

While I Care Enough To Cry

by

Judge Ramona John

To Mom and Dad, Rose and Ray Freeman

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Foreword

For twenty-five years, I practiced law and served as the judge of a juvenile court. I represented or decided the cases of thousands of children who suffered because adults hurt them. This book presents the truth about those children, those vulnerable ones, who were abused, neglected, abandoned, victimized by criminals or caught in the crossfire of a bitter divorce. It is not the words I use to tell their stories, but the reality of their existence, that I hope you'll remember.

I learned about the children from observing and talking with them. I also gathered information and gained insight from discussions, reports, and testimony of their family members, social workers, probation officers, teachers, doctors and psychologists, as well as other attorneys. I am indebted to them all. It would not have been possible for me to write this book without their input.

The children have a right to privacy, and as the attorney who represented them, I'm bound to respect the confidentiality of our relationship. The stories are based upon cases with which I was involved, but changed enough to prevent their identification. I've used composites to express fact situations that I encountered over and over again. Throughout this book, my concern has been to protect the children's right to remain anonymous, while shining a bright light on the truth about their lives.

Chapter One

Physical Abuse: Adults Who Beat and Burn and Sometimes Kill Children

Because they are little and can't defend themselves, because they must depend upon the very people who abuse them, because, compared to adults, they are inarticulate and lack credibility in the eyes of others, children make the perfect victims. No one is as vulnerable as a child. Because children have no money, because they can't vote, because, until late in the 20th century, no public outcry arose against their mistreatment, legislatures have been slow to pass laws for their protection.

Physical abuse, sexual abuse and emotional abuse are the major categories of child abuse. The amazing thing is the endless nuances adults have brought to those three ways to hurt children. Each time I thought I'd seen it all, a new form of cruelty emerged.

A friend left private practice to marry and move to another state, and I took over as Charlie's attorney. When I met him, the most important thing in the world to him was his paper sack. Well, not really the sack, but what was in it.

Charlie hadn't lived with his folks for a couple of years, and he didn't understand why. He didn't remember much about his dad knocking him across the room and breaking his arm. He remembered nothing at all about how his dad had knotted a string around his penis to keep him from wetting the bed. When the lady from Children's Protective Service came and said he had to go with her, he went. He was three years old.

Sometimes, Charlie took things out of his sack just to look at them.

There was a Star Trek communicator that Dougal gave him. Dougal was a friend who lived next door at one of Charlie's foster homes. A couple of times, Dougal's Mom took them to get pizza, and they used to watch cartoons together every Saturday morning.

Charlie's mom was supposed to go to counseling and AA if she wanted to get him back. She did make it a couple of times, but then she dropped out. She was going to start back. But she was looking for a job and an apartment, so she could leave Charlie's Dad, and when evening came, she was too tired to make the effort.

Charlie's Dad was supposed to go to AA and counseling and parenting classes, too. He said he would, but he found a new girlfriend, with two kids of her own. She didn't want Charlie living with them. His dad had a chance for a job in California, and he left town with his girlfriend.

Another time, Charlie's mom planned to begin counseling, but just then she went back to work and couldn't get time off to go. She lost the job after a couple of months, because she showed up drunk. And then she moved, and the caseworker hadn't been able to find her for several months.

One of the best things in Charlie's paper sack was a picture of himself and Bingo, the puppy from his last foster home. Bingo went everywhere with Charlie. Sometimes he sneaked her into his bed at night, and they slept curled up together.

Those foster parents were really nice people, but they had to move when there was a job transfer. They would have let Charlie keep Bingo, but the caseworker said he couldn't have her in his next foster home. When she came to move him, Charlie hung on tight to Bingo and cried. She licked his face.

Charlie asked how long until his mommy was going to get him. His mom hadn't shown up to visit him for a long time. The last time she did come, she was drunk, and the caseworker

wouldn't let her see Charlie.

The only relative the caseworker could ever find who might have wanted Charlie was his Aunt Sharon, but she took drugs, and she worked nights anyway, so there would be no one to look after him.

Sometimes, when Charlie woke up scared after a bad dream, he got his paper sack from under his bed, where he always kept it. Then he got out the ragged stuffed rabbit and held it. He wasn't quite sure any more who gave it to him. It was a long time ago.

The last time CPS moved Charlie, he didn't cry. He didn't say a word. He just ran to pick up his paper sack.

Eventually, the judge terminated his parents' rights and Charlie began waiting, hoping that someone would adopt him.

People often ask attorneys who spend every day representing abused kids or judges who decide their cases, "How do you handle it? Do you get jaded after a while?"

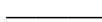
In over twenty-five years that I practiced law in family and juvenile courts and served as judge of a juvenile court, I never reached the point where the suffering of children didn't move me. I couldn't sleep sometimes, for worrying about how to find the best solution possible for a child and make it happen. Most attorneys I know who represent children experience the same feelings.

Nevertheless, like most people who spend years working with abused kids, I came to realize that, if I was to help them, I must learn to put enough emotional distance between myself and them to do my job. It's a delicate balance you strive to achieve. You try to avoid becoming

so emotionally involved that you lose your effectiveness. At the same time, you must not insulate your heart so completely that you care less than the children deserve. You must not destroy your own ability to feel warmth and compassion.

When you see a child in pain, it isn't easy to recognize what you can and can't do to make things better, then do it and move on. Yet that's how it must be, or you quickly become useless to the very ones you want so much to help. It's an imperfect world, but you have to trust that there are others who will take over for the long haul and provide what the child needs when your job is finished.

I became skilled at that balancing act, at least most of the time. But sometimes, a particular child caught me unaware and broke my heart. Charlie, with his paper sack, was one of them.



As I settled on the edge of my chair in Benny's hospital room and leaned toward him, I tried to think what to say. He didn't say anything either. I was Benny's attorney. He slid farther down into the covers and stared at the wall across from him. At the age of six, he'd already learned to try to be invisible around adults. Benny wasn't unusually bright or handsome or appealing. He was just a child, with eyes older than six and a haunting stillness. Benny had wet the bed. His father rubbed Benny's face in his urine until the little boy vomited. Then he beat him until he left his back bleeding and his kidney bruised.

At a later hearing, the judge would decide whether to terminate his parents' rights to him. The temporary hearing to remove Benny from his parents' possession had just been held, and a number of witnesses testified.

The doctor looked angry as he said, "Someone has abused Benny for a long time. I found multiple scars across his back, and his right leg shows signs of a healed spiral fracture. That's the kind of broken bone you get if someone twists the limb. It wasn't an accident. When Benny was brought in, he had welts and bruises across his back and blood in his urine. His kidney was bruised. Somebody beat the hell out of that little boy."

The social worker said, "We did a social history on the family. We learned that Benny's father was abused himself when he was a child. Often child abusers have abuse in their own histories."

The psychologist said it was possible for Benny's father to change if he got help. But when the attorney for Children's Protective Service asked if he thought that was likely, the psychologist didn't hesitate. He replied, "I do not."

Benny's father had told the psychologist, "It's nobody's damn business how I discipline my own kid. The government needs to get its nose out of people's private affairs."

A neighbor said nothing until she was subpoenaed to testify. I asked her when she was on the stand if she had known about the abuse. She said, "Well, I did hear a lot of screaming going on over there, and sometimes I didn't see the little boy for several days."

The other attorney asked, "Did you ever call the police or Children's Protective Service and ask them to look into the situation?"

The neighbor said, "No, I've always believed in minding my own business. It was a family matter. I didn't want to get involved."

Benny's uncle said, "I always thought Benny's Dad was mean to him. I tried to talk to him about that once, but he just blew up at me. I said something to my sister, but she got on me, too. She said for me to stop meddling. I didn't bring it up again. I wanted to keep peace in the family."

Benny's mother didn't take the stand, but an excerpt from the caseworker's report said, "I asked her why she didn't do something to stop her husband when he hurt Benny. She told me she was afraid of the man. I asked what she did when the beatings began. She said she cried, and then she went outside and closed the door. I asked why she did that, and she said, 'I couldn't stand to hear Benny's screams.' She still lives with his father, and told me she had 'no place else to go.' She insisted her husband was a good man who, 'just gets carried away when somebody provokes him.'"

After everyone had their say, the judge removed Benny from his parents' possession and placed him in the temporary custody of Children's Protective Service.

I came to the hospital to tell Benny that the judge said he wouldn't be living with his mother and father, at least not now. He'd be living in a foster home, where he'd be safe. I told him he'd like his foster parents, because they were good people.

I said, "All grown-ups aren't like your dad, Benny. Most people are kind."

His eyes focused on mine.

I said, "You'll have people to love you and take care of you, and you'll be okay now." But Benny was only six. I didn't know how to make him understand. I sure didn't know how to make him believe me. The caseworker told me he cried every time he had to go to the bathroom, because he was so scared.

I reached out to hug him, and he turned away.

Eventually his parents' rights were terminated, but Benny was never adopted.

Even today, when the news is filled with stories of abused children, many people find it

hard to accept that abuse occurs as often as it does. The truth is that an estimated 2.9 million referrals alleging child abuse or neglect were accepted by State and local child protective service (CPS) agencies for investigation or assessment in federal fiscal year 2003, according to a report published in 2005 by the United States Children's Bureau.

Every year, nearly one million of such referrals are determined to be child abuse or neglect. Of those that are not confirmed as child abuse, some are unfounded. Others may be valid, but they can't be proven. Untold numbers of others remain dark secrets that nobody knows about, or at least nobody reports.

Does child abuse occur more often today than in the past? No one knows for sure. Those who say it does point to today's increased drug use, breakup of families, loss of accessible extended family, poverty and urbanization as causes of the problem. Certainly they're contributing factors.

However, I doubt that human nature changes much. I believe child abuse has always been widespread, but we are just more aware of it today. We have more extensive communication, the public is more knowledgeable and an increasing number of people are willing to report abuse. All of those factors draw attention to the problem. In some states, it's a crime now for a person who is aware of child abuse not to report it. I'm glad such laws exist, but how sad that they are necessary.

Perhaps the most significant single result of our greater awareness of child abuse is the change in public attitude toward it. That change is one of our most effective tools in the effort to eliminate it.

Until the last few years, many people considered the way parents treated their kids a family matter, a private issue in which outsiders shouldn't interfere. People still accepted the old idea that children are the property of their parents. They believed parents should have the right to

treat children however they please, the same as their mules and chickens.

When the state steps in to protect children, many abusers still reflect that belief. “Nobody else has the right to tell me how to discipline my own child,” is a familiar refrain. I’ve heard it from a man who beat his son with a 2x4, breaking his ribs. I’ve heard it from a woman who deliberately burned her child’s hand to teach her not to play with matches. Despite such lingering attitudes, society has come to realize that children are individuals. We have accepted the idea that children have rights of their own. We understand that we must protect them. And we have enacted laws to do so.

“My dad used to beat me till I couldn’t stand, and I turned out okay,” is another common argument of parents whose brutal beatings leave their own children with bruises and often, broken bones. They never seem to realize the irony of claiming that they turned out okay, when they are standing in court, in danger of losing their children and perhaps even facing criminal charges for hurting them.

When she found out that she was pregnant, Gabriella begged her parents to help her get an abortion. She was only seventeen, and she wasn’t married. Her father turned bright red and started yelling at her. He went on and on, and she was afraid he was about to hit her, like she had seen him hit her mother. He got right in her face and shouted that if she got rid of the baby, she’d go to hell. He threatened to kill Tony if he didn’t marry her. The couple made a quick trip to the Justice of the Peace.

From the time she was born, Angelina was a fussy baby, who was sick a lot. Many nights, she wouldn’t stop wailing for hours. Gabriella wanted to scream every time she faced the

piles of dirty diapers. She ached to wander through the mall with her friends or go to a movie or grab a burger where everybody went to hang out. She felt trapped, with no future and a miserable present.

Most evenings Tony disappeared soon after dinner and didn't come back until late. Weekends, when he was home, he sprawled on the sofa, worked on a six-pack and watched a game on TV. He paid no attention to the baby, and he and Gabriella yelled at one another constantly. Once, he even hit her.

When Angelina was two, Gabriella brought her to the hospital with burns on her hips and feet. Gabriella said she left the toddler in the bathtub with the faucet running for a few minutes, and she accidentally let the water get too hot.

Two months after the little girl was discharged from the hospital, Gabriella showed up with Angelina at the Health Clinic. The child had burns across her hand and arm. Her mother had not sought medical help until they became infected.

Gabriella complained, "She's always underfoot. She made me stumble, and I spilled boiling water on her. Why can't she learn to stay out of my way? Now look at the trouble she's caused."

Angelina tried to climb into her mother's lap, but Gabriella pushed her away without looking at her.

The doctor spotted marks on Angelina's other arm, which looked to him like cigarette burns. Gabriella claimed they were impetigo, but the doctor was suspicious. He called Children's Protective Service.

The caseworker who interviewed Gabriella got a different story. Gabriella told her that Angelina was playing around Tony as he was trying to watch wrestling on TV, and she accidentally bumped into his cigarette. He touched the lighted cigarette to her arm a couple more

times to teach her to watch where she was going. Tony denied Gabriella's story. He said she was the one who burned the little girl. When the worker asked Angelina how her arm got hurt, the toddler just looked at her and began to cry.

Children's Protective Service took custody of the child, and the worker came to pick up Angelina's things. She found only a few clothes and not a single toy.

Tony left Gabriella, and she went back to live with her parents.

The caseworker developed a plan for Gabriella and Tony to regain custody of their little girl. It required AA for Tony, counseling and parenting classes for them both, and visiting their daughter at the Agency office. They failed to keep any appointments set for counseling sessions, and they never once came to see Angelina.

Her grandparents didn't call about Angelina or ask to visit her, much less express any interest in taking custody of the child. She had no aunts or uncles. No one wanted her.

The caseworker finally gave up and talked to Gabriella and Tony about relinquishing their parental rights. Tony asked if that meant he wouldn't have to pay child support. The worker assured him he'd never have to pay a dime. Neither Gabriella nor Tony asked to see Angelina again. Without further discussion, they both signed the papers to terminate their parental rights. Angelina was free to be adopted.

The psychologist who had interviewed both parents said she believed that was what they hoped would happen all along.

Angelina lived in two foster homes before the agency found an older couple who asked to adopt her. They tried hard, but Angelina couldn't seem to bond to them. She threw temper tantrums, destroying everything she could reach. Before the judge granted the adoption, the couple changed their minds, and Angelina went to live in a group home. By the age of eight, she had tried twice to set fire to her room.

Paula stumbled into the hospital emergency room carrying her daughter, Rebecca, a shy two-year-old with blonde curls and blue eyes. Paula said the toddler had suddenly stopped breathing. Fortunately, she was nearby and able to revive her. A nurse herself, Paula cooperated fully with the medical staff. She helped however she could, as they conducted various tests on her daughter. They found nothing wrong, and the hospital soon released the child.

Two weeks later, disheveled and out of breath, Paula burst back into the emergency room with Rebecca. Once again, she said her daughter stopped breathing and she performed CPR to save her.

The staff talked among themselves about how lucky Rebecca was that her mother had medical training. They admired Paula's devotion. She stayed constantly at her child's bedside. With tears in her eyes, she expressed how much she appreciated all they were doing to find out what was wrong with her daughter. The doctor ordered more extensive tests, but the results furnished no clue to the cause of the episodes.

Rebecca was due to be discharged the following morning, but around 2:00 A.M., Paula dashed from her child's room and shouted for the nurse on duty. Once more, Rebecca had stopped breathing. While the nurse called the doctor, Paula began CPR. Together, they were able to resuscitate the little girl.

Paula sobbed, "Oh, thank God," and clutched Rebecca to her.

The latest incident baffled the doctor. He had conducted every test he could think of, considered every possible reason Rebecca had repeatedly stopped breathing. He thought surely he must be missing something. His sense of urgency grew, because he realized that each time these incidents occurred, Rebecca's life was in grave danger.

Then a disturbing thought crossed his mind. At first, he set it aside, but it kept nagging at

him. Though he had never seen Munchausen's syndrome by proxy, it startled him to realize how closely Rebecca's case fit the profile. Could it be that it wasn't Rebecca who was sick, but her mother?

Munchausen's syndrome by proxy is a condition in which an adult creates life-threatening medical problems involving a child. The adult is usually a parent, and most often the child's mother. The symptoms produced require medical tests or procedures. The mother, typically an intelligent, cooperative person, becomes involved with the hospital staff in the child's treatment. Often she has a medical background herself. She lavishes praise on the doctors and nurses, and meanwhile, she nearly kills her child. Sometimes, she succeeds.

Why would anyone do such bizarre, unspeakable things to her own child? Experts say people with Munchausen's crave attention and admiration. They receive that approval for their apparent devotion to the sick child and cooperation in the child's treatment.

Rebecca's doctor phoned a colleague who had practiced medicine for many years. He hoped his friend might have some experience with Munchausen's cases. He didn't, but suggested that the doctor discuss his suspicions with a professor at the medical school, who had written extensively on the subject. He reached her right away. After their conversation, he was even more afraid for his young patient.

The doctor hurried to the hospital administrator's office and explained that he believed Rebecca was in grave danger from her mother. They realized they must be sure, before they took action, and decided to investigate further.

They uncovered alarming facts. According to her mother, Rebecca had never experienced these problems before. Yet, they discovered that Rebecca was admitted to a different hospital in the city twice during the prior year. Both times, Paula told the hospital staff that Rebecca had stopped breathing.

Even more chilling, they found that Rebecca had a brother, who exhibited identical symptoms two years earlier in a third hospital. The little boy died. Paula had never mentioned him.

The administrator called the police to report their suspicions, and a judge allowed them to install a hidden video camera in Rebecca's room. Authorities instructed the hospital not to tell anyone except those directly involved in Rebecca's care. They were afraid that, if Paula realized they suspected her, she might remove Rebecca from the hospital, leaving them no way to protect the little girl.

Rebecca's doctor told Paula he wanted to re-examine a couple of tests and invited her to come to his office to discuss them. For a moment, he was afraid she sensed something wrong. However, his explanation seemed to satisfy her, and she asked no further questions.

While Paula was away from Rebecca's room, police installed the video camera, and in an adjacent room, a nurse and a police officer began their vigil.

Everyone was convinced that Rebecca's life was at risk each minute she was alone with her mother. They knew that, before she took Rebecca from the hospital, they must do everything legally possible to get evidence that Paula had caused the episodes. As frightened as they were of leaving Rebecca alone with her mother, they knew no other way to show that Paula was causing her child to stop breathing.

Around midnight, when visitors had left the hospital and the halls were silent, Rebecca's mother quietly closed the door to her daughter's room. She appeared to listen for a moment, then stole to the side of her little girl's bed. She stared at Rebecca for a few seconds, then picked up a pillow, jammed it down over the child's nose and mouth and lay across Rebecca's body, pressing the pillow against her face. The camera picked up every detail.

Rebecca flailed her arms and kicked wildly, as the officer and nurse raced from the next

room to save her. When they flung open the door to Rebecca's room, Paula jumped away from her. The nurse picked up the sobbing child and hurried away with her.

The officer told Paula they saw her try to kill Rebecca.

Paula cried, "How dare you say such a thing!"

She insisted that she was only trying to re-arrange the pillows, so Rebecca could breathe more easily.

She shouted that she would sue the hospital and the doctors. When she attempted to storm from the room, the officer arrested her. The videotape gave authorities the evidence they needed to charge Paula with attempted murder of her child. Later, a jury convicted her.

The hospital staff had never seen the little girl's father, whose work often kept him out of town. He refused to believe that his wife tried to kill Rebecca, regardless of what the camera showed. He insisted there must be some mistake. He kept repeating that she was a perfect wife and mother, and no way would she hurt her own daughter.

Children's Protective Service took custody of Rebecca, and placed her in a foster home, where she blossomed. She never suffered any further breathing difficulties. Her parents' rights were eventually terminated, and later, she was adopted.

Rebecca was lucky. Though the District attorney couldn't prove it, no one involved with the case doubted that Paula murdered Rebecca's little brother.

Because she was very young, Rebecca may not remember what happened. Still, I wonder if, somewhere deep inside, Rebecca will always carry terrifying memories of her mother. I wonder if, in nightmares, she still sees the pillow coming down.

When a child is abused or neglected or abandoned by her parents, the state steps in. Sometimes a Children's Protective Agency can leave the child at home, while the agency works out problems with the parents. At other times, hearings are held before a judge and the child may be removed from her parents' possession.

Being taken from her parents by the state is a traumatic experience for a child. She faces the unknown, among strangers, with nothing familiar around her. Imagine how frightening that must be. She misses her family. Even if she was hurt in her home, her life there is all she knows. She is uncertain of her future. She feels guilty about the trouble her family is experiencing and believes it's her fault. Often, she thinks she had to leave her home because she did something wrong.

Sometimes a Children's Protective Agency removes a child from her home only temporarily, until the problem that caused the removal is corrected. Then the agency returns her to her parents. Typically, the Children's Protective Agency monitors the situation for a while to be sure everything is okay, and if it is, dismisses the case.

At other times, the child's situation is so dangerous that the state must take her away from her parents permanently. When that happens, a judge usually places the child in the legal custody of a relative or foster parent or gives permanent custody to a Children's Protective Service Agency. In turn, the agency may place the child with a relative, foster parent or group home and then monitor her care.

The good thing about that resolution is that it leaves the parent-child relationship intact. It keeps the door open, if circumstances change, for parents to ask the judge to return their child to them. Usually, parents must pay child support, and in many cases, they are allowed to visit the child. The bad thing about that resolution is that it also may result in the child being left in limbo, with no permanence or stability in her life.

The most extreme form of removal is termination of the parent-child relationship. Termination is a recent concept. It originated in the 20th century, after society recognized that children are individuals, with rights of their own, rather than chattels of their parents. Legislatures enacted laws to set standards for the treatment of children by their parents. Soon the idea arose that parental rights of some parents who failed to meet those standards should be terminated.

In the entire scope of the law dealing with children, lawyers and judges will tell you no issue is more painful to try or difficult to decide than termination of the parent-child relationship. It is the last resort for protection of children. Even when it is necessary, even when it opens the way to a safer, happier life for a child, it's tragic.

It's tragic for parents, because their children are no longer their own, and they have no right to play any further role in their lives. They have no right to ever see them again or even know anything about them.

It's tragic for children because their parents were their parents, whatever they may have done, and often the children loved them. Termination means the end of any hope that their parents will change. It is the awful loss of what might have been.

Guidelines for termination are strict, and they should be. Once parents' rights are terminated, no one can ever restore them. It's as if their child had never been born to them. Even though it's sometimes the only acceptable alternative, no judge I know ever orders a termination of the parent-child relationship without a heavy heart.

Pippa was a sunny child, who seemed to float through her days. She bubbled around

Molly and Ted, her Grandma and Grandpa. The little girl had her own room in their comfortable old house, where she and her mom, Jan, had lived all of her life. That wasn't very long; Pippa was four. She never asked if she had a daddy, which was just as well. He and Jan were not married, and he had disappeared when he learned she was pregnant.

Pippa never appeared to notice that Jan sometimes went away for a few days or that Grandma, not her Mommy, usually took care of her. Pippa was happy and loved.

Grandma Molly found it a joy to look after the little girl. But she and Ted were concerned, because Jan assumed very little responsibility for Pippa. She often left Molly to bathe her child and fix her meals. It was almost always Molly who heard Pippa's prayers and tucked her in at night. But Jan was young. They hoped she'd mature, start taking care of her daughter and enjoy spending more time with her. Meanwhile, they would be there for Pippa.

They were pleased when Jan began going out with Ken. He appeared to be crazy about her, and Jan finally gave signs of being ready to settle down.

When the couple married, Molly and Ted rejoiced for them. Though they'd miss both Jan and Pippa, it was the right and natural thing for them to have a home of their own. Besides, they would be living only a few blocks away, so they'd see them often.

It didn't work out that way. Ken resented anyone who took Jan's time or attention. He stalked out of the room, slamming doors, when Molly and Ted came to visit. They didn't understand what they'd done to upset him, but Jan said it wasn't just them. Ken didn't like to share her with anyone. She hurried them out of her apartment whenever they came, and Molly and Ted stopped going to see her. They didn't want to cause problems.

Though she still brought Pippa over on Saturday afternoons, Jan fidgeted and began making excuses to leave from the moment she arrived. What bothered Molly most was the change in Pippa. Silence had replaced her constant chatter, and her irrepressible curiosity had

disappeared.

When Jan and Pippa arrived at their door one day, both were crying, and Jan had a black eye. Molly took her into her arms and asked what happened. Jan said Ken had hit her, because he thought she was having an affair with one of his friends, who had remarked that she was a good-looking woman.

Jan planned to stay with Molly and Ted a few days, but that night, Ken pounded on their door. He yelled that he'd break it down, if they didn't let him in. Ted ran to phone the police, but Jan stopped him. She said she just wanted to go out and talk with her husband. About thirty minutes later, she came back inside and told them Ken was sorry and promised he wouldn't do it again. She was going home.

Pippa crawled into Molly's lap and buried her face in her grandmother's neck. Molly and Ted persuaded Jan to let Pippa stay with them for a couple of days.

After they left, Pippa asked Molly if she was going to make her go home with her mommy. Molly tried to reassure her that she needed to be with her mommy and everything would be okay now. Pippa clung to Molly and insisted she never wanted to go home. When Molly asked her why, she said she was afraid of Ken. She showed Molly a bruise on her hip and pointed to another on her arm. She said Ken hit her, and he'd done it before, and he'd hit her Mommy, too.

Ted wanted to call the police right then, but Molly persuaded him to wait till she talked to Jan.

When Jan came for Pippa, they confronted her with what her daughter had said. Jan screamed that Pippa was lying, that she got the bruises from a fall. She insisted that Ken loved Pippa. He wouldn't hurt her.

She shouted, "Stay out of our lives!" and dragged a crying Pippa out the door.

By the time Jan left, Molly and Ted were trembling and heartsick. They called a lawyer, who told them there probably wasn't much they could do. They prayed that things would get better. Maybe Jan really would take care of the problem.

One night a month later, Molly and Ted's phone rang shortly after midnight, jarring them out of a sound sleep. Jan was calling from the emergency room. Pippa had fallen down the stairs and her leg was broken. When Molly and Ted reached the hospital, the doctor had just told Jan that Pippa should be okay and was starting to put a cast on her leg. Other than a few bruises, he found no additional injuries. Molly was dizzy with relief.

Molly had the chance to see Pippa alone for a few moments, while Jan talked to the doctor. Pippa reached up and pulled Molly down close to her.

She whispered, "Grandma, he pushed me."

When Molly told Jan, she insisted Ken hadn't meant to hurt Pippa. It was an accident. He stumbled into her.

Pippa just shook her head and repeated, "He pushed me." Molly and Ted believed the little girl.

They tried to persuade Jan to leave Ken, but she wouldn't even discuss the possibility. They begged her to let Pippa live with them, but she said no.

The next day, Molly and Ted went to the District Attorney. He said it would just be four-year-old Pippa's word against Ken's. With no other evidence and even her mother denying he had intentionally pushed the child, chances were very slim he could be convicted of any criminal offense.

At that point, Molly and Ted came to see me and asked what they could do. I explained that there were no guarantees, but I filed a custody suit for them. The judge gave them temporary custody of Pippa, and we prepared for a jury trial.

The day before the trial was to begin, Jan called. She had decided to let Molly and Ted have custody of Pippa. She and Ken didn't have the money for a lawyer, and Ken didn't want her to have to go through a trial. Besides, he didn't want a kid around who told lies about him. They were moving to Louisiana, and she hoped Molly and Ted were happy now. Then she hung up.

I quickly prepared the Agreed Order and got it to Jan the same day. She signed it, and I presented it to the judge, who approved it. Molly and Ted didn't want child support, and Jan could see Pippa whenever she wanted, as long as one of them was present. Molly and Ted had won, and we knew that Pippa would be safe now, but there was no laughter, no celebration of their victory.

When I spoke with Molly two years later, Pippa had started to school, and Molly said she appeared content and well adjusted. She had not asked about her mother for a long time. Molly and Ted had still heard nothing from Jan. They didn't know where she was. Molly said she prays every night that somewhere her daughter is alive and safe and happy.

What is physical child abuse? Obviously, when a person tries to kill a child, that's abuse. When a person burns a child or breaks a child's bones or beats the child until internal injuries result, that's abuse. I've seen cases where a parent forced pepper down a child's throat until he choked, or dunked her head beneath water repeatedly until she almost drowned, or forced a child to do push-ups until he fainted from exhaustion. Child abuse? You bet.

But somewhere along the continuum, the distinction blurs, and people disagree about what is and isn't child abuse. Is it child abuse to hit a child with a belt, leaving bruises? What if no bruises appear? Laws regarding when discipline becomes abuse vary from state to state. In

one place, a spanking with a belt that leaves a raised red mark is considered abuse, while elsewhere, a beating must cause serious injury to a child before the state steps in.

If you see a woman in the grocery store yank her three-year-old by the arm, yell at him, and slap him when he doesn't mind, is that abuse? Should you do anything? What if a child in your family keeps suffering unexplained broken bones and severe bruises? These are not easy situations to confront.

Many experts say physical discipline teaches a child that might is right and that it's okay to use force to make someone do what you want. Others scoff at that idea and say a few swats on the bottom with a parent's hand never hurt anybody. The boundary that separates abuse from reasonable discipline is often poorly defined. It's hard to predict when a court will say a parent has crossed that line.

In borderline cases, when the law is vague regarding criteria for physical abuse, judges consider such factors as:

- Whether the punishment left marks on the child's body
- Why the child was punished
- How often the parent has used physical punishment in the past
- How many times the child was struck during the particular incident
- Where on the body the child was hit
- Whether the child was struck with an open palm, a closed fist, or some other object.

Some people find it hard to accept how far-reaching and profound the effects of child abuse can be. Experts say that the following are some of the consequences abused children suffer:

Child abuse robs its victims of a normal childhood. Play is an essential activity for children. It's one way they learn. But abused kids often lack the capacity to play.

Abused children run away more often than those who have loving parents, and they have more problems with drugs.

