

They "Erred on the Side of the Child" -- Some Case Histories

Opponents of family preservation have a lot of great applause lines. They are for "child protection," they say. They are for "children's rights," they say. They are for "putting children first instead of families first," they say.

But in the name of "child protection" children have been beaten. In the name of "children's rights" children have been raped. And in the name of "erring on the side of the child," children have been murdered. These are the stories of some of those children:

When Sara Eyerman of northern California was nineteen-months-old, child protective services was concerned that she wasn't growing fast enough. So they "erred on the side of the child" and placed Sara in a "specialized" foster home.

About six weeks later, Sara began running a 105 degree fever. But the "specialists" in the specialized foster home decided it was o.k. to wait two days before taking her to a doctor. On the way to the doctor's office, Sara

Eyerman died of viral pneumonia.

"She should have been in the hospital two days earlier when she had a 104.8 [degree] temperature," said Sara's mother, Angie. "When she was home, she went to the emergency room if her temperature got over 101. I didn't care if they laughed at me when I got there or not. One time I took her when she was cutting a tooth ... I kept her alive for a year and seven months. They had her for six weeks and three days and she died."¹

Authorities in New York City thought Caprice Reid wasn't being properly supervised by her mother. So they decided to "put the child first" and put the child in foster care. They made a "child focused" decision. They "erred on the side of the child." Eleven months after placement in her third foster home, Caprice Reid, then age four, was dead.

Death did not come quickly. She was starved. She was dehydrated. And her body was covered with bruises. Police say she was tied to a chair and beaten with a stick for four days until she could no longer walk.

The foster home was licensed by one of the scores of private agencies that handle foster care for the city in the midst of a sudden shortage of foster home beds caused by the city's decision at the time to effectively abandon family preservation. The home was licensed even though *another* agency had found the home unfit just a few months earlier – and had warned the agency that licensed the home.

About a week before she died, Caprice Reid's mother saw her daughter for the last time. The little girl clung to her mother's neck and said "Don't go, Mommy. I love you."²

China Marie Davis was placed in foster care in Arizona when she was a little over a year old. Someone decided to "put the child first" and take her from her parents. They made a "child focused" decision. They "erred on the side of the child." Ten months later, China Marie Davis' autopsy revealed two broken collarbones, a broken left arm, a broken right rib, two fractures

of the left upper arm, a fracture of the right upper arm, a broken left wrist, a broken left hand, a broken left forearm, a broken right wrist, a broken right forearm, fractures of both thigh bones and a compression fracture of the spine.

No one suspected anything because her foster mother always dressed her in such pretty outfits.³

Somebody "erred on the side of the child" and placed Corey Greer of Treasure Island, Florida, in a foster home that would later be described by police as "filthy and overcrowded." The home was licensed for four children. By the time Corey Greer died in his crib of dehydration, 12 were living there. The foster mother was convicted of manslaughter and third degree murder.

Corey Greer might have survived the overcrowding, if only he had been white. According to a witness at the foster mother's trial, the foster mother said that touching black children "just gives me the willies." According to the witness, the foster mother referred to Corey Greer as "a big black blob."⁴

(over)

They "Erred on the Side of the Child" (Continued)

Tina Ponce thought she was doing the right thing. She was suffering from bipolar disorder and couldn't take care of her children. She also was too poor to get the help that a middle class family can count on. So she did the only thing she could think of: She asked the State of California to keep her children in foster care until she got better.

Rather than provide Ponce with mental health services, the state "put the children first." They made a "child-focused decision." They "erred on the side of the child," and gladly threw the children into foster care.

"I had five kids, I was alone, I didn't have any money, Ponce said. "I thought it would be a temporary thing. I didn't think they would be in

the system that long or it would be that hard to get them back."

But when Ponce was better, she found it was much harder to get her children back than to get the state to take them.

One day, while Ponce still was jumping through hoop after hoop in order to get her children back, she saw a television news story about a little girl who died after being left in her foster mother's car in 100 degree heat.

