

We Accept Responsibility

We accept responsibility for those who never get dessert, who have no safe blanket to drag behind them, who watch their parents watch them die, who can't find any bread to steal, who don't have any rooms to clean up, whose pictures aren't on anybody's dresser, whose monsters are real.

And, we accept responsibility for those whose nightmares come in the daytime, who will eat anything, who have never been to a dentist, who aren't spoiled by anybody, who go to bed hungry, and cry themselves to sleep, who live and move but have no being.

We accept responsibility for children, who want to be carried and for those who must, for those we never give up on and for those who don't get a second chance. For those we smother...and for those who will grab the hand of anybody kind enough to offer it. We accept responsibility.

Adapted from Ina J. Hughs, The Oklahoma Observer

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"If we're doing something wrong, we're adults who'll admit it, we'll try to fix it, we'll try to fund it, deal with it. But when these kids don't even come across our radar screen, you worry."

Governor Mike Johanns

Nebraska's Lost Children

Children's Deaths: A Dark Time for Nebraska

For years, the Foster Care Review Board (FCRB) has raised concerns about Nebraska's child welfare system,* and routinely made recommendations for improvements. Concerns have included:

- Most people call Child Protective Services(CPS) to report child abuse; however, law enforcement is
 the first responder to calls. In some cases there is a lack of communication between these
 co-managed systems;
- Law enforcement officers, the first wave of child protection in Nebraska, have little or no training on how to evaluate a child's immediate risk for harm;
- Over burdened workers are unable to give all cases adequate attention;
- An unwieldy computer system; and
- Many abuse and neglect reports are not prioritized, investigated or appropriately evaluated for child's
 safety. In some cases there is <u>no</u> response to serious allegations even to reports made by medical
 professionals.

These are some of the problems which have contributed to Nebraska children, not only being abused and neglected, but being killed. In 2003, FCRB concerns about children's safety increased dramatically as news reports carried more and more stories of deaths of children. The case that moved the Board into assertive action was the murder of Diana Molina, a toddler in Grand Island.

In July 2003, Diana's father stripped her naked, soaked her with ice cold water, and forced her to stand on a box in front of a fan. He punched, kicked and repeatedly lashed her with a belt. The two-year-old was brutally murdered while her mother and other relatives stood by.

The Research

FCRB Executive Director Carol Stitt and staff - primarily Omaha Review Specialist Supervisor Tammy Peterson - began to search for information on children's deaths over a period of years. They were shocked by the high number, the violence and suffering endured by the children, the number known to the child welfare system, and the number of reports to the Child Protective Services (CPS) division of the Department of Health and Human Services which were not accepted or investigated.

^{*} The core entities of the child welfare system are Child Protective Services, the Department of Health and Human Services (DHHS), law enforcement, county attorneys, and the judiciary. In the broad sense, it includes educators, daycare providers, physicians, therapists, and other adults who come into contact with children all of whom are obligated to report suspected abuse. For children known to the system, it also includes DHHS contractors (who are responsible for the safety of children in their placements including during visitation and while transporting), guardians ad litem, parental attorneys, foster parents, group homes, and specialized facilities.

"The tragedy of these deaths; unnoticed and uncounted until recently, dwarfs all else."

Senator Curt Bromm, Speaker

The research, combined with that later conducted by the *Lincoln Journal Star* and *Omaha World Herald*, revealed that since 1997, at least 33 children had been killed at the hands of their fathers, mothers, mothers' boyfriends, stepfathers, other relatives, or by a foster parent. And, the number of deaths has been increasing annually at an alarming rate. In 2003, eleven children were killed. In 2002, eight children were killed, and in 2001 five met untimely deaths. Five children were killed in 2000, two in 1999, one in 1998, and one in 1997.

Of the 33 children killed:

- 27 (82%) were newborn through five years old.
- 14 (44%) were not known to the system before their deaths.
- 19 (58%) had been reported to either CPS or law enforcement.
- 3 (9%) were wards of the court at the time of their deaths.

The Board's research shows that CPS is not appropriately assessing and responding to calls. Many reports made prior to children's deaths should have triggered investigations. These statistics show that CPS and law enforcement must be more attentive to, and ensure timely action on, all reports. The high number of deaths among newborns through five-year-olds indicates that particularly close scrutiny must be given to reports related to the very young who are at the greatest risk of injury and death from abuse.

