



MASSACHUSETTS

'Taken and Traumatized': Parents Describe Overnight Removal of Kids by Mass. DCF

A Waltham couple took their 4-month-old son to the hospital with a high fever, but when an X-ray revealed an old rib injury, DCF took custody of their kids. The NBC10 Investigators speak with experts about why the family's situation raises questions about checks and balances with our child protection system.

By **Shira Stoll** and **Ryan Kath** • Published September 22, 2022 • Updated on September 22, 2022 at 7:03 pm





Investigators speak to experts about the story and evaluate checks and balances within the system

Josh Sabey and Sarah Perkins are lucky to be reunited with their two children.

On July 12, Perkins noticed her 4-month-old, Cal, had a high fever and was vomiting. Perkins took Cal to the Newton-Wellesley Emergency Room where the hospital performed a series of tests. In an X-ray, doctors discovered Cal had an old and almost healed rib fracture. This led to further questioning – specifically, what led to the fracture.

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"We didn't know how it happened," Sabey said. "There was one time he fell from a bed and we thought maybe that was it. And the doctor said that wasn't it."

Injuries in babies without a story can raise a red flag for health care providers. By Massachusetts law, doctors are required to report to the Department of Children and Families if they have a reasonable suspicion of child abuse or neglect.

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Dr. Bob Sege, a child abuse pediatrician at Tufts Medical Center, explains that certain injuries - including broken ribs - immediately raise suspicion of child abuse and can trigger a more in-depth evaluation.

"Generally speaking, babies are elastic. It takes quite a bit of energy to break a rib," Sege said. "Certain kinds of head injuries, broken ribs, certain kinds of leg or arm injuries are more common in abuse than they are in accidents."



The X-ray of Cal's rib injury

When parents don't have an explanation for their child's injury, Sege says it can lead to further questioning.

Perkins and Cal stayed in the hospital overnight. In the morning, Perkins said a hospital worker told her she was not legally able to leave and she saw a police officer outside her room.

"I shut the door, I picked up Cal and immediately called Josh," Perkins recalls. She said to her husband, "I don't think we're going to leave this hospital with our baby."

But after more testing, questioning and a social worker paying a visit to Sabey and 3-year-old Clarence at home, Perkins and Cal were able to leave the hospital.



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"That was a huge sigh of relief," Sabey said.

The couple said they told the story on a Zoom call with their whole family that night and laughed about how they thought they had overreacted. They went to sleep that night thinking the nightmare was over.

But then in the middle of the night, there was a knock on the door. Waltham police officers and social workers from DCF were there to take their children.

Perkins said she doesn't think she'll ever get over that moment.

"It's devastating," she said. "It preys on all of your worst anxieties as a parent."

Sabey says there was no other pattern of abuse.

"There was just a single X-Ray," he said. "We weren't in a dysfunctional relationship, police had never been called on us. We had food in the fridge. So there was no other reason to suspect we'd abused our kids."

Perkins and Sabey - who are documentary filmmakers - took cellphone footage of the extraction. The video shows police officers explaining they have no paperwork after being questioned by Sabey, and moments of Clarence crying and saying he doesn't want to go.

"Those kids were removed unnecessarily, traumatically and wrongfully," Attorney Jennifer Lamanna, who represented Perkins and Sabey, said.



Jennifer Lamanna is representing Sabey and Perkins.

Lamanna has been representing parents and formerly children in DCF cases for more than 20 years.

She explained when a mandated reporter contacts the Department of Children and Families to make an allegation of abuse or neglect, they fill out a 51 A report under Massachusetts law. DCF protocol is to interview the family and can then open an investigation under section 51B.

In the timeframe of creating the report, if a child is in an emergency situation, DCF can call in a "removal under the B" where they legally are able to take children if they feel necessary.

"These people are working in the shadows, in darkness," Lamanna said. "They can show up at your house in the middle of the night with no paperwork, no court order whatsoever, and say we're removing under the B, we've decided an emergency exists."

The emergency removal power exists to get children to avoid tragic situations where some children may end up seriously injured or dead.



But she believes there should be more oversight of when DCF decides an emergency removal is the only option. She questions why families were not able to go to court first to explain a case to a judge before a removal. There is no paperwork or judge order required for an emergency removal.

"Why did it have to be done in the middle of the night? What suddenly happened that created this urgency?" Lamanna asked.

When asked for comment, a DCF spokesperson provided NBC10 Boston with their [FY22 Q3 report](#) and this statement:

"Due to the state and federal privacy requirements, the Department of Children and Families cannot confirm or deny whether or not a family is involved with DCF."

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Cal and Clarence were first taken to foster care, and then placed with Sabey's parents who flew in from Colorado.

Perkins and Sabey waited for a court hearing where a judge would determine if the kids would be at risk of harm and neglect if returned home.

Jay Blitzman, a retired juvenile court judge of 24 years, knows the lasting impact of making those decisions.

"Removals are hugely significant," Blitzman said. "Even for a couple of days. Any kind of removal is traumatic."

He believes there should be more checks and balances before DCF removes a child from a home.



benefited by greater transparency, he said.

An idea that surfaced during this NBC10 Investigation is creating a judicial review before DCF removes a child, just like a search warrant or a restraining order situation. Blitzman called the idea intriguing and something he would support.

If a parent loses custody of their child, they can challenge DCF and the removal within 72 hours at a closed temporary custody hearing.

Perkins and Sabey's hearing at Cambridge Juvenile Court took place behind closed doors over the course of three days in August.

The couple learned that it's possible the injury occurred after Sabey's mother squeezed Cal when she thought he might fall. They say they were not aware of this incident because Cal did not show signs of being in pain and Sabey's mother did not think it was significant to report at the time.

A judge granted Perkins and Sabey conditional custody of their children. They walked out of the courthouse holding their children, relieved.

"I'm excited to snuggle with my boys," Perkins said, with her hand on her heart.

According to DCF's 2022 quarterly report, about 60% of parents are reunited with their kids within a year after being removed by DCF.

"I didn't know how quickly it could happen, how quickly things could turn," Perkins said. "I think that's been one of the greatest shocks of my life."

The couple feels incredibly lucky to have had the resources to win their children back. They remain under DCF investigation until October 31.

"The biggest thing I want the public to know is that this is happening," Lamanna said. "It could happen to you."

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