

The Price Paid for Blood on a Child

By ANDREA ELLIOTT NY Times

November 17, 2004

Carlene Francis and Neville Henry concede they made a mistake. Racing to leave for work while getting their two young children ready for school, they did not pay enough attention when Ms. Francis's 15-year-old son turned up at the family's Bronx apartment on Oct. 5 after being out all night. It was not the first time he had done that, they said.

The boy, Christopher Osbourne, seemed tired. They told him to wash up and "get some rest." But in their rush, they did not notice a small patch of blood on the back of his head. Hours later, he fell into a coma and doctors concluded what the boy could not remember: He had been assaulted.

Ms. Francis, 37, and Mr. Henry, 42, never imagined that their admitted oversight would land them in jail on charges of endangering Christopher's welfare. But it did, beginning a nightmarish passage through the criminal justice system - one that entailed hours of interrogations, handcuffing, a judge's order separating the couple from Christopher and a note from a detective on the boy's hospital bed barring his parents from talking to him.

Yesterday, prosecutors dropped the charges. But the police have yet to solve the mystery of the assault. And while Ms. Francis and Mr. Henry may no longer face prosecution, they have paid a high price, brought on by a case their lawyers say should never have been pursued in the first place.

"It's like a bad dream," Mr. Henry said in his and Ms. Francis's first interview. "You wake up and say, 'It didn't happen.'"

Mr. Henry, an automotive electrician, and Ms. Francis, a home health aide, had never been arrested before and had no history of child abuse or neglect, said the police and an official with the Administration for Children's Services.

On the sunny afternoon of Oct. 4, Christopher headed home from Kennedy High School, where he had been watching a soccer game. The last thing he remembers is getting off a city bus on White Plains Road, one block south of his apartment in the Williamsbridge section. It was about 5:30 p.m.

At sundown, Ms. Francis and Mr. Henry began to worry. But they knew that Christopher often spent the night with the family's relatives and friends. Later that night, when Christopher still had not called, Mr. Henry searched the neighborhood several times and then gave up, assuming he was with an aunt who lives near the high school and has no telephone, he and Ms. Francis said.

The next morning, a neighbor and her son were leaving the building around 7 a.m. when they came upon Christopher face-down on the tile floor at the entrance, said the neighbor, Phyllis McClain. She sent her son to knock on the Ms. Francis's door and then called Christopher's name. "He looked like he just woke up," said Ms. McClain, 39.

Christopher stood up, grabbed the banister and then walked into his apartment, past Ms. Francis and Mr. Henry, who were now standing at the door, Ms. McClain said. When Ms. Francis asked Christopher where he had been, he told her he did not know. She and Mr. Henry assumed he was being evasive.

"I told him, 'Don't even bother thinking about school today; just clean yourself up,' " Mr. Henry said.

The case against Ms. Francis and Mr. Henry would hinge on what happened next, and specifically on what the couple observed about Christopher's appearance.

Four adults who saw the boy that morning - the couple, Ms. McClain and the boy's godmother - gave the same description of him: he smelled faintly of garbage and his clothes were soiled by grass and dirt but had no visible blood stains.

As Christopher sat down at the kitchen table, his mother and stepfather finished getting his two younger brothers, ages 3 and 7, ready for school. The couple, who both work in White Plains and commute together by car, left with the boys around 7:30 a.m. Ms. Francis told Christopher she would call to check on him.

She said she wrestled with the decision to go to work but did not think her new employer would understand if she stayed home. But when she called home from her office, no one answered. At around 11:30 a.m., she called the boy's godmother, Christia Cassis, and asked her to check up on him.

The first thing Christopher remembers was Ms. Cassis trying to wake him from his bed. "She was like shaking me and shaking me and I started to get up," he said recently while sitting on the couch in his living room. Ms. Cassis, 32, became worried when Christopher grabbed his side, as if in pain, she said. When she lifted his gray T-shirt, she saw blood on his undershirt. Soon, she found the patch of blood on his head.

"I got on the cellphone, called Carlene and told her he was hit in the back of the head," she said.

Christopher drifted in and out of consciousness as they rushed to North Central Bronx Hospital in Ms. Cassis's car. When they arrived at the emergency room, Mr. Henry and Ms. Francis were there waiting. Christopher slipped into a coma that afternoon.

The next few days were a blur for the family. The boy was transferred to Montefiore Medical Center in Queens. His mother and stepfather stopped going to work and sat by his bed for hours at a time, they said. The couple first realized that someone may have been questioning their actions on Thursday, Oct. 7, when Detective Tracey O'Connor called the apartment looking for Mr. Henry, who was at the hospital, Ms. Francis said.

While investigating the attack, the police had found blood stains several inches wide on the backs of both the T-shirt and undershirt the boy was wearing. They were believed to have been caused by Christopher's head injury, said Elisa Koenderman, chief of the Child Abuse and Sex Crimes Bureau in the Bronx district attorney's office. Prosecutors said they believed the blood was clearly visible to the parents because Mr. Henry told the police he saw blood on the boy's undershirt, Ms. Koenderman said.

Mr. Henry does not recall seeing the blood that morning, or saying he did.

That Thursday, three detectives questioned Mr. Henry and Ms. Francis separately for several hours and suggested that Mr. Henry had committed the beating, the couple said. The police would not comment about any of these interviews. "They started yelling and screaming and putting their fingers in my face - 'You know you did it,' " Mr. Henry said.