People who were abused during their childhood are more likely to develop mental health problems, and may never learn to establish healthy emotional relationships.

The helpless anger, fear and hurt, which an abused child can't fully express, may prevent development of compassion and concern for others. It can lead to violent behavior, both as a child and as an adult.



People will usually go to great lengths to help any child, and the ferocious desire to protect your own children is a deep-seated natural instinct. So how can people bring themselves to deliberately harm children, sometimes not just once, but over and over again?

Most people who have kids occasionally feel so tired and frustrated with their children's behavior that they have the impulse to strike out at them physically. But they don't. And the impulse quickly passes.

What sets them apart from those whose own actions send their children to the hospital with broken legs and fractured skulls and burned feet?

Once in a while, abuse results from ignorance. For example, some parents may know very little about how to care for an infant. A baby named Ellis nearly starved, because his young mom and dad, in need of money, watered down his milk so drastically. When they realized how close they came to killing him, they were devastated.

Teen-aged parents, children themselves, often simply lack the ability, the maturity or the knowledge to properly take care of their own children.

When Tyrone's girlfriend, Tina, got pregnant, her parents threw her out. Tyrone begged his mother to let Tina stay with them. She moved into their two-bedroom apartment, with Tyrone, his two little sisters and his mom. Four months later, their son was born, and they called him Andre.

Tina went back to classes after she had the baby. She was only fifteen, and she wanted to finish high school.

Tyrone knew his mom was having a tough time supporting them, so he quit school. He was sixteen, old enough to do yard work and odd jobs with his uncle. The money he brought in helped, and he was tired of school, anyway.

Tina liked to hang out with her friends after class, but Tyrone got mad when she wasn't home by the time he got off work. Tina was bored, but Tyrone always said he was too tired to go out at night. They argued a lot.

Tina was proud of Andre. She liked to dress him and play with him and watch all the funny faces he made when she talked to him. But most of the time, Tyrone's Aunt Nikki, who lived next door, looked after the baby during the day and Tyrone's mother took care of him at night.

One Saturday, Tyrone's mother and Aunt Nikki took his two little sisters and went to see his Aunt Bea in Port Arthur for a couple of days. They left Tyrone and Tina to take care of Andre.

The baby had been fussy all evening, because he had a cold, but Tyrone finally got him to sleep. A couple of hours later, Andre's crying woke Tyrone. He tried to make Tina get up with the baby, but she just rolled over and put a pillow on top of her head.

When he couldn't stand it any longer, Tyrone went to see what was wrong. He changed Andre, but he wouldn't stop crying. Tyrone walked the floor with the baby. He tried to give him

his bottle, but Andre just screamed louder. It went on and on, and finally, Tyrone shook him. He shook him hard, and Andre stopped crying.

Tyrone stood in Juvenile Court, with shoulders slumped and head down, waiting for me to decide his case. He was charged with injury to a child. Andre was in the hospital, diagnosed with brain damage, and he was blind. Tina had gone to live with an older brother.

Tyrone admitted he shook his son, but he said, "I love Andre. I didn't mean to hurt him. I just wanted him to stop crying. I didn't know this could happen just from shaking him." He broke into sobs.

His mother stood beside him, tears sliding down her cheeks. There was no sound to her weeping.

I could think of no good solution for any of them. Andre would remain in permanent care with Children's Protective Service. It was unlikely that anyone would adopt him. If I sent Tyrone away to the Texas Youth Commission for a period of years, what would anyone gain? I was convinced that, though he'd meant to shake Andre, he hadn't meant to harm him. He simply didn't know any better.

In the end, I found Tyrone guilty, but placed him on probation. One of the rules of his probation was that he must finish his high school education. Another was that he had to keep a part-time job and pay a small amount of child support. The third required him to attend parenting classes. It was the best I could do.

Often parents have no idea what discipline is appropriate for a child, and they lash out, because nothing seems to work.

It's incredible to me that schools place more emphasis on teaching algebra and foreign languages than on teaching child development and parenting skills. How many people will have an urgent need to conjugate a French verb, as compared with how many people will need to know when they should take a baby to the doctor?

More and more parenting classes are available to adults through churches and clubs, and that's a positive step, but the same sort of classes should be required in high schools. It is mainly young people who have children, and many people don't seek out parenting classes until later in their lives, when they have already had a problem.

It usually isn't strangers who commit child abuse, but the child's own parents. According to the Third National Incidence Study of Child Abuse and Neglect, in 72% of physical abuse case, the child's parents are the abusers.

When a parent hurts a child, not because of ignorance, but deliberately, it's a completely different situation. Sometimes people abuse children because they're jealous of them or resent them. A husband may believe his wife's child really belongs to another man. A child may continually remind a stepmother of her husband's earlier relationship and represent an on-going tie to his former partner. Some may begrudge the time, money and attention a child receives from a parent and the compromises and sacrifices the child's presence requires of the marriage.

Still, not every adult who resents a child abuses her. Though resentment may be the motivation behind abuse, it isn't the stimulus that makes an abuser act. Most often the spark that touches off abuse is anger. Children present the perfect, vulnerable, defenseless target for anger, which may have begun long before the abuser focuses on them. It may have grown from a different source entirely.

It's a paradox that people who abuse children were often abused themselves when they were young. You'd think that those who once suffered such anguish at their parents' hands

would be the least likely to grow up and inflict pain on their own children. Not so. Abused kids aren't the only ones prone to become child abusers as adults. The same is true of children who, while not abused themselves, witnessed abuse of someone else in their homes, a parent, another child or an elderly relative.

Children aren't born knowing how to act; they learn how to behave from their parents. They unconsciously pattern their relationships with their children after their own experience with their parents and what they observed of their parents' behavior toward one another. Even though they may swear that they'll never treat their own children like their parents treated them, they're programmed to behave the same way, and many do. Thus, the cycle continues.

Kids can't fight back. They're physically small, and they have no resources for their protection. When they're hurt and have no defense against the very ones who should be keeping them from harm, a deep-seated rage is born, which has no outlet and no end. That anger may begin to develop even in infancy.

An abused child doesn't dare express that fury to the person who has hurt her, because that's the same person she must depend upon to fulfill all her needs. Besides, she's afraid that if she speaks up, no one will believe her and the same person will hurt her again. Without intensive treatment, the child's anger may continue to grow throughout her lifetime. Eventually, it explodes against others, particularly her own children, who are as defenseless as she once was.

The great majority of inmates in prison for violent crimes were abused as children. Is that an excuse for their crimes? Of course not, but it may be an explanation, at least in part.

David was in the hospital with a major problem. The eight-year-old had leukemia. The

chemotherapy necessary to fight the disease left him dangerously weakened, and he needed blood transfusions. The problem was that his parents refused to allow the procedure, because their religion forbade it. The doctor who was treating David made an urgent call to Children's Protective Service, and the agency filed a suit asking for emergency custody.

At the hearing before me that afternoon, I studied the little boy's parents. David's father said they had faith that God would heal their son. He insisted that treatments other than those using blood products were available to David, and their religion wouldn't oppose using those other options.

The doctor testified that if David didn't receive the transfusion, and soon, he would probably die. He said no other treatment would be effective.

His father raised his chin and said, "I can't allow it."

I asked David's mother if she felt the same as his father. I asked if she understood what the doctor had said. She looked at the floor and murmured, "Yes," to both of my questions.

When I asked if, despite what the doctor said, they still refused to permit the transfusion, they both nodded.

His father added, "It isn't just against our religion. People get AIDS from blood transfusions, you know."

His mother began to cry. "We love David. Please don't take him away from us."

A pleasant, elderly gentleman from their church handed me a pamphlet that explained the alternate treatment they were requesting, and I asked the doctor if he was familiar with the procedure. Would it be effective for David?

The doctor's mouth was set in a firm line. He was adamant that only blood transfusions would save David, and he added that the boy would probably need additional transfusions down the line.

Whenever I lacked the expert knowledge or training necessary to make the best decision in a case, I relied on information from those who did have such expertise. I depended upon the doctor to tell me what treatment David must have in order to survive.

The only question left in my mind was whether I, as a representative of the state, had the right to tell parents they must subject their child to a medical procedure that violated their religious beliefs.

The law gave me the authority to do so, but making that decision was always difficult. I support the separation of church and state, and our constitution demands it. Yet, I also strongly believe society has the responsibility to protect children from harm. Even when the source of danger arises from a religious belief, we can't stand by and do nothing. Would we let parents whose religion included handling poisonous snakes involve their children in that ritual?

I didn't doubt that David's parents loved him. I felt sure they were sincere in their faith. If they wanted to refuse medical treatment of any kind for themselves, they had that right. But I couldn't allow them to withhold it from David. I removed him from their custody and ordered that David be given the blood transfusion and any future transfusions the doctors found necessary. I also ordered liberal visitation for the parents.

His mother seemed relieved, but maybe I only wanted that to be so. David lived, and that was one fact for which we could all give thanks.

The law requires parents to provide, not only food, clothing and shelter for their children, but medical care, as well. To withhold such care when it's necessary to save a child's life or prevent serious injury or illness is child abuse. The law makes no exception for abuse that stems

from religious beliefs.

Cases involving the conflict between a child's medical needs and a parent's religion are not unusual. Most often they center on the use of blood or blood products to treat an injury or illness. However, occasionally, a case involving religious beliefs arises from more bizarre and frightening circumstances.

Star was six years old when the judge appointed me to represent her. She was in the hospital, and my first sight of her made me almost physically ill. One eye was swollen shut, the other was only a slit. Her face was puffy and covered with red and purple bruises. Her arm was in a cast, and the nurse said bruises in various stages of healing covered the little girl's body.

A mail carrier had heard screams when he came to deliver the mail at Star's parents' farm, and he called police. His action probably saved Star's life.

The child's parents admitted beating her, but insisted they were trying to save her from the demon that possessed her. They said they were trying to beat the devil out of her.

The little girl had epilepsy, and an elder in her parents' church had been visiting the home when Star suffered a seizure. He said the demon inside her was trying to kill her, and told her parents they must free their daughter from the evil one by driving him from Star's body. He said that was the only way to save her soul. That is when they began hitting her.

Every time someone in the household experienced a problem, they blamed Star's demon, and beat her again. Then they would pray for her.

The little girl was sedated, but I talked to her, anyhow. I took her hand and said that I was so sorry that she had been hurt, and told her she was safe now.

The judge eventually terminated her parents' rights to Star, and they pled guilty in criminal court to injury to a child. The last time I spoke to them, they told me they would pray for me. But they said I'd better watch out, because Star's demon was clever, and it would get me, too. Just look at the way it had brought them such bad luck and suffering. I think they believed what they said.

Star received medication for her epilepsy, and her physical injuries healed with time. Other injuries were not so easily treated. She was placed with a kind couple who were specially trained to work with children who had suffered physical and emotional trauma.

She went to counseling, but Star's progress was slow. She remained frightened of the demon inside her, and convinced that she was possessed by evil. She felt guilty when anything bad happened in the lives of those around her and cowered in a corner.

Then, another side of her began to emerge. She started trying to place curses on those around her and had temper tantrums where she vented pure rage. The last time I heard about her, Star's psychiatrist said the fact she could express anger at last was an encouraging sign. I hope he was right.

Chapter Two

Sexual abuse: The Betrayal of Trust

The Third National Incidence Study of Child Abuse and Neglect found that in slightly over half of the cases of sexual abuse of children, a parent or parent substitute was the abuser. Abuse by a parent is far more traumatic than abuse by a stranger. When the very people she must depend upon to love and care for her are the ones who hurt her, she may never develop the ability to trust.

Debbie was twelve years old, and she had a secret. It was about her daddy and what they did together.

When she was little, everyone always said she was her daddy's girl. Each day when he came home from work, she ran giggling into his arms. Sunday mornings she climbed into his lap, and he read the comic strips to her. He took her along on weekends when he ran errands, and he taught her to skate.

When she was six, he began rubbing her between her legs. It made her uncomfortable, and she said, "Don't, Daddy."

But he wouldn't stop. He said she was his little princess, and he only did it to make her feel good and show her how much he loved her. He said if she loved him, she'd touch him that way, too. Then he unzipped his pants and pulled her hand inside. He said it was their secret, and she'd hurt his feelings, if she told anyone.

When she was nine, he did something he hadn't done before. What he did hurt. She bled,

and she was scared. But her daddy said if she told, strangers would take her away from her family and she'd never see her mother or little brother again. He said he couldn't help it, because she had been leading him on. He said her mother would hate her, and no one would believe her anyway.

By the time Debbie turned eleven, she felt she would burst if she didn't talk about what was happening. One morning, as she was helping her mother put away groceries, she found the courage to murmur, "Mom, there's something I have to tell you."

Her mother listened as Debbie, her face down, struggled to describe what her dad had been doing to her. Her mother's face went blank for a moment, then she shouted, "Liar!" and slapped Debbie across the mouth.

Debbie rushed to her room in tears. After a while, she decided that maybe it really was her fault. Maybe she was the one who was bad. She didn't come out until the next morning, and they never spoke of it again.

She had made Bs once, but her grades dropped. Her teachers said she just wasn't trying. Debbie had always been shy, but she spent more time than ever alone. Nightmares woke her in the middle of the night. Then she would lie awake, huddle beneath her covers and watch her door, terrified that it would begin to inch open. Still, Debbie kept the secret.

One Saturday morning when she was twelve, Debbie waited until her parents had gone shopping and her little brother was playing at a neighbor's house. Then she went into her parents' bathroom. She got a glass of water, found the medicine her mother sometimes took to sleep, swallowed all of the pills left in the bottle and lay down on her bed to die.

Debbie was unconscious when her mother came home. But the ambulance arrived quickly and rushed her to the hospital, where doctors pumped her stomach. They barely saved her life.

She refused to talk to her parents. Finally, she sobbed out her secret to her doctor, a kind woman, who held her while she cried. The doctor phoned Children's Protective Service, and they took custody of Debbie.

Her mother still lives with her father, and she still doesn't believe Debbie's story. She blames her daughter for all that happened to the family. Her little brother thinks Debbie is lying, too, and he doesn't want to see her.

Her father was charged with rape of a child. However, Debbie was never emotionally stable enough to testify, and the District Attorney wasn't very optimistic about conviction, anyhow. The case was dismissed. In another court, a judge terminated the parental rights of her mother and father.

Debbie lives now in a place where people are trying to help her. The doctor says she's getting better. But it will be years, if ever, before Debbie is convinced she isn't worthless, dirty, and unlovable. And it will be years, if ever, before she learns to trust someone. Whom can you trust, if not your parents?

Debbie's on medication, and she's in therapy, but they still watch her closely. No one knows if she plans to try suicide again. That's Debbie's new secret.

Experts say as harmful as the abuse itself is, the refusal to believe her story by those who should be her protectors devastates a child even more.

Sexual abuse is not limited to intercourse or even fondling. Any behavior with a sexual component, such as taking pornographic pictures of a child, making a child watch pornographic movies or exposing one's genitals to a child is sexual abuse. While some forms of sexual abuse

may not cause physical damage, they leave the child with feelings of shame and worthlessness that may never go away. The child feels the person she trusts would not do such things to her if she had any value.

It's a common misconception that victims of sexual abuse are almost always teen-agers, but there are reports of victims as young as nine months.

Nearly 30% of child victims of sex abuse are between the ages of four and seven, according to a Department of Health and Human Services Administration Report on Child Maltreatment.

A similar finding that about one third of child victims of sex abuse are under six was made in Violence and the Family, the Report of the American Psychological Association Presidential Task Force on Violence and the Family. The same report found that girls were three times more likely to be sexually abused than boys.

Christie was six years old, and she didn't remember her daddy. He left her mama when Christie was just a baby. Stanley was the first man she remembered who had spent time with her and played with her and talked to her. He was her mother's boyfriend, and the nicest person she knew, next to her mama. When her mother announced that she and Stanley were going to get married, Christie couldn't wait to tell everyone she knew that she was going to have a daddy now, just like everybody else.

Christie's mother, Elise, couldn't believe how lucky she was. Stanley was the great husband she knew he would be, and he was the perfect father to Christie. Stanley included Christie in nearly all of their plans. Elise's friends envied her.

Elise was a nurse, and she worked Tuesdays through Saturdays. On Saturdays, Stanley always had fun things planned for Christie. He took her swimming and to see the latest Disney movie and to play in the park. Sometimes he took her best friend, Laurie, along. She lived next door. Best of all, he came home from work one day with a surprise for Christie. He told her to close her eyes, and he put a wiggly black puppy in her arms. The little dog had a big white circle over one eye, so she called him “Spot.” She adored him. She thought Stanley was the best Daddy in the world.

One Saturday, it was raining, and they decided to stay home. He told her he had a new game to show her. It was called “the magic weenie.” He showed her the “weenie” and told her she could make it grow if she pulled on it.

Christie wasn’t sure if it was okay to play the game, but he told her if she didn’t want to, he’d bet her friend Laurie would be glad to play it with him. Christie played the game. He showed her new variations during the next few weeks. Always he told her it was their secret. He said if she told anyone, he’d go away and she’d never see him again, and he’d take Spot with him.

“Think how mad your mother would be if I disappeared,” he said, “And it would all be your fault, because you couldn’t keep a secret.”

Christie decided it would be okay to tell just one person, so she told Laurie, and Laurie told her mother. She called the police.

When the officers came to her home, Elise refused to believe what they said. She said it just wasn’t possible. She was Stanley’s wife, and she would know if the awful things they said were true. She said Laurie was lying, and she was just jealous because Christie had such a great dad.

Children’s Protective Service removed Christie from her home while the police

investigated the allegations. They interviewed Stanley, who seemed shocked and saddened by the accusations against him. He denied that he had ever done anything improper to Christie. Christie said she never told Laurie any such thing.

The next Saturday, when Elise came home from work, Stanley was gone. Everything he owned was gone, too, and he didn't even leave a note. She called the police.

They eventually learned that, in two different states, under a different name, Stanley had married two other women with little girls. In one instance, he fled when the girl's mother came home unexpectedly and found him in bed with her seven-year-old. In the other case, the little girl told her mother, who kicked him out and called the police. He was wanted on criminal charges in both states. Eventually, he was captured and went to trial on one of those charges. A jury found him guilty. It was unusual, because cases of sexual abuse of children are seldom tried. The charges are hard to prove, especially if the child suffered no physical injury. When the child is the only witness, chances of a conviction are problematic.

Children's Protective Service arranged counseling for Christie and her mother, and soon sent Christie home. She was devastated. Stanley had disappeared, just like he said he would, and it was her fault, because she told Laurie about their game. Her mother was madder than she had ever seen her, and even if she said she wasn't mad at Christie, the little girl wasn't sure. The only good thing was, Stanley left Spot behind.

Sexual predators come from all racial and socio-economic groups, and they may be gay or straight. Experts say that pedophiles, those who are sexually attracted to children, often abuse great numbers of them and rarely stop until they are arrested. All of the experts I have heard

discuss the problem report little success in the treatment of pedophiles and express the opinion that the only safe solution is to prevent them from having any contact with children.

Adam had always been his mother's favorite. The sixteen-year-old had a 4.0 grade average, and no one could have been a better son. He never complained about running errands for her. In fact, he had taken over as the man of the house since her husband died. He told her she was the most beautiful woman he knew.

Adam's sister, Hannah, was seven. He helped her with homework and swatted her on the bottom when she misbehaved, and babysat on Wednesday nights, when his mother went for her weekly bridge game with friends.

One night, Adam told Hannah to undress, because he was going to give her a bath. She said she was too old for him to do that, and anyway, she had a bath this morning. He reminded her that mother always told her to do what he said. She undressed and he bathed her. As he toweled her dry, he said good brothers always taught their little sisters things, and he was going to show her how to do something, sort of like how he taught her to do her homework. He got up on his knees and pushed her head down.

Hannah got scared and said she was going to tell their mother. He laughed and said go ahead, because she wouldn't believe her, anyway.

She didn't tell her mother, but after it had happened a couple of times, she told her teacher. Children's Protective Service removed Hannah from her home.

Adam told his mother, "Oh, come on, mom. We were just horsing around. You know how much I love you, and Hannah too. I'd never do anything to hurt either one of you."

When Adam was taken into custody by juvenile authorities for abusing his sister, his mother went to the Juvenile Detention Center and asked for his release to go home with her.

“After all,” she said, “They were just playing doctor. All kids do that. He didn’t hurt her.”

When she was told he couldn’t go home as long as Hannah was there, their mother said, “Well then take her. I don’t know what I’d do without him around. She’s always been a troublemaker, anyway.”

I represented Hannah in the case Children’s Protective Service filed to remove her from her mother. The judge placed her custody in Children’s Protective Service.

Adam’s case would not be easy to prove, and the assistant district attorney knew that. He agreed under a plea bargain, that Adam would receive probation and counseling. His relieved mother took him home.

Though far greater numbers of men commit sexual abuse, women sexual abusers are more common than you might expect. Typically, their victims are boys, but the most shocking such case I handled involved a woman and her two little girls. I was appointed as the children’s attorney, when the abuse led to a lawsuit to terminate parental rights.

Lisa was nine and Ariel was seven, when two men were arrested for taking pornographic pictures of them. The pictures showed each child performing oral sex on the two men. Worse still, the officers found shots of a woman performing oral sex on both girls and smiling as they performed oral sex on her. She was their mother.

One of the men was a neighbor. The other was the mother’s son-in-law, the husband of another daughter, Connie, who was eighteen. There were also pictures of Connie using a vibrator

on her sisters, while their mother held their legs apart.

The mother's attorney gave me permission to talk to her, so I went to the county jail to interview her. She had been found guilty in criminal court on a number of counts of indecency with a child and was awaiting transfer to state prison.

A plain woman with stringy hair and bad teeth sat on the other side of the glass from me, smiled and looked me right in the eye. I wondered what path had brought her to the point that she could do such things to her own daughters. She asked how the girls were doing, and chatted on to me about them, as if we were just two women having a normal conversation about children.

I urged her to voluntarily give up her parental rights. If she didn't, there would be a trial, and the state would ask the judge to terminate her rights. I asked her to spare her daughters the pain and embarrassment of having to testify against her.

She refused. "They're my babies. I won't give them up," she said, "I love them." I could think of no reply.

As I prepared for trial, I drove over to visit Connie, who had recently turned nineteen. I found her in a halfway house, where her rules of probation required her to live for six months. She had also been found guilty of sexually abusing her sisters.

Connie was a pretty girl, who wore too much makeup and looked older than her years. I asked her to tell me what had happened in her family. When I inquired about their father, she laughed.

"Mom said we each had a different one, but none of them hung around long enough for us to be born. We've never even known who they are."

I asked when the sexual activity with the girls began, and she said, "Well, I was the first. I think Mom started bringing men home to 'meet' me when I was seven. They made me do almost anything you can think of. Mom always told me to smile, so they'd think I was enjoying

it. It went on till I was fifteen.”

When I inquired about the abuse of her sisters, she said, “At first, they just made me watch while they did stuff to the girls. Then they wanted me to do the oral thing on my sisters. I didn't feel right about it, but I did it. When I was old enough, I got married. I thought he'd help me get away from the situation.”

I asked why she didn't ever tell anyone what was going on, and she said, “Yeah, right. I wanted to, but my husband told me I'd get in trouble myself, if I did. And then, guess what? He thought the whole scene was great. He wanted to get in on the fun himself. So I gave up and went along with it.”

I asked what she planned to do about her husband now. She shrugged and said she'd get a divorce, when she could afford it. Her husband and the other man had received twenty-year sentences. Her lawyer told her that the only reason she got off with probation was her age and the fact that the jury recognized she'd been a victim, too.

Connie was seeing a counselor, and I asked how that was going.

She shook her head and said, “You know, the worst thing is, I don't trust anybody. I keep thinking the whole world is against me. I don't like myself, and I really don't like anyone else, either.”

What her mother had done to her was unforgivable. I hoped she could still salvage her life.

I said, “Connie, there's something you could do now to help your sisters, a really decent thing. It won't be easy, but I think it would make you feel good about yourself. Will you testify at the trial to terminate your mother's parental rights? If you do, maybe they won't have to. It'll be so tough on them if they have to get on the stand.”

She was quiet for a few minutes, and then she said, “Yeah, sure. Why not? They deserve

a break, and I don't owe her a damn thing."

I went to the jail to see her mother again. After I told her Connie had agreed to testify, I asked her to reconsider giving up her parental rights.

She shook her head. "I just can't believe she'd do that," she said, "I didn't think she'd turn on her own mother."

Finally, she decided to sign the papers relinquishing her rights. I had brought them along, hoping that she would, because she was due to be transferred any day from the county jail to state prison.

The judge moved quickly. He terminated her rights and placed Lisa and Ariel in the permanent custody of Children's Protective Service.

When their mother had been in prison for a few months, she wrote to me, asking how the girls were getting along and requesting that I send her their picture. I never responded.

I don't know what happened later to Ariel and Lisa. Experts seem to agree that the best chance for such children is to find a home with responsible adults who will love them, take care of them and provide them with a secure, stable environment. That, plus lots of counseling, sometimes helps them to heal. Other times, it doesn't, and they're emotionally damaged for the rest of their lives.

Connie was picked up the following year on a drug charge, and her probation was revoked.

Chapter Three

Emotional Abuse: Wounds That Never Heal

Emotional abuse constitutes by far the smallest percentage of substantiated cases of child abuse. That is likely to be misleading, because it's the hardest form of abuse to detect. It is also often brushed aside as unimportant, because it involves no physical harm, yet it may be the most cruel form of abuse, and the most destructive. It causes the child to see herself as unlovable, unworthy of affection. Emotional abuse systematically tears down the child's concept of herself. It can result in damage that lasts a lifetime.

Rejection is one form of emotional abuse. A parent may not hold or talk to the child, may call her names or tell her in many different ways that she is unwanted. The parent may blame the child for all of the family's problems. Such parents themselves often lack the ability to bond.

Isolation is the form of emotional abuse that occurs when the parent consistently refuses to let the child participate in appropriate activities with other children. A parent may also confine a baby to her room, unexposed to necessary stimulation, or an older child to her room, when she's not in school. The child may be made to eat in isolation from others.

Ignoring a child is another form of emotional abuse. A parent may show no interest in the child and no affection toward her. Though physically present, the parent is emotionally unavailable.

Parents may humiliate a child, single her out from her brothers and sisters for criticism, ridicule her or threaten her with abandonment. All are harmful to the child's concept of herself.

Expecting a child to perform far above her capabilities and expressing disappointment when she cannot is a common and particularly hurtful form of emotional abuse.

Parents sometimes feel anger toward a child who is born with a physical or mental

disability. She presents a challenge they don't know how to meet and needs more time, energy and resources than they are willing or able to give. They seem to feel the child's disability is somehow a reflection upon them, a sign of their own imperfection. They reject and isolate and ignore her.

The family included two girls. The older daughter, Laura, was a pretty, outgoing child, with blonde hair and brown eyes. She made mostly A's in school, was popular with everyone, and her piano teacher said she showed real talent. Loving and obedient, she was all her parents could hope for. When Laura was ten, Denise was born. It was an unwanted and unexpected pregnancy and a difficult birth.

Denise had cerebral palsy; she was also retarded. All that Laura was, Denise was not. Her father refused to hold her or have anything to do with her. He wouldn't even discuss her. To be honest, her mother wished the little girl had not survived. They considered her a burden and an embarrassment.

Denise's parents gave up trying to control her angry outbursts or her unpredictable behavior. When she turned five, they locked her in a small bedroom and fed her just enough to keep her alive. They never showed her affection or tried to teach her.

Still, when Laura begged them to let her spend time with Denise, they sometimes agreed. She sneaked extra food to her little sister and read children's stories to her and even gave her Ozzie, a favorite stuffed rabbit she'd had at Denise's age. Denise began to tear the room apart, and one day, when her mother came to feed her and empty her bedpan, she sank her teeth into her mother's arm. Her mother shrieked and hit Denise in the face with her fist. She called her

daughter an animal.

The parents were shocked when two Children's Protective Service workers showed up at their home and announced they were taking both children with them. The parents couldn't imagine who could have called to report them. After a moment, they turned to stare at their older daughter.

Laura crossed to the younger girl's side and put an arm around her shoulders. She said, "Denise is my sister."

The reasons vary for scapegoating, selecting one child in the family as the exclusive object of mistreatment or neglect. Sometimes such children suffer from physical or mental disabilities that anger or frustrate the parents. Occasionally, the scapegoat is adopted, and later, the parents have children born to them. Perhaps the child is the single under-achiever among a family of over-achievers. The child may be a stepchild, while other children in the home belong to both parents.

When parents treat one child in the home differently than others, for whatever reason, the message it sends to the favored children is that it's okay to be unkind to those you dislike or consider inferior. Such children escape abuse personally, but they are programmed by their parents' actions to become abusers themselves.

As for the child who is excluded and hurt and ignored, his self-esteem is shattered and he suffers all the problems of any abused child.

Bobby's parents adopted him when he was three. They had no other children then and were excited about having a little boy in their home. But Bobby proved a disappointment. He had behavior problems. He had been taken from his parents as a baby and placed in a series of foster homes, before Carol and Neil adopted him.

In time, Carol got pregnant, and they were thrilled when a perfect baby girl joined their family. A couple of years later, they had a boy, who quickly won their hearts.

By that time, Bobby had started to school. People looking at him often commented upon the contrast between the beautiful children who had been born to Carol and Neil and the rather ordinary little boy they had taken in from the adoption agency.

Bobby was a slow learner and never seemed to have much to say to anyone in the family. No one said much to him, either. He spent much of the time alone.

The house was really too small, so they sent Bobby to sleep on a twin bed in the garage. He washed his own clothes in the washing machine next to his bed. Gradually, Carol stopped setting a place for him at the table. She had him fix a plate in the kitchen and eat by himself in the garage. She said his table manners were terrible and she didn't want the other children to pick them up from him.

His brother and sister soon realized that they could get away with blaming Bobby for everything bad that happened, even if they were the ones who caused the problem.

The day after Christmas when Bobby was eight, his Aunt Ellie called Children's Protective service. I was appointed to represent Bobbie, and I asked her what had prompted the call.

