

Justice for Children

**National
Nonprofit**

March 2001

National Board of Directors

Randy Burton, President

Paul Funkhouser

President, Primal Energy

D. C. Gila, Ph.D.

Jury Consultant

Frank Lodzinski

President, Texoil Co.

Paula Patrick

C.O.O., Douglas Group

Victoria Martin Phipps

Attorney at Law

D'Lisa R. Simmons

Attorney at Law

The Reverend Chris Steele

Episcopal Diocese of Texas

Kimberly Blake Stabler

Executive Director

National Headquarters

2600 Southwest Freeway, Ste 806

Houston, Texas 77098

www.jfcadvocacy.org

Affiliates/Chapters

Washington D.C. Office

Eileen King, Regional Director

Scottsdale, Arizona Office

Shawn Cox, Regional Director

E-mail comments to:

kstabler@jfcadvocacy.org

Inside this issue:

- Houston Chronicle Article
- President's Corner
- Arizona Chapter Opens
- Washington D.C. Report
- Maryland child dies after CPS is called 14 times
- Houston Man gets 30 years in death of child
- Report from Headquarters
- Courtwatch
- CAPTA Reauthorization

Group Offers Legal Aid to Child–Abuse Victims

By Bill Murphy of the Houston Chronicle

Due to copyright limitations, we are unable to re-publish the article online. However, you may search the Houston Chronicle Archives at:

<http://www.chron.com>

We are sorry for any inconvenience.



Randy Burton

President's Corner

President of Justice for Children

JFC has had many exciting developments this year. In our last newsletter, I had the privilege of reporting to you the merger of Washington D.C.'s One Voice with Justice for Children. The addition of One Voice's governmental contacts have already proven to be a valuable asset in furthering our mission.

JFC continues to grow and I am exceptionally proud to announce the opening of our Arizona office. The Arizona office came online at the beginning of this year and is already helping to address the growing problem of abuse in the states in the Pacific and Rocky Mountain regions, while relieving some of the workload from our Houston office. Our Regional Director for the Arizona office is Shawn Cox. Shawn has an extensive history of dealing with the CPS system in Arizona. She received her Master's in Social Work in 1986 and has been actively involved in abuse issues ever since. She worked in a civil role in the military and received an Commendation for her work in expediting CPS cases into the courtroom. She was also responsible for developing the protocol for interfacing with CPS. Prior to joining the JFC team, she volunteered on the Child Help USA hotline and worked in a local children's hospital in their social work clinic.

In January, JFC conducted an Attorney Training sponsored by Houston Young Lawyers Association (HYLA) and the Houston Volunteer Lawyers Program. Some of the finest talent from the major law firms in our Houston area were present to be trained and volunteer their time. In addition to handling cases in the courtroom, attorneys will provide other forms of assistance to JFC and our cases as discussed below. In the last several months, JFC has trained over 50 Houston area attorneys and will be conducting another training with HYLA/HVLP this summer. JFC would like to thank all of the attorneys who attended the two previous training sessions. Additionally, we would like to thank Gardere Wynne Sewell LLP and Bracewell & Patterson for hosting our training sessions. Without their assistance these training sessions would not have been possible.

As a result of the tremendous success of our attorney recruitment in recent months, JFC has formed several Attorney Advisory Committees with our Pro Bono Attorneys to address other important JFC issues. These committees include a Legislative Workgroup which will address upcoming legislative issues and JFC initiatives; an Amicus Brief/Legal Research workgroup; Project fundraising/attorney recruiting workgroup; Training workgroup; Nonprofit Governance to address legal issues related to our expansion; and a Legal Brief workgroup that is developing a newsletter specifically geared to meet the needs of lawyers practicing in the area of child protection. Each of these groups has already begun work on their assignments and I look forward to updating you on their progress in future newsletters.

Kimberly Stabler and Barbara Baldovin were privileged to present a seminar at the most recent International Conference on Family Violence in San Diego.

