

PROTECTIVE SERVICES

CPS under fire in death of Emma

Law enforcement should investigate crimes against children

By RANDY BURTON

THE death of 4-year-old Emma Thompson has enraged the Houston community. According to news reports, Emma's mother ignored the abuse of her own child, denied it to the authorities and attempted to hide it by super-gluing her baby's skull together. This "gifted nurse" claimed Emma's injuries were self-inflicted and that she had contracted genital herpes from a dirty toilet seat. Neighbors and others who suspected abuse should have notified the authorities, something required of all Texans over the age of 18. But, judging by their comments on the story on the Houston Chronicle's Web site, Houstonians have reserved their strongest criticism for Child Protective Services. The agency, which was fully aware that Emma had contracted a sexually transmitted disease, failed to remove her from the home.

This tragedy is not an isolated example of poor judgment but the result of a conscious decision by CPS to leave this child in the home. CPS spokesperson Estella Olguin explained that "a sexually transmitted disease alone is not enough to put a 4-year-old into protective custody." If Emma's STD and her mother's inconsistent stories about its origin weren't enough to trigger a thorough investigation and removal by CPS, what sort of evidence does it need?

Some historical context. In May 1987, following the murder of 2-year-old Jesse Wheeler, a poster boy for how the system has failed victims of child abuse, Justice for Children was formed by a group of concerned citizens tired of seeing preventable deaths of the very young in our community.

Later that year, these same Houstonians convinced the Texas Senate to conduct statewide hearings into the problems at CPS. The 1989 Senate report stated that "70 percent of the confirmed cases involved children who were left in their homes and who needed ongoing supervision and assistance from the department. In reality, only about half of these cases were assigned to a caseworker. The remaining 49 percent, or 9,800 confirmed cases, were closed immediately after the investigation ..."

In 1991, the Texas Senate Finance Committee found that "[y]ears of studies costing millions of dollars have been devoted to this program without tangible results. The immense problems and substantial improvements required cannot be achieved realistically in an agency with so many competing priorities."

Also in 1991, a report by the Texas Performance Review Team found: "The mission of the social worker is to rehabilitate and preserve

the family." It went on to say, "on the other hand, the mission of an investigator is to determine if the abuse occurred and remove the victim from the situation if necessary. Maintaining the functions in the same agency makes ... a nearly impossible situation in which to maintain objectivity and focus."

On July 2, 2004, Gov. Rick Perry issued an executive order requiring the Office of the Inspector General of the Texas Health and Human Services Commission to conduct an investigation of CPS. The inspector general's report noted that: "When abuse or neglect was indicated in the file, only 30 percent of the time did CPS caseworkers implement the appropriate safety steps for the short-term protection of the child, only 71 percent of the time were the steps appropriate to protect the child from further abuse and neglect and only 27 percent of the time, when there was imminent threat to the health and safety of any child in the home, was the child actually removed from the threat to prevent further abuse, neglect, or physical harm to the child."

Twenty-three years after Jesse Wheeler's death, innumerable studies, and adverse reports, we are still fighting the same fight. I could not care less that CPS feels they are damned if they remove a child and damned if they don't. According to the last National Incidence Study of Child Abuse and Neglect, of the 1 million annual cases where CPS confirmed abuse and neglect, 72 percent were closed without ever removing the children. By comparison, the number of children who have been murdered as a result of being removed from a home subsequently deemed safe is a big fat zero.

CPS is not in a popularity contest. Under federal law, "the child's health and safety

shall be the paramount concern" in all child abuse and neglect investigations. The federal Adoption and Safe Families Act of 1997, written with the help of Justice for Children, states that CPS is not required to use reasonable efforts to keep families together where "the parent has subjected the child to ... abandonment, torture, chronic abuse and sexual abuse" or has "committed a felony assault that results in serious bodily injury to the child."

No government agency is perfect, but I'd much rather have a police officer investigating a crime against a child than an agency that acknowledges that it doesn't perform criminal investigations. Law enforcement's priority is to protect its complaining witness, the crime victim. Otherwise, it has no case. CPS's priority continues to be preserving the family unit which, in cases like Emma's, is an experiment at the child's expense. If Emma's case had been investigated by law enforcement officers, I believe she would be alive today.

Like Jesse Wheeler, the death of defenseless little Emma is an object lesson in system failure. She compels us to try something new, so we don't read about another tragic, preventable child's death in the newspaper tomorrow.

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PHOTO OF EMMA THOMPSON COURTESY AMANDA YOUNG MATHEWS.