

LETTER TO THE EDITOR OF THE BALTIMORE SUN: (The letter was published. See the article I responded to at the end.)

Dear Editor,

Your article in Perspective on Sunday, September 7, on children in the welfare system, who are sent back home, only to be murdered by a parent, is horrifying! (Title: Abused, but sent home to die.)

A parent who abuses his/her child forfeits any right to parent the child.

The very definition does not fit. Parents are to protect their children from harm; not do them harm. No amount of justification is acceptable in these cases. If the law allows children to be sent back to an abusive parent ... **change the law.**

If it's really all about money; then more **MUST** be found. If it costs more for keeping children in foster care, isn't it worth it, if they don't die?

The foster care parents must also be carefully monitored.

Tragically, children are often abused by parents and no one finds out. But when a child is taken away from an abusive parent by the state and later returned to die, this is a crime of unbelievable proportions.

Of course children are better off with their biological parents when they are loved and cared for. But not at the cost of abuse or death! Biological parents relinquish their rights to their children when they abuse them. Period.

The notion of returning a child to the abusive parent is like forcing a rape victim to live with her rapist, after her wounds are cleaned up and the rapist attends a few classes. It's ludicrous.

This country spends millions, if not billions, on a war effort to ostensibly free people in a land far, far away and who hate and kill us for trying.

Yet, we refuse to allocate sufficient funds to ensure the safety of our own innocent children. This is a travesty.

Allocate the money, change the laws and do what is decent and right of such a caring nation. If we err, and we will ... let us err on the side of the children.

Carolyn Permentier
Author "The Wacko From Waco"
(www.Amazon.com)

Article Text:

Two months before Travon Morris' first birthday in 1998, the toddler was taken from his abusive mother by the State of Maryland because social service workers feared he might die.

Over the next four years, Travon was given back to his mother, Sheila Avery, and taken away several times. In January, after the boy was once again entrusted to her care, Avery killed him with scalding bath water.

About a dozen children a year die in Baltimore the way Travon Morris did: while in the custody of abusive biological parents.

Avery was sentenced to 20 years in prison last month in Baltimore Circuit Court, in a case that underscores the constant tug of war between social service agencies and abusive parents.

Child advocates say Travon's situation was not rare. It is part of an alarming trend in the juvenile welfare system that makes it increasingly difficult to permanently take a child away from a parent, even if the child's life is in danger

"The child welfare system seems more concerned with giving parents every opportunity than ensuring children are safe," says Susan Leviton, director of the Children's Law Clinic at the University of Maryland School of Law. "This has been a concern for a while and the problem is only getting worse."

Avery, a 24-year-old mother of five who gave birth to her youngest child in July, regained custody of Travon after she completed three state-ordered parenting classes. Travon was returned to Avery over the objection of Travon's foster mother, who wanted to keep the child.

Officials at the Department of Human Resources -- the agency that oversees child welfare in the state -- say their policy is to keep a child in the parents' home as long as possible for the child's benefit.

Permanent removal would generally happen only if there is a threat to the child's safety, says A. Thomas Grazio, director of the department's Office of Family and Children Services.

"If you think of it in terms of a child's perspective, nothing could be worse than taking you from your home and telling you you're never going back," Grazio says. "But if you cannot bring them back safely, you should move them to another home."

Peter L. Beilenson, Baltimore's health commissioner, chairs the city's Child Fatality Review Board, a group that meets twice a month to review the circumstances surrounding children who are killed in the city. He says one recurring theme exists: Children are taken away from abusive parents by the state, then returned, only to be killed.

"There is an almost driving force that's pushing a child back with the biological parents at almost any cost, despite repeated history of repeated abuse," Beilenson says. "When a biological parent shows they are not capable of being responsible, it does not make sense to put that child back in a dangerous environment."

Travon was one of several children who have died in the past year in abusive homes that had at one time been monitored by the Baltimore Department of Social Services. Beilenson estimates that about 12 such children die each year in the city.

One glaring example of that is Ciara Jobes, the 15-year-old girl who was starved and beaten to death last year. The teen-ager's death in December generated national attention. City and state politicians demanded to know why several city and state agencies involved in the case were unable to protect her. They've had little success finding out so far.

Police say Ciara was beaten, denied food and locked in an unfurnished and unheated room for months, forcing her to use a hole in the wall as a toilet.

Officials at the Department of Human Resources and the Baltimore Department of Social Services won't talk about specific cases, even after a child dies, citing an agency privacy policy.