After meeting with the Board regarding the children's deaths, the Governor Johanns agreed to spearhead the effort to examine and improve upon the child welfare system, and he allowed the Board to examine the 22,648 intake reports recorded on the N-FOCUS system from July 2002 to July 2003. The Board conducted research on a sample of 6,000 of these child abuse or neglect calls, and found that even though 40% of the calls should have had further action, only 25% of the calls actually had follow-up.

The known statistics and facts are heart wrenching and a shameful revelation. The individual stories and faces of these vulnerable innocents tell an even more poignant and ghastly story: a story of lost potential and broken promises, a story of holes in a safety net that are literally large enough for children to fall through to their deaths.

Nebraska can, and must, do better by its children. We must work harder to prevent physical, emotional and psychological harm from abuse and neglect. And, we cannot pretend that a child's death is an aberration...the statistics belie that illusion. With the commitment of policy makers and citizens alike, we can and must reform our child welfare system to ensure that no other child experiences the horror suffered by "Nebraska's Lost Children."

"Protecting children is paramount to the level of civility by which a society is judged. We'll continue to do all we can to prosecute this type of crime and work to help prevent these horrible tragedies."

Jon Bruning Nebraska Attorney General

Nebraska's Lost Children

Nebraska's Lost Children

Following are the children identified by the FCRB, *Lincoln Journal Star* and *Omaha World Herald* who have died, from 1997 through 2003, not from illness or by accident, but due to physical brutality at the hands of fathers, mothers, mothers' boyfriends, stepfathers, other relatives, or a foster parent. Of these 33 children, 27 (82%) were under the age of five at the time they were murdered, and 14 (44%) were known to the system prior to their deaths. Those cases having had some Child Protective Services (CPS) or law enforcement involvement are indicated with an asterisk.

2003

Ameel Eagle Feather-Boston, 11 weeks, Omaha. The bruised infant died Nov. 30 from several skull fractures. His father, Edward Boston, has been charged with felony child abuse resulting in death.

*Alexandria Springer, 21 months, Omaha. Died Aug. 27 after being admitted to the



emergency room with head-to-toe bruises, a swollen brain stem and bleeding from her ears. Previously, Alexandria's mother's rights to two other children had been terminated due to neglect.

Authorities received three reports regarding Alexandria's welfare prior to her death. Her mother's boyfriend, Ronald Phelps, was booked on suspicion of child abuse resulting in death. *Vanessa Casillas, 13, North Platte. Died Aug. 8 from a fall down a grain elevator after



drinking. CPS had received two reports prior to her death. Her 20-year-old cousin has been charged with felony child abuse, and two other youth were charged with felony child abuse, trespassing, and minor in possession.

Torrance Woods, 10 weeks, North Platte. Died Aug. 1 from head injuries and rib fractures.



Her father, William Woods, was charged with felony child abuse of Torrance, and emotional abuse of Torrances' three-year-old brother. Woods faces 20 years to life.

"It's disgusting to see what's going on with children and abuse. If money is the answer, money is what we'll have to look at."

Senator Roger Wehrbein Chair, Appropriations Committee

2003 continued

Diana Molina, 2, Grand Island. Murdered July 23. Because she wet the bed, Diana's father,



Germai Molina, allegedly stripped her naked, poured ice cold water over her body, and forced her to stand on a box in front of a whirling fan. He struck her with a belt up to 100 times, then punched and kicked

her to the floor. This extreme abuse took place continually over a period of 20 to 24 hours while the toddler's mother, Diana Molina, and other relatives stood by. Germai, previously known to area law enforcement, has been charged with first-degree murder. Diana's mother faces life in prison for permitting child abuse resulting in death.

*Rebecca Williams, 13, Omaha. Found dead June 18, two weeks after being reported



missing. CPS had received two reports with allegations against her step- father. Although another 13-year-old is the primary suspect, a deputy said the "dysfunction in the home life had something to do

with what contributed to her death." No arrests have been made.