Mark your calendars for the **6th International Conference on Family Violence**. This year's conference will be held at the Town and Country Hotel & Resort in **San Diego, CA**, September 8-12, 2001 and is hosted by the Family Violence and Sexual Assault Institute and Children's Institute International.

JFC is a proud co-sponsor for this year, and encourages professionals, advocates, researchers, policy makers, and anyone else wanting to become involved in finding a way to end violence to attend this conference.

Justice for Children would like to express our sincere gratitude to the Governor's office for their continued support through the VOCA grant (Grant Number VA-00-V30-14059-02). This grant has enabled JFC to continue providing services and programs vital to our clients.

News from Justice for Children – Arizona Office

Earlier this year JFC Arizona opened its doors for the first time. The newest Chapter to Justice for Children is already accepted cases. JFC Arizona is being headed up by Shawn Cox, the Regional Director. As mentioned earlier, Shawn comes to JFC with a wealth of experience ranging from supervising the social work department for the military to working in a pediatrics ER unit. Shawn received her MSW in Detroit in 1986 and is also a Certified Cognitive Behavioral Therapist.

JFC Arizona has formed a partnership with the Justice Studies Department at Arizona State University and will begin training interns from that department in the near future. This much needed partnership will enable the Arizona office to reach more clients on the west coast and enable employees to expedite the processing of new cases.

We would also like to thank several individuals who through their generous donations made JFC Arizona possible: John Die of Boeing and Chris Berry from Morris and Becker.

JFC was able to testify at a Legislative Human Services Committee meeting in January. At this meeting JFC expressed our concerns regarding closed hearings in child protective court cases, which services to prevent child advocacy, accountability, public awareness and a court watch program. We will update you in future newsletters as to any changes that are made regarding this policy.

Justice for Children would like to express our sincere gratitude to all of our supports for the year 2000. Your generous contributions have enabled us to provide therapy, attorneys and a number of other services to children who would not have otherwise receive the high quality services for which JFC is

Federal Child Abuse Prevention and Treatment Act (CAPTA) to be Re-authorized this Year

CAPTA is due to be re-authorized by the legislature this year. CAPTA, which was recertified in 1996 serves as a guideline for each state in how to ensure protected children their safety.

Under CAPTA

- ◆ Individuals who make reports to protective services "in good faith" are protected from prosecution from the accused.
- ◆ Professionals working with children are required by law to report allegations of abuse within 48 hours.
- ◆ Funding is provided for the child victim's legal representation.
- ◆ Only those individuals who are either subjects of the reports, government entities and agents "with a need" for the information may view CPS reports.
- ◆ The Guardian Ad Litem for the child may be an attorney or a Court Appointed Special Advocate (CASA).
- ◆ Requires states to create one or more "Citizen Review Panels" that examine CPS policies and procedures.
- ◆ There is no requirement that parents provide a child any medical service or treatment that is against the parents' religious beliefs; nor can a state make a finding of abuse or neglect where there is reliance upon spiritual healing in accordance to a parent's religious beliefs; and States must allow CPS to pursue court action when a child is being denied medical care or treatment necessary to prevent or remedy serious harm, and such court authority to order said care or treatment must be at the discretion of each state.

In order for states to qualify for CAPTA funds they must follow the above guidelines.

Justice For Children - Washington D.C. Chapter *From the Desk of Eileen King*

Brianna Blackmond, Katelyn Frazier and Collin Horridge...the roll call of child homicides in the Washington D.C. area continues. In 1997 federal legislation (The Adoption and Safe Families Act) was passed, mandating that the "child's best interest" shall be protected as opposed to family preservation at all cost. Unfortunately, these three children have already paid with their lives as a result of the ill-conceived attempts by judges and child protection agencies to refrain from intervening or preserving hopelessly dysfunctional families.

Since it's inception in 1987, Justice For Children (JFC) has served as a voice for thousands of child victims that not only suffered abuse at home but also fell victim to the "system". JFC, in an attempt to reach more children opened an office in Washington D.C. in 2000. As with the rest of the country the D.C. area is riddled with cases of children who, even after making outcries to protective services or law enforcement, still remain in abusive homes, often with fatal results.

