not allowing parents to answer or rebut DSS allegations.
- * Extreme delays and continuances.
- * Permitting unprofessional behavior by DSS attorneys.
- * Allowing perjury.
- * Not upholding existing Supreme Court rulings, including warrantless search and seizure by DSS when they enter homes and schools.

The most damaging issue is the secret filing of false

documents to receive federal funding. The documents, referred to as 29C forms, are intended to closely examine, in the case of each individual child, whether the federal requirements were met before removal of a child from his home. It is this form that documents compliance by DSS with their Title IV-E contract with the federal government to receive the federal funding. The document is filed through the court and must be signed by a judge.

Many parents are told by their court appointed attorneys that they "can't possibly win in front of Judge Smith," regardless of no evidence of wrongdoing. Parents are told to just forfeit the court proceedings because there is no point to them. They are told: "Just do what DSS wants, and *eventually* you will *probably* get your kids back." Parents are blindly walking into a fixed fight.

The Commission is interested in hearing testimony from anyone who has experienced similar problems in Barnstable Juvenile Court Care and Protection proceedings as their concern is the possibility of a consistent pattern of misconduct. Their number is (617) 725-8050, and all communications are strictly confidential.

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