*Jayden Swartwood, 4, North Platte. Died June 17. He was found barely conscious after



being trapped in a car trunk. Authorities determined Jayden crawled into the trunk while his mother slept, and accidentally locked himself inside. CPS had received three reports regarding

Jayden and his siblings, including one from a professional in the system who recommended immediate removal. His mother, Lynette Swartwood, received 18 months probation for misdemeanor child abuse. Two other children have been removed from the home.

James Dexter, 2, Omaha. Died June 13 from severe burns after being forced to sit in a tub of



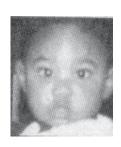
hot water for five minutes. James' mother admitted that her boyfriend, John Horst, purposely scalded the toddler. Horst has been charged with felony child abuse. "If you are going to have Child Protective Services - if you are going to have a hotline - it needs to be more effective. You can't just have people call in and nothing's looked into and nothing's done."

Staci Wise, Jayciona Fleming's Foster Mother

Nebraska's Lost Children

2003 continued

*Brianna Pope, 3, Omaha. Died May 10 from chronic abuse. She suffered blunt trauma to her



chest, abdomen and extremities, was severely dehydrated, and had extensive bruising on her back and legs at various stages of healing. There was a history of law enforcement being called to the house for domestic

violence. Numerous relatives say they had called CPS expressing fears Brianna was unsafe. Leonard Burks, Brianna's stepfather, was charged with felony child abuse. The FCRB has asked the state Attorney General to consider upgrading the charges to first degree murder.

*Jayciona Fleming, 18 months, Omaha. Died March 17 due to shaken baby syndrome. CPS



had received five calls reporting safety concerns. Four days prior to her murder, a CPS worker saw Jayciona and, noting facial injuries, suggested to her mother, Latonya Fleming, that she seek medical attention.

Later that day, a hospital requested placement for Jayciona because of her injuries: bruised

arms and thigh, red bumps on her head, cuts to her face, and a fading bruise over an eye. Placement was secured, then canceled. Law enforcement, having no information on the mother's history (her previous involvement with CPS, and the fact that other children had been removed from the home), released Jayciona to the woman who would kill her. Her mother has been charged in her death.

Brendan Gonzalez, 4, Plattsmouth. Disappeared in January. His body is yet to be



found. Brendan's father,
Ivan Henk (a.k.a. Hank),
confessed to murder while
incarcerated for obstructing
justice in the search for
Brendan. He has been
charged with his son's
death.

"Why after so many years and so much money and so many people doing so much work could it seem to be that things are worse? This is a soul-darkening question."

Senator David Landis

2002

Faith Klabunde, 18 months, Omaha. Died



Dec. 17 from shaking, allegedly by her mother's boyfriend who denies wrongdoing. Hospital staff noted Faith had a bruise on her forehead and small bruises the size of a pencil eraser covered her body. Her mother said Faith had

fallen out of her crib and, since the incident, had been vomiting, sleepy, and nauseated. Faith's two siblings were placed in foster care.

*Brian Valdivia, 11 weeks, Omaha. Died from shaken baby syndrome on Nov. 1. According to CPS's initial assessment, there was a long history of domestic violence. His mother was arrested.

Vivianna Muro, 8 months, Lexington. Vivianna was taken off life support Oct. 28 after it was determined she was brain dead. She also suffered 10 broken ribs and broken fingers. Her parents were arrested the day of Viviana's death, and her brother was placed in out-of-home care. An examination showed Viviana's brother also had a skull fracture of an undetermined age. Illegal drugs were found in the home. The parents have pleaded no contest.

Curtavious "CJ" Boykins, 2, Omaha. "CJ" was killed Aug. 16 at a birthday party by stray bullets fired in a gang-related shooting among attendees. The shooter, Demetrius Nelson, was identified by fellow gang members. Nelson pleaded no contest to second-degree murder and use of a weapon.

Taylor Haase-Cross, 3 months, Lincoln. Pronounced dead May 27. After his death, a nurse from the hospital advised the CPS hotline that Taylor had old and new bruises to the brain. His father, Bradley Haase, was sentenced up to 10 years for felony child abuse resulting in death.