JFC believes that no parent would knowingly send their child to a daycare setting where the workers were drunk or on drugs. Nor would they permit their children to be in an environment where they were kicked, beaten or sexually assaulted. If this unthinkable situation did arise (which it does) the abuser would be taken into custody and prosecuted to the full extent of the law. Further the victim would never be forced to be cared for by the perpetrator again.

While it is perceived as unacceptable by the criminal system for a stranger to abuse a child, the system would have us believe that the same abuse by a family member is not the same. In these situations child protective workers and judges are continuously not only not seeking prosecution in these

cases but are forcing the victim back into the home of the abuser! The child is often further victimized in having to witness the protective parent being restricted from the child, prosecuted, jailed, etc., for the very act of trying to protect their child. In a growing number of cases the protective parent is being barred by the judge from ever reporting abuse against the perpetrator again.

All three of the children mentioned previously were part of the "system", they had all been reported for abuse and all three cases had been "investigated". All three children are now dead. In the 13 years since JFC opened its doors, we have found that it is not uncommon for judges to order that a child be reunited with their family, even if they have to ignore or minimize evidence of sexual abuse or violence.

On a daily basis, the news reports on children who have been beaten or murdered by their parent, a growing number of these cases were already part of the system. Yet the system and our government speak loudly to their "belief" that children should be put first and that child safety comes first. Despite their claims, children are being forced to remain in these abusive homes which all too often end in permanent damage to the child or death. The system continues to recognize the right of the abuser and the right of an abusive parent to have free access to their victim at the expense of that child. Hundreds of children are crying out to the very governmental system designed to protect them every day and are falling on deaf ears. JFC finds this unacceptable and continues and will continue to fight to ensure that these helpless victims have a voice.

Justice for Children Listserves

The following are Information lists for your convenience :

JusticeForChildren@yahoogroups.com is a list for child advocates or attorneys who represent children who have been abused or neglected or who represent the parent or relative who are seeking to protect a child from abuse. This list covers legal cases of interest; legislation that impacts child victims; research on the effects of abuse on children and interviewing children; how the court system fails to protect children (system failure); as well as the legal and psychological strategies that are used to undermine the credibility of children as witnesses to the crimes committed against them.

OneVoiceJFCAdvocacy@yahoogroups.com is a list for survivors of childhood abuse and their supporters, mental health and legal professionals who treat or represent adult survivors as well as members of local or national government and civil litigation by survivors of child abuse, research and news about prevention, long term effects as well as the "Backlash" against adult survivors and the professionals who treat them. *Additionally ACAADC@aol.com, OVoiceDC@aol.com and OneVoiceACAA@aol.com will be changing in the near future. All mail from these sites will be forwarded to eking@jfcadvocacy.org.*

One Voice Project

The One Voice Project of Justice for Children focuses on issues related to teenage and adult survivors of sexual abuse, for example: making information available to teens writing school papers, sharing ideas about school projects for Child Abuse Awareness Month (April), civil litigation support, changing state and federal statute of limitations, encouraging health professionals to understand the importance of knowing whether a patient's past might include childhood abuse, and so on.

We also continue to network with groups and individual advocates across the country who are working to counter the efforts to re-silence the children who now, as adults, are telling our society the truth about child abuse. Adult survivors of childhood sexual abuse can be the best spokespersons to alert and educate us regarding the long term effects this form of abuse can have on children's lives.

The project receives requests for information and referrals from adult survivors who were sexually abused as children and who are interested in learning more about their rights to civil redress. The project is currently cleaning up and renewing its database of civil attorneys. If you have any suggestions regarding civil attorneys who would be willing to take these cases please contact our Washington D.C. office.

Washington D.C. Chapter Calendar:

4/7/01 Together with the D.C. Rape Crisis Center, JFC will be co-sponsoring a book signing at Olsson's Books at Metro Center in Downtown D.C. at 7:00pm. The book is entitled: Not Child's Play by Risa Shaw and addresses the troubling theme of sibling incest. For more information about this book you can log onto: www.lunchboxPress.org

Legislative News

In the Fall of 2000, the Violence Against Women Act was reauthorized with amendments. Title III – Limiting the effects of violence on Children – is of particular interest to JFC. Funds were appropriated for Child Abuse Training Programs for Judicial Personnel and Practitioners, for Court Appointed Special Advocate Programs (CASA), and for grants for televised testimony of child witnesses.