She said she had known for a long time her brother and his wife didn't treat Bobby right, but she didn't think she should get in the middle of it. A thing that happened the day before changed her mind.

On Christmas morning, she had been at her brother's house, and the whole family was gathered around the Christmas tree. People were laughing and talking and hugging one another as they opened packages.

She happened to glance up and saw Bobby standing in the doorway, with tears running down his cheeks. When he noticed her looking at him, he turned and walked back to the garage. She realized that, among the many presents his parents had placed beneath the tree for their children, there was not a single present for Bobby.

Mitch's father was a doctor, who had always dreamed he would have a son to follow in his footsteps. He rejoiced when his only child, a boy, was born.

A popular extrovert, whose study was crammed with awards and trophies he had won, Mitch's Dad expected his son to become the same talented athlete he had been and later, to go to medical school.

Early on, the enormous gulf that separated who they were became apparent. As a little boy, Mitch flinched from the hitting and physical pain that came with contact sports. His dad took him to a football game when he was six, and Mitch cried as a player was carried off the field with an injury. His dad looked around to see if anyone had noticed. Then he grabbed the boy's arm, growling at him to be quiet and act like a man.

Mitch's Dad insisted that Mitch join Little League. But when he threw a ball or tried to catch one, he was so awkward that the other boys made fun of him. Finally, he refused to play any more. His dad shook his head in disgust and said, "I can't believe you're a son of mine."

Mitch loved to draw, and his teacher said his work showed real potential. He spent hours

creating a sketch of his dad, and when it was finished, he was proud of what he had done.

He usually tried to stay out of his dad's way, but that evening, Mitch took a deep breath and said, "Dad, can I show you something?" He laid the drawing on his dad's knee and waited, hoping with all his heart that his dad would be pleased.

He crumpled the paper, threw it on the floor and said, "What garbage! Is that how you spend your time?"

Then he went back to working at his desk, and Mitch stole from the room, his cheeks burning. He didn't draw any more.

As Mitch grew older, his dad constantly compared him to sons of his colleagues. Many were going to be doctors, like their fathers. He often told Mitch that he just didn't have what it took to measure up to them. He said he was ashamed of him when his friends talked about their sons. Mitch couldn't name a time that his dad showed him affection or said he was proud of anything Mitch had done.

When he was thirteen, Mitch ran away from home. He tried to hustle a man outside of a gay bar. The man called police and kept Mitch there until they arrived. The police released him to his parents. His dad refused to speak to him, but that night he called Mitch to his study and thrust a brassiere toward him.

"Put it on," he ordered. "If you're going to behave like a woman, dress like one."

His mother tried to protest, but his dad yelled at her and told her it was her fault that Mitch had turned out like he had. She gave in and didn't say anything more. Mitch's dad made him put on the brassiere.

Mitch had a math teacher, a man all of the kids liked. The next day, Mitch knocked on the door to the teacher's office, and the minute he stepped inside, he broke into sobs.

He said, "I can't go home again. I just can't. Please help me."

Mitch poured out how worthless he felt and how much his dad hated him. He begged, “Please don’t make me go home.”

The teacher called Mitch’s dad, hoping to discuss what the boy had said, but his father exploded.

“That sniveling little bastard! He’d better stay out of my sight. And who the hell are you to tell me how to raise my own son?”

The teacher told the principal, and they called Children’s Protective Service, which took temporary custody of the child.

Shortly after Mitch was removed from his parents, his mother left his father and filed for divorce. The judge ordered Mitch’s dad to move out and allowed her to remain in their home. His mother called the caseworker and came in for a conference.

She said, “I’m as much to blame as my husband. I’m so sorry. For years I stood by while he treated Mitch like dirt. My husband is an arrogant, vicious man, and I let him get away with what he did to our son.” She began sobbing.

When the worker asked why she didn’t act sooner, the mother said, “I was afraid he’d leave me. I liked the money. I wanted the life he provided. But it doesn’t mean anything, if I lose Mitch. Whatever you may think of me, I love my son.”

Mitch and his Mom both began going to counseling, and he was returned to her custody. When he began drawing again, his teacher said the maturity and emotion expressed in his work was remarkable. I couldn’t help thinking he had paid a high price to achieve it.

Sandra was pregnant with Steven when she married James. He was not James’s son.

When Steven was a baby, James had nothing to do with him, but Sandra, grateful that he married her, ignored James's attitude toward her child. She thought he'd grow to love the baby after a while.

As Steven started to walk, James sneered at how clumsy he was. When he began to talk, James made fun of his efforts. When he started to school, James told him he was "dumb," if he brought home any grade under a "B." James demanded absolute, unquestioning obedience from the boy. When Steven offered anything less, James pointed to the closet.

The closet was in the hall. It was only big enough to hold coats and umbrellas, with barely room to sit on the floor. There was no light. He could hardly see through the darkness inside, and he imagined terrible creatures waiting for him there. Once, he thought he felt something run across his feet. Steven was terrified each time James snarled, "You know where you have to go."

Steven tried hard not to cross James, but James always found some reason to banish him to the closet. At first, it only happened every week or so, but soon it was almost a daily occurrence. In the beginning, James let him out after an hour or so, but gradually, he left Steven in the closet for several hours. Sometimes he missed dinner. Once, he couldn't wait to go to the bathroom and soiled himself. James took him outside and turned the hose on him full force.

A neighbor saw what was happening and called Children's Protective Service.

When James pushed the sobbing child inside, Sandra was waiting.

She said, "That's enough. He's only seven. You can't go on treating him this way."

James snarled, "If you don't like it, take your brat and get the hell out." Sandra heard his car roar away from the driveway.

Before Sandra finished packing for herself and Steven, the caseworker from Children's Protective Service was at the door. When Sandra explained that she was leaving James, the

caseworker referred her to a women's shelter. The caseworker also arranged counseling for both of them and helped Sandra apply for temporary assistance, until she could get a job. Soon, she was able to provide for Steven and herself.

A mentor with a church program took an interest in Steven and spent time with him. The change in the child was incredible. He became enthusiastic and his confidence grew. But he still feared small, dark, closed spaces.

Chapter Four

Neglect: Abandonment to the Kindness of Strangers

Experts say that, even more than abuse, neglect wounds children to their core. Though abuse is negative attention, it may actually harm children less in the long run than no attention at all.

Neglected kids feel worthless, without purpose, invisible, as if they don't matter enough for even their parents to bother with them.

One of the most blatant forms of neglect is abandonment. When parents ask a judge to end their legal relationship to their child, that ultimate form of abandonment is a public, callous slap in the face.

Though termination of a parent-child relationship typically results from a suit filed by someone else or by a Children's Protective Service Agency, in some instances parents themselves initiate the action.

The usual motivation for taking such a step is to make it possible for the child to be adopted. When parents who cannot take care of their child agree to termination of their own parental rights, so that the child may be adopted, it may be the most loving and unselfish action they ever take.

But occasionally, the parents' motivation is entirely different. They want to be rid of the responsibility of the child and the presence of the child in their lives. They ask a judge to legally absolve them of further responsibility to the child and end forever any relationship with him. It doesn't happen often, but when it does, it is a particularly hurtful type of abandonment. Rarely, very rarely, will a judge permit it.

It was a miserable case, and I wished for the hundredth time that the judge hadn't appointed me to represent Christina.

I liked her very much. What I didn't like was the rotten thing that was being done to her and the fact that it would be my job to recommend to the judge whether or not to let it happen.

Christina's mother had died several years earlier, and her father remarried a year before I received the case. The trouble began because Christina resented her father's beautiful young wife, who in turn considered Christina a nuisance and an obstacle to her plans.

One day, her stepmother wore a pair of gold earrings that had belonged to Christina's mother.

Christina shouted, "Take them off! They don't belong to you!"

Her stepmother said, "You can't talk to me like that. I won't put up with any more of this from you."

Christina said, "Really? Well, just what are you going to do about it?"

Her stepmother gave her father an ultimatum. She ordered him to choose between them. If he didn't get Christina out of the house, she was leaving. And she told him, until he made a decision, he could sleep on the sofa..

Christina was twelve years old. Her parents were both only children, and she was their only child, born when they were in their late thirties. Her grandparents were dead, except for her maternal grandfather, who was in a nursing home. Christina had no place to go. She loved her father. They had been close before her stepmother entered the picture, and Christina didn't believe for a moment that her father would choose his wife over her. But he did.

He packed Christina's things and took her to an emergency shelter. She begged him not to leave her. She promised she'd get along with her stepmother and never, ever, say anything to make her mad again. He wouldn't listen. He said Christina's whole life was ahead, but this was

the only chance for happiness he'd ever have, and he wasn't going to lose it. He said that maybe some day, after she was grown, they could get together again. Then he left her. He just walked away.

Children's Protective Service took temporary custody of the child, and placed her in a facility where a therapist could help her deal with what had happened. I was appointed to represent her.

Her father soon filed a lawsuit to voluntarily terminate his parental rights. He never came to visit her and refused to discuss his daughter with anyone. When I asked his attorney if I could talk with Christina's father, his response was, "There is nothing to talk about. His mind is made up."

In time, Christina went to live in a group home. I visited with her several times before I began to earn her trust, and we became friends. She called me, "Lawyer Lady." Finally, the court date was set.

The therapist said that Christina was feeling better about herself. She had accepted the fact that her father wasn't going to change his mind. The therapist believed it might actually be better for the child if the relationship with her dad was terminated, so that her life could move on.

I was furious. It wasn't right to allow the man to throw away his daughter, as if she were yesterday's newspaper. At the very least, he should have to continue to support her, an obligation that would end with the termination of his parental rights..

Christina wanted to attend the hearing. I thought it would be rough on her, but her therapist believed she should be allowed to go.

A few minutes before the hearing began, I still didn't know what I was going to ask the judge to do. One thing was certain: he would be most reluctant to take the extreme step of terminating parental rights. However, I also knew the chances were strong that he would follow

my recommendation. That was the reason he had appointed me, so that I could investigate the facts and try to figure out what would be best for Christina.

And then I heard her voice behind me, “Hey, Lawyer Lady.”

I turned to look at Christina, and she must have read how upset I was in my expression.

She linked her arm with mine and said, “Look, it’s okay. I’m still a pretty great kid, even if he doesn’t want me. Maybe someone else will. This way, that could happen.”

I called Christina’s therapist as a witness, and she testified that, in her opinion, it would be best for Christina if she were freed for adoption.

It was a short hearing. Her father never looked at Christina, and she never looked away from his face. When he asked the judge to terminate his parental rights, Christina murmured, “Oh, Daddy, Daddy, Daddy.”

Almost choking on my words, I asked that the termination be granted. The judge stared at me for a long time, but he followed my recommendation.

When the hearing was over, Christina’s father hurried out the courtroom door to where his wife was waiting. She hugged him, and they walked away without a backward glance. I wondered if, in the years to come, he would regret what he had done.

Children Christina’s age are seldom adopted, but she got lucky. A kind couple in their fifties became her parents, and I think they realized how blessed they were to have her.

Her teacher said Jenny was always acting out, seeking attention. They thought it was just another of her pranks when she crumbled in a limp heap on the school ground, but it wasn’t. They called an ambulance.

Doctors discovered a problem with Jenny's heart, one she'd probably had since birth. She needed surgery right away to save her life, but the doctors had to have legal permission to operate.

The problem was, they could find no one available who had the authority to give it. Jenny's mother was dead. Her father had fought with his girlfriend several months earlier and walked out, leaving Jenny with her. No one knew where he was or how to contact him. The girlfriend liked Jenny, and she kept hoping her boyfriend would come back, so she was willing to let the child stay with her for a while. But she had no authority to give the doctors permission to operate.

The judge called and asked me to get to the courthouse as soon as possible. Children's Protective Service had filed for emergency custody, so they could sign papers for the operation to proceed. Jenny had to have a lawyer.

Immediately after the hearing, I went from the courthouse to the hospital to see her. Jenny had sandy hair and big gray eyes. She looked frail and scared, but she was a fighter. She stuck her eight-year-old chin out and announced to the world that she was going to Astroworld when her heart got fixed. The chin trembled, and she asked me in a small voice if her daddy was coming. As they lifted her onto a gurney and wheeled her away to the operating room, I promised her I'd find him.

I started trying every avenue I could think of to locate the man. Jenny made it through the surgery, and I got a lead on her Dad's whereabouts. It took a couple of days to run him down, but he agreed to come.

Eager to tell Jenny, I headed to the hospital. When I got there, a nurse said there were complications. Jenny was back in surgery. When her doctor came out of the operating room, the look on his face delivered the news. This time, she didn't make it. Her Dad got home the next

morning.

On the day the judge dismissed her case, I asked him to offer a short prayer for her. He said that was irregular, but he did ask the people in the courtroom to observe a moment of silence for the passing of a child. I'll never forget Jenny, and I'm still haunted by the feeling that she is one of those for whom I somehow should have done more.

Why do they do it? How can parents leave their own child behind, alone and dependent upon the kindness of strangers? How can they choose not to know if their child is sick or afraid or just made the Honor Society? How can they deliberately miss sharing all the milestones their child experiences on the way to adulthood?

Sometimes a child presents problems parents find too much to cope with. They do their best, until they are overwhelmed and don't know what else to do. They exhaust their physical, financial and emotional resources. Then they walk away, leaving the child to whatever fate may befall him.

Maybe it was his mother who left him on a pew in a church when he was about a year old. A woman who had gone there to pray discovered him. The note pinned to his shirt said, "His name is Tommy."

His parents were never found, and he was never identified. The judge gave Children's Protective Service permanent custody, and the agency soon placed him in a facility for children

with severe mental limitations. He has lived there since.

When his case last came before me, Tommy was twelve. He couldn't walk or talk or feed himself, and he wore a diaper. He was in excellent health physically. His mental age was about four months, and doctors said that wouldn't change. They weren't sure whether his disability had existed since birth or resulted from some injury when he was a baby.

Tommy's CPS caseworker became very fond of him. She talked to him when she visited each month, and she held his hand. She said she thought maybe he recognized her. His face seemed to light up when he saw her, and sometimes when she squeezed his hand, he squeezed back.

She's a good caseworker. She cares and she hopes. She still searches for small signs of improvement. And she still feels anger that children must suffer. Though she wonders why such things happen, she's wise enough to know that for some questions, she will find no answers, at least, none that she can accept or understand. For now, she's grateful that there are kind hands to tend to Tommy, and she hopes that one day, all the answers may come.

There are many Tommys, children with special needs, abandoned by their parents. You aren't likely to see them, but in facilities all across the country, they're there. Every morning, every evening, as years go by, they are there.

You wonder if their parents have forgotten them, or if they still think about them sometimes. I believe that most such parents cared about their children, at least in the beginning. But maybe it was just simpler to disappear. Maybe they did all they could, and when they knew nothing else to do, they walked away.

The most commonly abandoned children are babies. Nearly always, it's because the parents are young and scared. They have no idea how to deal with this little person who is suddenly thrust upon them. They don't know how to handle the changes a baby will bring to their lives. They're ashamed, and they're afraid of the reaction of parents and friends. So they solve their dilemma by pushing the baby out of their lives. They abandon him. Denying the baby's existence is their defense mechanism.

The woman who called 911 spoke so rapidly they could barely understand her. She said she took out the garbage that morning and heard a sound coming from the dumpster. As she looked closer, she saw a baby's foot sticking out of a brown paper sack.

She screamed, and a man who lived in the next apartment came running to help. Together, they got the baby out, and she was holding him as she phoned.

"He's awfully little and he doesn't look good at all," she said.

A tiny hand curled around her finger and hung on. She began crying and begged them to hurry. The paramedics were on the scene in six minutes, and soon the baby was on his way to the hospital.

He was a beautiful little boy, and after a couple of weeks, he seemed in remarkably good condition. The TV stations and newspapers ran his picture, and police asked questions around the neighborhood and at a nearby school, but they found no clue to the baby's identity. As his attorney, I asked questions too, but I had no better luck than they did.

Lots of people called to inquire about adopting the baby. After efforts to find his parents had been exhausted, the judge placed him in the permanent custody of CPS and terminated the

rights of his unknown parents. He was free for adoption.

A TV crew came to court to cover the hearing, and a reporter interviewed the woman who found the baby. The woman said, “He is so lucky.”

The reporter looked shocked and asked, “How can you say that? He’ll probably never know who he is. He’ll always wonder why his mother didn’t want him!”

After a moment, the woman replied, “Yes, but you know how soon that ambulance came after I called? Well, the garbage truck pulled in right ahead of it.”

Some states have laws now that allow parents to escape criminal liability for abandoning their children, if they leave them at a hospital or police station. I hope that will help to prevent many tragedies. Such laws show progress, but they may not solve the problem. Some pregnant women, especially very young ones, are afraid for anyone to learn about their baby, and the last thing they want is to have any dealings with authorities.

Eddie was trying to break into the candy machine at a car wash, when the manager spotted him. He yelled, and Eddie ran, but the manager caught him. He kept the boy inside until the police came.

The officer asked Eddie where his parents were. He was thirteen, and they needed to talk with his mom and dad.

He wouldn’t answer, but finally he said, “Do you think I could have something to eat?”

He began crying and said, "I'm really hungry."

They took him to a Kentucky Fried Chicken nearby and he wolfed down the chicken legs and mashed potatoes they bought for him.

Gradually, his story emerged. This was the first meal he'd had in a couple of days. When he had come home from school, his folks' pick-up was gone. They had moved from their apartment, and he had no idea where they had gone.

He kept insisting, "They'll come back. I know they didn't mean to leave me behind."

The police decided this was a matter for Children's Protective Service. Neither the car wash manager nor the police wanted to charge Eddie with an offense. CPS arranged for Eddie to go to a shelter and filed a suit for temporary custody, until they could locate his parents.

The worker on his case tried to get in touch with his relatives to see if anyone knew where Eddie's folks had gone.

He had an uncle in Arkansas, but Eddie didn't know his address or whether he had a phone. The caseworker finally managed to locate him, but his uncle said he hadn't heard from his brother and didn't have any idea where he could be.

The worker asked if he would be interested in having Eddie come to stay with him. The uncle said, "Oh, I just couldn't do that right now. I've got my hands full trying to take care of my own family, without taking on another mouth to feed."

He said he'd call if he heard from his brother, but he hung up before the worker could leave her number.

Eddie's teachers had not met his parents. They described Eddie as a good kid, an average student who had never given them any trouble. He spent a lot of time after school playing basketball with some kids at a park across the street.

Most of the neighbors in the apartment complex where they had lived were short-time

renters and didn't pay much attention to who came and went. One woman did remember seeing Eddie's parents pile some stuff into the back of their pick-up and drive away.

The Department of Public Safety had no record of a driver's license for either parent, and an examination of other public records proved useless. The search for Eddie's parents turned up nothing, and there was no one else to take him. The only option I had when his case came to my court was to place him in the permanent custody of Children's Protective Service.

No one could ever figure out why Eddie's parents abandoned him.

The caseworker told me Eddie had shown her an inexpensive watch on his wrist. He said, "My folks gave me this for my birthday. They wouldn't have done that if they didn't love me, would they?"

Abandonment isn't always obvious at first. Some parents probably don't originally intend to leave their child permanently, but after a time, it becomes easier just to move on. The truth is, the child isn't their top priority. Meanwhile, the child keeps hoping they'll soon return for him. Often, parents promise that they will, but gradually it becomes obvious, even to the child, that they aren't coming back.

When Sean first arrived at Children's Protective Service, he was three years old. A neighbor found him wandering one evening near the pool in the apartment complex where he lived. She asked where his mother was. Sean told her he was hungry, and his mommy wouldn't

wake up.

The neighbor found Sean's mother passed out from a drug overdose. She called an ambulance. As soon as his mother was on the way to the hospital, she fed Sean and phoned Children's Protective Service. The judge gave the agency temporary custody of the little boy, and Sean went to stay in a foster home.

When his mother got out of the hospital, she entered a treatment center to get help for her drug addiction. She promised to work with Sean's caseworker at Children's Protective Service, and the future looked good. Six months later, the agency let Sean come home. He was thrilled to be with his mommy, and everyone thought the problems were past.

The following spring, Sean arrived in the hospital emergency room with severe burns. His mother's boyfriend had gotten high and dropped a lighted cigarette on Sean's bed. The man said it was an accident. No one could prove otherwise, so no charges were filed against him, but Sean's mother tossed him out. She had started using drugs again, but went back to the treatment program.

Children's Protective Service took custody of Sean. This time, when he was released from the hospital, he went to live with his grandmother. He stayed there for a few months, until his grandmother had a heart attack and wasn't able to look after him any more. By that time, his mother was home again and working. She was drug-free, so CPS placed Sean back with her. He started to school, and things were going pretty well. CPS dismissed its case.

Then one day, Sean came home from school and the door to their apartment was locked. He couldn't find his mother, and when it started to get dark, he knocked on a neighbor's door in tears. The manager opened the door to the apartment and found that Sean's mother had moved out. Except for his clothes, the place was empty. Once again, Sean went to live in a foster home.

No one heard from his mother for the next four months. His grandmother had no idea

where her daughter was and said she had never known the name of Sean's father.

Without notice, his mother showed up one day at the CPS office. She said she had been on drugs again, but she was clean now, and she wanted to see Sean. When he got to the CPS office, Sean ran to his mother and squeezed her so hard it brought tears to her eyes. She covered his face with kisses, said how sorry she was, and told him how much she loved him. She promised that everything would be different now. He had never been so happy.

He was excited a couple of weeks later when it was time for her next visit. The following Sunday was Mother's Day and he had made his own card for his mother. He'd spent a lot of time on it, and couldn't wait to give it to her. She never came.

They called the phone number she had left, but the man who answered said no one by that name lived there. More time passed without word from her. Sean's grandmother died, but his mother wasn't at her funeral.

Finally, CPS filed papers to terminate Sean's mother's parental rights. An attorney was appointed to represent her, but he couldn't find her, either.

He was seven years old by then, and Sean's foster parents wanted to adopt him. As Sean's attorney, I talked with him about what the adoption meant and whether he wanted it to happen. He had learned to love his foster parents. They gave him the affection and stability he had never known, and the adoption was okay with him. He said he didn't think his mother was ever coming back, anyhow.

On a chilly November day, the case came to court, and the judge terminated the parental rights of Sean's mother and his unknown father. Later, his foster parents adopted him.

The following year, his parents invited me to Sean's birthday party. He wanted to show me his room, and we had a chance to talk. Sean seemed settled and secure, but he asked if I'd heard anything about his mother. He said he still thought about her sometimes and worried about

whether she was okay. He still wondered if he could have done anything to make her stay.

Another form of neglect is emotional abandonment. A parent may be physically present, but emotionally absent, as far as the child is concerned.

Emotional neglect can have dangerous physical consequences, especially for infants. If a baby doesn't feel safe and loved, a medical condition called "failure to thrive" may develop. It's a very serious ailment. Sometimes, the baby even dies.

It isn't enough to change a baby's diaper and give him a bath and a bottle. He must begin the process of emotional attachment to the person who is his primary caretaker. That person must touch and talk to and cuddle him, so that he will begin to bond.

As a judge, I felt great concern each time I had to remove a baby from his home. Children's Protective Service didn't always have a foster home available in which to place the baby. That meant he had to be placed in a group facility. The caregivers in such centers usually do their best, but often they are understaffed. Providing the babies in their care with the attention they need just isn't possible.

A project I tried to initiate, without much success, was a "Cuddle Corps." It called for volunteers, working in group facilities, who would hold and rock and talk to the babies. I still think it was a good idea, and I'm still not sure why it wasn't more successful.

For a variety of reasons, a mother may fail to become emotionally involved with her infant. An addict may be preoccupied with drugs and lack enough interest or energy to give her child the attention and affection a baby must have to develop normally. A mother may resent the child that she never wanted in the first place and do the least amount she can get by with for her

infant. Emotional problems of her own may make a mother emotionally unavailable to her child.

Older children also suffer the effects of emotional abandonment by their parents. They are likely to develop low self esteem and have trouble relating to others, problems that often persist for a lifetime.

Neglect takes many forms. One of the most common is the failure to provide a child with the basic necessities of food, clothing, shelter and medical care. That doesn't mean designer jeans and gourmet peanut butter, just the basic necessities.

When poverty prevents a parent from providing the necessities for a child, it isn't neglect. Many such parents love and nurture their children. Struggling against enormous handicaps, such parents do their best to give their children the things they need. Neglect arises when parents choose to spend what resources they have on other things, leaving their children to do without. It is also neglect when a parent rejects available help, which could secure the food, clothing, medical care or roof over his head essential to a child's well-being.

Billy didn't want to go to school, because his clothes were a size too small and sometimes dirty. When winter came, he had no coat. He told the other kids he wasn't cold, and didn't want to bother with one. He often needed a bath, and his classmates teased him.

His teacher recognized that there was a problem. She discovered his parents were not at the address on Billy's school records and asked where he lived, so she could talk with them. She

wanted to tell them about some of the help available.

He wouldn't answer her questions at first, but when she kept insisting, Billy admitted he was staying with his folks and his little brother in their car. He assured her that it was just temporary, till his dad could find a real job. He said his dad spent every day looking for work, and they got money for food from the cans his mom collected and sold.

The teacher went to the car and tried to talk to his parents, but Billy's dad told her to mind her own business. She said she only wanted to tell them about some agencies that would give them a place to stay and some food and clothes for the children.

He said, "I know all about those places. I went to one of 'em once, but they wanted to put all kinds of rules on me. Nobody's gonna tell me how I got to live. We're getting along just fine. Now get the hell out of here."

Uncertain what, if anything, they should do, the teacher and her principal wrestled with whether to call Children's Protective Service. A few days later, when Billy came to school with a bad cold, they picked up the phone.

After an emergency hearing, the two boys were placed in the temporary custody of Children's Protective Service. The agency filed a suit seeking permanent custody, and the judge appointed me to represent the children.

When I first saw the boys at their foster home, they appeared clean and neatly dressed. Their foster mother told me they both had warm coats now and had been to the doctor for a check-up.

Billy was sullen. He said he wished his teacher had minded her own business. They were getting along fine, till she stuck her nose in. He said his dad called him a traitor and told him he didn't want anything more to do with him. His younger brother, Eugene, loved having regular meals and a real bed, so the new arrangement suited him fine.

I asked the caseworker to bring the boys' mother to my office so we could talk. The caseworker showed up with her. He told me later that when he got to the car, her husband was not there. Otherwise, she would probably never have come.

Though I tried to put her at ease, the boys' mom sat on the edge of her chair, and her hands moved constantly.

"He's gonna kill me when he finds out I talked to you," she murmured.

"Why would he do that?" I asked.

"He doesn't like outsiders telling us what to do. He's gonna think I betrayed him."

"People are just trying to help. Why does that upset him?"

She started to cry. "He isn't a bad man. He loves us. He just likes to drink. You know that place we went to for a room and stuff? They told him he couldn't have a bottle there, and he can't get along without it. He wants to quit, but he can't."

"Where does he get the money to buy it?" I asked.

"Oh, he works a little from time to time. Just enough to buy more booze."

I knew I had to give her the bottom line.

I said, "Look, you're going to have to make a tough choice. You can't change your husband. He's the only one who can do that. Meanwhile, if you don't get out of there and accept some help for yourself and your kids until you can get on your feet, you're going to lose them."

She looked stricken. "I'm not a bad mother. I love my boys, but my husband needs me, too."

I said, "Take a good look at your situation, You and the kids are living in a car. They have to go to a service station to use the bathroom. They don't have clean clothes most of the time. They don't have a bed to sleep in. They are hungry sometimes. No judge is going to let that go on."

She squeezed her eyes closed and her lips trembled. "What do you want me to do?"

It took courage for her to be willing to leave her husband to keep her children, and I felt sorry for her. I told her I'd take her to the shelter, if that's what she chose to do.

I said, "I'll try to get the judge to let the kids join you. They'll have to remain in the legal custody of Children's Protective Service for a while, but at least, maybe you can be together."

She went to the shelter that day. The boys were soon able to stay there with her. Over the next few months, she received training to work as a hospital aide and had several job interviews.

Sometimes she went to see her husband, and she begged him to get help to stop drinking. He refused to talk to her. One day, when she dropped by, his car had disappeared.

She landed a job, and in a couple of months, she was able to afford a small apartment near her work. The judge returned custody of her children to her.

As far as I know, she and the boys never heard from her husband again. The caseworker told me that Billy still blames the teacher for his dad leaving and thinks his dad would have gotten it all together, if she had just left them alone.

Another form of neglect is failure to supervise. Babies and young kids aren't capable of taking care of themselves. They lack the physical ability, skills or judgment to do so. Even teenagers need an adult close by to guide and supervise them.

The danger to children whose parents don't consistently watch over them is obvious. Toddlers fall into swimming pools and drown. Excited children run into the street, without looking for cars. Children of all ages fall into the hands of sexual predators, who find it easier to prey on kids when no one is watching.

Even good parents occasionally turn their backs for just a few minutes, and sometimes that's all it takes for their children to be hurt. Especially with babies, a tragic accident can occur in seconds. But there are also kids whose folks follow a pattern of ignoring them and leaving them to take care of themselves.

Gretchen was three, and she had a puppy named Otto. He was her only playmate, and she adored him.

People in the trailer park where she lived were used to seeing the two of them playing among the trailers. More than once, a concerned neighbor brought Gretchen inside when it was cold, or fed her when she said she was hungry, or took her back to her mother, for fear something might happen to her.

One evening at dusk, Gretchen and Otto were running and chasing each other. Otto romped into the highway that bordered the trailer park, and Gretchen dashed after him. Tires screeched, as Gretchen scampered back across the road, laughing, and Otto followed. A truck narrowly missed Gretchen, but it hit Otto and killed him.

Traffic stopped, as the truck driver pulled to the side of the road. He was shaking as he jumped out of his truck and picked up the little girl. Gretchen was screaming and crying, but he finally got her to tell him where she lived. He knocked on her door and explained to her mother what had happened.

She said, "I can't believe you were so stupid, Gretchen. Otto is dead, and it's your fault. You should be ashamed of yourself for chasing him into the street like that. You don't deserve to have a puppy."

She yanked the sobbing child to her, spanked her, and then went back inside to her TV program.