Antonio Witherspoon, 13, was shot to death April 12 at a housing complex in Omaha. CPS closed the case one month after his death. It is suspected the shooting was gang related. No arrests have been made. In 1994, Antonio and his siblings were state wards, and his mother was placed on central registry as court substantiated neglect.

"It's frustrating because it seems like as a family we tried to do everything we could do, other than kidnapping him and not letting him go back."

Deb Banik, Layne Banik's stepmother

Nebraska's Lost Children

2002 continued

*Darvell Gulley, 13, Lincoln. A state ward for



two years, Darvell died of asphyxiation after being physically restrained at a home run by Developmental Services of Nebraska.

Over 160 complaints had been made against the facility. No citations were

issued or criminal charges filed.

Annette Hirsch, 2, Alliance. Died Feb. 26 from multiple blunt force injuries to the head after being hit causing her head to slam against a bathtub. Her grandmother, Michelle Hirsch, was sentenced to 25 to 30 years for manslaughter.

2001

Iycis Henderson, 11 weeks, Lincoln. Died Dec. 17 from shaking and beating. She had old bruises, a skull fracture, and severe bleeding in the brain. The father, who is the suspect, told authorities that Iycis fell out of her high chair, and stopped breathing.

*Maximillian Ward, 3, Omaha. Died in



December after being put into scalding bath water as a form of punishment. His body was found in 2003 in a makeshift grave. CPS received two reports prior to Max's death alleging physical neglect by his

mother, Tamecka Griffin. She is awaiting trial for child abuse. Timothy Sullivan, her boyfriend, was sentenced to 20 to 25 years.

*Layne Bryan-Banik, 3, Omaha. Found dead in his home May 8 due to smothering. He also



had fractures on an arm, an elbow, and a leg. Ricky Jim, his mother's boyfriend, was sentenced to 40 to 50 years. His mother, Candi Bryan, was not charged. Layne's family say they made repeated but futile efforts to get CPS or police

involved, and related concerns to a doctor who did not call authorities. CPS says there are records of two reports, but not of the last made just prior to Layne's death.

"In every one of these deaths, there was an intake and investigative failure - That's what I saw."

Doug Warner, Scotts Bluff Deputy County Attorney

2001 continued

*Peyton Duane Kreikemeier, 4 months,



Plattsmouth. Died from shaken baby syndrome perpetuated by his day care provider, Terrie Hicks. Hicks was sentenced to 10 to 15 years.

*Quincey Simmons, 3, Omaha. Died March



24 from blunt force trauma to his head at the hands of his foster mother, Monica Robinson, who is serving six to 15 years. There were prior investigations of the foster home. Robinson had

specifically stated she wanted only males over age six placed with her. The FCRB submitted a letter to DHHS expressing concern with the home, and recommended there be no future placements. Quincey was placed with Robinson after the warning.

2000

Timothy Stanley, 6 weeks, was taken off life support June 23 because of brain death caused by shaking injuries sustained June 11. His father, Edward Stanley, a senior Air Force airman at Offutt Air Force Base, was sentenced for involuntary manslaughter.

*Latara Chandler, 13, Omaha. Killed Nov. 11 by her mother's boyfriend, Arthur Lee Gales, as



was her brother. Gales and Latara's mother, Judy, had an argument the night of the murders. Judy was beaten and left for dead on railroad tracks. Latara was raped and strangled.

*Tramar Chandler, 7, Latara's brother, was killed Nov. 11 by drowning in the bathtub.



Arthur Lee Gales, his mother's boyfriend, was sentenced to death in the electric chair for the murders of Tramar and his sister Latara, and the attempted murder of their mother Judy. During the

trial, prosecutors pointed out Gale's criminal history, including his 1987 conviction in Florida for armed sexual battery and armed robbery.

"It is sad that it took so many children to die to awaken the State of Nebraska to take action. Now it is imperative that we be ever vigilant to assure that we never see these types of numbers again."

Nebraska's Lost Children

Senator Ray Aguilar

2000 continued

*Austin Jensen, 2, Omaha. Murdered June 28 by his father, Justin Jensen. Jensen and Austin's mother, Crystal Granholm, had a violent relationship. Jensen killed both of his children and Crystal, then killed himself.