Another important section is Title IV – Strengthening Education and Training to Combat Violence Against Women. Section 1406 (1) C (21) states:

"The issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically – accepted and empirically valid research on child sexual assault;"

This section, in fact, addresses the use of bogus theories employed by expert witnesses – such as Parental Alienation Syndrome – that are used to keep a child in the custody of their alleged abuser. VAWA II authorizes funding for research projects on custody and child abuse, an important area of activity of JFC.

This year JFC is represented on the Violence Against Women Task Force and two subcommittees: the **Children and Violence Subcommittee** and the **Sexual Assault, Sexual Abuse and Incest Subcommittee**.

Maryland Child Dies After Father Calls

19 month old Collin Gabriel Horridge lived with his mother, Tiffany Fairis, and her live in friend, Danny Fowkes in the state of Maryland. On February 25, 2000, Collin's mother called 911 to report that her son had vomited and stopped breathing after being left alone in a room with Mr. Fowkes. Upon arrival, EMT personnel found a little boy with bruising, old and new, from the top of his head to the bottom of his ankles. Additionally they observed a shoe shaped bruise embedded on his tiny abdomen. The medical examiner later determined that the imprint was the result of stomping, the act that crushed Collin's internal organs, causing his death.

According to police reports, Mr. Fowkes told EMT workers and later a jury that he stood on the child's abdomen in an attempt to perform "CPR" after the child vomited and stopped breathing. He further admitted to the court that he had changed his shoes before emergency personnel arrived on the scene. Fowkes was subsequently indicted on first degree murder charges and Ms. Fairis with felony child abuse and child abuse resulting in death. EMT workers wept as they testified as to the condition of the child's body.

Collin's death came as no surprise to his biological father, Eric Horridge, who had contacted protective services **14 times** prior to the child's death regarding abuse occurring in the Fairis home. Protective services responded only one time to check on the welfare of this little boy. Several days later Collin was dead. Forty four bruises riddled his tiny body, his skin was pale and sallow and his diaper was overflowing with feces that were smeared all over his thighs, according to EMT workers on the scene.

JFC contacted the state's attorney's office in St. Mary's county Maryland advocating that Collin's abusers be prosecuted to the fullest extent of the law. In February, Mr. Fowkes was acquitted by a jury on the charge of murder. The defense argued that Collin's mother routinely beat him and that the footprint on Collin's body was Fowkes' clumsy attempt to revive the child after he stopped breathing. The state's attorney's office will now try Fowkes on Manslaughter charges. All charges on Ms. Fairis have been dropped due to lack of evidence. JFC will continue to aggressively advocate that Fowkes receive the maximum punishment if convicted on the manslaughter charges.

Regarding any of the children mentioned in the newsletter, you are welcome to contact JFC for periodic updates.

**On behalf of the entire staff at Justice For Children,
we would like to express our condolences to the entire Burton family over the loss
of Mr. Joseph Jackson Milburn Burton
a beloved husband, father and Grandfather.
Donations were Made I n His Memory
By Ms. Virginia Reedy, Mr. and Mrs. Frank Douglas,
Mr. and Mrs. Douglas Hillegeist, Mr. and Mrs. Paul Anderson
and Mr. and Mrs. Scott Stabler**

From Justice For Children Headquarters

Child Deaths Continue to Rise in Texas

The number of child fatalities due to abuse in Texas speaks for itself. JFC is fighting to ensure that this trend stops.