Christopher woke up the following weekend. Posted to his bed was a note from Detective O'Connor instructing the nurses not to let Ms. Francis and Mr. Henry talk to the boy if he woke up, they both said. The detective met with Christopher in the next few days, but he only recalled that she asked him how he was feeling, he said.

As Christopher began rehabilitation treatment, meeting with speech and physical therapists, his mother and stepfather were at his beck and call. When he complained about the food, Ms. Francis would bring his favorite home-cooked Jamaican dishes: brown fried chicken, rice and peas, oxtail.

A few days before Halloween, Detective O'Connor called the couple and said they would need to "spend the evening" at the precinct on Oct. 31, they said. They made arrangements for Ms. Francis's mother to care for the children and showed up 15 minutes early for their 9 p.m. appointment.

Mr. Henry was placed inside a cell and Ms. Francis was asked to sit down near the cell, they both recalled. Then an officer handcuffed her right hand to one of the bars of the cell. They stared at each other in disbelief, they said, and stayed silent. "The only thing I said to Carlene is it's going to be O.K., it's going to be O.K." Mr. Henry recalled. They sat like that for several hours, and then spent the night in Central Booking. The couple did not know what they had been charged with until they met their court-appointed defense lawyers at the arraignment the next morning. A judge issued

an order of protection barring Ms. Francis and Mr. Henry from having contact with Christopher.

An investigator with the public defender's office told Christopher what had happened the next day. "It was like my whole body shut down," Christopher said of his reaction. "I don't even know how I was breathing."

After hearing the news, he decided not to call home, for fear his calls would be traced, he said. He did not speak to his mother and stepfather until a judge dropped the order of protection about a week later.

A key witness, the neighbor Ms. McClain, had stepped forward in that time to give a statement that prosecutors said helped turn the case around. She said that there was no blood visible on the boy's clothing and that he walked unassisted into the apartment, strengthening the argument that the family was unaware of his injuries.

"We looked at this case extremely carefully when the case came in because we wanted to make sure we were doing the right thing," Ms. Koenderman said. Of Mr. Henry, she said, "Ultimately we could not prove that he saw that amount of blood on the shirt at the time the kid came in."

Police Inspector Michael Coan mentioned another account, that of a witness who saw Mr. Henry stepping over Christopher's body in the vestibule that morning. But Ms. Koenderman and the lawyers defending Ms. Francis said they had never heard of this witness, nor was the person mentioned in the complaint.

Christopher is back at home now, though his mother and stepfather do not let him outside alone for fear that someone still wishes him harm. Mr. Henry said his experience with the case had embittered him toward the police. But he said he hoped that whoever was responsible for the assault would finally be arrested.

"If I'm guilty of one thing, it's poor judgment," he said. "And nobody in this lifetime can tell me they never made a mistake."

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Bronx Child Abuse Case

November 19, 2004

To the Editor:

"The Price Paid for Blood on a Child; Parents Who Didn't Notice Beating No Longer Face Charges" (news article, Nov. 17) raises a larger issue.

The story of the interrogation and arrest of Carlene Francis and Neville Henry is far from unique; this is a case that we as lawyers at the Bronx Defenders' Family Defense Project see every day in the criminal justice system and in family court.

In poor communities of color, like the South Bronx, the criminal justice system is routinely used by the police and prosecutors to call into question reasonable and necessary parental decisions that should never be criminalized.

As the lawyers for Ms. Francis, we saw the rush to judgment by the police and prosecutors and the subsequent trauma and separation this family endured. There should never have been an arrest or a child protective investigation of this family.

It is hard to imagine that a wealthy white family would have been dragged into the criminal justice system under the same circumstances. We can only hope that Ms. Francis's story will stop the disturbing trend of using the criminal justice system to police parents.

Kara Finck
David Jaros
Bronx, Nov. 17, 2004

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Couple Charged With Neglect in Son's Death in New Jersey

By IVER PETERSON and LESLIE KAUFMAN NY TIMES November 24, 2004

The police charged an Asbury Park couple with manslaughter and child neglect yesterday in the starvation death of their 14-month-old son, who had been seen by a pediatrician, a visiting nurse and caseworker in the months leading up to his death in August. The case again raised questions about New Jersey's system for protecting its poorest children.

The child, Jmeir White, was found dead by the police in his parents' apartment in a rundown Asbury Park housing project after the mother, Tahija Handberry, 22, called 911 on Aug. 22. The boy, the middle of three children, weighed 10.4 pounds at the time of his death, about two-thirds his last recorded weight of 15 pounds in March.

State officials say his death occurred even though a child welfare worker had expressed concern about the child's size two months earlier, and despite the apartment having been visited regularly by a nurse caring for the couple's youngest child. The boy also had been seen in December and March by a pediatrician, who noted in his records that his weight had remained unchanged at 15 pounds but did not notify the state's child protection agency. Neighbors said they had called the police several times in the last year after hearing children crying for hours and adults yelling inside the apartment.

The situation was complicated by the fact that Ms. Handberry was a dwarf and told the caseworker that her son's small size was due to the fact that he, too, was a dwarf.

The child had been dead long enough for rigor mortis to set in when the police arrived at the apartment. Officials said the announcement that they were charging the couple was delayed until autopsy and toxicology reports were completed this week.