It was her three-year-old daughter, Maryah.

"Even in my confusion, I never jeopardized my children's safety or health," Ponce said. "If I had them, this wouldn't have happened. I thought I was doing the right thing by putting them in foster care."⁵

When child protective services took four-year-old Jamie Mayne from his father, they never bothered to tell his mother, Marie Panos, who was not living with the man. The mother was never accused of abusing or neglecting the boy. But after she found out about the removal two days later and offered to care for him, authorities in California refused. They decided to make a "child focused" decision, to "put the child first," to "err on the side of the child" by placing Jamie with a stranger.

"I went up to them to get my children, and they said they're in the system now and I had to do a case plan in order to get my kids back," Panos said.

But a jury in Visalia, California found that while Panos was working on her "case plan," Jamie was being tortured and murdered by his foster mother. He died of a collapsed heart, a ruptured small bowel and an abdominal hemorrhage. There were more than 40 bruises on his body.

"It's hard because I can't pick him up and kiss him," Panos said at the foster mother's trial. "All I have is a headstone to look at instead of his beautiful face."⁶

Kimberlee Diedrich and her boyfriend moved to Nashville, Tennessee to try to find work. But the odd jobs they could find weren't enough to let them afford permanent housing.

An outreach worker who specializes in helping homeless pregnant women did her best – but the couple hit waiting list after waiting list. When the outreach worker comes up with enough money, the couple stayed in cheap hotels. But they were on the streets, one day away from being able to move into an apartment, when their son, Cherokee wolf William Diedrich

was born.

Rather than provide housing and help with setting up the apartment, the child welfare agency "put the child first." They made a "child-focused decision." They "erred on the side of the child," and confiscated the infant at birth. He's placed with foster parents who want to adopt, and refuse to use the boy's Indian name.

He died three months after he was placed in foster care. The chief medical examiner ruled that the boy died of natural causes.⁷

Of course most foster parents don't harm the children in their care – Cherokee wolf's foster parents did not harm him - but most birth parents don't either. The case against family preservation has been fueled by "horror stories." It's important to remember that there are horror stories in foster care -- and family preservation has the better track record. More examples of the harm done to children in the name of "erring on the side of the child" can be found in Issue Paper 6.

Updated, October 16, 2011

1. Kent Pollock, "The Child Protectors: Innocent Suffer in War to Protect," *Sacramento Bee*, August 3, 1986, p.1. //2. Rachel Swarns, "Agency Was Warned About Foster Mother Charged in Girl's Death," *The New York Times*, July 2, 1997, p.B3; Michelle McPhee et. al., "Two Charged in Foster Death" *New York Daily News*, July 2, 1997, p.17. //3. Clint Williams and Norm Parish, "Few Grown-Ups Wanted to Bother With China Marie Davis," *The Arizona Republic*, April 9, 1994, p.A1. //4. Diana Smith, "Foster Baby's Death Spurs Corrective Action by State," Associated Press Dec. 8, 1985, "Race Issue Raised in Baby's Death," United Press International, Oct. 22, 1986, "Woman Faces Seven Years in Foster Child's Death," Associated Press, June 13, 1988. //5. Rachel Tuinstra, "Tot's Family Still Dazed," *The (Riverside, CA) Press Enterprise*, July 6, 2001, p.B1. //6. Jennifer M. Fitzenberger, "Visalia woman gets life for death of 4-year-old foster son," *Fresno Bee*, Sept. 12, 2001, p.B1; Jennifer M. Fitzenberger, "Convicted foster mom's 'a good mother,'" *Fresno Bee*, May 24, 2001, p.A1. //7. Kate Howard, "Born on streets, infant placed in foster home may have been killed," *The Tennessean*, Feb. 5, 2010 and "Police say birth defect caused death in foster care," *The CityPaper*, Nashville, TN, Sept. 15, 2010.