December 29, 1999, **18 month old Causandra Toth died** after her mother, Kimberly Toth, allegedly stomped on the toddler's stomach in an apparent retaliation for the little girl hitting her mother with a baby bottle. The cause of death has been ruled as **Blunt Force Trauma to the Abdomen**. Ms. Toth is accused of laying the baby girl on her back on the floor and stepping and jumping on her abdomen. Ms. Toth's boyfriend, Acie Wiley, apparently witnessed the murder but did nothing. Ms. Toth was indicted in April of last year on Capital Murder Charges. The state has since dropped all charges against Ms. Toth due to their inability to locate their main witness, Mr. Wiley (Mr. Wiley was jailed on unrelated charges and was allowed to attend a funeral, after which he fled). Once Mr. Wiley is located, the state can refile charges.

On August 25, 2000, **2 year old Kienna Lashay Baker died** at the hands of her mother's boyfriend, Kerry Dimart Allen, a convicted sex offender (1986 conviction for sexually assaulting two boys ages 4 and 8). The death has been ruled as a homicide with the officials stating the cause as "**Blunt Trauma to the Head**". The child also had multiple other injuries to her body at the time of death. Mr. Allen has been indicted on Capital Murder charges and remains jailed. There were other children in the home who have been taken into CPS custody.

On December 16, 2000, **2 year old Elizabeth Rocha died** at the hands of her mother, Tania Arellano Rocha. The autopsy revealed the cause of death as **Blunt Force Trauma to the Abdomen**. Ms. Rocha has been charged with Capital Murder and is currently in custody awaiting trial.

On January 18, 2001, **5 month old Jeremy Scott Henderson**, was picked up from his day-care provider, Rhonda Rossino. When his mother picked him up, Jeremy was unconscious. His mother rushed him to the hospital where he later died. His death has been ruled as a homicide, the cause of death: **Blunt Force Trauma**. No charges have been filed in this case. Child Care Licensing requested that Ms. Rossino close her home day-care. She refused. At this time there are six other small children in her care.

On January 30, 2001, 2 year old Tyler Wilden died as a result of Trauma to the Head, injuries consistent with **Shaken Baby Syndrome (SBS)**. Authorities are still trying to determine who is responsible for the child's death. The last person to have possession of the child prior to Tyler becoming unconscious was a family member. No charges have been filed at this time.

On February 21, 2001, **5 year old Sameer Joshi died as a result of Blunt Force Trauma to the Head**. He was alone in his mother's custody at the time. Sameer had only been in his parent's custody for the last 6 month (he had previously been in India with his grandparents). Sameer's 3 year old brother has been taken into CPS custody. The child's death has been ruled as a homicide. Law enforcement is presently investigating. No charges have been filed.

On February 25, 2001, **2 year old Gabriel Garza died** allegedly at the hands of his father's girlfriend, Stephanie Gallegos. Gabriel had been the subject of a previous CPS investigation in which he had been removed, only to be returned to the same abusive environment. The death has been ruled as a homicide with the cause of death being **Shaken Baby Syndrome with a Fractured Skull**. Ms Gallegos is due to be arraigned in the near future.

On February 27, 2001, **2 month old Dylan Cunningham died** after being severely shaken by his mother's boyfriend, Kenneth Walter. The autopsy revealed, multiple skull fractures and injuries consistent with **Shaken Baby Syndrome**. At the time of death EMT personnel reported that the child had bruises to the head and body. Mr. Waller has since admitted to shaking the toddler. Mr. Waller has been charged with Capital Murder and is currently being held without bond.

In each case mentioned above, JFC is advocating with the appropriate agencies to protect the surviving siblings and to seek justice for each child.

Houston Man Gets 30 year sentence in Death of Toddler

On May 29, 2000, EMT responded to a 911 call to Serena Jackson's home where they found her 17 month old son unconscious. Reports show that EMT transported little Christian Stone to the hospital where he later died as a result of his injuries. The death was ruled a homicide with the cause of death being consistent with Shaken Baby Syndrome. The mother's boyfriend, Jack Hammond, was alone with the child prior to EMT arriving. In a police report, Mr. Hammond admitted to shaking the child back and forth, then tossing the toddler onto the sofa after he had lost his temper. Mr. Hammond left the child and returned to his computer game. Mr. Hammond stated that he later returned to Christian to check on him and found the toddler unresponsive and began CPR.