Ms. Handberry, 22, who police say is legally blind, was arrested yesterday and was in custody in the Monmouth County Jail in lieu of \$200,000 bond on charges of first-degree manslaughter and second-degree child endangerment. A warrant has been issued for the arrest of her companion and the boy's father, Wesley White, 26, said John Kaye, the Monmouth County prosecutor.

The death recalls two earlier cases of child starvation that have roiled New Jersey's heavily burdened child welfare agency, the Division of Youth and Family Services. In January 2003, the emaciated body of Faheem Williams, a 7-year-old foster child, was found hidden in a Newark basement, and last spring, the adoptive parents of four boys in Collingswood, Raymond and Vanessa Jackson, were charged with systematically starving the boys, despite repeated visits to the home by child welfare workers who, in a bewildering series of errors, failed to make the most basic checks on the children over a dozen years. As in the earlier two cases, officials vowed yesterday to make changes in the way children in peril are protected.

Mr. Kaye said the boy's body was a pitiful sight. "I saw a photograph yesterday, and it was one of the worst things I've ever seen in my career," he said. "He was just skin and bones."

According to the prosecutor and the Department of Human Services, Jmeir's condition first came to light on June 22 when a visiting nurse from Meridian Home Care was twice unable to make her thrice-weekly visits to Ms. Handberry's home to give her newborn daughter injections for anemia.

On June 22, the nurse called the Division of Youth and Family Services, who sent a caseworker to the apartment "within the hour," according to the agency.

When, after a second try, the caseworker found Ms. Handberry at home, he determined that the mother had been trying to answer the nurse's calls but found that the home care center phone had blocked her phone number.

"It was pretty clear that the mom wasn't ducking them," said Andy Williams, a spokesman for the agency. What followed, officials said, was a case of the worker focusing too closely on his assignment, securing medical care for the newborn, and an inclination to accept a parent's assurance that seemingly abnormal conditions in the other children were of no concern.

Mr. Williams said yesterday that the caseworker's file contained a note about a child asleep in a crib, presumably Jmeir, who appeared emaciated and undernourished. The report adds that Ms. Handberry had dismissed the welfare worker's questions, described herself as a dwarf and said that the child and his older sister, 3 years old, were small because they too were dwarfs.

"He saw the second baby, but his overriding concern seems to be that he went into the home with one concern, the newborn baby, and that's the one he looked at," Mr. Williams said. "He saw the 14-month-old and he saw the 3-year-old, and there are notes in the case notes that they were small and that the mom said, 'Well, they're small - they've always been small.'"

The caseworker also reported that the house was spotless and there were no indications that Ms. Handberry was a bad day-to-day mother. The caseworker was inexperienced, however, with only 11 months on the job, and he had been trained under a now discredited system that gave each worker multiple responsibilities, from making initial investigations to providing long-term service to families.

Those two functions are now separate, under a reorganization growing out of the earlier cases.

Caseworkers had also accepted assurances from Mr. and Mrs. Jackson of Collingswood that their undernourished children were naturally small, until a neighbor found one of the boys rummaging in his garbage can and called police. The Jackson children are said by officials to have put on weight in foster care, and Mr. Williams said yesterday that the two surviving White children were also doing well in a special treatment center for medically fragile children.

Jmeir's death is being investigated by the New Jersey child advocate, Kevin Ryan, who has independent investigative powers concerning child welfare issues. He is expected to put out a report in the next two weeks.

Mr. Kaye, the county prosecutor, said charges against the couple were delayed because the county medical examiner wanted to determine whether a genetic defect had caused Jmeir to drop so suddenly in weight, or whether he suffered from some other factor that would cause him to fail to thrive. He found none, Mr. Kaye said yesterday.

"It was chronic malnutrition," Mr. Kaye said. "This child starved to death."

The surviving children are nevertheless being tested for signs of dwarfism, the prosecutor said, to see if that condition played any part in the fact that the 3-year-old weighed only 17 pounds when she was taken into state care.

The youngest child was born at the Jersey Shore University Medical Center, which is affiliated with Meridian Home Care, the service that was providing shots for the baby. A hospital spokeswoman, Jeanette MacLachlan, said federal law prevented the hospital from commenting on matters involving minors.

Neighbors at the project where Ms. Handberry - known as Tiny by her friends - had recently moved from a one- to a two-bedroom apartment said the couple were quiet and rarely seen by day, but often noisy and fractious at night.

Ms. Handberry was said by a neighbor to have worked at a Kentucky Fried Chicken franchise for a while. Mr. White's

employment could not be ascertained yesterday. According to state police records, he was fined and sentenced to two years' probation in September 1999 on a weapons charge.

Mother held in toddler's fatal starving

14-month-old weighed 10 pounds but DYFS was told he was 'small'

BY MARY ANN SPOTO AND SUSAN K. LIVIO November 24, 2004 Star-Ledger Staff

In a case that the state's top welfare official has called an "unacceptable" tragedy, a 14-month-old toddler died of malnutrition two months after a caseworker noted his small size but accepted his mother's explanation that he had "always been small."

Yesterday, Tahija Handberry, a 22-year-old disabled mother of three from Asbury Park, was charged with aggravated manslaughter and child endangerment in the death of Jmeir White, her middle child, on Aug. 22.

On that morning, Handberry dialed 911 to report that the little boy was not breathing. Paramedics found him cold and stiff. Jmeir, who had weighed 15 pounds five months earlier, weighed 10 pounds, 4 ounces at the time of his death.