*Christian Jensen, 3, brother of Austin. Murdered by his father Justin Jensen who had an extensive criminal history of violent acts back to age 16. A neighbor once confronted Jensen after Crystal said Jensen had choked her. Jensen's response was, "so?" It is suspected Jensen was on drugs at the time of the murders.

1999

Adam Gomez, 3, Scottsbluff. Killed and



dismembered by his mother's boyfriend, Raymond Mata, in mid-March. Mata placed Adam's body parts in a freezer, in a dog food bag, and dog bowl. Mata was sentenced to death.

Jarmareilla Hicks, 9 months, Lincoln. Died March 14 from shaking. His father, Lyndell Wells, was sentenced to 20 to 22 years.

1998

*Wyatt Campbell, 22 months, Lincoln. Died



from head trauma. His mother, Francisca Pleines, was convicted of criminal conspiracy, and her boyfriend, Vernon Hayes, of first-degree murder.

Prosecutors said Pleines kicked and punched Wyatt

in the head two days before he died, and that Hayes struck the boy in the head numerous times in the hours before he was taken to a hospital. A year prior to Wyatt's death, the state terminated Pleine's parental rights to another son. Pleines and Hayes were sentenced to 22 to 30 years.

1997

Lorenzo Salicido, 8 months, Kearney.

Murdered by drowning in the bathtub. His twin siblings were placed in protective custody after Lorenzo's death. His father pleaded guilty to involuntary manslaughter, and sentenced 18 months to four years. He was paroled and deported in January 2002. ■

Information from FCRB, *Lincoln Journal Star*, Sept. 6, 2003, reporter Margaret Reist, and *Omaha World Herald*, Sept. 6, 2003, reporters Jeremy Olson and Karyn Spencer. Edited and reprinted from "Looking Out for the Children," Fall, 2003.

"Our research shows our current system is not structured to protect children. If the revelations of multiple children's deaths is not enough to make us look at staffing, supervision, and the system's structure, what is?"

Nebraska's Lost Children

FCRB Executive Director Carolyn Stitt

The Board Calls for Major Change to Ensure Children's Safety and Well Being

In light of 33 children having died and ongoing research of 22,648 intake reports, the Board's fears for children's safety has reached an unprecedented level. How many children are suffering and in danger due to intake and investigation breakdowns?

The Board's recent research on "Janet's" case illustrates the system's failure to protect children:

- The first call regarding the 11-month-old "Janet" was from daycare reporting the child's mother was "drunk and smoking pot." The call was screened out "for referral.".
- There were at least eight additional reports over the next 30 months alleging the mother's drug use and deteriorating behavior. All calls were screened out.
- Finally, after the tenth report, law enforcement took the child from her mother. Four-year-old "Janet" had been left with various people throughout her childhood, was shoeless and homeless, and her mother apparently was continually on drugs.

The Board is calling for reform, and recommending a redesign of the system, including the creation of Investigation and Prosecution Centers to address top concerns:

- Poor intake screening and investigation of the intakes.
- Little or no supervision of decisions.
- Inadequate safety evaluations.
- Failure to communicate with law enforcement regarding many cases.

These concerns would be addressed by the single-managed, adequately staffed Centers which would:

- Receive and immediately evaluate calls alleging abuse or neglect.
- When appropriate, dispatch specially trained staff to investigate allegations.
- Have a Center Coordinator to review intakes and assure appropriate action is taken.
- Have law enforcement officers and child abuse investigators conducting joint investigations in cases involving serious bodily injury, death of a sibling, or sexual abuse.
- Initiate juvenile court proceedings for children removed from the home.

The flow chart on the following page illustrates how calls would be handled and clear lines of authority. The operation of these pilot centers has not been funded. ■

Blueprint for Accountability – Building Investigation and Prosecution Centers

Investigation and Prosecution Centers Key Responsibilities:

- The center receives calls alleging abuse or neglect, which are immediately evaluated;
- When appropriate, specially trained staff investigate the abuse and neglect allegations;
- The Center Coordinator reviews all intakes to assure appropriate action is taken;
- In cases involving serious bodily injury, death of a sibling, or sexual abuse, joint investigations occur with law enforcement and child abuse investigators from the centers; and,
- The center initiates juvenile court proceedings for children removed from the home.