A neighbor who had seen enough called Children's Protective Service.

Chapter Five

Establishment of Paternity: The Search for Daddy

Johnny and Angie were a couple throughout high school, and toward the end of their junior year, they began having sex. Johnny wanted to spend the rest of his life with her.

During their senior year, Angie changed. She still went out with Johnny, but she started hanging around a different group of people, mostly older, who were pretty far into drugs. Johnny tried to convince her that they were bad news, but she got angry and threatened to break up with him if he kept trying to tell her what to do. She said he was starting to bore her, and she was just trying to have a good time.

Angie spent a lot of time with a guy named Carl, and Johnny wondered if something was going on. But he was crazy about Angie, and she still insisted that she loved him.

Three months before their graduation, Angie told Johnny they were going to have a baby. He was speechless at first, but then he told her he wanted to marry her. Angie just laughed and said she didn't want to be tied down.

When Bo was born, Johnny was at the hospital. His folks didn't have much money, but they scraped together enough to pay the medical bills, and Johnny's name was on Bo's birth certificate.

The day Angie left the hospital, she handed Bo to Johnny and said, "He's all yours. I didn't want to have an abortion, but I can't take care of him. It's okay with me if you put him up for adoption. Or keep him and raise him yourself. My folks are moving out of town, and I'm going with them." She didn't even tell Johnny where she was going.

He was stunned. For a few days, Johnny had no idea what to do. He had always thought he'd work days and go to classes at the local college at night. He saw right away that wouldn't be

possible. He was not quite nineteen, but it never occurred to him to let someone adopt the baby. Bo was his son, and he'd take care of him. His family offered to help however they could.

Johnny had worked for two summers at his uncle's auto repair shop. When his uncle learned about Johnny's situation, he offered him a full-time job, so he could earn enough to take care of himself and Bo. They stayed with his folks for the first six months, till Johnny learned how to take care of the baby, and then he found a small apartment a few blocks away for himself and his son. Johnny's mother looked after the baby while he worked, and time passed quickly. Before Johnny knew it, Bo was five. He was the center of Johnny's world.

Angie called occasionally over the years and even dropped by a few times. Bo knew she was his mommy, just as he knew that Mrs. Brumby was the lady who lived next door and brought over peanut butter cookies once in a while. Mrs. Brumby was probably more important to him.

When Johnny wasn't at work, he was with Bo. They watched Big Bird on TV and went to the park and ate hamburgers at McDonald's. Johnny read to him, and they had dinner with Johnny's parents on Sundays after church. They were happy. About that time, a friend introduced Johnny to Donna, and the couple started dating. She was affectionate toward Bo and at ease around him. Johnny began to think about asking her to marry him.

Then Angie appeared and dropped a bombshell. She wanted Bo back. She told Johnny he probably wasn't Bo's father, anyway. The older guy he once thought she was seeing was just as likely to be Bo's dad. He had come back to town, and Angie was going to marry him.

Johnny's first reaction was terror. He thought of grabbing Bo and running to some place where no one could find them. He would rather die than lose his son. Then he felt anger like he had never known. Most of the time during the next few days, he just felt numb.

Johnny's uncle called me and asked what to do. I told them to come to my office. Johnny

said Bo was the most important thing in the world to him. He told me, "I'll do anything to keep him."

I said, "Let's take this one step at a time."

Since Johnny and Angie were never married, the law didn't recognize him as Bo's dad. That meant he had no rights whatsoever to Bo. Legally, Angie could take her son and simply disappear. The first thing we needed to do, and fast, was to file a paternity suit and establish Johnny as Bo's father. That would give him the rights of a parent and allow him to seek legal custody of his son.

The next morning, I filed a paternity petition, and the legal battle began. Angie's lawyer entered an answer to our lawsuit, asked for Bo's custody and claimed that Carl, Angie's new husband, was Bo's father. The judge ordered blood tests.

I learned that Carl had been in prison for selling drugs since shortly before Bo was born. He had been out on parole only a few weeks. Carl also had another little boy, who was a couple of years older than Bo, but his parental rights to that child had been terminated.

Two weeks later, the blood test results came back. I stared at the report, trying to think what to say to Johnny. I had no idea how to tell him that the tests said he could not be Bo's father.

When he recovered enough to speak, he asked me what would happen next. I told him that a hearing was set the following week. At that time, the judge would dismiss his case and turn Bo over to Angie and Carl.

Johnny shouted, "No! Like hell he will! I won't let anyone take Bo away!"

I spoke as gently as possible. "Johnny, do you understand? You aren't really, that is, biologically, he's not..."

He interrupted me. "I don't care. I won't give him to them. I'm the one who loves him,

not them, and he needs me. You've gotta do something."

That afternoon, I filed a suit asking the judge to terminate Angie's and Carl's parental rights and allow Johnny to adopt Bo. Though Johnny and Bo were not biologically related, Bo had lived with Johnny all his life. The fact that Johnny had been rearing Bo for so long gave him "standing," the legal right to file such a lawsuit. The judge allowed Bo to remain with Johnny until the case came to trial.

Several months and a number of hearings later, the judge decided that there were legal grounds to terminate Angie and Carl's parental rights and that termination of their rights was in Bo's best interest. A few months later, he granted Johnny's request for adoption. At last, he was Bo's legal father.

After the hearing, we went to the coffee shop in the courthouse basement. Donna joined us there, and she seemed genuinely thrilled about the outcome of the case. Watching them, I expected I'd hear the news of their engagement before too long.

Johnny couldn't stop smiling. When the excitement died down, I asked him if it had made any difference, knowing he wasn't Bo's natural father.

He didn't answer for a moment. Then he said, "One night, right in the middle of all this, I was really feeling down. I asked Bo, 'Who is your Daddy?' He started giggling, and he said, 'You are, Daddy, you are.' I figured he knew the answer to that question better than anybody."

One of the ways a child learns about herself is by discovering where she came from. Who are her people? What can she learn about them that helps her understand who she is? What are their physical traits? What are their values? How do they behave? What is her family history?

What family group does she belong to?

Kids who have two parents and an extended family enjoy a great advantage over kids who don't. When they start to school, if not earlier, children with no recognized father will want an answer to the question, "Who is my daddy?"

A child whose father is dead will miss the affection and guidance and example her dad would have provided. She'll miss the time she could have spent with him, but she's in a different position than the child who has never had an acknowledged father. At least, she knows who her dad was, and what he was like and that he loved and wanted her. She has her own place in her dad's family.

The child with no dad often feels unworthy and inferior. She believes something must be wrong with her. Otherwise, her dad would be proud to call her his daughter, would want to spend time with her, and would help take care of her. He would love her.

That's why, from a child's point of view, establishing a relationship with her father is so important. It affirms that the child is worthwhile and lovable. It has nothing to do with the help her mother needs, financial and otherwise, to raise her.

Courts in every state have procedures for establishing paternity, and sophisticated DNA testing now makes the identity of the child's dad almost a certainty. More and more paternity cases are being filed. But not all mothers are taking the opportunity to establish a legal father for their children.

Some mothers swear that they don't know who their child's father is. That's hard to accept. I guess it's possible, but I think most of the time, when a mother conceals the identity of her child's father, it's because she doesn't want the father to have any relationship with the child. Denying a father the chance to know his child may be a mother's way of retaliating against a man who hurt her. She fails to recognize that, at the same time, she's denying her child the right

to his father.

Sometimes a mother justifies her behavior by telling herself that the father is so bad or unkind or thoughtless that it's better for the child not to know him. Only rarely is that true.

Whatever adults feel about one another, unless dad is dangerous to the child or the mother, having a legal dad is an enormous benefit to any boy or girl. Furthermore, both children and their fathers have the right to that relationship and all that it can bring.



Brittany was seventeen when she had Maddie. Her parents were upset, and they said a lot of hurtful things. Nevertheless, they stood by her and let Brittany and the baby live with them.

She finished high school and went to work as a waitress at the Sunshine Café. She put Maddie in day care, because her mother worked and couldn't look after the baby.

The family got by, but money was really tight. Maddie was sick a lot, and everyone was tired all the time.

Brittany insisted Chuck was Maddie's only possible father, and her dad told her she had to take Chuck to court to get child support. He said Maddie needed so many things, and it wasn't fair that they should pay for everything, while Chuck got a free ride.

Brittany had been madly in love with Chuck. The night she told him she was pregnant, she imagined he was going to sweep her into his arms. She thought they'd plan their wedding and begin a wonderful life together. Instead, he dropped her on the spot. Since that moment, she had been so bitter she didn't want anything to do with him. Still, she decided her dad was right, and they called me.

We filed the paternity suit, and at the first hearing, Chuck swaggered into the courtroom

and smirked at Brittany. He told the judge the word around school was that several different guys could be responsible, but he had little choice, so he took the blood tests. The results left little doubt that he was Maddie's dad.

After that, his lawyer convinced him that fighting the paternity question was useless, so that left just the issues of child support and visitation.

Since Chuck was going to college, the judge set the minimum child support. His parents said they'd pay it, because they wanted him to go on to school. At first, Chuck told the judge he didn't care about visitation. But after his parents talked to him, he agreed to take the standard weekend and holiday periods.

Chuck didn't exercise his right to visit Maddie, but his mother never missed a chance to see the little girl, and the two grandmothers became friends.

Brittany was still working as a waitress and saying she'd never get married, because you can't trust a man. Then one day when Maddie was three, instead of his mother, Chuck appeared at the door to pick up his daughter.

Brittany started to slam the door, but he said, "Please, Brittany. I was wrong, but I'd like to make up for it."

He started seeing Maddie every month, and one day he asked if he could take Brittany to dinner. They had a few dates, but nothing came of it. Still, they got along after that, and Brittany says it's a good thing that Maddie knows her daddy, because he's not such a bad guy, and Maddie loves him.

Mary loved her management job with the phone company, and life was good for her and

her four-year-old daughter, Kaitlin. A single mom, Mary had no family, but she had worked out a routine for the two of them, and they were happy.

Kaitlin was going to start kindergarten the following week, when Mary noticed a lump in her breast. She was busy and put off going to the doctor, but finally went in for a check-up. She couldn't believe it when the tests revealed she had cancer. That happened to other people. She began chemotherapy, and that's when she realized she couldn't continue to take care of everything, especially she couldn't take care of Kaitlin all alone.

Mary made an appointment to talk with me about establishing the paternity of Kaitlin's father, Richard. She said she would never have brought him into the picture, but she couldn't bear the thought that she might die and leave Kaitlin with no family at all.

I asked why she had never sought to establish paternity before, and she said, "Look, I don't need financial help to take care of her. I thought it would just complicate everybody's life if I told Richard he was her father."

I said, "You mean he doesn't know about her?"

She said, "No. We were never serious. We met at a business conference. I only saw him a couple of times."

"But didn't you think he'd want to know?" I asked.

She said, "Richard was a nice guy, and he felt guilty. He was married, and he'd never cheated on his wife before. The truth was, he loved her. When I found out I was pregnant, I didn't want to cause him any trouble."

"It's going to be quite a shock. That was nearly five years ago," I said, "I have to ask. Are you sure he's the one?"

She nodded. "Couldn't be anybody else. I wasn't sleeping around."

He wasn't hard to find, but I didn't want to drop this on him without warning, so I

phoned him at work and asked him to come to my office. I told him it was important. He agreed to come in that afternoon.

When he learned why I wanted to see him, he seemed stunned. He remembered Mary, but said they'd only had a brief relationship, and he'd heard nothing from her in the last five years. He needed a couple of days, because he wanted the chance to tell his wife and talk with a lawyer. We agreed that his lawyer would be in touch with me by the first of the following week. Meanwhile, I prepared the papers for the suit to establish paternity.

His lawyer told me that Richard couldn't simply accept the fact that he was Kaitlin's father, without knowing for sure. He wanted to get blood tests, and I understood. The lawyer said, "This is a decent guy. It's been quite a shock, but if he's the child's father, he isn't going to try to duck responsibility."

I asked if Richard had told his wife, and the lawyer said yes. She was hurt, of course, but she loved her husband and would support him.

I filed the legal papers. We arranged for the blood tests and then sat back to await the results. When we received them, they confirmed that Kaitlin was Richard's daughter.

It was time to make some major decisions. We attorneys scheduled a meeting between our clients. Rarely have I admired both parties to a case as much as I did these two. When they first saw one another, they stopped, then Richard moved to embrace Mary and both cried. Richard told us his wife, Beth, was outside and he asked to have her join us.

The next hour was remarkable. The three people, parents and step-mother, talked about Kaitlin and what they could each do to make her life as happy as possible. They agreed to share financial responsibility, and they worked out a schedule of visits designed to let Kaitlin get acquainted with Richard and Beth. Eventually, Mary and Richard planned to share custody, and the unspoken goal was to ease Kaitlin's transition into Richard and Beth's home, if her mother

didn't survive.

All that was left for the other attorney and me to do was to formalize their agreement and present it to the judge, who quickly approved it. What a pleasure it was for all of us to serve such clients. They were amazing! I wanted to give them all a medal.

Five years later, Mary had no trace of cancer. She, Beth and Richard were friends, and Kaitlin was thriving, enjoying the love of three incredible people. That didn't even count the grandparents who came to enrich her life.

Cases rarely have such a positive outcome, but it does happen, and when it does, everyone involved rejoices.

A judge can establish a man's paternity, force him to pay child support, and award visitation rights, but no judge can make a man a father. A judge can't force him to visit a child, can't order him to love her or become a part of her life. For that matter, the mere fact of giving birth doesn't make a woman a mother in the broader sense, either. And nothing a judge is able to do can make that happen.

She had the willowy body, high cheek bones and arresting good looks of a model, and the baby boy she held in her arms when she arrived at my office was the sort of child you see in television commercials. She asked me to represent her in a suit to establish his father's paternity. She said she planned to get married soon and her prospective husband wanted to adopt the baby.

When she met the baby's father at a party, she was flattered that this famous, sexy man, who could have had any woman in the room, chose to take her home. Their affair lasted three weeks, a long time for him. When he tired of her, she was more frustrated than heart-broken. For a few days, she'd thought she might have a shot at getting him to marry her.

Soon, she realized she was pregnant, and she raged through her apartment, cursing and throwing things. Her first impulse was to get an abortion. Having a baby was the last thing she wanted. Talk about ruining her plans!

But after she thought about it, she realized she might be throwing away the opportunity of a lifetime. She had to go through a couple of people, but she finally reached him by phone. He hung up on her when she broke the news.

However, after the baby was born and we filed the paternity suit, he took the blood tests. He had no choice. When the tests came back, his reaction was unprintable. After weeks of negotiating, the other attorney and I called the court to announce that the parties had reached an agreement and didn't want a trial.

By some miracle, the media never became aware of the story. To protect the parties' privacy, the judge agreed to hold the brief hearing in chambers.

Everyone was tense, as the parties raised their hands and swore to tell the truth. A few feet from my client, shooting icy glances in her direction, stood a man whose name and face would have been known to many people in the courtroom. We came to ask the judge to approve the parties' agreement, which provided that:

The man was the baby's father. He would make one lump-sum payment of five hundred thousand dollars to the mother as child support.

His parental rights would be terminated, leaving him no further rights or responsibilities toward the child and freeing his son for adoption. He could never see the boy. The mother would

never reveal the father's identity to anyone, and the records of the case would be sealed.

She told the judge that she planned to marry soon and her husband-to-be wanted to adopt the baby.

The judge approved the agreement and signed the order. The father's attorney handed over the cashier's check.

Back at my office, I finished some paperwork and talked with my client for a few minutes. She asked if I thought a Mercedes or a Lexus was a better buy. I told her I had no idea. I asked about her plans, now that the case was behind her. She said she was going to send the baby to live with her aunt for a while, because she wanted to move to California and become an actress.

I asked what about her marriage plans, and she laughed.

"Oh, I just made that up," she said, "I didn't want him to think I was sitting around waiting for him. Besides, I believed it might be easier to get the judge to terminate his rights if a new daddy was waiting in the wings."

It wasn't the first time one of my clients had lied to me and to the court, and it always made me angry. A reputable attorney will never knowingly let a client lie to the judge. If the lawyer learns after the fact that the client did so, the attorney-client privilege prevents the lawyer's disclosure of the truth. It's an uncomfortable position to be in.

I asked what she planned to tell her son when he was older and wanted to know about his dad. She shrugged and said she hadn't thought about it, but she'd probably just say he died a long time ago.

Sometimes a suit is filed to establish a man's paternity, only to make it possible to terminate his parental rights. A child can't have two legal fathers at the same time. Termination of the rights of a living birth father is necessary before another man can adopt the child.

Allison came to me with a question. She was about to get married, and her fiancée wanted to adopt her eight-year-old daughter, Michelle. She had always told her little girl that her daddy was dead. She told her fiancée the same thing, but that wasn't true. Michele's father was serving a life sentence for murder.

He had shot and killed a man during the robbery of a convenience store, when Michelle was only a baby. At first, Allison couldn't believe that the sweet, twenty-two-year-old man she lived with, the father of her baby, could have done such a thing. In time, she faced the truth. She moved to a different town and made a new life for herself and Michelle.

Now, she didn't know what to do. She wondered if she shouldn't just continue to say Michelle's father was dead. She asked me what would happen if she went ahead and let her husband-to-be file the adoption, once they were married.

We talked for over an hour, and I explained to her why she mustn't do that. In the first place, I couldn't knowingly allow her to lie under oath. It's a crime to do so.

If she found a different attorney to handle the adoption and didn't disclose the truth, the fact that Michelle's father was alive would certainly come out when the adoption was filed. A social worker would prepare a social study, which would include producing a death certificate for Michelle's supposed father, the man whose name appeared on her birth certificate.

Allison had only one acceptable choice: Michelle's father's parental rights would have to be terminated, in order for her new husband to adopt her daughter. Whatever he had done, the law required that Michele's father be given notice and a chance to fight the proposed termination of his rights to his daughter.

Worst of all, if she somehow managed to overcome these obstacles and the adoption was granted, Michelle's father could have the adoption set aside. He could easily prove that she had committed a fraud upon the court, because she knew full well he was Michelle's father and where to find him.

I asked Allison if she really wanted to create that sort of potential disaster for the two people she loved most, her daughter and the man she was going to marry. Even if Michelle's father never said a word, the threat that he might would always hang over her. Besides, any number of people knew the truth. Did she want to wait, hoping none of them would ever speak up? Living with that sort of lie is an overwhelming burden.

I told her I felt a judge would be sympathetic, and urged her to see if Michelle's father might be willing to voluntarily surrender his parental rights. In any event, I thought she had to tell her fiancée and her daughter the truth.

Allison didn't call for a couple of weeks, but then she phoned and I set an appointment. Her fiancée came with her.

He said, "I had trouble at first with the fact that Allison lied to me. But she did come clean, and I could understand why she was scared to tell me the truth. After all, she had lied for so long to everyone, especially Michelle, about her dad."

Allison said she wrote to Michelle's dad and told him she wanted to see him, to talk about Michelle. She asked me to prepare papers for him to sign. I gave her an Acknowledgement of Paternity and an Affidavit of Relinquishment. If he was willing to give up his parental rights, he could sign the papers, and the termination should go smoothly.

She was worried about how he would react to her. She'd had no contact with him since he went to prison, and she had left no forwarding address when she moved.

A week later, she phoned to say Michelle's father had replied to her letter and agreed to

see her. He asked her to bring a picture of his daughter.

When Allison arrived at the prison, her knees were wobbly and she felt light-headed. The man who sat across from her stared at her from behind the glass, and neither of them spoke for a few minutes.

Then he asked, "How is Michelle? Is she doing okay?"

Allison said, "She's fine. Growing like a weed."

She dug the picture of their daughter from her purse and held it up to the glass. He looked at it, and tears came to his eyes.

He said, "She looks like you. Isn't she something?"

Allison gathered her courage and told him why she was there.

He was silent for a while, then he said, "I sure did screw things up, didn't I?"

Allison didn't reply, and he said, "Well, leave the papers, but this is something I'm going to have to think about."

No further word came from him. Allison and Tom, her fiancée, were married the next month. A few weeks later, they came to my office, ready to file the suit to establish Michele's father's paternity and ask for termination of his parental rights. They were eager to get on with their lives.

We had copies of the lawsuit served on Michelle's father in prison, and the judge appointed an attorney to represent him.

The judge issued a bench warrant to bring Michelle's father to court. He had a right to be present for the termination hearing. His lawyer requested a jury trial.

A few days before the trial was set, the father's attorney asked to set up a conference with the child's attorney and me in the judge's chambers. He had surprising news.

He told us Michelle's dad had the signed Acknowledgement of Paternity and Affidavit of

Relinquishment in his possession. But his client wanted two things in return for letting his attorney file them and allowing the judge to terminate his rights without a trial. First, he wanted a copy of the picture of Michelle that Allison had brought to the prison. That was not a problem. His second demand was.

Michelle's father wanted to be present for the adoption hearing. He wanted to have one last chance to see his daughter and to see the man who was going to become her father.

Everyone's first reaction was, "Not in a million years."

His attorney shook his head, "Then I'm afraid we're headed for a full-scale jury trial." No one wanted that.

We finally reached a solution that none of us liked, but all of us could live with.

The termination hearing was held in the judge's chambers. Michele's father told the judge, "I guess signing these papers is the first decent thing I've ever done for her."

As soon as his rights were terminated, Michele's father was led into the courtroom, where he was handcuffed to a chair in the jury box. He had agreed to remain silent and not to attempt to reveal his identity to Michelle or have any contact with her. He kept his promise.

When it was time for the judge to hear the adoption, Allison brought Michelle into the courtroom, and the adoption was granted. As he was led out of the courtroom through the back hall, Michelle's former dad caught the eye of her new father, smiled and nodded slightly.

I asked what Allison had told Michelle, and she said, "I told her I had kept the real truth about her dad from her before because I thought she was too young to understand, but now I believed she was old enough to know. I said he did something bad and had to go to prison. I explained it had nothing to do with her or with me. I told her he loved her."

Chapter Six

Drugs: The Endless Night

A poem by William Blake begins, “Some are born to sweet delight, some are born to endless night...” It makes me think of Maria.

She was thirteen when I met her, and she was in juvenile court for possession of heroin. I was her lawyer. When I asked her why she started taking drugs, the picture I pieced together was this:

Maria couldn't remember a time when her dad wasn't drunk or when her mother hugged her, or when she looked forward to anything except being older. She felt like she was just taking up space, with four younger kids at home, never enough money, and nothing to make any of their hearts whole. Each of her days dragged itself on top of the next, with nothing to offer but boredom and pain.

Then someone gave her some pot, and next, someone gave her some heroin, and she felt a high she couldn't believe. Life's ugliness didn't hurt as much for a while.

I got her into a drug rehab program, and it seemed as if she might make it. But two years later, she was back in court. She wasn't as pretty as she'd been before. Her folks had kicked her out, and she was living on the street. Nothing mattered to her except getting her hands on enough heroin to make it through the day, and she was willing to do whatever it took to get it.

Once again, she went into the rehabilitation program. She looked better when I visited her, and she told me that this time, it was going to work. She was going to go back to school, make something of herself. I think she believed it.

When she got out, she went to live with her grandmother, and she did start back to school, but she soon dropped out. I believe she was simply too tired to try, and Hope was just the

name of a town in Arkansas.

In the beginning, I could easily see the potential in her. But somewhere along the way that Maria died. The Maria who might have learned to grow roses and program a computer and play the piano. The warm, laughing Maria who might have become someone's wife. The tender, loving Maria who might have become someone's mother.

A month after her sixteenth birthday, Maria stuck a needle in her arm for the last time. Was the overdose a tragic accident? Or was it, in those last days, the only way out that she believed in?

Sometimes a child's own drug use is not the cause of tragedy in his life, but the use of drugs by one or both of his parents.

After I became a judge, one of the first cases I had to decide was that of Baby Girl Doe. She was born prematurely, but when her case came before me, she was three months old and ready to be discharged from the hospital. The problem was, she had no family to take her.

I looked at the picture her caseworker handed me. The tiny face had a dimple in the left cheek. I stared at lots of hair that seemed about to curl, blue eyes and delicate little hands.

The day after the baby's birth, her mother walked out of the hospital, and no one knew where to find her. She gave a phony name and address, refused to say who the baby's father was and left without giving her child a name. Her mother used cocaine until two days before Baby Girl Doe was born.

I looked at her picture and thought, "I hope you get to play hide and seek and giggle with other little girls. I hope you take ballet lessons and learn to play soccer."

The doctor testified that he didn't know what the future held for Baby Girl Doe. He wasn't sure what damage the cocaine might have done.

Trying to will it to be so, I thought, "I want you to go to your senior prom one day. And I want you to have someone special to tell you how beautiful you are. I want you to have to decide whether to be a veterinarian or a hairdresser or a housewife."

The only possible choice I had was to terminate the parental rights of her unknown mom and dad, place her in the custody of Children's Protective Service and hope that there would be someone to adopt her.

In my heart, I said a prayer for her. I knew she'd need all the help she could get, because just like her mother, Baby Girl Doe was HIV positive.

Before I terminated her parents' rights and gave her custody to CPS, I paused. There was one thing I could do for her. I told the lawyers, "I'm giving this little girl a legal name. Change all pleadings in this case to reflect that her name is Faith."

It was a cold winter night when Janna died. She was six months old. Her mother had left Janna and her four-year-old brother, Gerald, alone in the house that night, while she made a connection with her drug dealer. She had been an addict for two years.

When she came home, the house was in flames. Fire trucks were there, with lights flashing, and the neighbors were gathered outside.

One of them had smelled smoke and called the fire department. The neighbor broke a window to rescue Gerald and tried to go in again after Janna, but the heat drove him back. When the firemen arrived, they carried Janna outside, but she was badly burned and had inhaled too

much smoke. The paramedics couldn't revive her.

Investigators determined that Gerald had knocked over a space heater, and a pile of dirty clothes nearby caught fire. Although he knew how to dial 911, the phone had been disconnected, because their mother didn't pay the bill. He tried to get the door open, but he couldn't reach the lock. He tried to drag a chair over to stand on, but it was too heavy. Then he tried to get back to Janna, but the smoke was too thick. The neighbor found him huddled in a corner, crying for his mother.

The paramedics were still trying to revive his sister when his mother returned. Gerald ran to her and clutched her legs.

"I tried to get her out, Mama, but I couldn't," he sobbed, "It was awful. She was screaming and screaming. Is she gonna be okay?"

Gerald's mother had taken good care of him until he was about two. Then his Dad left them and disappeared. His mother began hanging out with a guy she met at a bar, who introduced her to drugs. He took off when he found out she was pregnant. Janna was born, and the three of them were on welfare. Men gave his mother the money she used to buy cocaine.

Gerald was placed in the custody of Children's Protective Service after the fire, and his mother went to prison for a while on a drug charge. She wrote to him, but when she got out, she went back on the street and dropped out of sight.

Eventually, her parental rights were terminated, and a year later, a nice couple in their thirties adopted Gerald. They say he seems to be a normal, happy kid. But he still has bad dreams about the fire, and a siren at night sends him running to his parents in tears.

Donald's father was a mechanic, but he had lost his job when the garage where he worked went out of business. He couldn't find work right away, and he began drinking. Donald's mother was a waitress, and when she came home after work, his dad accused her of running around on him and beat her up. He was drunk, and she made excuses for him. She said he was just hurting because he didn't feel like a man, with her supporting them. She said that was why he drank all the time.

Donald was twelve, and he wanted to protect his mother, but he didn't know what to do. One night when he heard her crying and the thud of her body hitting the wall, he couldn't stand it any more. He ran into his folks' room in tears and tried to pull his dad away from her.

He told his dad to leave her alone, but his mom screamed at him to go back to bed. Before he could leave, his dad hit him in the stomach and said, "Don't ever try to tell me what to do. Get the hell out of here." Donald went to the bathroom and threw up.

The next morning, his mom told him he couldn't do anything about his dad and he should just stay out of their problems. She said things would get better when his dad found a job.

Donald had a fifteen-year-old sister named Katie. His mom was working late one night, when Gerald heard sounds coming from Katie's room. She was repeating, "Please don't, please stop." Donald rushed to her room and pushed open the door without knocking. His dad was naked and lying on top of his sister. Katie was struggling, but she couldn't get away from him.

Donald yelled at his dad, and his dad came rushing at him with a roar. Even though his dad was drunk, Donald was no match for him, and he beat the boy until he lost consciousness. Then his dad passed out, and Katie called 911.

Later, at the hospital, their mom was in tears. She told police, "You don't understand. He isn't really like this. It's just that when he gets to drinking .."

Children's Protective Service took emergency custody of both children, and I was

appointed as their attorney in the case to terminate their parents' rights to them.

I tried to talk with their mother, to persuade her to do the things she needed to do to protect the children from their father and to keep them with her.

She said, "I know he was wrong, but I've loved him for so long. And he needs me now more than ever. The kids will be okay, someone will take care of them. But he needs me."

Eventually, the judge terminated the rights of both parents.

Monique was a year old, and no one knew where her parents were. When they said they had to go see a sick relative, a girl in the same apartment building agreed to keep the baby overnight. They didn't come to pick up their daughter the next day, and the girl went to their apartment, but no one answered her knock. The manager discovered the apartment was empty. There was not a clue to where Monique's parents had gone.

Children's Protective Service took emergency custody. A doctor who examined her, as a routine part of her being placed in CPS care, said the child suffered from Fetal Alcohol Syndrome.

I represented the little girl in the suit Children's Protective Service filed to ask for termination of her parents' rights. The agency was unable to get a line on where Monique's parents might be. I couldn't find them either. A number of tools designed to locate people are available to government agencies and to attorneys, as well. But the astounding thing is how completely people can sometimes just vanish, when they really want to disappear and are willing to lose whatever they have left behind. Monique's parents didn't want to be found.

The judge appointed an attorney for them, and they were given notice of the suit through

publication in a newspaper, as the law requires. To no one's surprise, their attorney had no greater success at finding them than the rest of us had.

The judge granted the termination of parental rights. It was the only practical choice available. The agency would have to place her in foster care. Though she was legally eligible for adoption, her case was somewhat different than that of most young children without parents. Monique was a special needs child.