"The child was clearly emaciated," Monmouth County Prosecutor John Kaye said yesterday at a press conference in Freehold. But he noted that Handberry's home was spotless and well-stocked with food, and said he did not know why the baby starved to death.

The baby's mother is legally blind and has a dwarfism condition, but the county medical examiner ruled out genetic problems and medical causes in Jmeir's death, Kaye said. At birth, the toddler was full-term and was treated briefly for anemia.

Human Services Commissioner James Davy issued a statement saying the case was under review. "This is unacceptable. This isn't the way case practice should work and this isn't the way case practice is going to work."

However, the state Division of Youth and Family Services caseworker on the Handberry case was not disciplined, Davy said. He had nine months' experience, officials said.

Kevin Ryan, New Jersey's child advocate, said the agency performed dismally in the case. He likened it to the scandal last year in which four boys under DYFS supervision were found starving in their adoptive parents' home in Collingswood.

"Jmeir's death is disturbing both because of the slow, painful way he died, and the failure of the child welfare system to save him," Ryan said.

Jmeir is one of 26 children who died this year of suspected or confirmed child abuse or neglect, said DYFS spokesman Andy Williams. Sixteen of them, or their families, had been the subject of a DYFS investigation.

Handberry, wearing baggy tan jail garb, appeared in court yesterday before Superior Court Judge Robert O'Hagan and answered his questions in a low voice. Police had arrested her Monday night. She remained in custody yesterday on \$200,000 bond.

"Can't it possibly be any lower?" Handberry asked when the judge asked if she had any questions about her bail. The judge declined.

Handberry's boyfriend, Wesley White, 26, faces the same charges but has not been arrested, authorities said. Relatives said the couple has been together for six years but they do not live together. Handberry is on Social Security disability

income, they said. Her other children -- a 3-year-old girl and a 5-month-old girl born three months before Jmeir's death -- are in foster care.

Unlike many neglected and abused children, Jmeir White and his siblings were not well-known to DYFS. The agency got its first and only call about the family June 23 from a nurse who was concerned that Handberry's newborn daughter had missed two home appointments to receive medication for anemia.

A DYFS investigator was dispatched to the house that day. He located the mother and put her in touch with the nurse. The worker took note of three things: The house was clean; the oldest child was non-verbal; and Jmeir was noticeably small for his age.

When the DYFS worker asked Handberry about Jmeir's size, she replied, "He's always been small. It's his medical condition," said Kathi Way, deputy commissioner for the Office of Children's Services, which oversees DYFS.

The worker decided to close the case without communicating again with the parents or having Jmeir assessed by a doctor. His supervisor, a DYFS veteran, approved closing the case July 16.

Five weeks later, Jmeir was dead.

Way said the caseworker's focus was too narrow. "He was concerned only that the (younger sibling) was reconnected and back on schedule to get the shots for anemia," she said.

Both the caseworker and his boss were trained this year in "structured decision-making," a process that DYFS uses to evaluate the safety of a child's home. Homes are graded in 20 categories, such as income, emotional health and physical well-being, and families receive a score. That number is used to determine if the children are at low, medium or high risk of harm.

Cecilia Zalkind, executive director of the Association for Children of New Jersey, said structured decision-making should not replace common sense. She also made reference to the South Jersey case involving the four starved sons of Vanessa and Raymond Jackson.

The caseworker's notes about Jmeir's small size "should have been on the supervisors' minds in light of the Jackson case," she said. "It should have sent up a red flag."

Yesterday, a relative of Handberry rushed to her defense. "The allegations are bogus. The investigation is tainted," said an uncle, Derwin Dupree. He was at Handberry's home at a public housing project yesterday to collect her mail.

Dupree said his niece fed Jmeir baby cereal, peas and carrots. The only time the toddler didn't want to eat was when he was teething, he said.

One or two days before he died, Jmeir was walking around and dancing, he said.

"If you're suffering from starvation, how can you do all that?" Dupree said. "She thinks the world of her children. For someone to take them away, that's destroying her."

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Parents charged with starving 14-month-old baby

Published in the Asbury Park Press 11/24/04

By A. SCOTT FERGUSON and KAREN SUDOL STAFF WRITERS

An Asbury Park couple are facing manslaughter and child endangerment charges after a three-month investigation concluded that they starved their 14-month-old son to death, the Monmouth County Prosecutor's Office announced yesterday.

Tahija Handberry, 22, listens to charges against her in her son's death by starvation.

The revelations resulted in another round of criticism leveled at the state Division of Youth and Family Services. DYFS workers had been called to the home of Wesley White and Tahija Handberry two months before but failed to follow up on a report that showed the couple's son, Jmeir White, looked small and slender for a boy his age. At the time of his death on Aug. 22, Jmeir weighed only 10 pounds.

"Jmeir's death is disturbing both because of the slow, painful way he died, and the failure of the child welfare system to save him," said Kevin Ryan, the state's new child advocate, in a prepared statement.

In a statement, James M. Davy, commissioner of the state Department of Human Services, which oversees DYFS, said the agency was responsible.

"Clearly, this family needed help and attention," Davy said. "In hindsight you can't help but think that, if we stayed involved with the family and linked them to other helping services in the community, this tragedy could have been avoided."