Beilenson, who reviewed Ciara's case at the Child Fatality Review Board, says there was "a blatant breakdown in the system." He also says many other extreme child abuse cases do not come across his desk because the child is still alive.

"We're only seeing the tip of the iceberg," Beilenson says.

The idea that parents have rights to their children, even if they have little or no contact with them, was established in 1974 by the U.S. Supreme Court. In the landmark case of Stanley vs. Illinois, the court found that when a mother dies, the state could not take custody of her children from the father, even if the father had not been living with them.

"The custody, care and nurture of the child reside first in the parents. ... The integrity of the family unit has found protection in the due process clause of the 14th Amendment," the court found.

However, if a court finds a parent is abusive, it may take custody temporarily, or permanently if the court finds the abuse is egregious. The Maryland statute spells out forms of egregious abuse: "torture, chronic sex abuse or chronic and life-threatening neglect."

Barbara A. Babb, director of the Center for Families, Children and the Courts at the University of Baltimore School of Law, says the trend of pushing to reunite parents with children goes back to the 1970s and 1980s, when there was a phenomenon called "foster care drift."

The phenomenon happened when lots of abused and neglected children were removed from their homes and placed indefinitely in foster care. "They were going from one house, to another, to another," Babb says.

In addition, several class action lawsuits were brought against states by lawyers on behalf of children who were abused in foster care, she says.

One such suit was a 1984 case in Baltimore known as L.J. vs. Department of Human Resources Secretary Ruth Massinga. L.J., now a 29-year-old man, was one of several children brutalized and not given proper medical attention while in foster care for six years.

He was beaten until he had scars on "virtually every part of his body including the legs, face, arms, chest, abdominal area, back and buttocks," according to the lawsuit. He stayed with a foster mother who was admitted to a hospital for alcohol-related problems 41 times, the suit says.

Social service workers ignored reports of abuse and recommendations to move L.J., the suit against the state alleged.

More than 28 percent of the estimated 3,000 Baltimore children in state care were likely to have been maltreated while in the system, according to a 1988 study by the New York University School of Social Work.

That year, the state agreed to reforms sought by lawyers for the children, including more foster-home monitoring, health benefits for children in the custody of the state, and parenting classes for interested relatives.

New laws were designed to strengthen families in 1993, and again in 1997 with the federal Adoption and Safe Families Act. That law set a limit of a year and a half that a child could be in foster care before social service workers had to reunite them with their parents, or get them adopted.

The law established that every child who is in the custody of the Department of Social Services must have a "permanency plan," meaning workers map out a course and a goal where the child should end up.

The first choice for a permanency plan is returning them to the parent. The second choice is placement with a relative.

"Sometimes that backfires," Babb says. "In the case of a parent in rehab, sometimes they are ready and willing, but not able to take kids back."

The next choice is adoption. The last choice is permanent foster care.

Julie Drake, chief of the Felony Family Violence Division at the Baltimore state's attorney's office, says the permanency plans can be effective, but she has seen grave problems for children.

"We need a shift away from the tunnel-vision approach of reunifying children with biological parents, and toward a realistic focus on the child's best interest," Drake says. "We have other solutions out there. One may be 'open adoption,' which allows a child to retain ties to the parents."

Drake says another problem is that many people in the system see children as property of their parents

"As a society, we have gotten past the point of seeing wives as the properties of their husbands," she says. "But we have not gotten past that children are not the property of their biological parents."

In the Avery sentencing, the defense lawyer and the prosecutor argued to a Circuit Court judge that social service workers botched the case and contributed to the child's death.

Travon died 10 days after his organs shut down from the effects of the scalding bath water.

His mother told the judge that she didn't think she deserved to go to jail. "I can't believe I'm going to jail for not checking the water," she says.

Travon's foster mother, Denise Johnson, who cared for him for almost three years, spoke at the sentencing, saying she loved him and wanted to keep him, but social service workers insisted on returning him to his mother.

Leviton says returning a child to a biological mother is less expensive and less of a strain on the chronically underfunded child welfare system than placing the child in foster care.

"The line workers are understaffed and overworked," Leviton says. "It's very scary because you keep thinking these kids are being protected, but the truth of the matter is they're not."

Caption:

Ciara Jobes was beaten to death last year in a home monitored by the Baltimore Department of Social Services. Photo(s) Copyright (c) 2003 The Baltimore Sun Company

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