She had mild facial malformation, a result of being a victim of fetal alcohol syndrome. More importantly, Monique was born with a heart defect, which would need to be repaired by surgery down the line. It was also a legacy of fetal alcohol syndrome. As if that were not enough, it was possible that, as Monique got older, fetal alcohol syndrome might cause other problems that were not yet apparent.

The agency needed people with unusual sensitivity and a strong willingness to commit to Monique as her foster parents. I've always respected the generosity and kindness of most foster parents. But in a case like Monique's, foster parents would need to make even greater sacrifices than usual.

Some foster parents receive specific training to deal with special needs children. No couple with such training was available for Monique, but a remarkable woman named Eleanor agreed to take her. Eleanor had no illusions about the potential problems that awaited Monique, but she smiled and said, "We'll just have to deal with them."

Monique did well in Eleanor's home and bonded quickly to her. She was loved, and she knew it. I heard a couple of years later that Monique had the surgery required to repair her heart defect, and Eleanor adopted her. She was a warm and courageous woman.

She knew the conditions which can affect children with fetal alcohol syndrome. They include hyperactivity, attention and memory deficits, growth deficiencies, and behavioral

problems. Fetal alcohol syndrome is a leading cause of mental retardation. In spite of everything, Eleanor wanted to be there for the little girl who already felt like her own.

In the past, women didn't know that drinking alcohol during their pregnancy could cause such devastating effects on their babies. Today, the word is being spread, by physicians and others, that a woman who knows she is pregnant, or thinks she might be, simply must not drink any amount of alcohol.

Though fetal alcohol syndrome is more likely to result when a mother has four or five drinks a day, researchers believe that even one drink can harm her baby. When she drinks, her unborn baby drinks too, because the alcohol passes directly through the placenta to the baby. It can prevent normal development and cause irreparable damage to the fetus.

There is no known cure for fetal alcohol syndrome, yet it is 100% preventable. All that is necessary is that the mother not drink while she is pregnant.

Chapter Seven

Adoption: The Chosen Ones and Those Who Are Left Behind

Among the few happy things that occur in family or juvenile court, where nearly every case carries overwhelming sadness, are adoptions. Lawyers love to handle them, judges love to grant them.

It's natural to want a child to love and nurture, and children need the care and affection of parents, in order to grow and flourish, almost as much as they need air to breathe. Yet, not all adults who want children can have them, and not all children have parents who are there for them. Adoption represents the chance for those lonely ones to reach out and embrace one another.

Adoptions were an upbeat way to begin my day on the bench, and that morning, I had several to hear. Rose and Lily, five-year-old twins, were Mrs. Anderson's nieces. They had lived with the Andersons for nearly two years, ever since a drunk driver ran a red light and killed the children's dad and mom. Rose and Lily were visiting their grandparents at the time and escaped the accident.

They were charming little girls, dressed in frilly dresses and wiggling with excitement. Mrs. Anderson said they had talked to the girls about the adoption, but if children were old enough to understand the step, I always asked whether they wanted to choose these parents, just as they were being chosen. The two little girls solemnly assured me that they wanted to choose the Andersons.

I granted the adoptions, and when they continued to stand before me, I asked if there was something else.

One of the twins said, “The hammer. You didn’t hit the hammer!”

Mrs. Anderson explained, “They’ve seen judges on TV, and they don’t think they’re really adopted until you pound your gavel.”

I rarely used that tool of my trade, but I banged it firmly, once for each of the Anderson twins and again as I granted each adoption throughout the morning. No adoptee wanted less than the whole package.

That’s a pretty picture, but adoption has a different side. Ellie was sixteen, and she had just had a baby. The judge appointed me to represent the young mother, who said she wanted to give up her rights to the baby and place her for adoption.

I saw Ellie the next day, and we talked about her decision. I wanted to be sure that she had considered her options, that she understood she couldn’t change her mind later and that this was really what she wanted to do. The baby’s father, who was eighteen, had already signed the papers for termination of his rights.

Ellie said her folks had pressured her to get an abortion, but she couldn’t bring herself to do that. They refused to let her bring the baby home, and she had nowhere else to go. I asked if she wanted me to talk to her parents, and she shook her head no.

I told her there were agencies that would help her, if she wanted to keep the baby, but she said her daughter deserved a better life. I explained that if she signed the papers, she would never have the right to see her child again or even know anything about her. She told me she realized

that, and she began to cry.

She said at first she didn't want to see the baby at all, didn't give her a name, even in her own mind. She thought that maybe it would hurt less to give her up that way. She said she had this ache inside that wouldn't go away.

"But I couldn't let them take her until I held her just one time," she told me, "I had to lay my cheek against hers and feel her nestled in my arms."

I handed her a tissue, and she wiped her eyes, but her tears kept coming, and her words tumbled out.

"There's so much to wonder about," she said, "I wonder if her hair will get darker as she gets older, the way mine did. I wonder what she'll be when she grows up. I wonder if she'll have kids of her own. Every so often I'll wonder if she's okay, or even still alive. I'll always wonder about those things."

Finally, she breathed a deep sigh, "But this is what's best for her," she said.

Ellie handed me a slip of paper torn from a spiral notebook. "Can you see that she gets this one day when she asks about me?"

I said all I could do was give it to her caseworker to pass on to the adoptive parents and hope that they'd choose to show it to the child when she was older. I told Ellie I'd have to read it, and she nodded.

The note said something like this: "I don't have any money. I can't give you a home or buy you food or clothes or toys. All I can give you is a chance to be happy and safe, with two parents who will take care of you and give you the things I can't. There's just one other thing, please don't ever think I didn't love you. Your mother."

Inherent in every adoption is the end of one relationship, so that another may begin. That is true, whether a child's birth parents have died or a court has terminated their parental rights.

When a child's parents die, it's easy to recognize and acknowledge their child's grief. But termination of parental rights may also cause heartbreak, not only to the birth parents who are still living, but to the child as well. Whatever her birth parents were or were not, whatever they did or didn't do, however the child may feel about them, termination of the relationship between them means that the child suffers an enormous loss. If nothing else, it's the loss of the hope that they might change. Even if she's grateful to her adoptive parents, loves them and wants the adoption, in some secret place deep inside, she has lost a part of her heritage and identity. Sensitivity and compassion should be as much a part of adoption as joy.

Perhaps the saddest adoption cases of all are those in which parents voluntarily agree to termination of their parental rights because of love for their child.

Simon was four, an endearing little boy, with an unruly cowlick and big round glasses. His ease around strangers and his affectionate behavior reflected the kind treatment he received from parents who adored him.

Though Simon was within the range of intelligence considered normal, both parents had IQs below that level. Simon's dad held down a job as a sacker at a nearby grocery store. He couldn't drive a car, but the store was close enough for him to walk to work. Simon's mother

stayed home to look after him. With some help from the government, they managed to pay for what they needed.

It was a doctor who called Children's Protective Service. Simon had been admitted to the hospital for the second time. He had a severe seizure disorder. It could be controlled with a precise schedule of medication, but without it, Simon could suffer brain damage, even death. His parents had been given detailed instructions for administering the medicine, but they had not followed them.

Children's Protective Service placed Simon in a foster home and began working with Judy and Jack, his parents. The caseworker soon realized that his parents had done their best to give Simon his medication properly. Unfortunately, it was necessary for the doses to be given exactly on schedule. That, and the number of medications Simon needed, proved too complicated for Judy and Jack to follow. They just couldn't keep up with it.

CPS eventually acknowledged that the best the agency could do was to leave Simon in foster care. He got along well, when his medication was correctly administered. The caseworker arranged visits with his parents twice a week.

Two years passed, and everyone had settled into a routine. Judy and Jack missed Simon, but they were thrilled that his seizures didn't occur any more, and they knew he loved his foster parents. They lived for the visits with their little boy on Wednesday evenings and Sundays.

Then something happened that changed all of their lives. Simon's foster father, an Air Force officer, received news that he was being transferred to Germany. Simon's foster parents wanted to take him with them. However, after they considered all of the issues involved, they decided it would only work for them if they could adopt him.

They didn't want to hurt Judy and Jack, so they were reluctant to file a suit to terminate their parental rights. Their attorney told them that, even if they did, they probably wouldn't win

it. So, they sat down with Simon's folks and talked about what was best for the little boy they all loved.

The result was that Judy and Jack agreed to sign Affidavits of Relinquishment, giving up their parental rights and clearing the way for Simon to be adopted by his foster parents. The case came to my court, and I refused to accept the Affidavits, until I appointed an attorney to represent the parents.

The attorney told me she was satisfied that they understood the step they were taking. She believed they were voluntarily agreeing to the termination of their rights to Simon. I asked Judy and Jack if they were sure that was what they wanted me to do. I reminded them that if I terminated their rights, they would have no right to ever see him again. The law gave me no power to order that they could even know about him, once they were no longer his parents.

Jack said, "We love him so much, but we can't do the medicine right. He needs to be with them. They love him, too, and they take good care of him."

I explained that Simon could be placed in a different foster home, and they could still see him. I asked if they wouldn't rather have me do that, instead of terminating their rights and granting the adoption.

They wanted to talk about it for a few minutes, so I took a brief recess.

When I returned, Jack said, "Simon already had to learn to love these people. He shouldn't have to do that all over with new people. Besides, the new people might not be as good to him. You let these foster parents adopt him. That's what's best for Simon."

After I terminated their rights, Judy held up a picture of Simon and asked me, "Is it ok if we still keep this picture and tell people that's our little boy?"

Sandra was eight. She was in the permanent custody of an adoption agency, and she lived in a group home with a number of other children. I met her when I stopped by the agency on business concerning a case and found they were holding an “adoption fair.”

At such events, prospective adoptive parents have the opportunity to meet and talk with children who are in the agency’s custody and who are free for adoption. Cookies and punch are served, and desperate children, scrubbed and on their best behavior, wait to see if anyone will want them or if they’ll be rejected again.

Sandra was standing alone, and I stopped to talk to her. I asked how long she had lived there, and she said she’d been in the group home four years.

“This is a big day,” I said.

“It’s my third fair,” she replied, “I really got my hopes up before, but not this time.”

“You never know,” I told her, “This may be a lucky day.”

“Yeah, sure,” she said.

On my way out of the building, I saw her again. She was in an animated conversation with an attractive couple, and they were laughing with her.

As they moved away, I spoke to her again, “Looks as if you made some friends.”

“They liked me. I know they did. And they have a dog and a pool in the back yard. Can you believe it? I think they’re gonna choose me.”

A couple of weeks later, I was back at the agency and spotted Sandra. I spoke, and she waved, but walked on. I asked one of the counselors about the couple who had seemed so interested in her.

“Oh, they decided they wanted a younger child,” she told me. “I know Sandra was disappointed, but maybe next year.”

Those who hold them mean well, and perhaps they serve a useful purpose. Nevertheless,

surely we can find a better way to bring prospective adoptive parents and children together. I don't like adoption fairs.

Brian, an out-going 10-year-old, lived with his mother and stepfather. His dad was an accountant. He lived nearby, and Brian spent a lot of time with him. Brian's folks' divorce had been amicable, and when Brian's mom married Steve, everybody got along fine. Brian adjusted well and was happy.

Then his mom picked him up in the middle of class one day, and he could see that she was upset. She put her arms around him and told him that his dad had a heart attack. He wanted to go to the hospital, but his mom shook her head. It was too late.

Brian couldn't accept the fact that his dad was really dead. His grades dropped and he was moody and depressed. He began acting out at home. His mom got him into counseling, and he began to improve.

Six months after his dad died, his mom and Steve called Brian into the living room after dinner. Both were smiling as they told him that Steve was going to file papers to adopt him. Steve said, "I want you to be my son." Brian stared at them. Then without a word, he burst into tears and ran to his room.

The next morning, Brian's mom told him that he had hurt Steve deeply. She said, "He loves you as if you were his own flesh and blood, and he's been so good to us both. How can you be that ungrateful? Don't you like him?"

"Sure, I like him."

"Then I want you to stop acting like this. You're lucky he cares about you," she said.

They filed the adoption suit. On the day I was scheduled to hear their case, as the three of them stood before me, I sensed a tension that puzzled me. I asked Brian to have a seat in the hallway, while I talked to the two adults. I asked if they had any doubts about the adoption, and they assured me they were thrilled at the prospect and eager for it to happen.

The report from the social service agency contained a glowing recommendation that the adoption be granted. But something was wrong. I took Brian back to my chambers, where we could talk privately.

At first, he insisted he was happy about the adoption, but when I told him I didn't buy that and he needed to tell me what was bothering him, he began crying.

"My dad is gone, and now they won't even let me keep his name," he sobbed. "I don't want another dad. Nobody else will ever be my dad. They want me to call Steve 'Dad,' but I just can't."

I tried to assure him that no one was going to force the adoption, if he didn't want it.

He began crying harder. "No. Please don't tell them what I said. They'll be mad. Steve is a good guy and I like him a lot. He takes me camping and he comes to my soccer games and everything, but it's just he's not my dad. I don't know what to do."

I handed him a tissue to wipe his eyes and told him to let me worry about that.

After I sent him back to the courtroom, I brought the two adults to my chambers to talk. I told them how much Brian liked Steve and how much it meant to him that Steve participated in his activities. But then I said I wasn't going to grant the adoption just yet, because I thought it was too soon after his dad's death. I thought Brian wasn't ready for any other major changes, so I was going to reset the case for six months and look at it again then.

I told them that meanwhile, I hoped they'd just be there for Brian and love him, as he grieved for his dad. They took it better than I expected and told me that they only wanted him to

be happy. They had thought the adoption would make him feel more secure.

When they came back to court at the end of the year, all three of them were beaming. Brian told me they'd had a family meeting, to see what everybody would be comfortable with, and had come up with a plan. Brian would keep his dad's name. Steve said he told Brian that maybe instead of calling him "Dad," Brian could find a name of his own to use.

Brian grinned. "Yeah. I call him D2. You know what that stands for? It's short for 'Dad, Too'."

I granted the adoption. It made my day.

When an adoption takes place, the child's name is usually changed to that of her new parents, but not always. Shakespeare asked, "What's in a name?" The answer is more complicated than you'd first imagine.

People feel deeply about having their children bear their name. It links the generations and provides a way for a part of them to live on after they are gone. Brian may have felt that keeping his father's name was his only chance to keep a part of his father alive. Perhaps it seemed one way to honor that need to continue his family, as his father would have wanted. It matters that the family goes on from one generation to the next.

Even more than that, a name has to do with who we are and where we came from. It says where we belong. Just as Brian clung to his father's name as a link to him, the opposite may also be true. Children whose last name is different than that of those they consider their parents and brothers and sisters may feel like outsiders. It may seem to them as if they are not quite a part of the circle that is the family.

Lisa Marie Harper was seven. The Malloys were the only family she remembered. When she was a year old, a car whose driver had fallen asleep hit her parents' car head-on. Her mother died instantly, and her father had been in a nursing home, unable to care for himself, ever since. He suffered head injuries and remembered nothing about Lisa or her mother.

Lisa had no other relatives, so she was placed with Children's Protective Service, and the Malloys became her foster parents when she was two. They wanted to adopt her, but there were legal reasons why Lisa's father's rights couldn't be terminated, so they had to settle for permanent custody instead.

Lisa called the Malloys "Mom" and "Dad," and she considered their sons, Brett and David, her brothers. She knew she was loved, and she was happy. Yet, one day Mrs. Malloy found Lisa in her room, crying.

At first Lisa wouldn't tell her what was wrong, but then she blurted out, "I don't know why I have to be different than everybody else!" Mrs. Malloy couldn't imagine what she meant.

Finally, Lisa said, "Well, why isn't my last name the same as yours? All the other kids have the same last name as their folks. I guess it's because I'm not really your daughter. But I think it's rotten."

That night, the Malloys talked with Lisa a long time. They explained why they hadn't been able to adopt her, but they hugged her and told her they loved her just as much as if they had. She was their daughter in all of the ways that mattered to them. Lisa said she understood, but she still seemed depressed.

A few days later, the Malloys called me to see if there was anything they could do. I suggested that we file a suit to change Lisa's name. Because her father was incapacitated, a

lawyer would be appointed to represent him, but I believed, under the circumstances, a judge would let them change Lisa's name.

Lisa and all four Malloys went to court with me two months later. The judge decided the change of name was in Lisa's best interest, and he granted their request.

When they got home, Lisa found a small package wrapped in pink and white paper on her dresser. Inside was a bracelet with her initials engraved on it, "L.M.M.," for "Lisa Marie Malloy."

The social worker's report said that it was not in the child's best interest to grant the adoption. That caught my attention.

Kathy, the four-year-old girl who was the subject of the suit, had lived with Margaret and Paul for three years, ever since she was a baby. Kathy's parents had been given every chance to get her back, but they never followed through. The caseworker finally realized they just weren't interested. Soon afterward, I terminated their parental rights.

Now Margaret and Paul were asking to adopt her. Paul had a good job with an engineering firm, and Margaret stayed home to take care of Kathy. Both had spotless records. Paul was a deacon at the family's church. By all accounts, they had a solid marriage. What could be the concern?

The social worker's report indicated that the agency had found another couple interested in adopting Kathy, and recommended that they, rather than Margaret and Paul, be permitted to adopt her.

Though they avoided putting it in writing, it soon became clear to me that the basis for

the objection to Margaret and Paul was that they were Caucasians.

The agency wanted me to allow Carter and Amber to adopt the little girl. Like Kathy, they were African-Americans. They were not related to the child, had never spent time with her, and knew nothing about her beyond what the agency had told them. They were, according to all reports, a great couple, with a stable marriage. They longed to adopt a child. But there was the difference. Margaret and Paul longed to adopt a specific child, Kathy.

Listening to their testimony and that of people who knew them and had seen them with Kathy, there was little doubt that Margaret and Paul adored the little girl and in their hearts, already considered her their daughter. Kathy called them “Mommy” and “Daddy.” Even the caseworker admitted that the child was deeply bonded to them.

Margaret and Paul had filed a motion earlier, asking for a psychologist to evaluate the child, and I granted their request. I wanted to see what the results of such a test could tell me.

At the trial, the psychologist testified that Kathy was a happy, well-adjusted little girl. To me, the most significant thing he had to say was that Margaret and Paul were her emotional parents. To take her from them and place her with someone else would devastate her, just as it would any child who lost her parents.

The agency’s attorney argued that such damage could be healed in time by loving parents. He called another psychologist to testify. She had not examined Kathy, but said that, as a child growing up with parents who were of a different race than she, Kathy was sure to encounter trauma based solely upon that fact. The child might well have identity problems and would find it hard to be fully accepted in either white or African-American circles. She said it is important to a child’s sense of self that an awareness of her cultural heritage be nurtured during her formative years.

Many kids who are available for adoption and ache for a home and family of their own

never find anyone who wants them. I recognized that Kathy was lucky to have, not just one, but two fine families who wanted to adopt her. Yet I could only allow one couple to do so, and I searched my conscience for the right answer, the one that would be in Kathy's best interest.

All else being equal, I believe that a child will most easily thrive in a family of the same race, because what the psychologist said was true. When children and their parents are of different races, the children are likely to encounter discrimination, often from both races.

I also believe that, all else being equal, it is better for a child to be adopted by two parents, not just one. It's tough enough for a couple to rear a child, and even harder for a single parent. Besides, a child needs the very different influences of both a mother and a father.

I also believe that, all else being equal, adoption by a relative is preferable to adoption by a non-relative. The blood tie makes integration into the family easier.

The problem with "all else being equal" is that it never is. Each case is different, and each couple seeking adoption provides different reasons for and against their adoption being granted. It becomes a weighing process.

In Kathy's case, had she been of the same race as Margaret and Paul, the decision would have been easy. What I had to decide was whether the option of having parents who were also African-American out-weighed the emotional bond between Kathy and the only parents she remembered, the only people she loved, the people whose love for her was the center of her life.

I realized that, as a member of the white majority, it might be hard for me to fully appreciate the problems confronting a black child being raised by white parents. It might be impossible for me to recognize how important a knowledge of her cultural heritage would be to Kathy. Parents of her own race could impart that to her with much greater understanding, since it was a heritage they shared. I wondered if I would make the same decision if Kathy were white and Paul and Margaret black. I decided that I would.

In the end, the love between Kathy and Margaret and Paul seemed to outweigh everything else. I couldn't take Kathy away from the parents she adored and let strangers adopt her. I hope that was the right decision. I still believe it was.

Marla was a teacher, and Jo was a lawyer. They had been together eleven years. Shortly after they became a couple, they bought a beautiful home in the suburbs, and a couple of years after that, they decided they wanted to have a child.

Marla became pregnant by artificial insemination. The father was a friend, who signed away his rights to the baby as soon as she was born.

Marla and Jo were ecstatic about the little girl, whom they named April. As she grew, they took her to Sunday school and to the park on weekends. They made certain that she went regularly to the doctor and the dentist. They helped her with homework and taught her to ride a bike. But most of all, they surrounded her with love. She was the sunshine in their lives.

When April was seven, Marla was diagnosed with a rare type of cancer. She died six months later. Jo's grief was profound, but her main concern was not for herself, but April. A month after Marla died, Jo filed a petition asking to adopt the child.

A week later, April's Aunt Clarice, Marla's sister, filed a suit contesting Jo's adoption of her niece and asking that she and her husband be allowed to adopt April instead.

When Jo came to ask me to represent her, she seemed astonished. She said, "I just don't understand. They've never even seen April. She doesn't know them."

When Marla began her relationship with Jo, Clarice told her that she would never speak to her again, as long as she lived in sin. She said Marla was not welcome in her home. During all

the years they had lived together, Clarice had never visited her sister. When Marla had April, she called Clarice to tell her she had a niece. Clarice hung up on her. When Marla was dying, Jo phoned Clarice and told her that her sister was asking for her, but she never came. She didn't attend the funeral.

I met with Clarice's attorney at his office, and I asked why, since they had shown absolutely no interest in April for the first seven years of her life, they were now so eager to adopt her.

He gave me a stony look and said, "Surely you understand? The child is my client's own flesh and blood. She can't just stand by and see April corrupted by that woman. She hopes it isn't too late to undo the damage already done."

I realized we would have a fight on our hands.

I interviewed everyone I could find who had observed April with Marla and Jo. I talked with teachers, neighbors, friends, their minister and April's doctor. No one had anything but praise for the care that the two women had given April, and no one doubted the love that existed between the child and them.

Her aunt and uncle could give April two parents, a conventional family. They were related by blood. But they thought Marla had been a bad influence on April. Would they convey to April that she was "tainted?" Would they make her believe her mother was a bad person? They were strangers. They had shown no love, no interest in her for the first seven years of her life, even when her mother died. They only expressed the desire to take her into their home when Jo filed the papers to adopt her.

Jo knew April's favorite food was lasagna. She had been there to comfort her when April's best friend moved away. She knew April was afraid of failing her math test the following week. She and April had cried together when Marla died, and in Jo's heart, April was her child.

Those were the thoughts racing through my mind as I stood before the judge. Those were the truths I knew I must convey. If I succeeded, I believed the judge would let Jo adopt April.

You usually have a sense of whether the judge is with you, but this time, as the trial progressed, I just couldn't tell.

Despite my objections, the other attorney called April as a witness. I hated to put her through the ordeal of testifying. But apparently, the opposing counsel thought he could show some sort of adverse effect April had suffered from being raised by Marla and Jo.

When he finally finished questioning the little girl, I felt he had helped our case, not his own. I was ready to tell the judge I had no questions for April. Suddenly, she burst into tears, and before any of us could speak, she ran from the witness box to the counsel table. She threw her arms around Jo and said, "Don't let them take me!" April was sobbing, and the judge called a recess.

The judge was only away from the bench for a few minutes. When he announced he was granting Jo's Petition for Adoption, she immediately went looking for April, hugged her tight and said, "Let's go home."

Not all adoptions produce families that live happily ever after. Among the saddest cases I know are those few where parents, who are full of hope and joy when they adopt a child, later regret their decision and ask a court to terminate the parental rights that the adoption established. No child, whether born to parents or adopted by them, comes with a guarantee. Will he be everything they dreamed of? That's hard to know at the time the adoption is granted. It's almost a given that birth children as well as adopted children will cause their parents some pain. It's part

of the price for loving and being loved by a child. Judges very rarely terminate the rights of adoptive parents who make that request. The fact that the child has problems isn't usually sufficient reason to do so.

It is not uncommon for children who were abused before their parents adopted them to have difficulty bonding, exhibit poor impulse control, or explode with anger that can be frightening in its intensity. It is important that those who consider adopting a child inquire about his previous history. Prospective adoptive parents need to be told of any potential problems of which the adoption agency is aware. They need to understand and be willing to make the commitment to the child with their eyes open. Counseling for adoptive parents should be mandatory prior to any adoption, for their own sake and that of the children.

Everyone must have someone to look up to, a person who embodies what they believe is best in human beings. My heroine is a woman I'll call Jessie.

I first met her when I was appointed to represent Samuel, a fidgety two-year-old she was seeking to adopt. She sat in my office, holding him on her lap and rocking him. Samuel's mother was dead, and the rights of his unknown father had been terminated. He was in the custody of Children's Protective Service.

Just before she came, I had received a copy of Samuel's Children's Protective Service file. I read it silently, so that I could have background information before we began talking. She waited patiently.

When I came across the statement, "Samuel is HIV positive," I felt heartsick. I looked up at Jessie.

“Samuel is ill. Have you thought about how adopting him will change your life?”

“Sam’s a wonderful little boy. Knowing he’s mine and I’m his mother can only bring me joy.”

I tried to be tactful. “That’s a lovely sentiment, but practically speaking, can you meet his needs? Are you prepared for what the future may bring? Can you handle that?”

She was pleasant, but firm. “He has already lost his mother to this miserable disease. But he’s a scrappy little guy, and I want to help him. If he can handle his loss, I can certainly deal with mine, if it comes.”

“What about the costs of Sam’s treatment?”

She smiled. “I’m a widow. My husband didn’t leave me wealthy, but let’s say the children and I are comfortable. There’s plenty to cover everything we need.”

I stared at her. “Your other children, what about them? Won’t bringing an HIV Positive child into your home create a lot of stress for them? His medical needs, the extra time you’ll have to spend with him, their own grief down the line when they’ve bonded to him?”

She laughed. “They’ve already bonded to Sam. They love him. Why don’t you ask them how they feel? You said you might want to talk to them, too, so I brought them along. They’re waiting in the reception room. Robin is six and Jeffrey is four.”

I buzzed my secretary and asked her to show the children in.

“One other thing,” Jessie said, “Jeffrey is also HIV positive, and Robin has AIDS. I adopted them some time ago.”

Before I could reply, the two burst through the door and headed straight for Jessie.

Robin said, “Mommy, there is the neatest aquarium in the other room. She has lots of fish.”

We spent a while getting acquainted, and I didn't have to ask how they felt about having

Sam as their little brother. It was plain they already thought of him that way. I asked Jessie to take Sam and Jeffrey outside, so I could speak with Robin alone for a few minutes.

I asked her to tell me about her days, and she did. I asked her if Jessie was a good mom, and she giggled.

“She’s the best mommy in the world,” Robin said, “She takes real good care of me.”

Then, her smile faded. “I have AIDS, you know.”

I couldn’t believe this child was only six. “Oh, Robin, doctors find new ways to make people well all the time.”

She noticed the tears in my eyes and smiled at me.

“Don’t cry. I made you something.”

She picked up a piece of paper she had placed carefully on a chair a little earlier. “This is for you.”

She handed me a picture she had drawn of a circle and pointed to the four stick figures inside, a mother, two little boys and a girl. “That’s our family,” she said. I noticed that each of the figures was smiling.

Robin was a special child, thoughtful and bright. The day the adoption was granted, she and Jeffrey came to court, too, and she brought me another drawing. This time, it was a bird.

The family was going to lunch to celebrate, and they invited me to join them. There was laughter throughout the meal. Everyone was in a positive mood.

A week later, I took some legal papers to Jessie at her house. I could have mailed them, but I wanted to see the children and talk to Jessie. She asked me in and we sat sipping coffee at her kitchen table, waiting for the children to wake from their nap.

I asked how she decided to take the children into her home and her life. She told me that after her husband died, she had no goals, no reason to get out of bed in the morning. She had

lived through him.

Then one day she noticed a newspaper article about the numbers of children with AIDS who wind up in institutions, because their parents are deceased or unable to take care of them.

“I knew I had found my calling,” she said, “They were the reason I was on earth.”

“Are these children the first you’ve adopted?”

“No, there was Evan,” she said, “I got him when he was a year old, and he died last year. He was five.”

“How do you get through such heartache?”

“Oh, there’s so much more joy than pain. And I learn about living every day from these children.”

“They seem so happy,” I told her, “And you’re always so upbeat.”

“They are happy,” she said. “It’s my mission to fill each day of their lives with joy. Every day is a gift, and because they may have fewer days than most children, we need to make each one special.”

“Did you ever think about just being a foster parent?” I asked.

“That idea did occur to me, but I wanted to give these kids my total commitment. They need to feel someone wants them. They need a mom who loves them and who’ll be there for them, no matter what. I know it’s hard to understand, but loving them and taking care of them has brought me greater happiness than I ever imagined was possible.”

After that, I dropped by occasionally. When the day-to-day tragedy at the courthouse drained me and I needed to restore my belief in the basic goodness and strength of people, I headed off to see Jessie.

Sometimes I brought little gifts for the kids. I asked Jessie if I could get an aquarium for them, a small one, with only four fish. When I took it to them, the delight on Robin’s face gave

me such pleasure that I began to understand what Jessie meant about the blessing the kids had been for her. I got a drawing from Robin in the mail a few days later, showing the aquarium. She had drawn smiles on all four fish.

A busy schedule kept me from dropping by for a couple of months, but one morning, my secretary told me Jessie was waiting in my office. I walked in smiling, eager to see her, and then I saw her face. She didn't have to say the words.

“Robin died. I wanted to tell you myself. There wasn't much warning.”

We embraced and cried together.

After a few moments, she backed away and reached for her purse.