Attorney General / County Attorney



Child Abuse Calls will go to an Investigation and Prosecution Center where previous contacts with the alleged perpetrators/family will be checked against both law enforcement and HHS computer records to ensure investigators are aware of the history of allegations and any violent tendencies (the Governor has funded additional access to the computers)



- Assures calls are assigned and responded to appropriately.
- Dispatches law enforcement and/or child abuse investigators (as funded by the Governor) to calls alleging child abuse and/or neglect.

Law Enforcement

- Local Law enforcement agencies.
- Provide specially trained law enforcement officers on call 24/7 to investigate allegations of abuse/ neglect (Additional training is in the Governor's budget package)

Child Abuse Investigators

- Specially trained intake and assessment workers employed by the County Attorneys' Office (as funded by the Governor)
- Receive initial calls on abuse and neglect, complete initial assessments, and assist in the investigation and removal of a child when necessary.

Foster Care Review Board Recommended Child Protection System Design

"It will take a combination of many remedies to create a cure to the current problems in the child protection system."

Hon. John Icenogle, District Court Judge

Additional Recommendations to Protect Children

1. Prevention

Implement additional prevention services statewide to stop potential abuse or neglect, and reduce the number of children who must be removed from their homes. Such measures should include home visitations targeting newborns to age 5 year olds, and well baby checks.

14 of the 33 children killed (42%) were not known to the system before their deaths

2. Intensify Prosecutions for Serious Abuse

Increase prosecution of caregivers accused of the most serious allegations leading to children being removed from the home. This would enable the court to act on the conditions that placed a child in jeopardy.

Approximately 25-33% of the children entering care have endured serious physical abuse, caregiver neglect resulting in serious physical harm, first degree sexual abuse, and/or abuse resulting in death of a sibling

3. Specialized Case Management

Implement specialized case management for young children and children who have experienced severe or chronic abuse, building on the successes of the current ICCU¹ Units. Reduce caseloads of specialized caseworkers, enabling them to pursue intensive supervision of cases, and ensure that each child's developmental and safety needs are met. Enhance caseworker supervision to increase caseworkers' ability to create positive outcomes for children.

¹ ICCU units are HHS Intensive Care and Coordination Units, with specialized case management for difficult cases.

3 of 33 children killed (9%) were wards of the court at the time of their deaths

4. Workers

Additional intake and investigative workers are needed to reduce caseloads and allow for collaboration with local law enforcement; victim and perpetrator interviews; collateral contacts; data collection and input; preparation of reports; filing affidavits; and, attending court. Additional supervisors would help ensure that risk factors are accurately rated on calls and provide needed monitoring of cases.

"The failures of the current child protection system are evidenced by the numerous horrible and tragic deaths of helpless children. We call upon policy makers to make our children a priority, and to create, appropriately fund, and monitor a system that lives up to its name."

Nebraska's Lost Children

KayLynn Goldner, FCRB State Board Chairperson

5. Service Contracts

End the practice of HHS contracting for visitation, transportation, and family support. The dollars saved should be used for case managers and case aides.

6. Foster Placements

Develop additional foster placements and retain quality foster parents by providing ongoing support, training, services and increased communication.

7 Restraints

Continue to implement measures to monitor and reduce the number of restraints that children experience while in state custody.

1 of 33 children was killed by caregivers during a restraint ■

It's Time to Protect Children

All have been shocked and revolted by the recent revelation that since 1997, 33 children, 11 during 2003 alone, have been killed at the hands of their fathers, mothers, mothers' boyfriends, stepfathers, other relatives, and even a foster parent. The majority were newborns to age five. Adding to the horror of their brutal deaths is the fact that among the 11 cases in 2003, 6 could have been saved if Nebraska had a child protection system that was sufficiently funded, appropriately staffed, and suitably focused.

Since Nebraska has learned of these tragic deaths, the Governor, Department of Health and Human Services director, the state Attorney General, the legislature, the judiciary, the press and the public have made their message clear that it is time to protect children.

Never before have so many agreed that broad and substantial change is essential. While we mourn the loss of innocent lives, and weep for their pain and suffering, we must seize the unprecedented opportunity to create a system worthy of its name; a system that truly protects children.

Nebraska Foster Care Review Board

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