Handberry, 22, made her first appearance in state Superior Court, Freehold, yesterday, while authorities continued to search for White, 26. Handberry is legally blind, according to Prosecutor John Kaye.

Asbury Park police were called to the couple's Asbury Park Village apartment in August after Handberry called 911 to report that her son had stopped breathing. Officers and paramedics arrived to find him dead.

The county Medical Examiner's Office determined the cause of death as "chronic malnutrition related to homicide," Kaye said yesterday.

Another black mark

In the past four years, DYFS has been the subject of criticism, lawsuits and public complaints about the way its case officers have handled a number of investigations of children who have died or suffered at the hands of adults who were supposed to care for them.

Ryan's Office of the Child Advocate has been charged with overseeing reforms to DYFS following a federal lawsuit and a promise of \$125 million to improve the agency.

"Because this tragedy involves a situation where DYFS was involved with this family briefly during the period of Jmeir's alleged chronic malnutrition, we are today reiterating our concern that the child protection system continues to suffer from a lack of coordination with respect to medical information for children at risk of abuse and neglect," Ryan said.

A complete report on the case is expected next month, said Lisa Eisenbud, the child advocate's director of child welfare monitoring and advocacy.

Since Jmeir's death, DYFS has addressed the situation with its workers at the Southern Monmouth District Office, which oversaw the original investigation, and is using the experience to address how workers should follow up on cases throughout the state, said Andy Williams, a DYFS spokesman.

Prosecutor Kaye said the starvation case was not similar to one in which a Camden County couple are charged with locking their pantry and denying food to four of their foster children.

It was the Camden starvation case, along with the death of a Newark boy who was being monitored by DYFS, that created a public uproar against the agency and moved then-Gov. James E. McGreevey to call for an overhaul of the system.

Part of the problem with the Jmeir White case, Kaye said, was that a DYFS worker noted that Jmeir and the couple's two daughters were being raised in a clean home with plenty of child and baby food on the shelves and in the refrigerator.

"There was a good deal of chil-dren's food, yet this child starved to death," Kaye said. "There was no tip-off from the house that anything was wrong."

Medical records showed that in March, Jmeir weighed about 15 pounds, Kaye said. When DYFS workers came to the home in June to check on the welfare of one of Jmeir's sisters -- the girl had missed at least two medical appointments - the boy had grown an inch but had not gained any weight.

Another problem during the DYFS investigation was that the caseworker noticed that Jmeir's mother was a small, slightly built woman, and the worker assumed that the child would be smaller than the aver-age 9-month-old, Kaye said.

"I am concerned about the fact that the children were ob-served to be small, that the mother had an apparent vision disability, that the mother was caring for three children under age 3 including a newborn, and that the children had some chronic medical issues," said Davy, the human services com-missioner.

Court appearance

The investigation concluded Friday, and warrants for the parents' arrest were issued Monday night. As of last night, White was still at large. Kaye said was not considered a flight risk.

During Handberry's court ap-pearance yesterday, she asked Superior Court Judge Robert W. O'Hagan to reduce her \$200,000 bail. He denied her re-quest, citing the nature of the charges. White's bail also has been set at \$200,000.

Assistant Prosecutor Laurie Gerhardt presented the mother with complaints charging her with aggravated manslaughter and endangering the welfare of a child. She faces a maximum of 30 years in prison if convict-ed of the manslaughter charge and up to 10 years on the en-dangering charge.

Handberry also told the judge she is represented by Kenneth L. Johnathan Jr., who was not available to attend yesterday because he is on vacation.

Johnathan could not be reached for comment late yes-terday.

Handberry, a small woman with shoulder-length blond hair, entered the court shack-led and in a tan prison suit.

Court records show that in Sep-tember 1999, White was sen-tenced to two years' probation and fines after pleading guilty to a weapons charge.

A man who answered the door at the home listed on White's arrest warrant said he did not live there and never lived there. Jmeir's obituary listed two sets of grandparents who lived in Neptune; attempts to reach them yesterday were un-successful.

White and Handberry are not married. Their two daughters are now staying with relatives.

Boy starves after DYFS visit; parents are charged

By Kera Ritter Inquirer Staff Writer Posted on Wed, Nov. 24, 2004

The parents of a Monmouth County toddler who starved in the summer, two months after a child-welfare worker visited the home, have been charged with the boy's death, the state Office of the Child Advocate said yesterday.

Jmeir White weighed 10 pounds when emergency workers found him dead Aug. 22, said Kevin Ryan, New Jersey's child advocate. Jmeir had weighed 15 pounds in March, Ryan said.

The Child Advocate's Office said the mother, Tahija Handberry of Asbury Park, called 911 because 14-month-old Jmeir was unresponsive. Emergency workers found that rigor mortis had set in.

The death was ruled a homicide by chronic malnutrition, the office said.

Handberry and the boy's father, Wesley White, are charged with aggravated manslaughter and endangering the welfare of a child, Ryan said in a statement.

The charges, however, could not be confirmed yesterday through law enforcement. The Monmouth County Prosecutor's Office said it had no comment on the case last night, and it was unclear whether the parents had been taken into custody.

But James Davy, commissioner of the state Department of Human Services, commented on the case, saying his agency's work "just wasn't good enough."

"Clearly this family needed help and attention," Davy said in a statement. "In hindsight, you can't help but think that if we stayed involved with the family and linked them to other helping services in the community, this tragedy could have been avoided."