“I have to show you this. She made it about a week before she died.” She pulled a folded drawing from an envelope. There were stick figures of angels at the top, and beneath was a big house. “She told me this was the house that God was saving for her in heaven. She said God made it big enough for the boys and me, too.”

She reached out to touch my arm. “You see that smaller house next door? I asked her whose house that was, and she told me it was yours.”

I never had a greater compliment.

Chapter Eight

Divorce: The Nightmare of Childhood

With more than one marriage in two ending in divorce, the number of children dealing with the break-up of their families is staggering. For most children, nothing is more frightening or sad than the divorce of their parents. They don't understand why it is happening and often wonder if they caused the problem. They are afraid of what may happen to them, and they wonder, since their parents have stopped loving each other, whether they may stop loving them, too. Then, if ever, children need their parents' reassurance and love.

Yet, the adults involved are themselves often angry and hurt and frightened of the future. They may be less able to give their children understanding and compassion during that stressful period than at any other time in their lives. Sometimes, what children need most from parents who are getting a divorce is what their parents are least able or willing to give.

Pete's folks were in the midst of a divorce. The temporary hearing was past, and the final hearing, with a battle over his custody, was soon to begin. At the moment, he was staying with his mom in the family home and seeing his dad on weekends.

I was appointed as Pete's guardian ad litem. A difference exists between that role and the role of attorney ad litem for the child. Ad litem just means that the appointment is only for the duration of the trial. A guardian has the responsibility to determine and fight for a child's best interest at the trial. An attorney acts to protect the child's legal rights and presses to achieve the outcome the child wants. Sometimes a child has only one, sometimes both, and sometimes the

same person fills both roles.

In that case, if a conflict arises between what the guardian believes is in the child's best interest and what the child wants, the person must continue as the child's attorney, withdraw as his guardian and ask the court to appoint a new guardian.

My job was to tell the judge whether I thought it was better for Pete to be in the custody of his mother or his father.

Pete was ten and seemed to wear a permanent scowl. He had a deep voice that startled me, coming from a boy his age. At first he wouldn't say much, but he began to open up when he discovered we shared a passion for Rockets' basketball. I even managed to get a wide grin out of him. I waited for him to tell me what he was feeling. Eventually, this is the story that emerged:

He said his folks were getting the divorce because his dad had a girlfriend and his mom was always yelling. He said they both still told him they loved him, but they'd stopped loving each other. He never thought that would happen, and he was scared they'd stop loving him, too.

I explained that the love between parents and their kids is different than the one for each other. I assured him they'd always be his folks, and no way would they ever change how they felt about him. I'm not sure he was convinced.

I asked, "How are the visits with your dad going?"

He said, "I want to see my dad, but sometimes I hope he won't come."

When I asked why, he said, "Mom yells at him every time he picks me up. She tells him if he loved me, he'd pay his child support on time. He tells her if she loved me she'd spend the child support on me, instead of on stuff for herself."

"What do you do when that happens?"

"Nothing. I just try to get out to the car so I don't have to hear it."

"Is it easier for you when you're at your dad's apartment?"

He shook his head. "Last week I tried to talk to him about my new science project, but all he wanted to hear about was what Mom had been saying to me about him. Then he called her a bad name. He tried to get me to say I'd rather live with him."

"So you're glad to get back to your mom then?"

"Not really. As soon as I get home, she wants to know if there were any women at Dad's. Last time, a lady named Sherry was there, but I didn't know what to say when Mom asked that question. If I said no, I'd be lying to her. If I said yes, I'd be ratting on Dad, and he'd get mad at me."

"This is a really tough time, Pete," I told him, "but it'll get better. Your folks are both in a lot of pain right now."

"You know what I'd like?" he said, "I'd like to go away somewhere, so I didn't have to talk to either one of them."

I wondered if he might stay with a relative for a little while. "Is that honestly what you want, Pete?"

"Not really, I guess. I'd miss them. I love them both. And both of them make me feel guilty about that, about loving the other one, I mean. Sometimes they seem like strangers. Not like my Mom and Dad at all. I wish they'd get back together and we'd just go back to the way things were."

I told him, "I don't think that's going to happen, Pete."

"I know. So I just wish they'd get this divorce over with. One thing I know for sure, I'll never get married when I grow up. And no way will I ever have kids," he said, "All I can figure out about this whole love thing is, it hurts."

They were a pleasant couple, married twelve years, but now they wanted a divorce. Before they came to either of us, they had worked out what seemed to the other lawyer and me a fair property settlement, and I was thinking what a refreshing change they were from the bitter people lawyers must often represent in a divorce case.

The couple had a daughter, nine-year-old Cindy, and I asked my client if they had agreed on her custody, visitation and child support. They had. I smiled at the other lawyer. Our jobs were getting easier by the minute. When parties are well informed and create their own reasonable agreements, things generally work out better for everyone involved.

“There’s just one thing,” my client said, “We haven’t told Cindy yet, and we were wondering if you could help us.”

I was bewildered. “Help you how?”

“Well, you’re around these situations all the time, and you seem to care a lot about kids. We don’t have any idea how to make this as easy as possible for her. Could you give us some suggestions?”

I didn’t have any magic formula, but I told them to be honest with her. I said she’d need to be reassured that they would always love her and that the divorce wasn’t her fault. I mentioned that I thought it was important to give her as much specific information as possible about where she’d live and when she’d see the parent she wasn’t living with.

They planned to tell her that evening, and I asked my client to let me know how it went. He called the next morning and described what had happened.

He told me, “We sat down with her in the living room and her mother explained that we’re getting a divorce. Cindy just stared at us. I said we both love her, and we always will. I said the divorce isn’t her fault. Her mother told her we just don’t love each other any more. She said we can’t go on living that way and one day Cindy will understand.”

“What was Cindy’s reaction?” I asked.

“She said, ‘When did you stop loving each other? Did you still love each other last summer when we all went fishing and we laughed at Mom’s little fish and we sang all the way home?’ I didn’t know what to say.”

“What happened then?”

“Her mother started to cry and ran out of the room. Cindy just glared at me. I didn’t know what to do, so I tried to hug her, but she turned away. Then she said, ‘Who gets me for Christmas this year?’”



The custody of children is the most potentially explosive issue in a divorce. The subject is so emotionally charged, it’s hard for the parties affected to look objectively at what would be best for their children, doubly hard to set aside their own feelings and put their children first. Usually, no one really wins. The most you can hope for is nailing down the best alternative available for the child.

Other parties, often grandparents, may get involved. That can be a godsend, if the judge isn’t willing to place the child with either parent, and if the grandparents offer a suitable alternative. Sometimes, grandparents or other family members can provide the comfort and love that help a child to deal with the trauma of his parents’ divorce. But sometimes, their involvement just complicates matters.

When the dust settles after a custody battle and everyone scatters to lick their wounds, almost always they’re all convinced that what they did was for the child’s sake.

Ashley was the battleground over which her parents waged their war. She was the pawn and the prize in their divorce. Their custody battle was vicious. Gina, Ashley's mother, accused Robert, Ashley's father, of sexually abusing their little girl.

She offered no credible evidence to support that charge, and the judge didn't believe it was true. He awarded custody of Ashley to Robert. Gina had suffered emotional problems in the past and was on drugs for a short time, while Robert seemed to provide a stable, loving environment for the child.

Both Ashley and her mother were near hysteria when the social worker came to take the child to her father. But Gina had visitation rights. And she had very wealthy parents.

A month later, Gina was supposed to bring Ashley back from a weekend visit at 6:00 o'clock Sunday evening, but she didn't show up. Gina had never been punctual, so Robert didn't start to worry until a couple of hours had passed without any word from her. He tried to reach her by phone, and when there was no answer, he drove to Gina's apartment. No one was there, and the place looked deserted. At that point, he became frightened and called the police.

Weeks passed, but the investigation failed to turn up any trace of Ashley and Gina. Robert hired a private detective, but he could find no clue to where they had gone. They had vanished.

Robert was certain that Gina's parents had financed the whole plan. Gina couldn't have done it alone, but he wasn't able to prove anything. Six months later, Gina's parents liquidated what assets they could and left town.

For eight years, Robert poured all of his energy and extra resources into locating his daughter. He never gave up. Finally, by pure chance, there was a break. A friend of Robert's

parents was on a tour in England, when she spotted Gina shopping in a small town called Bourton-on-the-Water. She phoned Robert's parents in the States. They notified police, who called the authorities in England, explaining that there was an outstanding warrant for Gina's arrest on kidnapping charges.

Gina and Ashley, who was now thirteen, were eventually returned to Texas, and Gina's folks soon reappeared. Ashley's father asked me to file a motion to allow Gina to visit Ashley only with supervision. The judge promptly granted our motion. Ashley went back to living with her father. Gina was limited to seeing Ashley once a month, under the supervision of Robert's parents.

Because of a technicality, the kidnapping charge against Gina was dismissed. Robert sued Gina and her parents in civil court and was awarded \$250,000. He wasn't able to collect it, because Gina's parents claimed they were broke, and no one could prove otherwise.

Ashley was confused. All of her memories were of England. It was home. She spoke with an English accent. Though she knew she was an American citizen, she didn't feel American; she felt English. She and Gina had moved each year, from one village to another, changing their names with every move. Even Ashley's name no longer seemed her own. Gina taught Ashley at home, to avoid the problem of transferring school records. They rarely made friends, because friends ask questions. Wherever they went, they had a sense of being pursued.

Ashley wasn't sure where home was, but she knew she belonged with her mother. She was afraid of her father. Her mother said he had done terrible things to her. Ashley couldn't remember anything about that, but she hated him for keeping her away from her mother.

Gina believed that Robert was a rotten human being, and that nothing worse could happen to Ashley than being raised by her father. She thought everything she had done since the divorce was because she loved Ashley.

Robert had never molested Ashley. He was sure if she stayed with Gina, Ashley would become the same sort of liar and neurotic he believed Gina to be. He was convinced that he needed to rescue Ashley from her mother. He believed everything he had done since the divorce was because he loved Ashley.

Gina's parents trusted their daughter's opinion of Robert, and right or wrong, they would go through fire for their granddaughter. They believed everything they had done since the divorce was because they loved Ashley.

And every night, Ashley locked her bedroom door and cried herself to sleep.

When couples divorce, it's usually easy to get a judge to order child support. It isn't always easy to collect it.

Love song, first verse: When Carla and Ron were seventeen, they announced to their parents that they were getting married. Their parents tried to talk them out of it. Carla said she'd run away and marry him if she had to, and Ron said he'd get her pregnant, if their parents didn't agree. Finally, their folks said okay. Carla's parents blamed Ron and his parents. Ron's parents said Carla was a little tramp. But Carla and Ron were in love.

They got married on Friday, and Ron started to work at Safeway on Monday. Carla found a job at Burger King.

The first three months were fantastic. Then Carla found out she was pregnant. Suddenly, she was throwing up all the time, and she missed a lot of work. After a couple of months, she was fired. Ron found a better job with a friend of his father's, who owned a camera store. Even without Carla's paycheck, the young couple was able to get by, but just barely. Carla had the

baby, a little boy they named Parker.

Love song, second verse: Ron wanted her to go back to work to help with the bills. She wanted to stay home with the baby. They started to fight about that and a lot of other things, such as money, their folks, and the weight she'd put on. He stayed out later and later, more and more often.

One day, when the baby was just a year old, Ron didn't come home at all. He simply left. His clothes disappeared from the apartment two days later, while Carla was out looking for him. His boss told her he had quit his job. Carla went to Ron's parents' home. When his Dad answered the door, he didn't invite her in and would only say that they didn't know where Ron was.

Carla's folks let her come back to live with them. They weren't happy about it, but Carla and Parker had no place else to go. Though Carla wasn't trained for any sort of work in particular, she got her GED at night, while her mother watched the baby. Then she found a job as a file clerk.

A year after Ron disappeared, Carla got a divorce. The judge gave her custody and set a small amount of child support. That didn't mean much, since she still hadn't found Ron, but with her parents' help, she managed.

As Carla was coming out of the Laundromat one day when Parker was four, she saw Ron. He was talking to a couple of men she didn't know. At first, she wasn't sure it was Ron. She thought he was taller. He spotted her and looked as if he might run. She called his name, and he stopped.

For a minute or so, they just stared at each other. Finally, she shouted, "You've got to start paying child support."

All three men laughed. Ron yelled back, "In your dreams!" and walked away.

As she watched him go, Carla tried to remember loving him, but the man who turned the

corner and disappeared was a stranger. She followed him and saw him go into an apartment complex nearby. She came to me the next day, and we filed a motion for contempt to force him to pay child support.

Love song. Third verse. By the time the papers were ready to be served, Ron was gone again. She's still looking for him.

Ann walked into my office, sank into a chair and burst into tears. I represented her, and we had gone to court a month earlier to get her divorce. The ending of her ten-year marriage was as quick and painless as such a thing can be. She and Phil settled the division of their property, and more importantly, they agreed to joint custody of their eight-year-old daughter, Sarah. The couple even had lunch together after the divorce hearing.

Such friendly divorces are rare, so it surprised me that Ann seemed so upset. I pulled a chair close to hers and handed her a tissue from the box that always sat on my desk.

"I don't know what to do," Ann said, "Sarah is barely eating enough to get by, and she wakes up with nightmares. She'll hardly talk to me, and she looks at me sometimes as if she hates me."

"Have you talked to her dad about it?" I asked.

"He says she's behaving the same way toward him," she replied.

I said, "Well, their parents' divorce is always a rough thing for children. It's only been about three months since you and Phil stopped living together, and the divorce moved quickly, because you worked out all of the issues. Maybe Sarah just needs some time."

Ann had been taking Sarah to counseling, and I asked how that was going.

“The counselor says Sarah is afraid we’ll stop loving her, like we stopped loving each other,” Ann said, “He says we just need to keep showing her we love her and give her time to adjust.”

Ann shook her head. “She didn’t act this way before. She’s only been like this since we went to court.”

Weddings and divorce hearings are neither the beginning nor the end of the processes they recognize. But they matter, because they are society’s way of acknowledging the parties’ status and committing them to it. A child whose parents have separated often fantasizes about their getting back together. Sometimes, only the formality of a divorce being granted convinces the child that what she has been praying for is never going to happen. That gave me an idea.

If Sarah’s sense of security had been damaged by a divorce ceremony, perhaps a ceremony of a different kind could restore it. Most divorced couples would never agree to what I had in mind, but this pair might. Ann said she’d discuss the idea with Phil.

She phoned later and said, “Let’s do it.”

The following Saturday afternoon, a half-dozen of Ann and Phil’s friends and family gathered in my office. The scent of roses and carnations filled the room, and soft music played from my sound system. Ann and Phil stood before me. I asked them to go to my office door, where Sarah was waiting, and bring her in together.

Sarah entered between them, wearing the new blue dress Ann had helped her choose. They had matching pink corsages.

When the three of them came forward, I said to the guests, “Friends, we are gathered here for a ceremony of family commitment. Will each of you promise to support and encourage Ann and Phil and Sarah as they make this commitment to one another?” There was a chorus of, “I will.”

I took the Bible from my desk and asked Phil to place his hand on it and swear to “tell the truth, the whole truth and nothing but the truth.” Then I made the same request of Ann, and finally, of Sarah.

I asked both Ann and Phil to take one of Sarah’s hands and repeat after me, “Sarah, we are your mother and father, and nothing will ever change that. We love you with all of our hearts, and nothing will ever change that. We will take care of you and be there when you need us, and nothing will ever change that. We are no longer husband and wife, but today, we promise you, and each other, to be loving friends always and to help one another become the best parents we know how to be.”

Then I said, “Sarah, you have heard the promises your mother and father have made. Do you accept those promises?”

She whispered, “Yes.”

“And will you always love them, as they have promised to love you?”

She smiled and said, “Yes.”

I said, “Because of the vows you have made to one another, and by the authority you have given me, I pronounce that the three of you are, and always will be, family. Now each of you may hug the other two.”

The embraces were long and warm. People began to clap, and I found my eyes brimming with tears.

Sarah chattered happily, as she helped serve punch and cake to the guests. Some tough times waited ahead. Ann and Phil weren’t perfect, and they knew it. Sarah would still have sad and angry moments. But that day was the first step toward her healing.

Chapter Nine

The Loss of Childhood: Those Who Must Grow Up Too Soon

We like to picture childhood as a time of innocence and joy, a time to learn and play and grow, a time for a child to be cherished and nurtured. But that isn't the reality for all children. Once in a while, life intervenes and tears away childhood, forcing children to become adults much too soon.

The situation may result from some behavior of the child's parents, but sometimes it's nobody's fault, it's just the way circumstances unfold.

Lila was a good student, but didn't have much interest in boys or going to the mall or any of the things most girls her age enjoy. She never brought friends home.

She took care of their house, cooked the meals, did the laundry and saw that her brother, Matthew, got off to school on time. She looked after her mother, too. They lived on money her mother had inherited, as their only child, when her parents died.

Her mother was always so pretty and so gentle. She would stroke Lila's cheek and call her "my baby." Lila didn't mind bearing all the responsibilities, because she adored her mother. Besides, she knew that her mother just couldn't take care of everything that needed to be done.

Early on, Lila had realized that her mother wasn't like other people. She sometimes lived in an imaginary world, where Lila couldn't follow, and Lila fiercely protected her. She kept people away and handled problems of the real world, where her mother couldn't cope. Things weren't perfect in her family. They hadn't been since her father left them one day two years

earlier, but because of Lila, they managed.

Then one day, when Lila was late getting out of school, her mother decided to come and find her. The school was only two blocks away, and somehow her mother managed to walk the entire distance without anyone stopping her.

Lila was just leaving when she saw her mother coming up the walk. Lila stopped short, stunned. Her mother had forgotten to put on any clothes. Lila ran to fold her arms around her mother, and hustled her inside to the school nurse's office, where she got a blanket. The nurse called mental health authorities, despite Lila's protests. Lila and her brother were placed with Children's Protective Service.

It was only later, after all the doctors' evaluations, that her caseworker explained her mother's illness to Lila. A judge committed Lila's mother for treatment.

On her monthly visits with her caseworker, the first thing Lila always asked was, "How is Mother?" Next, she always wanted to know about her brother, Matthew, who was eight. At fourteen, Lila seemed more like thirty, with her quiet, serious ways. The caseworker told Lila about her efforts to find a foster home where she and Matthew could be together.

"I could take care of him myself, you know. That's what I've been doing all along," Lila said, "And we could be getting everything ready for when Mom comes home."

Then she began crying, because she was only fourteen, and she knew no one would listen to her. The caseworker didn't tell her what the doctor said about the chances that her mother would ever come home again. The poor kid didn't need any other worries right now.

Lila dried her eyes and asked when she could see Matthew. She said, "He'll be scared without me, you know."

Dee Dee had known since she was little that she would have to get away from home if she was ever going to make it. She'd never talked a lot, but she watched and she listened. All those years of her childhood, she saw the way her mom lived, and she was determined that her life wasn't going to be like her mother's. In her memories, her mother was always tired, or worried about money or terrified of her dad. Nobody laughed very often around her house.

Her mom worked in a laundry. She didn't have much education, but she did the best she could to see that Dee Dee had what she needed. Her dad was a painter. He worked sometimes, but mostly he drank and beat her mother.

When her mom knew she was dying of cancer, she called Dee Dee aside one day and gave her a small box. Inside was a roll of bills held together by a rubber band. Her mother hugged her tight and cried.

She said, "Honey, I been saving this a long time for you. I wish it was more, but it's all I could do. You listen to me, now. You take this and don't let your daddy know you got it. Hide it real good. You're gonna need it."

Her mother died when she was fifteen. After that, her dad started drinking even more. Most of the time, he didn't seem to notice Dee Dee at all. Once, when she talked back to him, he knocked her across the room. After that, she just kept the house clean and stayed out of his way.

They were evicted once, but somehow, they got by. Dee Dee became very skilled at stretching the few dollars that came in.

A week before her sixteenth birthday, a teacher convinced one of her friends to give Dee Dee a job as a hostess in a restaurant he owned just a few blocks from the school.. That weekend, after her dad got drunk and passed out, she took her clothes and left.

She used the money her mother had given her to rent a tiny efficiency apartment, which the teacher helped her find. She had enough left over to buy a few pieces of used furniture: a bed,

a table and a chair. It wasn't much, but she could walk to school and her job, and to her, it seemed like heaven.

The teacher gave her a few linens, dishes, kitchen utensils, and even a small TV she had not been using. Everything was going well. It was hard, keeping up with classes and working, too, but she had promised her mother she wouldn't quit school, so she kept plugging away. When she got home at night, she felt a deep sense of peace.

Then her Dad found out where she was living and started coming around. One Saturday, he banged on her door and started yelling at her. She finally let him in, because she was afraid the neighbors would complain. He was drunk, and he demanded that she give him money. When she refused, he hit her. Then he got into her purse and took her last twenty dollars.

Dee Dee felt absolute despair, until the same teacher, who had grown very fond of the girl, told her there might be something a judge could do. The teacher was a friend of mine, and I told her I wouldn't charge anything to handle the case.

They came to my office, and I explained that, because she was a minor, the law gave Dee Dee's dad the right to her earnings, and he could even insist that she move back home. However, I thought we might have a solution to the problem, and I explained about removal of the disabilities of minority. That's the power a judge has, under certain narrow conditions, to remove a parent's control over a child. It allows the child to manage her own affairs and live, in most respects, as an adult. I told them I believed Dee Dee met the requirements for asking the judge to do that, and we filed the necessary papers.

When we went to court, the judge granted our request. Dee Dee was free to manage her own life, as if she were an adult. The judge ordered Dee Dee's dad to leave her alone. As he left the courtroom, her dad didn't look at her.

She told me that, as she watched him go, she suddenly remembered a day when she was

about five. It was before he started drinking so much. They had gone to the zoo, and he held her hand as they walked from cage to cage. He bought her an ice cream cone, and they watched the baby monkeys.

For a moment, she wanted to run after him, but then she remembered her mother and let him go.

Chapter Ten

The Hardest Decisions: Matters of Life or Death

Deciding when to take children from their parents and when to return them is an awesome responsibility. Caseworkers, lawyers and judges are well aware of its importance. Such decisions alter forever the lives of the children involved, as well as those of their parents. The scary thing is remembering that you're human and realizing that, despite your careful consideration of the evidence, your thoughtful evaluation of what the experts say, and your gut instinct screaming that this is the right decision, that decision may be wrong. Logic says that when you make hundreds of such decisions, not all of them will be the right ones. A wrong decision might result in harm, even death, for a child.

His name was Cody, and he was six-months-old. He was hospitalized with head injuries, but fortunately, doctors expected him to make a full recovery. The question was, did an accident cause the injury or did someone harm him intentionally? And if so, who?

Those were the questions in the case that came before my court.

The doctor testified that the baby's injuries were consistent with an intentional blow to his head, but they could as easily have been caused by a fall onto a hard surface. Did someone deliberately hurt Cody, or was he the victim of an accident? The doctor said it was impossible to be sure which.

The parents, an attractive couple in their mid-twenties, met in college and married the year after they graduated. Cody was their first child. The mother, Heidi, returned to her job as a

teacher shortly after Cody was born, though the father, Jim, wanted her to quit work and stay home with the baby. Jim was racing along the fast track toward management with a major electronics firm.

The evening before the injury occurred, their usual sitter, a motherly woman named Mrs. Harrison, called to say she was ill. One of the teachers at Heidi's school had mentioned that her sister, a Mrs. Paulsen, sometimes took care of babies. They got in touch with her. She gave them references. She didn't seem especially friendly, but it was only for a day or so, and Heidi was running late when Mrs. Paulsen arrived. She left Cody with the sitter and went to work.

Heidi was alone with Cody from 3:30, when she got home from school, till Jim arrived at 6:00. He watched Cody while she went to the grocery.

The parents said they didn't realize anything was wrong, until Cody began crying that night. When they examined him closely, they found a swelling on the back of his head. They rushed him to the emergency room, and the hospital contacted Children's Protective Service.

Cody's injury could have resulted from an accident, but all three people who had been alone with him that day insisted he hadn't fallen or hit his head. If a deliberate blow caused the skull fracture, who struck him? All three strongly denied hitting the baby.

It was a serious injury, and it hadn't just occurred spontaneously. Children's Protective Service took custody until the matter could be sorted out.

Psychologists tested the parents and found nothing that caused alarm. Children's Protective Service asked the parents to attend parenting classes, and they did. Social workers observed the child during his parents' visits. Nothing in the babysitter's history indicated that she had ever mistreated a child. Several months later, the authorities were no closer to determining the cause of Cody's injury than they were in the beginning.

The time came when a decision had to be made. The truth is, no one is sufficiently

qualified to make such decisions. Like many judges, before I took the bench each morning, I asked God to guide me. I'm not sure I always got His message.

You just do the best you can, because when the time comes for a decision to be made, a judge can't abdicate that responsibility. To do nothing, to allow the situation to remain unchanged, to rule by default is itself a decision with its own consequences.

Little hope remained that we would ever know what really happened to Cody, and he had to have some resolution to his situation. Should I return him to his parents or remove him permanently from their custody?

As the judge, I had to decide that question. Keeping a child out of his home may solve some problems, but it creates others. It can disrupt and damage the relationship between the child and his parents. Unless circumstances at home pose too great a danger to their health and safety, kids do better with their own mom and dad.

Young children are placed at especially great risk when they're removed from their parents. Experts say it's essential to a child's life-long emotional health that the bonding between a child and his primary caretaker occurs during the first few years of his life. If it doesn't, he may never learn to trust or form lasting emotional attachments to others. Sometimes, after a child is taken from his home, he has several different primary caretakers, and with each disruption of his attempt to bond, it becomes harder to do so.

The need for foster homes exceeds the number available, so it's sometimes necessary to place children in group facilities. Often they're understaffed, which results in a baby being fed and changed, but little else.

A baby requires cuddling and having someone talk to him and play with him. It isn't optional. A baby who doesn't receive such treatment may develop, not only personality disorders, but a condition called failure to thrive, which can be fatal.

Sometimes, the argument for removal of a child from his home, and even termination of parental rights, is supported by facts that are clear and undisputed. Those are the easier cases to decide. Sometimes, the facts of the case don't paint a picture in black and white, but gray. Those are the hard ones.

Any time the state removes a child from his home, either temporarily or permanently, a weighing process takes place. Those who decide when, if ever, to return him to his parents must weigh the danger to the child if they send him home, against the harm to him if they do not.

The right of parents to raise their own children without interference from the state, except when circumstances demand it, is fundamental. No right in our society is more important, and that right must also be protected. Our law doesn't allow the courts to just step in and take children from parents, because we believe the children might be better off elsewhere, nor would we want it to. Courts may take such actions only for narrowly defined reasons. And the facts that support those reasons must be proven in every case. That isn't always possible, even when everyone involved believes they exist.

One of the best things about being judge of a court that handles children's cases is that you can do something positive for kids, because you get to make the decisions. One of the worst things is that you must make those decisions. To do nothing, to allow the situation to remain unchanged, to rule by default, is itself a decision, which carries its own consequences.

No one could prove that either of Cody's parents hurt him. They might have. But the law required the evidence to be clear and convincing that they had done so, before I had the authority to take him away from them for good. The evidence before me did not meet that standard.

I could delay the case in the hope that some further evidence would surface, but the baby needed to be at home. If bonding with his parents, which had already been interrupted, was to develop normally, he must be returned without further delay.

I sent Cody back to his mom and dad, and Children's Protective Service monitored his situation for a time. I dreaded learning that he'd been hurt again, but there were no more injuries.

Apparently, I made the right decision. But it could have been the wrong one, and every time I weighed the facts and returned a child who had been injured to his parents, I knew that. Many nights, I didn't sleep well.

It was around 9:00 when the judge called one night and asked if I would accept appointment, starting immediately, to represent a child in a particularly difficult case. He told me he'd understand if I said no. He had to decide whether to let a hospital turn off a child's life support system.

Jeffrey was ten. His parents were drug addicts, who beat him and left him to fend for himself. The police uncovered his situation when he was caught trying to steal money from the cash register of a grocery across the street from his school. He wanted to buy something to eat. He was hungry.

The judge took him from his parents' possession and placed him in the temporary custody of Children's Protective Service. He went to live in one of the agency's group homes. One night, there was a fire, and Jeffrey was trapped in his room. Though the flames never reached him, by the time firemen battled their way to Jeffrey, he was unconscious from smoke inhalation.

That had happened several days earlier, and the hospital told Children's Protective Service that Jeffrey was brain dead. They planned to remove him from life support the next morning.

My job was to stop them from doing that, until I could research the law, look into Jeffrey's condition and recommend to the judge whether to allow the hospital to take away the machines that kept the child's body functioning.

I told the judge I wasn't thrilled to be given that responsibility, but I'd do it. I hurried to prepare papers asking the judge to order the hospital not to turn off the machines that sustained Jeffrey's life. The order would be good for ten days, after which a hearing would be held and the judge would decide whether or not to allow the hospital to remove life support.

At about ten o'clock, I knocked on the judge's door, and he signed the order. Then I drove to the hospital, where I met the Director of Children's Protective Service and gave him a copy. I had called ahead to see who was available to accept the papers for the hospital. Once that had been done and I had been assured that those responsible for removing life support would be aware of the order and obey it, I headed home. I couldn't sleep.

The next morning, I had an appointment with doctors and administrators at the hospital. The neurologist insisted that Jeffrey was brain dead. He would not recover, though the rest of his body, thanks to the machines attached to him, still functioned. If they removed the life support system, they expected his organs to shut down and his body to die. In every practical sense of the word, Jeffrey was already dead, they said, even though the machines kept his body working.

Impatient and terse, the hospital officials and the doctors were clearly annoyed by the judge's order. They urged me to ask him to set it aside, so they could proceed to turn off Jeffrey's life support. I said I would have to know a lot more and consider the matter carefully before I could agree to that. I talked to several doctors who had seen Jeffrey, and they all agreed with the prognosis.

I dreaded seeing Jeffrey, yet I was his lawyer, and I felt I needed to visit him. The boy looked like any kid his age. He seemed to be asleep. If you ignored the machines, you could

easily imagine him hopping up and racing outside to shoot a few hoops with his friends. I took his hand, and it was warm. In my heart I said a prayer.