Authorities interviewed Ms. Jackson who stated that bruises on Christian's ear, forehead and above his eye were sustained 5 days previously after he had fallen off a chair. The maternal grandmother, however, reported that she saw her grandson on 5/28/00, and observed no evidence of any of these injuries.

The autopsy revealed evidence of old and new injuries as well as several contusions to the head. When asked by JFC personnel, medical examiner Dr. Stephen K. Wilson attributed one of the contusions to a severe blow to the head possibly with a hand.

Christian's sister is currently in the custody of CPS, with the goal being reunification with the mother. JFC sent letters, met with several members of the CPS team involved in this case and has stated consistently our concern and the obvious dangers to placing this little girl back with her mother. JFC testified at a recent hearing regarding our concerns with the CPS placement of the surviving sibling.

Assistant District Attorney, Lance Long, with the 182nd Criminal Court, was successful in securing a 30 year conviction of Mr. Hammond for Felony Murder. JFC commends Mr. Long for all of his hard work in ensuring that Mr. Hammond is removed from the population, insuring that he will not be in the position to victimize other children for a generation.

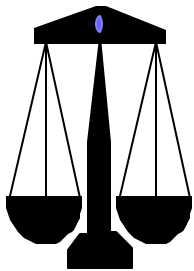
JFC is now looking to CPS to prevent a further travesty with their "reunification" goal. JFC will update you on the status the CPS portion of this case in future newsletters.

Just a note...

Justice for Children was privileged to attend the **Year of the Child Celebration** at First Presbyterian Church – Houston in February. This Celebration focused on children, what we can do to put them first and how to ensure that all of their needs are met. For more information about how you can help celebrate children this year by volunteering at Justice for Children, call 713-225-4357.

Once again our partnership with the University of Houston through Dr. Roy Lachman has provided us with several interns which have enabled us to expedite the summarizing of new cases, among other things, to better serve our clients. We are looking forward to our summer internship which is sure to prove rewarding to all those involved. If you interested in finding out more about our internship, please contact our Houston office.

A special thank you to our current interns/volunteers: Laura Herbert; From the University of Houston: Vanessa McKirahan, Jennifer Thames, Lora Janik, and Anita Najhawan.



Court Watch

- * JFC attended a Permanency Plan Team meeting at Children's Protective Services during the month of January on behalf of an infant in their care. We will continue to advocate for the safety and protection of this child in the 313th Judicial District Court at an upcoming hearing in April
- * JFC, in a previous newsletter, brought you information regarding the beating death of Joseph Beebe allegedly at the hands of his adoptive parents, Edyth and Brian Beebe. On March 2, Judge Chap Cain of the 253rd Judicial Court in Liberty County terminated the Beebe's parental rights on Joseph's surviving siblings. The Beebe's are currently being charged in the beating death of Joseph and the criminal trial is set to begin by the end of the summer.
- * JFC also attended hearings in the 174th, 245th, 253rd, 311th, 313th, and 328th
- * JFC has upcoming hearing in the following courts through the month of June: 183rd, 185th, 221st, 245th, 313th, and 328th

If you are interested in attending courtwatch, please contact our Houston office for more information.

Justice For Children

2600 Southwest Freeway, Suite 806
Houston, Texas 77098

Phone: 713-225-4357

Fax: 713-225-2818

Email: kstabler@jfcadvocacy.org

Mailing Address Line 1
Mailing Address Line 2
Mailing Address Line 3
Mailing Address Line 4
Mailing Address Line 5



Serving Children
Saving Lives

Mark your calendars! April is **Child Abuse Prevention Month**. In honor of Child Abuse Prevention Month you are welcome to make a donation to Justice for Children in the name of a child who is special in your life. Your contributions will be used to provide services to abused children who come to JFC for help.

Justice for Children does not charge for services to children. Contributions are gratefully accepted and are tax deductible. JFC is funded with donations from the general public and foundations.

JFC is always in need of committed volunteers. Training is scheduled regularly. Please call your local JFC office for more details.