The state Division of Youth and Family Services received a complaint in June after a visiting nurse who was supposed to be seeing a newborn in the home could not reach the parents for several days, said Andy Williams, DYFS spokesman.

A worker investigated and found that the mother had been trying to return the nurse's phone calls, but that a block on the medical facility's phone system had prevented her from getting through, Williams said. The worker did not believe the mother was deliberately missing the newborn's appointments, and the case was soon closed, he said. But the caseworker also noted that Jmeir and his sister, who was about 3, were small.

"It seemed like the worker went out there, addressed that problem and that problem alone, and closed the case," Williams said. "The worker did make some observation about the other kids, but it doesn't seem like there was any follow on them. That's not the model of case practice that we're building here."

DYFS has had a number of high-profile failures in recent years, including the beating and starvation death of Faheem Williams, a 7-year-old Newark boy, and the case of four brothers who authorities said were starved by their adoptive parents in Collingswood. DYFS workers had visited both homes and took no action against the families.

The agency is in the midst of an overhaul under the supervision of a federal judge.

The Office of the Child Advocate has opened its own investigation into Jmeir's death and plans to release its findings next month.

Ryan's office was critical yesterday of DYFS, health providers and Jmeir's community.

"Jmeir's death is disturbing both because of the slow, painful way he died and the failure of the child-welfare system to save him," Ryan said in the statement. "We are reiterating our concern that the child-protection system continues to suffer from a lack of coordination with respect to medical information for children at risk of abuse and neglect."

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New Jersey Welfare System Rebuked for Child's Death

By LESLIE KAUFMAN and JASON GEORGE NY TIMES November 25, 2004

The acting governor of New Jersey, Richard J. Codey, sternly rebuked the state's troubled child welfare agency yesterday for failing to protect a 14-month-old boy who was found dead of starvation on Aug. 22.

A child welfare caseworker had been in the Asbury Park home of Jmeir White just two months before his death but closed the family's case on July 16 despite noting that the child looked "small." The child's mother, Tahija Handberry, 22, told the caseworker at the time that she is a dwarf and her son looked small because he is also a dwarf.

On Tuesday, Ms. Handberry was arraigned on charges of first-degree manslaughter and second-degree child endangerment by the Monmouth County prosecutor and is being held in the Monmouth County Jail in lieu of \$200,000 bail. The boy's father, Wesley White, 26, is being sought on the same charges.

"Jmeir White's death is a horrible and sickening tragedy," Mr. Codey said in a statement released yesterday. "It is inexcusable and unacceptable that while this little boy was suffering, the Division of Youth and Family Services closed the book on him."

But agency officials and the caseworker's union representative said yesterday that the agency was not alone in missing signs that the child was in great peril.

Asbury Park Police officials said yesterday that they had been called out to the apartment twice in 2004, once in February for a noise complaint and once in June because someone in the house phoned 911 and then hung up. Both times officers talked to Ms. Handberry, police records show, and said they saw nothing in the home to alarm them. The officer who visited in February noted that he had seen the children and that they "appeared good and healthy."

In addition, the boy was seen in December and March by a pediatrician who noted in his records that Jmeir's weight had remained unchanged at 15 pounds but did not notify the state's child protection agency, according to John Kaye, the Monmouth County prosecutor.

A visiting nurse from Meridian Home Care had been in the home on 12 to 18 occasions in the months before Jmeir's death to give shots to Ms. Handberry's newborn daughter, who was suffering from severe anemia. Meridian has declined to talk about the case, citing patient confidentiality, and it is unclear if the nurse ever saw Jmeir.

The only record of the nurse contacting the Division of Youth and Family Services is from June when she was unable to enter the house to give the baby her thrice-weekly injection. A child welfare caseworker responded and found Ms. Handberry at home and determined that the mother had been trying to return the nurse's calls but that the home-care center phone had blocked her phone number.

The caseworker, who has not been identified, also saw Jmeir, who was asleep in his crib. He noted that the child was small but accepted the mother's explanation that all her children are small because she is a dwarf.

Mr. Kaye, the prosecutor, said at a news conference yesterday that it was obvious that the child was emaciated when he died in August. "This could not have escaped your attention because you were distracted by something else," he said.

He added that the family's apartment "had a great deal of food, not only adult food but children's food."

Mr. Kaye said he believed Jmeir's death was the result of the parents' negligence and recklessness.

On Tuesday night, James Davy, the commissioner of the state's Department of Human Services, said the caseworker was too narrow in his focus. "In hindsight, you can't help but think that if we stayed involved with the family and linked them to other helping services in the community, this tragedy could have been avoided," he said in a statement. "The bottom line: our work on this case just wasn't good enough."

Andy Williams, the department's spokesman, said yesterday: "We don't want it to look like we are piling on our caseworker. There was a whole system who saw this kid and didn't notice. That said, we are not shifting blame."

Hetty Rosenstein, president of Local 1037 of the Communications Workers of America, which represents the caseworkers, was adamant that the child welfare agency was being unfairly singled out.

"We had three very young sick children, all born in the same hospital, all sent home to a very young, disabled mother without any services," she said. "There was no referral. There was no call to D.Y.F.S."

Ms. Handberry, who is 4-foot-11 , is legally blind, according to Mr. Kaye.

"Why is the focus on the caseworker instead of the hospital, or the pediatrician, or the visiting nurse that was in and out of that house all the time?" Ms. Rosenstein said.