The law in Texas defining death was vague at that time. It accepted that death had occurred when the heart stopped beating. But it certainly did not define loss of brain function as death. If the doctors removed the machines that kept Jeffrey's heart beating, under the law, would that be murder? Could I live with recommending it?

The medical literature was filled with instances of people in comas, who were expected to remain comatose for the rest of their lives, but who suddenly awakened months later. I was not a doctor, and I had to accept the prognosis Jeffrey's physicians gave me. Still, doctors are human, and sometimes they are wrong. Besides, what is medically impossible today often becomes commonplace in a few years.

I could understand the hospital's position and even sympathize with it. The doctors felt sure Jeffrey would never regain consciousness, and the cost of his care for an indeterminate period of time would be enormous. Who would take care of it? Would the hospital be left to pay the bill?

I wondered what Jeffrey would want if he knew the dilemma facing us all. Would this ten-year-old choose to hold onto life, with the hope that medicine would be able to help him sometime in the future?

Yet, perhaps refusing to allow the doctors to shut off his life support was condemning him to a ghastly fate no one could ever want. Life with no awareness seems scarcely life worth living. But would taking the action that led to his death be just another form of mercy killing?

What did Jeffrey's parents want the hospital to do? When I spoke with them, they left no doubt that they wanted the life support removed. Though it was their treatment of Jeffrey that led to his being taken from their custody, they accepted no responsibility for his situation. They had

already been to see a lawyer, and told me, "Once he's gone, we'll file a law suit against the agency for causing his death." I asked if they had seen him at the hospital, and they gave me a blank look.

I hoped they wanted Jeffrey's life support removed because they thought that was best for him, but I wasn't sure that was their reason.

Children's Protective Service officials were wary of agreeing to removal of the life support, because that might expose them to greater liability for Jeffrey's death.

Everyone had their own agenda, but I had to determine what the law required and, within that framework, what was in Jeffrey's best interest. I researched the law and examined my own conscience. I could not ask the judge to allow the hospital to remove Jeffrey's life support.

I had subpoenaed Jeffrey's medical records, and noted that they indicated his kidney function had "improved." His brain might be dead, at least within the framework of the knowledge and abilities of medical science at that time, but the rest of his body definitely was not.

On the day of the hearing, the neurologist was on the stand, and I was about to cross-examine him, when an amazing thing happened. The bailiff told the judge there was a phone call. It was a hospital official, telling the judge that Jeffrey had just died. Again, I didn't understand how that could happen, if he had been dead all along. And the timing? Incredible.

In my hand was a death certificate for Jeffrey. I had intended to hand it to the neurologist and ask him, if Jeffrey was indeed dead, to sign it. I've always wondered what he would have done.

Among the toughest decisions a judge or an attorney representing a child ever faces are those involving life or death for the child. Such judgments are rarely necessary, but when they are, the memories stay with you for a very long time.

Meredith had cancer. She was an eleven-year-old only child, and her parents were frantic. They had the money necessary to provide the finest doctors and most advanced treatment available for her. But the little girl's cancer spread, and nothing was able to halt its progress. Meredith was going to die. Her physician insisted that his treatment offered the best chance of prolonging her life.

Her parents heard of a controversial doctor in Mexico, who claimed he was able to cure many cancers with his new miracle drug. They planned to stop her present treatment and fly her to his clinic in Guadalajara.

Meredith's doctor pleaded with her parents not to end her current treatment, and warned them that doing so would cause her to deteriorate quickly and speed her death. Her parents refused to change their plans, but before they could leave the country, the doctor called Children's Protective Service. The agency took emergency custody.

Meredith was placed in a special foster home, and arrangements were made for her treatment to continue. At night, she cried for her mother. Her mom and dad were allowed to see her, but only under supervision.

A couple of days after she was removed from their home, her parents filed a writ of habeas corpus, asking to have her returned to them. Under the law, their child could only be taken from them if being in their care placed her in danger. They based their request on the

argument that they had never harmed their daughter. They insisted that she faced no more danger from the treatment they wanted to provide for her than she would if she remained under her present doctor's care. He had told them that he could do nothing to prevent her death. At least, the new treatment promised a possibility for life.

The case came before me, and I listened to the doctor's testimony then asked again, to be certain, "What is her prognosis if you continue her present treatment?"

"Her disease is terminal. Short of a miracle, we can only prolong her life," he replied.

I asked if he could tell me how long she might live, and he said, "It's impossible to tell. Maybe three months, maybe even six."

"And could the end come sooner than that?" I asked.

"Well, of course it's always a possibility," he said, "But I think we can give her a little more time. That's why I want to keep her here under my care."

I turned to her parents, and said, "I'm so sorry. I can't even imagine the pain you must be experiencing. But I have to follow the law. I'm required to decide whether being in your custody presents a serious threat to her welfare. If I find that it does, I cannot send her home with you. Do you understand?"

They both nodded.

"If I leave her in your custody and order you to remain here and continue her present medical treatment, will you do that?"

They both were crying, but her father replied, "How can we do that? We believe her only chance to live is with the doctor in Guadalajara."

"Forgive me, but what if you are wrong and she dies soon after she begins the new treatment? What if you realize that she lost time she might have had if you had stayed here?"

Her mother said, "At least we'll know we tried, we fought for her life the only way we

knew how. She'll know that, too." She lowered her head and said, "And we'll be together. She won't be in some foster home. We can hold her, be with her every minute."

I spoke to the doctor once more. "You said that she will die, despite your treatment. But then you added, 'Short of a miracle'."

He replied, "Yes, I'm sorry."

"And do you believe such miracles are possible?" I asked.

"I think most doctors do believe they can happen, yes."

"And do you believe such a miracle is more likely if Meredith stays here, under your care, Doctor?"

"No one can answer that," he said.

"Can you assure me that the possible miracle you described might not be waiting for her in Mexico?"

The doctor was silent.

Meredith was eleven, and I asked the caseworker if the child fully understood her situation. The worker said that she did. Then I asked what Meredith wanted.

The worker said, "She wants to be with her Mom and Dad."

Did being in her parents' custody present a clear danger to this little girl? It meant she'd probably have less time to live. But if the end result was to be death, didn't the quality of whatever time she had left matter, too? If so, there was no question that keeping her from her parents was a terrible thing to do to all three of them. Could I deny them the opportunity to grasp this one last chance to save her, and could I deny her the knowledge that her parents were fighting for her to the end?

Would the doctor in Guadalajara be able to save Meredith? I didn't believe it for a minute. But her own doctor said he couldn't do so either, and who was I to deny her and her

parents the chance to find out if a cure was possible? Hope, faith, and the possibility of a miracle. Only her parents could offer them to Meredith, and in our darkest hours, what is life worth without them?

I returned Meredith to her parents and they left for Guadalajara the same afternoon. She died a couple of weeks later.

Did I do the wrong thing? I pray that I didn't, but I would make the same decision today.

Chapter Eleven

Children and Violence: Those Who Are Victims and Those Who Kill

As I raised my hand, stood as tall as I could and took my oath as an attorney, what I wanted most to do was to represent kids. I not only wanted to help kids who had been abused or neglected, but those who were victims of crime, and even children who committed crimes themselves. My mother, a teacher, told me once that the most satisfying life anyone could have was serving children. She and Dad died before I was able to do the things I hoped I could to repay them, so this seemed the perfect answer.

Judge Wallace Miller was a local juvenile court judge. He phoned and invited me to come to his court for some appointments as the attorney for children.

I was ecstatic and scared to death. As I stood in court with my first client, a thirteen-year-old boy charged with stealing a bicycle, I was shaking harder than he was. He reached over to touch my arm and whispered, "Hey, it's okay." Judge Miller gave him probation, and both my client and I thought I was the best lawyer in town. It never occurred to me that I simply couldn't have bungled the case badly enough to cause a different result.

That was in 1971. We dealt then with kids who were truant from school or stole a six-pack from the convenience store or ran away from home.

The State of Texas said he sabotaged a train. John Paul said he did not. He was ten years old, a sturdy little kid, with a smile that could melt a rock. I was his lawyer.

Someone had fooled around with some switches and a couple of freight cars were

derailed. No one was hurt, but it was serious business, and John Paul ran when the engineer spotted him near the wreckage.

John Paul told me he did run, but he said, “That wasn’t because I made the train pile up like that. I wouldn’t even know how to. Besides, I couldn’t ever do anything that bad.”

I asked, “Then why did you run?”

He said, “There was all sorts of stuff lying around after the wreck, and I picked up two packages of Bisquick. That man saw me take them. I never stole anything before, and I was scared. So I ran.”

I asked what he did with the Bisquick, and he looked somber as he said, “I took it home and told Mama I’d found it. She made me some biscuits and gravy.”

His mother said that was the truth, and I believed them.

John Paul said he knew it was wrong to take the Bisquick, and he was sorry. He said his Mama had already told him he’d have to use his own money to pay the railroad for their Bisquick.

The Assistant District Attorney believed John Paul, too, and dismissed the charge of sabotage.

John Paul’s mother wouldn’t let him go anywhere for a month, and he didn’t come home next to the railroad tracks any more.

The Bisquick Bandit sent the railroad a note apologizing for what he did and enclosed money he had earned to pay for the Bisquick.

The world of juvenile crime changed dramatically in the following thirty years. Juvenile courts such as mine rarely even dealt with what we came to consider relatively minor problems. Our dockets were too filled with drug cases, burglaries, armed robberies and murders.

The defendants presented a different picture, too. Many showed no remorse and no

empathy with their victims.

Kids aren't born knowing how to act. They first learn that lesson from mom and dad. Just as some kids follow dad into the family business or become a teacher like mom, others steal or deal drugs, because they learned that from their parents. Is that an excuse for a child's criminal behavior? Certainly not. All of us, even children, are responsible for our own choices. Nevertheless, while having such role models isn't an excuse, it may help us understand, at least in part, why some children break the law.

His real name was Michael, but no one called him that except his mother. His street name was "Little Axl," because he idolized Axl Rose of Guns n' Roses. He was sixteen years old, a veteran of juvenile court.

He started sneaking money from his mother's purse when he was around nine. A couple of years later, he began helping his older brother steal cars. Eventually, they moved to burglarizing houses. They were caught, and his brother went to prison. His father had already been there for several years.

Little Axl went on to bigger things. He discovered how much money he could make selling cocaine for a neighborhood drug dealer. He got a beeper, bought a gun from a friend of his brother's, so he'd have some protection, and went into business.

His mother knew he wasn't going to school, and she knew the kind of people he was

hanging out with. She didn't want him to do anything wrong, but she wasn't sure how to stop him. Besides, she had two younger children, and she was so tired. It took all she had just to keep going.

Anyhow, the money he sometimes brought home helped a lot. She didn't ask where he got it. She didn't want to know.

But one night, there was big trouble. Things didn't go the way they were supposed to, and Little Axl shot a man five times, at point-blank range. The police came to his house and roused him from bed a week later. They took him away in handcuffs, and the state charged him with murder.

A psychiatrist talked with Little Axl. Afterward, she said he was scared about what might happen to him, but he showed no sign of being sorry for what he had done.. When she asked why he killed the man, he just shrugged and said, "Hey, the dude wasn't going to pay me."

The case came before me, and I sent Little Axl to criminal court to be tried as an adult. A jury there sentenced him to life in prison.

A few months later, his little brother stole \$20 from his teacher's purse.

How parents react when their child is charged with committing a crime sends a strong message to the child about their opinion of his behavior. If the child did what the state charges, do his folks let him know they disapprove of his actions, or do they brush them aside as a sign he's just a kid? Do they place responsibility for the trouble he's in with the child or the state?

Kyle's parents were outraged, and they wanted their day in court. Actually, they wanted their son's day in court.

Sixteen-year-old Kyle was a junior in high school. Despite the boy's protests, the principal had searched Kyle's late model Thunderbird in the school parking lot. He found a loaded .38 revolver and a plastic bag containing crack cocaine. He called the police.

The District Attorney's office filed drug and weapons charges against Kyle in juvenile court. His parents hired a well-known local defense attorney to represent him.

When the case came before my court, Kyle's attorney claimed the school had no right to search his client's car. He said the school violated Kyle's constitutional right against unreasonable search and seizure. He argued that Kyle hadn't consented to the search, and the principal had no reasonable grounds to search the car.

Children charged with offenses in juvenile court are guaranteed the same rights that protect adult criminal defendants. If, as Kyle's attorney said, the principal had no reasonable grounds to think that Kyle was committing a crime, and if Kyle had not agreed to let the principal search his car, it was an illegal search.

That would mean that neither the crack nor the gun could be used as evidence against Kyle. The state would have no proof, and I would have to dismiss the case.

No one claimed that Kyle had consented to the search, so the question came down to whether or not the principal had reasonable grounds to believe Kyle was committing a crime. If so, he could search the car, if not, the law forbade it.

The principal testified that he searched Kyle's car because a teacher asked him to. He said the teacher saw Kyle making several calls on his mobile phone before class. Then Kyle said he was sick and had to go home. The teacher thought he might be arranging a drug deal.

Judges are sworn to uphold the law, whatever the result may be, because it is the law

which ultimately protects us all. Sometimes that meant I had to do, or not do, something that disturbed me greatly. I didn't want to exclude the evidence in this case, but I had no choice. Making calls on his mobile phone and the teacher's suspicion failed to constitute reasonable grounds to search the car.

If I could, would I change the law that required me to dismiss Kyle's case? No. I believe in our Constitution. The Bill of Rights, with its prohibition against unreasonable searches and seizures, must apply to everyone, even the guilty, or it is guaranteed to no one, even the innocent.

Kyle had lounged at the counsel table with his attorney and his parents, smiling slightly, throughout the hearing. After I dismissed the case, I could see them all out in the hallway, laughing and slapping one another's back. They were acting as if Kyle had won a race. The attorney returned to the courtroom to file a motion requesting the return of Kyle's father's gun.

I wondered how long it would be until Kyle was back in my court and what the charge would be next time.

Jimmy was ten years old, the first client I represented who was accused of murder. A freckle-faced boy, who looked like my mental picture of Tom Sawyer, he was charged with killing his mother.

At the time of his mother's murder, Jimmy's parents were separated and in the midst of an ugly divorce. He said he went to his dad's for a week-end visit on Friday, stole his gun from a bedside table and took it home in his backpack on Sunday evening. That night, while she was sleeping, Jimmy crept into his mother's room. She was lying on her side, facing away from him. He placed the revolver against the back of her head and pulled the trigger. Then he called his dad

to tell him what he had done.

His dad called 911 and hurried to reach Jimmy. He was a short distance away, and he arrived before the ambulance or the police. When the officers came, Jimmy's dad said, "Tell them what you did, son." Jimmy poured out everything, and the police took him into custody.

The judge appointed me to represent him, and I drove to the juvenile detention center, where he was being held.

We talked for a few minutes, then he said, "I thought that's what he wanted me to do. I know it was."

I said, "What do you mean? Who wanted you to do what?"

He lowered his head and said, "My dad."

I looked at him for a moment and said, "You think he wanted you to kill your mom? Why? Whatever made you think such a thing, Jimmy?"

He didn't answer, and I said, "I really have to know. Did he tell you to shoot her?"

After a moment, he looked up and said, "No. Well, not exactly. But he hated her. He said she was going to make it so he couldn't see me any more. He said she was a bad person and he wished something would happen, so she couldn't keep hurting us."

A lot of couples who are getting a divorce say bitter things about their spouse, even wish aloud that some harm would come to them. Occasionally, parents say such things in their children's presence. Usually, they're just letting off steam. Such remarks may hurt a child emotionally, but that's the end of it. This had a different feel.

"Jimmy, how did you know about your dad's gun?" I asked.

He said, "He showed it to me. He'd just had it a few days, and he showed me how you use it and everything. He said it would take down anybody with one shot. Bang, and they'd be dead."

I asked, "How did you know where he kept it?"

"He told me he kept it in the table by his bed, so nobody could break in and surprise him at night."

It was a warm summer day, but I felt cold.

I asked if he had told the police any of this, and he said, "I told them I shot her because I was mad at her for getting the divorce. They knew the gun was Dad's, but I said that I found it. I didn't want to get him in trouble."

I tried to persuade Jimmy to tell the police what he had said to me, but he shook his head. I did get him to agree to talk to his dad about why he killed his mother.

When his Dad arrived at the Detention Center, Jimmy ran to hug him. They talked for a few minutes, and then I asked his dad if he knew why Jimmy shot his mother, and he said, "Who knows why kids do anything these days? I guess he hated her because she wouldn't let him live with me. The woman was a bitch."

Jimmy blurted out, "I did it because you wanted me to."

His dad bolted up, knocking over his chair, "That's crap. I never heard anything so stupid. I didn't tell you to shoot her. Don't try to blame me for what you did," he shouted over his shoulder, as he stormed from the room.

Jimmy was in tears. He said, "I thought that would show him how much I love him. I don't care what he says, I know he wanted her to die. I thought he'd be proud of me for having the guts to do it."

The judge gave Jimmy probation because of his age, the fact that he had no prior record and the unusual circumstances of the case. He placed him with a maternal aunt and uncle, who lived several hours away, and ordered that he receive counseling.

The last time I saw Jimmy, he asked me to tell his dad that he missed him.

Two boys occupied my thoughts. Both were sixteen. Intelligent, handsome kids, whose parents adored them, they had seemed destined for bright futures. The families were close, and the two boys were best friends. Then, one died because of the actions of the other.

Both boys had been drinking at the party. Neither of them was accustomed to drinking, but they didn't want their dates to make fun of them, so they had a beer, then another and another. Mark was driving. After they took their dates home, Brandon moved to the front passenger seat, and they headed for his house. Mark was speeding. They had only a couple of blocks to go, when he lost control of the car. They slammed into a tree. Mark only received a bump on his head, but Brandon died at the scene. The Assistant D.A. charged Mark with negligent homicide.

The case wound up in my court, and I found myself looking at two sets of parents, as they sat in the courtroom. Brandon's folks clutched one another's hand. His mother kept a handkerchief pressed to her mouth. His father never blinked as he stared at Mark.

Mark sat with his attorney and his parents at the counsel table. His mother's eyes were red and swollen. His father leaned on the table, as if someone had hit him in the stomach and it was too painful to sit erect.

Mark pleaded guilty, and I had to decide what sentence he should receive.

Brandon's father said he'd like to speak for his wife and himself, and I told him to go ahead.

He said, "Our son would be alive today if it weren't for Mark. He got drunk and drove straight into a tree. There was no second chance for our son. Brandon had as much to live for as Mark, and in the blink of an eye, Mark ended it all. He deserves the greatest punishment the law

allows, and that's what we want you to give him. The worst sentence he can get won't begin to be enough."

I asked Mark if there was anything he wanted to say.

He turned to Brandon's parents and said, "I'd give anything to bring Brandon back, but I can't ever change the fact that he's dead because of me." He began to cry and said, "I'm so sorry. He was my best friend, he was like my brother. All my life I'll have to live with what I did. You're right, I deserve whatever sentence I get."

I studied the reports before me. Probation officers, social workers and psychologists all had input, and they were pretty much in agreement.

Mark had never been in any trouble with the law, had never had even a traffic ticket since he got his driver's license nearly a year before. He was an excellent student, with no disciplinary problems at school. In fact, his teachers praised his leadership and his positive attitude. He was on the debate team, and the swimming team. He planned to go to college and eventually, to get an MBA. Until that tragic night, he was a model kid.

I could only imagine what bitterness and anger Brandon's parents must feel. I don't think anyone who has never lost a child in that way could comprehend it. I didn't blame them for wanting me to impose the heaviest possible sentence on Mark. They were in anguish, and they wanted to strike back at the one who caused their pain. But was that the right decision?

I reset the sentencing phase of the case for six months, and gave Mark some special rules to follow during that time. He was not to drive a car, and it went without saying that he was to drink no alcohol. I ordered him to attend an alcohol and drug awareness program. I gave him a 9:00 P.M. curfew, and required him to perform ten hours of community service each week.

Six months later, he came before me again, and I asked the juvenile probation officer if Mark had followed my rules. She said he had, to the letter.

I gave Mark probation, set a number of rules for his conduct during that time, and told his attorney to contact me when Mark became an adult. If he had been in no further trouble, I would seal his juvenile record, and he could get on with his life.

I reached my decision after a great deal of soul-searching. It angered some people, but a judge is not a contestant in a popularity contest. Within the framework of the law, I had done what I believed to be right.

Who would gain by my sending Mark to a juvenile facility or placing obstacles in the way of his future? Was Mark an on-going threat to the community? I didn't think so. One promising, dearly-loved boy was dead. Did that mean we should take whatever measures possible to ruin the life of the promising, dearly-loved boy responsible for his death? Nothing could change the fact that Brandon was dead. How would retaliation against Mark serve the community or anyone involved?

When a child old enough to be charged in juvenile court, but not old enough to be automatically tried in adult court, commits certain major felonies, the District Attorney's office may ask the juvenile court to transfer the child to criminal court for trial as an adult.

Specific laws differ from state to state. For example, the age at which a child may be tried as an adult differs. When the child fits the criteria for such action, there is typically a hearing, where the judge must first decide whether there is probable cause to believe that the child is guilty.

That doesn't mean the state must prove then and there, beyond a reasonable doubt, that the child committed the offense. The state just has to demonstrate that a solid basis exists to

charge the child with the crime. If the judge decides the state had probable cause, the next decision is whether to keep the child in juvenile court or send him to criminal court for trial as an adult.

Tamika was sixteen, a sophomore in high school. She had been to juvenile court twice before. The first time, she and another girl had broken into a car. The next time, she got into a fight with the same girl over a boy and pulled a knife. The first time, she received probation, with special rules for counseling and community service. The counselor made little progress with her. The second time, the judge sent her to a youth facility for a year.

Then she came before my court on a charge of murder. The state alleged that she stabbed a boy in her class. School had been dismissed a few minutes earlier, and everyone was milling around outside or headed home, when a girl screamed.

A boy staggered out of a small group, covered in blood. He collapsed and someone ran to tell the principal. The boy died on the way to the hospital.

Several witnesses saw what happened, and they said he and Tamika exchanged a few words, then she suddenly pulled a knife and stabbed him several times. It all happened so fast, no one had a chance to stop her. After she stabbed him, they said she announced she was going home and calmly walked away. Everyone was too scared to try to stop her.

When police picked her up later that day, she didn't act surprised. The first thing she said when she saw them was, "He disrespected me. Called me a bitch. Can't nobody say that to me."

Her mother's reaction when her daughter was charged with murder was, "I always knew she'd be in this kind of trouble some day."

Murder in itself is hard to understand, and how anyone could kill another human being for such a trivial reason is beyond comprehension. Tamika appeared to have no remorse and no empathy for the boy she killed.

You also have to wonder why she didn't realize that murdering a boy in front of a group of witnesses would lead to arrest and possibly to spending much of her life in prison. Tamika was one of an increasing number of children I saw in court who were apparently incapable of linear thinking. They didn't seem to understand that A leads to B, that a particular behavior would inevitably lead to a particular consequence.

I thought the juvenile system lacked the resources to rehabilitate Tamika, and believed she presented an on-going threat to the community. I granted the state's request and ordered that Tamika be tried as an adult.

Nick belonged to a gang called the Purple Demons. He was sixteen, and he had no idea where his dad had been since he was about eleven. He didn't see much of his mom, because she had to work two jobs to pay their bills. The Demons became his family. As a Demon, he had status. His fellow gang members made him feel important, built his self-esteem, and filled his empty hours. They weren't just his friends, they covered his back, and he covered theirs.

That was necessary because of their enemies, the Night Riders. Both gangs had their territories, their symbols, their signals and their colors.

One evening, somebody shot out the windows of a Demon's car. Everybody was sure it had been one of the Riders. The following night, several members of the Demons drove by the home of Carlos, the Riders' leader.

The head of the Demons handed a gun to Nick and said, "Let's do it." Nick fired a couple of shots at the windows of the house, and they sped away.

It took police a week to track them down and take Nick and his fellow gang members into custody. The charge was murder. Carlos's seven-year-old sister had been in the living room, watching TV. Nick's second shot blew the back of her head away.

Nick's case came before me, and the District Attorney asked that I order him to be tried as an adult.

This wasn't Nick's first trip to juvenile court. He and fellow gang members had been caught stealing a car the year before, and burglarizing a house before that.

Nick attended school off and on and was failing most of his subjects. When he was there, he disrupted classes. The psychologist's report on Nick highlighted his problems with impulse control and anger management. He seemed to feel no remorse for the tragedy he had created. I saw little chance that Nick could be rehabilitated by the juvenile system and I ordered him tried as an adult.

Robbie turned fifteen two weeks before the crime occurred. In court that morning, he looked more like a twelve-year-old. I knew this promised to be a difficult case.

My first thought as the clerk handed me the file was that I was glad to have these two particular attorneys before me. They were experienced, reasonable, zealous advocates. Both the state and the child would have excellent representation. When one or both attorneys do a poor job of presenting a case, they make any judge's job far more difficult.

Robbie was charged with murdering his sister and brother-in-law. The state alleged that

he had killed them with two shotgun blasts as they walked in the door of the house where they all lived.

Robbie was the only one in the house at the time. His mother had just left for the store. The child denied killing them, and said he was upstairs in his room when he heard the noise. He ran downstairs in time to see a man in a black ski mask running away. He said the man dropped the shotgun and he picked it up.

Robbie's dad said the gun looked like one that had been missing for a couple of weeks from the hall closet, where he usually kept it.

His parents believed Robbie's story. The Assistant D.A. didn't, and neither did I. But why would he kill a sister and brother-in-law whom everyone said he loved?

I believed the state had probable cause to charge Robbie with the crime. The big decision I had to make was whether to try him as a juvenile or send him to stand trial in criminal court as an adult.

Because of his age, he couldn't receive the death penalty in Texas, if he was convicted in criminal court, but he could receive a life sentence. I looked at this slight kid with the face of a little boy and knew full well the fate that awaited him in prison if a jury sent him there. Hardened criminals, years older than he, would consider him fresh meat. On the other hand, if he had killed two people, he committed a horrendous crime, and must be held accountable.

The law required me to consider several factors as I reached a decision.

One was whether the offense was against property or a person. I was more likely to order the child tried as an adult if the offense was against a person, rather than property. Here, a horrible act took the lives of two people.

Another factor to examine was the record and previous history of the child. Robbie was an average student, who participated in few extracurricular activities. He had never been accused

of any other offense.

Robbie's maturity and sophistication were other factors I had to consider. The psychologist's report on my desk said that he was unusually immature for his age, a quiet, shy boy, who cried every night at the detention center. He wanted his mother. They were so close that he still sat on her lap sometimes. I noticed she held his hand in court, from her place next to him at the counsel table.

Finally, I had to look at what was likely to happen if I kept Robbie's case in the juvenile system. Could the public be protected? The answer was probably yes, at least until he was eighteen. But what then? And were adequate juvenile services available to rehabilitate this child? It was hard to say. Obviously, if Robbie could be rehabilitated at all, (a big if), it wasn't going to be a quick or easy process.

If I kept the case in juvenile court, I was certain that Robbie's attorney would ask for a jury trial, because I already knew too much about the case for him to be comfortable with my deciding it.

Like all defendants in adult criminal court, Robbie would have the right to a jury trial. In Texas, unlike most states, he had that right in juvenile court, because the state had asked for a determinate sentence. Such a sentence could be for up to forty years. It was anybody's guess what jurors might decide, both concerning his guilt or innocence and his sentence, if they found him guilty.

After weighing all those factors, I had to decide whether the seriousness of the crime, Robbie's background or the welfare of the community required me to order him tried as an adult.

Usually, children tried in juvenile court must be released no later than their twenty-first birthday. Most are released long before, if they have been sent to a juvenile facility.

In this instance, I had one other option. The state had asked me to order a determinate

sentence. If I tried the case in juvenile court and found him guilty, the law allowed me to sentence Robbie to a maximum of forty years.

He would remain in juvenile facilities, rather than prison, until he was eighteen. Then he would return to juvenile court where the judge would decide whether he should be released. If the decision was no, the judge could return him to the juvenile facility until he was twenty-one or send him directly to adult prison. He would serve the remainder of his sentence there and have the same right to parole as any other inmate.

I called the attorneys back to my chambers and told them I intended to send Robbie to be tried as an adult. However, I would not announce the decision or sign the papers until the next morning. They both knew I wanted to give Robbie's attorney a chance to talk with him again, before I took action.

The next day, both attorneys were waiting for me and asked to see me in chambers. Robbie's lawyer said he had spent the prior evening talking with Robbie, then with his folks.

Robbie admitted to his attorney that he killed his sister and her husband. He didn't want to tell his parents, because he was afraid his mother wouldn't love him any more. The attorney finally persuaded him that they had to know, and Robbie eventually sobbed out the truth to them.

The attorney said Robbie was ready to plead guilty, if I would keep his case in juvenile court. He understood that would mean I'd give him a determinate sentence. The district attorney joined in his request.

I believed that was the best decision, but I warned Robbie's attorney that the boy's sentence would be forty years. Robbie pled guilty, and I sentenced him to forty years, to be served at the juvenile facility until he turned eighteen, then to return to court for further decision.

His mother still sat next to him at the counsel table, but she did not hold his hand. Both of his parents looked as if they had aged overnight. Small wonder. I felt terribly sorry for them.

The question that haunted me was, why did this quiet boy do this monstrous thing? The most probable explanation I could come up with from the various reports presented to me was this:

Robbie and his mother had survived a traumatic auto accident when Robbie was about six. Their car went into a ravine and both were badly injured. His mother kept reassuring Robbie that they would be okay. They were not found for nearly two days, but both recovered fully. Since that time, Robbie had been exceptionally close to his mother.

He spent much of the time alone with her, because his father's company required him to travel often. His mother wanted to go with her husband, but she had no one to stay with Robbie, and she didn't want to leave him at home alone.

When his sister and brother-in law moved in, they offered to look after Robbie while she was away. Because of them, he was about to be separated from his mother. Robbie couldn't let that happen. He was willing to kill to prevent it.