Mr. Codey's rebuke to the child welfare system appeared to take note that this is the third very public child starvation case in the last two years, despite the fact that the state is under court order to make major reforms. "I am especially disturbed that despite record levels of funding and sweeping reforms, the system is still so obviously broken," he said.

Ms. Rosenstein pointed out that the \$125 million increased appropriation for child welfare had only been passed in July, a month after the caseworker was in the Asbury Park home. "It is unfair to think these things happen overnight," she said.

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Codey: Boy's death a sickening tragedy

DYFS failed the toddler, he says

BY RUDY LARINI AND ANGELA STEWART Star-Ledger Staff November 25, 2004

Acting Gov. Richard J. Codey yesterday called the death of a 14-month-old Asbury Park boy whose parents have been accused of starving him "a horrible and sickening tragedy," and blamed the state's child welfare agency for mishandling the case.

Authorities, meanwhile, said they waited months to file criminal charges against the toddler's parents because they wanted to rule out any other possible medical cause for his death.

Tahija Handberry, 22, and the boy's father, Wesley White, 26, are charged with aggravated manslaughter and endangering the welfare of a child. Handberry is being held on \$200,000 bail, but White has yet to be arrested.

Jmeir White weighed just 10 pounds 4 ounces when he died Aug. 22 -- two months after a caseworker for the state Division of Youth and Family Services visited his Asbury Park home and noticed his small size. The caseworker

accepted Handberry's explanation that he had "always been small" and closed the case the next month.

Yesterday, Codey said that was unacceptable.

"This is a tragic death. It's very sad. Jmeir White's death is a horrible and sickening tragedy. It is inexcusable and unacceptable that while this little boy was suffering, the Division of Youth and Family Services closed the book on him. Clearly, DYFS did not do a good enough job on this case."

"I am especially disturbed that despite record levels of funding and sweeping reforms, the system is still so obviously broken," Codey said. "I am consulting with the Office of the Child Advocate and the Department of Human Services to determine what went wrong in this case and to make sure we are doing everything humanly possible to prevent a tragedy like this from ever happening again."

Codey said having a child starve to death at the hands of his own biological parents is not something that should happen in 2004.

"Nothing can be more tragic than parents starving their own child to death," he said.

He said he is expecting a report on the matter next week, including information from the prosecutor's office. Among the things he wants to know more about are what the pediatrician knew and when and why no red flags went up. He wants to know exactly what the doctor told DYFS and why law enforcement authorities were not contacted.

Asked for his opinion of the state's child welfare agency today, Codey responded, "We're dealing with a better DYFS, without question."

Codey, however, admitted he found it difficult to understand how a caseworker could see the child's small size and not think something was peculiar.

"Common sense would say something is very, very wrong here," he said.

DYFS officials said earlier this week that the caseworker, who had nine months' experience, has not been disciplined.

Yesterday, Monmouth County Prosecutor John Kaye detailed the circumstances surrounding Jmeir's death. Kaye said the boy had been seen by a doctor last December when he was 6 months old, and the doctor noted that he weighed 15 pounds and appeared healthy.

By his next doctor visit in March, however, the toddler had not gained any weight, Kaye said.

The DYFS caseworker visited Handberry's apartment in a public housing project in June on a nurse's complaint that the boy's newborn sister had missed two home appointments to receive shots for anemia. Handberry and White also have a third child, a girl who is almost 3 years old. Jmeir's sisters are in state custody.

The caseworker observed Jmeir's low weight but believed the mother when she told him, "He's always been small. It's his medical condition."

Kaye said the caseworker also noted that the apartment was "practically immaculate," with clean and neatly folded clothing. It also was well-stocked with adult and infant foods.

"I don't know there was much suspicion the DYFS worker should have had," the prosecutor said yesterday. "People are surprised, quite frankly, that this child died in that environment, but that's what happened."

He said authorities waited months to file charges against Handberry and White because the county medical examiner wanted to investigate Jmeir's death thoroughly to rule out any genetic or other medical causes other than "chronic malnutrition." Handberry, who is legally blind, claims she suffers from dwarfism, but Kaye yesterday dismissed that as a possible factor in Jmeir's death.

"I just don't think that's a fatal condition," he said.

Kaye said Jmeir was "clearly emaciated" when he died and he compared the boy's appearance to the gaunt, bony-chested children who once appeared in advertisements to fight hunger in Biafra.

He said there was no evidence on the boy's clothing or bedding that he was regurgitating food, nor any evidence of any physical abuse.

He blamed Jmeir's death on "super negligence" by his parents but said there was no indication they acted "intentionally."

Some proponents for reforming DYFS said the tragedy wouldn't affect Codey's support for a \$320 million, 2 1/2-year plan for the agency.

"I hope he is not giving up on the reforms. It takes more than a year for these changes to take effect," said Susan Lambiase, associate director of Children's Rights Inc., the national advocacy group whose lawsuit against DYFS prompted the state to submit a reform plan last year.

Kelley Heck, Codey's spokeswoman, said he remained committed to the reform process. "It's a priority for him to have all the resources available to protect the state's most vulnerable children."

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Codey fires at DFYS for toddler's starvation.

He called the agency's actions "inexcusable." A caseworker closed the Asbury Park case a month before the boy's death.