Chapter Twelve

Stopping the Pain: Actions We Can Take

Unless we can make life better for children who are suffering due to the actions of an adult, unless we can prevent the pain from recurring, there is no point in our becoming aware of the ways in which adults are harming children. None of us is omnipotent, and we can't provide a utopia to which children can awaken each morning and live their lives, protected from all ugliness and hurt. But unless increased awareness brings new action and strengthened resolve to help the children whose lives touch our own, all of these children's stories become just sad little tales with no meaning.

Child Abuse and Neglect

It's long past time for us to put an end to child abuse and neglect. Abuse really is everyone's business. Being hurt generates in children, even infants, a helpless rage, which, if left untreated, can explode years later, claiming more innocent victims. No one wants that to happen. What's more, anyone might become one of those victims. We all have a personal stake in preventing abuse and the anger it creates.

No one has a perfect answer to the complicated and extensive problem of child abuse. But we must do what we can to fight it. These steps are a beginning:

- Be alert to signs of child abuse.

These indications of child abuse often have other, innocent explanations. Nevertheless, their appearance should raise questions.

- One of the most important and consistent indicators of child abuse is a significant

change in the child that has no obvious explanation and lasts more than a day or so. Changes in the child's moods, changes in grades and changes in a child's overall appearance all need investigation.

- Loss of interest in people and activities the child once enjoyed are other matters of concern.
- Chronic nightmares and difficulty sleeping are also possible signs that a child has been abused.
- Unexplained injuries, or frequent injuries with inconsistent explanations should lead to the question of abuse.
- Additional symptoms of sexual abuse include redness or irritation of the child's genitals, bloodstains on underwear, sexual acting out or sexual knowledge beyond the child's age group.

➤ Be aware that sexual predators come from all groups.

Be open to the possibility that a friend, relative, clergyman, teacher, counselor, coach or scout leader could sexually abuse a child. Sad as that is, it is true. Though most people who appear deeply interested in being with children have only the best motives, many others are predators. We must accept that fact and remain on guard if we are to protect children.

➤ Even though parents may be uncomfortable talking with their children about sex, it's an important way to protect them from abuse. Teach children:

- ✓ To tell you at once if someone touches them in a way that makes them uncomfortable or asks them to do something they don't want to do;
- ✓ To let you know if an adult asks them to keep a secret or threatens harm to them or

someone else if they tell;

- ✓ Not to be afraid if an abuser makes threats, because you will take care of that problem;
 - ✓ That you will believe them and protect them, if someone has abused them;
 - ✓ That some adults have problems and mistreat children;
 - ✓ To recognize the difference between right and wrong touches;
 - ✓ That they are loved, that they are not bad, and that they have a right to be safe;
 - ✓ The correct names for all their body parts;
 - ✓ That no one has the right to hurt them or touch them in an improper way;
 - ✓ That the rules apply to everyone, even relatives and friends and authority figures;
 - ✓ That they have the right to say no to touches or requests that make them uncomfortable, regardless of who is touching them;
 - ✓ That they are not bad because someone has abused them, and it is always the adult, not they, who are to blame;
 - ✓ Never to get in a stranger's car or go anywhere with a stranger, but to make noise and run if a stranger tries to get them to go with him; and
 - ✓ Never to believe a stranger who says he has come to take them to the hospital, because their mother has had an accident or wants to take them to see puppies or needs them to show him directions.
- If you suspect that a child is being abused or neglected, report it to the police or a Children's Protective Service Agency.

Nobody looks forward to being involved in what that requires. You may have to spend time going over your report with authorities. Though sometimes your identity can be

protected, that isn't always possible. You might even have to testify in court. That's a small price to pay when you could be a child's only hope for safety. Your speaking up may be the act that saves his life. Call the police or your local child protective agency to report abuse

- Push for education about child abuse, parenting and child development.

Education is a vital piece of the program for ending child abuse. The more people know about the affects of abuse, the less willing they are to tolerate it. The more information people of all ages receive about rearing children, the less likely they become to harm children through ignorance. The greater the understanding parents have of child development, the more reasonable their expectations of their children will be. Push for such education. Parenting classes for high school students should be mandatory.

- Support efforts to reduce poverty, unemployment and drug abuse.

The higher the average educational level of a society, the less likely it is to suffer poverty, unemployment and drug abuse. Such problems contribute significantly to child abuse and neglect. With each step we take to eliminate those societal ills, we make progress toward reducing child abuse and neglect. Education is that first step.

- Counseling is the most important way to stop the cycle of one generation passing abusive behavior on to the next.

Affordable counseling should be made quickly and easily available to parents who are overwhelmed and afraid they may hurt their children. Counseling for children who have been abused or witnessed chronic abuse of others should be required.

Will that cost the community? Yes. But even if cost-effectiveness is the bottom line, it will require fewer dollars in the long run to break the cycle of abuse than to let it continue. Child abuse and neglect won't just go away, without our taking aggressive steps to eradicate them.

The scary thing is that, until the cycle is broken, child abuse snow balls. One parent abuses two children, who each grow up and abuse their own two children, who also abuse their children, and the problem multiplies.

Parents' Divorce

Their parents' divorce is an especially traumatic experience for children, and many problems which appear later seem to originate from that period in their lives. It is vitally important that parents handle their divorce in a way that minimizes its negative impact on their children.

If they have the courage to do so, and if their kids really matter more to them than retaliation against one another, here are some suggestions how parents can ease their divorce's traumatic effect on their children:

- Tell the child together about the divorce, unless you can't be civil to one another for an hour in the same room.

Agree in advance what you'll say. Do it as soon as you make a final decision to end the marriage. Kids are perceptive, and they're likely to pick up more quickly than you think that something is wrong. Don't leave them to wonder what's going on. With kids, as with grownups, problems that are out in the open are easier to handle than those lurking in their imaginations. Let them learn the truth from you, rather than from someone else's chance remark.

- Keep your promises to the child.

With everything around him changing, he's bound to feel some insecurity. More than ever, he needs to know he can count on you to do what you say you will. If you can't keep a promise, let him know why and plan right then to make it up to him.

- Alter his routine as little as possible.

With the major change occurring in his life, he needs to hang on to as many familiar things as he can.

- When information directly affects him, share it with him as soon as possible.

He has a right to know what will happen to him. It's easier for kids to cope when they know what to expect. For example, as soon as you can, tell him where and with whom he'll be living and when he'll see the other parent. Tell him promptly, if the information you gave him changes.

- Make sure the child understands by what you say and do that you want him to love the other parent, too.

Let him know that he isn't being disloyal to you by doing so. Forcing a child to choose which of the two most important people in his life he is free to love is unspeakably cruel. Whatever they may think of one another, a child needs and has the right to know and love both of his parents. It's the greatest gift they can give him.

- Don't make derogatory remarks about the child's other parent, either to the child or to others in his presence.

When you do, you put the child in a terrible position. He doesn't want to hurt you by defending the other parent, but he feels disloyal if he doesn't speak up. It's a lose-lose situation. If your opinion of the other parent is right on the money, your child will figure it out for himself one day. But he'll always resent it, if you are the one to tell him.

- Don't withhold child support.

Without your financial contribution, the message you send your child is that you don't love him enough to help buy the things he needs. It costs money to raise kids. Pay your share. If the other parent's child support payment is late, don't question that parent's love for the

child in the child's presence.

- Don't sabotage the child's visitation with the other parent.

A favorite dirty trick of custodial parents is to plan exciting activities for the scheduled time of the other parent's visit. The other parent must then give up the visit or be the bad guy, who spoiled the child's fun. If you're the non-custodial parent, exercise your right to visit the child as often as possible. He needs to spend time with you and be reassured that you will remain an active participant in his life. But remember that older children have activities of their own and try to be flexible enough to accommodate them. If you must miss a visit, call the child in advance to explain why and try to reschedule your time together.

- Don't use your child as your spy, by asking him to report on the activities of the other parent.

The only exception is when you have good reason to believe that the other parent is placing the child in danger. And by danger, I don't mean letting him eat too much junk food. When you cross-examine your child about what the other parent is doing, you make the child feel dishonest if he lies to you or disloyal if he tells all.

- If you can't hold a civil conversation with your spouse, let your attorneys carry messages between you.

Don't ask your child to do so. That isn't his responsibility, and it's unfair to make him assume it.

- If custody is one of the contested issues in your divorce, and the judge wants to know your child's preference, make it plain that he's free to make whatever choice he wants.

Let him know that whatever he says to the judge will be okay with both of you. Also be sure he realizes that his choice is just one factor the judge will consider, and that it is the judge who makes the final decision. A child should not be led to believe that he is the one

solely responsible for the outcome of a custody dispute. That is unfair and inaccurate.

- Assure the child that the divorce isn't his fault.

When he asks the reason for the divorce, resist the temptation to go into a detailed account of every failing on the part of both parents. It's enough to say that sometimes married people grow apart and being married to each other makes them too unhappy to go on living together. Tell the child that you both love him, and that you always will. Be certain he understands that you'll both be there for him, just as you've always been, and that you'll be his parents as long as he lives.

Children Who Break The Law

What should we do with kids who break the law, especially those who commit violence?

No one knows all of the answers, certainly I don't. But we can set goals and work with one child at a time to attain them.

A basic division exists between people who that believe kids who break the law should be punished and those who believe that they should be rehabilitated, salvaged, if you will.

I believe the first priority of those who decide what to do with juvenile offenders must be protection of the public from children who represent a danger to others. The majority of the victims of children's violence are other children. They, as well as the rest of society, must be kept safe from the threat violent children pose. So do we lock up violent offenders, physically separate them from society, in order to protect those around them? Often the answer is yes.

I also believe that rehabilitation, not punishment, should be the goal when sentencing children. That doesn't mean they don't have to be held accountable for their actions. In fact, accepting responsibility for their crimes is the necessary first step toward rehabilitation. They must learn that a particular consequence follows a particular action. But does that mean that we

abandon any attempt to rehabilitate them? I think that would be unconscionable

Can all children be rehabilitated? Of course not. But many can. The great majority of such children will be released eventually. Each child who is returned to society as a useful citizen represents a victory for us all. Why? Because of the potential contributions he may make to society if he is rehabilitated and the probable costs financially and in harm to others if he is not. I believe it is in everyone's best interest if we rehabilitate children, whenever possible. Though we can't turn all of them around, we must try to save those we can, for the sake of us all.

If the public is not in danger and a child who has broken the law can be rehabilitated without being locked away, should he face incarceration simply for punishment's sake? Is that a worthy goal for society to pursue? I don't think so. If it acted as a deterrent, the answer would be yes. I have never seen evidence that it does. Does incarceration foster accountability in a child? I believe it is more likely to make the child determined not to get caught next time. The only other reason to punish children who are no longer a threat to society and who can be rehabilitated without being sent away is to provide satisfaction to those who have been hurt by their actions. I wonder if that really eases their pain.

Rehabilitation, as opposed to merely locking children away, costs money. It requires counselors and others to operate programs that have proven successful with many children in the past. That is true whether rehabilitation takes place in the child's own home or in a locked facility. We should spend the money to develop and administer such programs. It makes far greater sense to direct efforts toward salvaging children than to wait and face building more prisons down the line. We can identify specific programs that have proven effective in rehabilitating juveniles and urge judges to order participation in such programs for youthful offenders. Descriptions of some are in the appendix.

Early intervention is important. A child who tortures animals should set off alarm bells.

Appropriate programs and facilities should be available to work with him before he graduates to torturing and killing people. A child who sets fires has serious problems, which must be addressed early on. A child who has outbursts of uncontrollable rage must have that anger treated, before it explodes one day and results in tragedy. Early intervention requires public recognition of its necessity and public willingness to do what is necessary to secure it.

Why do children become violent? How can we stop them before they hurt others? It's human nature to seek simple answers to frightening problems, because uncomplicated explanations imply ready solutions. What we understand, we believe we can fix. Since the outbreaks of violence by children in recent years, many have rushed to pin down the cause. Some blamed the tragedies on the availability of handguns, objectionable music or violence on TV.

One flaw in such suggestions is that they claim a universal origin for aberrant behavior. People are individuals, and what prompts destructive outbursts in one, may not in another. I certainly don't advocate exposing kids to them, but not all children who watch violence on TV or listen to music which promotes violence become violent themselves. Not all kids whose parents own a gun use it to shoot other people.

Multiple events and experiences over time program children's character and behavior. I believe those who consider violence in music, TV, or video games or easily available guns as the causes of violence in children confuse causes with catalysts. Catalysts merely create the spark of ignition, but causes provide the fuel, without which no fire can burn. Remove the cause and catalysts are harmless, but where a cause exists, any number of catalysts might light the flame.

Catalysts are singular in nature and arise in the present, but causes are more complex, and are deeply rooted in the past. Any permanent solution to violence must focus on prevention, and prevention is only possible if we address causes.

The protection of society demands that children be held accountable for their actions, that

they experience the severe consequences of violent behavior. Yet, punishment after the fact offers no ultimate solution. Prevention is the infinitely preferable goal. The question is, how do we accomplish it?

Poverty is one of society's most persistent problems, and we won't solve it quickly or easily. But we can't ignore it and we must address it in the ways we know. Consider the child who must do without the basic necessities, who is sometimes hungry, who is embarrassed by the only clothes he has to wear, who lacks adequate supervision because his parents are out looking for work or holding down two jobs, trying to put food on the table. Such children are severely handicapped in their efforts to grow into responsible citizens. Some do, despite everything. Others become angry and resentful and try to get what they want in ways that harm others.

The twenty-five years I served as an attorney in family and juvenile court, then judge of a juvenile court, convinced me that children whose needs are met in specific ways rarely become violent. Are there exceptions? Sure. Is what I'm suggesting the whole answer? Don't I wish. But here are steps that can be a beginning:

- It is the plain truth that children tend to imitate the adults closest to them. Parents who want to know what their children are likely to become should look at themselves.

Do all kids who break the law have parents who do? No. Do any kids who break the law have parents who are good role models? Yes. But we're talking about the odds here. Parents who are dishonest, lack compassion and ignore the rights of others increase the chances that their children will follow their example. Parents who choose which laws they will follow and which laws they will not give tacit permission to their children to do the same thing. Parents who use drugs or abuse alcohol provide a primer for their children's addiction. Being a positive role model is a parental responsibility.

But what if parents fail to meet that responsibility? Then mentors must fill the void. A

child's chances for turning out okay soar if he has even one responsible adult who cares about him and spends time with him. If you have kids, be that person for them. If you don't, (or even if you do), be that person for a child who isn't lucky enough to have parents filling that role. Big Brothers and Big Sisters organizations do a great job with kids who need a mentor. But you don't even have to join a mentoring program. Just look around you and reach out to a child who needs your help.

- Without love, children can't thrive emotionally.

Hug your kids, tell them you love them, praise them for doing well. When you correct them, be sure they understand it's their behavior you dislike, not them. A child's development of the self-esteem essential to emotional health begins with the realization that he is loveable. Kids who become violent usually have low self-esteem.

- Accept a child for who he is, without comparing him to others.

Kids are individuals, and each child has his own special qualities. Within the same family, abilities and interests may vary widely. That does not make one better than the other; it only makes each different from the other. Make sure your expectations of a child are within his ability to achieve, and be certain that his goals are his, not your own. Let him follow his own dream; don't try to fulfill your dream by insisting that he make it his.

- Give your child rules to follow.

Rules give children security. Rules tell them what's expected of them and show them that someone cares enough to set boundaries. At home, at school and elsewhere, children need fair rules. They must be aware of the limits set by the rules and must experience just consequences for breaking them. And those rules must be consistently enforced, starting when children are very young. It's no favor to a child to allow him to break the rules at home. That may give him the idea he is free to break society's rules, too.

- Kids need to hear their parents concerns about the choices that confront children every day.

Tell them why you're so opposed to alcohol, drugs, and weapons in their hands. Explain in detail what you know about the dangers involved. Do it more than once.

- If you have a gun in your home, make certain it is secured so that children, your own or someone else's, can't gain access to it.

That is your absolute responsibility as a gun owner.

- Discuss putting sex on hold until they're old enough to accept the responsibility it imposes.

Tell them why sex is so fulfilling at the right time and under the right circumstances and so potentially dangerous at other times and under other circumstances.

- Talk to your kids on a regular basis.

Don't just talk, listen. Trust creates intimacy, and children believe in you if you're honest with them and respect them enough to listen to what they have to say. Try to give truthful answers to their questions. Show that you care about what is important to them.

- Reject violence in your own life.

Participating in an abusive relationship, either as the abuser or the victim, provides your children the pattern for their own behavior. Believe me, it's a far more persuasive model than either TV or music provides. If you are in an abusive relationship, be aware that it can not continue without damage to your children, even if they are only witnesses and not abused themselves. If you are the abuser, get professional help to change. If you are the one suffering the abuse, leave. In both instances, be sure your child is safe before you take action to change the situation.

- Seek counseling for yourself and you child if abuse has been present in your home.

Abuse destroys trust. Children who are abused or neglected learn early to trust no one, and may never be able to do so. They have problems developing empathy or compassion, making violence toward others easier. If abuse has been present in your family, counseling is vital, especially for the children.

- Kids need to feel a sense of belonging within their families.

They deserve happy memories of time and experiences shared with their families. Learn to laugh together, play together. Such moments create closeness and build a child's sense of identity and loyalty to his family. Attend activities in which your child participates. It's important to him that you show up for his ball game and that you are there for his performance in the class play.

- Adolescents require the structure, sense of security, and opportunity to relate to others that peer groups provide.

Parents must guide them toward positive groups and away from gangs, for fulfillment of those needs. Know your child's friends, encourage them to come to your home. Familiarize yourself with your children's whereabouts and plans. Give your child a curfew.

- Provide children with sufficient, age-appropriate supervision.

If you need help to do that, get it. Consider programs offered by churches, schools and neighborhood centers. Call upon family members, neighbors and other parents. Much of the violence against and by children happens on the way to or from school. If possible, pick up and deliver children who are too young to drive. If the child rides a school bus, try to be present to see him off and meet him, if he is under ten.

- Teach them by what you do and say to value the diversity of people around them and not to stereotype others or reject entire groups because of a single person's behavior.

Hatred breeds violence. Children learn from watching the adults close to them whether to

judge others as individuals or members of a group.

- Discuss your religious beliefs with your child, and do your best to live them.

We're all spiritual beings, with the need to trust in a power greater than we are, however we may define it. Share your spiritual nature with your child. Expose him to opportunities to develop religious faith.

- Make it clear to your children what you consider right and wrong, and why.

Children with no value system lack any foundation on which to base their behavior. They possess no moral compass. Most children know their parents' favorite car, brand of beer or TV show, but how many are able to respond clearly when asked what their parents believe in?

- Whatever it takes, keep children in school.

As prime targets for gangs and criminals who prey on the young, those who drop out increase the odds that they will commit or become the victims of violence. If your child doesn't want to go school, find out why and address the problem. Sometimes a child is afraid of another kid at school. Other times, the work is too difficult and he thinks he can't do it. On the other hand, he may be bored because the work is too easy. He could have a vision or hearing problem. Whatever the reason he tries to avoid school, work out a solution. Education is one of the most valuable tools you can give your child for achieving a successful, happy life.

- When they're old enough, help children find part-time jobs.

Work builds self-esteem and self-reliance. It teaches children they can earn the money to buy what they want, and a child who works to pay for a DVD player learns respect for others' property.

- After a child admits misbehaving and accepts the consequences, let it go.

Re-hashing accomplishes nothing.

- Acknowledge your own mistakes, and make amends.

All of us sometimes choose to do the wrong thing. Kids need to understand that their parents are human, too. Believing that their parents are perfect sets up a standard for behavior that children can never achieve, because they know only too well they are not perfect themselves. Their self esteem takes a blow if that happens.

- Encourage children to dream, to examine the choices awaiting them in their lives.

Help them to set realistic goals and work toward them, to believe in tomorrow and plan for their place in it. Many children in today's dangerous world actually doubt they'll live to adulthood. Children who believe they have no future have nothing to lose, and they become a threat to themselves and others.

Can we prevent all violence in children? The tragedy is that we can not. But we must save those children we can, for their sakes and our own.

We can't afford to lose the contributions they will make to our society if they become responsible citizens. We can't afford the cost of imprisoning them the rest of their lives if we fail. Most important of all, we can't accept the suffering they could impose upon their future victims.

Children are the fabric of our tomorrows, our act of faith. It's unthinkable to abandon our responsibility to them. Together, we must work to stop child abuse and neglect and the many ways adults hurt children. We must work to eliminate the causes that feed the fires of violence.

Appendix

Some programs in operation across the country are successfully rehabilitating children who have committed criminal offenses. How do we know they are effective? By comparing them with other programs in the same states, using these criteria: the percentage of their graduates who are arrested again within a year, the percentage of their graduates who complete an educational program and the percentage of their graduates who are employed at least part-time after completing their program. The differences are often dramatic.

Rehabilitative programs that work usually have several features in common. One is an emphasis on education and job training. Many children who break the law are school dropouts, with little education and no job skills to offer prospective employers. Low self esteem characterizes such children, who feel unable to fit into society. They are primed for further criminal behavior. Such programs work to help them achieve the academic success and job skills that give them hope for a future within the community.

Effective programs usually include strong counseling and mentoring components. Almost by definition, delinquent children have emotional and behavior problems. Those problems must be addressed, if there is to be a good chance for rehabilitation. Counseling for such children is vital. A mentor, advocate, chaperon or whatever name the program uses, provides the child with the support and interest from a reliable adult that has often been missing from his life. Most experts agree that if a child has even one responsible, dependable adult who cares about him and spends time with him, the child's chance of becoming a productive, happy citizen skyrockets.

Permanent changes in behavior are reinforced by aftercare, a relatively new addition to rehabilitative programs. Often, children who complete such programs return to the same environment where they got into trouble. During the program, older teenagers often receive

preparation to live on their own as adults when they graduate. In either event, the odds are overwhelming that, without the continuation of positive adult influence and assistance, they will revert to criminal behavior. Youths who have broken the law need ongoing interaction with responsible adults after they return home, and most successful rehabilitative programs provide it. Job counseling and placement, assistance in finding suitable housing and help with the transition back into the community make it easier for graduates of the programs to maintain a law-abiding lifestyle.

Here are a few rehabilitative programs that have been nationally recognized for their excellence:

Community Intensive Supervision Program (CISP)

Operated by the Juvenile Court of Allegheny County, Pittsburgh, Pennsylvania, CISP offers an alternative to incarceration for selected repeat juvenile offenders. A judge must order the placement. All children in the program continue to live at home. They are under house arrest, supervised by their parents and community monitors, who live within the community. The program targets male offenders between ten and eighteen, who live in high-risk neighborhoods within the county.

The program's supervision includes drug and alcohol education, assessment and treatment. All of the youth receive individual, group and peer counseling. Family involvement is essential to the success of CISP, and each child's family is contacted daily, to be sure the child is complying with parental and program requirements. An electronic monitoring system is also used.

Children are permitted to work, attend school and participate in CISP recreational activities. Their attendance and performance are monitored. All youth in the program are

required to perform community service. If they are working, they must pay any court-ordered restitution.

CISP also provides an aftercare program for youthful offenders released from institutions.

For further information, contact James Rieland, 550 Fifth Ave. Pittsburgh, PA 15219, phone 412/359-0200.

Gulf Coast Trades Center

Gulf Coast Trades Center is a private, non-profit Texas corporation, begun in 1971 as an initiative of the Harris County AFL-CIO to provide vocational training to disadvantaged youth. It operates two residential facilities and a charter school in New Waverly, Texas. The residential facilities house two hundred twenty youths from sixteen to eighteen years of age, eighty percent of whom are boys. It has no peripheral fence and no locked cells.

The center's program provides youths the job skills necessary to earn a living, with intensive instruction and mentoring in nine different trades, and with the chance to get a high school diploma or GED from its state-chartered school. The Center's Youthbuild Program constructs houses and sells them to low-income families below cost. The Conservation Camp operated by the center promotes environmental issues and forest restoration.

At nearby Willis, Texas, the center operates an Independent Skills Living Environment program, housing forty-eight youngsters and providing them with community-based transitional services. The residents are allowed to work off-campus, but must prepare their food, wash their clothing and become responsible employees. The Center keeps their wages in an account for them.

GCTC emphasizes discovery and development of the strengths of each individual and the acquisition of positive value systems. A strong after-care program assists graduates for a year

following their completion of the program.

In cooperation with the Texas Youth Commission and court systems and probation agencies in one hundred forty-six counties across the state, GCTC also operates a private juvenile parole program, providing aftercare and community supervision to over four hundred youngsters daily, as an alternative to state parole. It attempts to secure jobs, housing, furnishings and food for each youngster prior to his return to the community.

A study by the Texas Youth commission in 2000 showed that Gulf Coast Trade Center graduates have a re-arrest rate of 16 %, as compared with 26.5 % for group homes, 54.7 % for other contract programs and 60.9 % for Texas Youth Commission State institutions.

Of the youth enrolled in GCTC between September, 1999 and August, 2000, 84% successfully completed the program, and 70% were employed when they left GCTC. A youngster who doesn't complete the program is returned to the Texas Youth Commission system or to his county for other placement.

The Gulf Coast Trades Center has collected many national awards for its excellence and was recognized in 2001 by the National Council on Crime and Delinquency for its successful efforts in working with youth over the years.

For further information, contact Thomas M. Buzbee, President/CEO, Gulf Coast Trades Center, 143 Forest Service Rd. # 233, New Waverly, TX 77358. Phone 936-344-6677.

Missouri's Division of Youth Services

Missouri's Division of Youth Services (MDYS) has both protection of the community and rehabilitation of juvenile offenders as priorities. The program's basic philosophy is that juvenile offenders must be treated in a humane and nurturing manner and be given a safe environment, if their rehabilitation is to be achieved. They must also have job opportunities.

MDYS selects participants for placement in jobs at MDYS facilities and non-profit agencies, then teaches them how to secure and hold jobs upon their release from the program.

MDYS does not incarcerate juvenile offenders in any cells. It concentrates instead on a broad array of small residential programs and community-based day programming near the youth's family. Extensive uses of individual and family counseling and positive youth development are focuses. There is also heavy emphasis on assistance with the transition back to the community.

The MDYS report in 2001 of an 87% rate for successful discharge of youth from their custody is a success story of enormous significance. Only a reported 10% of those discharged had probation revoked or were recommitted within one year. That is an astounding figure, when compared to many programs with rates for recommitment as high as 60%.

For further information, contact Mark D. Steward, at 573-751-3770.

Tarrant County Advocate Program (T-CAP)

Youth Advocate Programs, Inc., is a private non-profit corporation based in Harrisburg, PA., founded in 1975. It operates thirty programs, located in seven states, which offer courts cost-effective alternatives to institutional commitment of juvenile offenders.

T-CAP, located in Fort Worth, Texas, is among the Youth Advocate Programs. It provides community-based services to high-risk adjudicated juvenile offenders, as an alternative to placement outside their homes. The program seeks to reduce crime and protect the community, while offering supportive, humane services to youth.

The cornerstone of the TCAP model is the use of advocates. An advocate, who serves as a role model for the child and family, is assigned to every participant in the program. The advocate works with the child and family to develop a strength-based individual service plan for

each child. T-CAP endorses the philosophy of Tarrant County Juvenile Services that lasting behavioral change is most likely to take place within the home and the community. Therefore, advocates are recruited from the neighborhoods of the participants. Advocates assist children and families in securing needed services, resolving family conflicts, and establishing connections within the community. Advocates also take groups of youth to recreational and community events to expose them to constructive activities and to develop their social skills.

Youth participants who work in a service capacity, such as being a tutor, a hospital aide or a nursing home helper, are paid a small stipend. That experience promotes self-esteem and helps to reform their images of themselves. The program also subsidizes employment of youth at local work sites, after a certain period of stabilization in the community. Advocates monitor these youth at work and counsel with them regarding problems that may arise on the job.

Since the beginning of the program in 1992, T-CAP has served approximately 3000 families and, over this time, has achieved a success rate of 85% for maintaining these high-risk youth in their home communities.

For information, contact: Carey D. Cockerell, Director of Tarrant County Juvenile Services, 817- 838-4643.

Youth Development Institute

Youth Development Institute (YDI), a private, not-for-profit corporation, is located in Phoenix, Arizona. Its Sex Offender Residential Treatment Program is among the major success stories in the treatment of juvenile sex offenders. Youth whom the Arizona Juvenile Courts or other state child-placing agencies refer for emotional problems or serious behavior disorders receive treatment and rehabilitation services.

There is a locked 84-bed facility on campus, as well as group homes and supervised apartment living for less troubled youth, who require treatment, but for whom a locked setting is not necessary.

Youths in residence receive special and regular academic education.

YDI's Chaperon Program provides intense individualized monitoring and supervision of youth living at home. Meanwhile, they receive specialized treatment, in order to maintain the progress they have made. Each youth is assigned a chaperon, recruited from the community, who acts as his mentor, role model, advocate and tutor.

Donna Noriega, Program Manager, Juvenile Services Division, of the Administrative Office of the Courts of Arizona, says in a letter dated March 30, 2001:

"The AOC (Administrative Office of the Courts) recently reviewed clients YDI identified as having been successfully discharged from sex offender services over the last two years. This included 26 youth, 19 who had been placed in residential treatment and 7 referred to the outpatient chaperon program in Maricopa County. Twenty (20) of the 26 have not received another referral to the court for any reason, a 76% success rate. Of the remaining six youth, three (3) have been re-referred to the court on non-sex related charges of which one is a truancy offense. The other three had a probation violation for a non-sex related issue.

In addition, annually, the AOC conducts a twelve month recidivism report for all clients discharged from certain program types. Overall, sex offender treatment has the highest percentage of success 12 months post treatment. Success is identified as no offenses during the 12 month period. According to the reports, 67.5% of youth do not re-offend during the 12 month at risk period. Other treatment services have lower success rates ranging from 40% to 60%.

The AOC works diligently in taking the steps necessary to provide the probation departments with quality services which meet their needs. given the history of the other

providers who have worked with the high needs juvenile sex offender population, YDI's operation and services have been stable, reliable, competent, and effective.”

For further information, contact: David Cocoros at 602-254-0884.

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