By Kera Ritter Inquirer Staff Writer Nov. 25, 2004

Acting Gov. Richard J. Codey expressed outrage yesterday over the death of a 14-month-old New Jersey boy who died of starvation two months after a child-welfare worker visited the home.

Jmeir White weighed 10 pounds when emergency workers responding to a 911 call found him dead in the family's Asbury Park apartment on Aug. 22.

"It is inexcusable and unacceptable that while this little boy was suffering, the Division of Youth and Family Services closed the book on him," Codey said in a statement. "I am especially disturbed that despite record levels of funding and sweeping reforms, the system is still so obviously broken."

Jmeir's parents, Tahija Handberry, 22, and Wesley White, 26, are charged with aggravated manslaughter and endangering the welfare of a child. Handberry is in custody, and police were searching for White yesterday.

A DYFS worker went to the home June 22 after a visiting nurse complained that she had been unable to reach the couple. The nurse was treating Jmeir's infant sister several times a week for a medical problem.

The house was clean and had plenty of food, said Andy Williams, spokesman for DYFS.

But the worker noted that the other children were small. Handberry, who is 4-foot-11, told the worker that the children had always been small.

The worker closed the case without speaking with the children's doctor, Williams said.

Monmouth County Prosecutor John Kaye said yesterday that the county medical examiner's office spent months investigating whether there had been any medical reason for the malnutrition, but no genetic causes were found, and officials ruled that Jmeir had died of chronic malnutrition.

"We tried to give every benefit of the doubt before we filed charges here," Kaye said.

Jmeir's death appears to show one more gap in the state's child-welfare system, which has been under intense scrutiny for the last few years and has been reeling from a series of high-profile problems.

Authorities discovered the battered, emaciated and mummified remains of Faheem Williams, a 7-year-old Newark boy, in January 2003. Two other brothers, both abused and neglected, were still alive. DYFS had been contacted about the boys but closed the case without seeing them.

In October that year, police discovered four severely malnourished Collingswood brothers who authorities say were deprived of food by their adoptive parents, Vanessa and Raymond Jackson. Caseworkers had gone to the home almost 40 times to observe a sister the Jacksons hoped to adopt, but never noted the brothers were malnourished.

The agency is in the midst of an overhaul under the supervision of a federal judge. The plan was approved in June.

The organization that brought the lawsuit, Children's Rights, said DYFS should have noticed that Jmeir was starving, but added that it was too early to expect significant improvement in the system.

"It's easy to put money into place and wait for the problem to go away, but the people in the field have to really be given support and be trained the right way," said Susan Lambiase, associate director of Children's Rights. "And everyone has to pay vigilant attention. A lot of systems failed this child."

Jmeir had been to the doctor in December and March and weighed 15 pounds, according to DYFS. But at 9 months old, Jmeir weighed below the fifth percentile for his age, according to growth charts developed by the Centers for Disease Control and Prevention.

It also appears that no one expressed concern that Jmeir's mother was raising three children younger than 3 and had a vision problem.

Williams said DYFS was trying to pinpoint why the worker had closed the case July 16 without any follow-up. All workers have been instructed to look at all children in a home and verify medical issues before closing a case, Williams said.

A month after the DYFS worker left, Handberry called 911 and reported that Jmeir was unresponsive. Rigor mortis had already set in by the time emergency personnel arrived, according to the state Office of the Child Advocate. Jmeir could have been dead from 10 minutes to several hours.

Kevin Ryan, New Jersey's child advocate, said in a statement that his office was conducting its own investigation into Jmeir's death.

This year, 26 child deaths in New Jersey may have resulted from abuse or neglect, Williams said. Last year, 33 children died of abuse or neglect, according to DYFS.

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DYFS alone not to blame

Published in the Asbury Park Press 11/27/04

An Asbury Park Press editorial

The news accounts of the 14-month-old Asbury Park boy found starved to death in his home were heartbreaking reminders of how monumental a task it will be to turn around the troubled state Division of Youth and Family Services -- regardless of the sweeping, court-ordered reforms and the millions of additional dollars being pumped into the agency.

The stories also were disturbing reminders of how little progress has been made in addressing the root cause of such tragedies -- broken homes, dysfunctional families and individuals oblivious to the preciousness of life and the concept of personal responsibility.

In assigning blame in this case, there's plenty to go around. DYFS certainly deserves its fair share. But the criticism of the agency and the case workers -- meted out liberally by acting Gov. Codey, the Office of the Child Advocate and others -- seems to have overshadowed the principal role played by the boys' parents and relatives. How could they have allowed Jmeir White to starve to death?

Yes, DYFS case workers should have followed up on Jmeir's case. There were ample red flags. Jmeir's infant sister was anemic and had missed at least two medical appointments, prompting a visit from DYFS. Jmeir was far lighter than most children his age and hadn't gained any weight for at least three months when a case worker visited his home in June -- two months before his death.

DYFS should have recognized the need for further intervention. But if only one person whose life had intersected with Jmeir's had cared -- his mother, his father, his grandparents, his pediatrician, his parents' friends, his neighbors -- he would be alive today.

Yes, fingers should be pointed at DYFS. It is that agency's job to protect children from neglect or abuse. But no one should overlook the main reason Jmeir White died -- an unbroken chain of indifferent, irresponsible behavior. Under new commissioner James M. Davy, we hope DYFS -- long broken -- can be fixed. But there are some things that DYFS alone can't repair.