

# For the Love of Children: Does boy's death point to larger problem?



The basement of the Sturgis home (South Bend Tribune/VIRGINIA BLACK / February 4, 2012)

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A growing number of those involved in protecting Indiana's children are alarmed at the quiet revamping of the state's Department of Child Services — changes they say too often result in a reluctance to act appropriately on reports of abuse and neglect.

A Tribune investigation in the wake of the highly publicized beating death of 10-year-old Tramelle Sturgis in November and the deaths this year of several other Indiana children suggests that centralization, funding cuts and the mandated confidentiality of Child Protective Services is worrying social workers, doctors, program providers and even juvenile court judges.

After reports that Indiana's record of protecting children was among the worst in the country, Gov. **Mitch Daniels** in 2005 appointed a new DCS director, creating a Cabinet-level position, and pledged more state money toward hiring more case managers in an effort to lower caseloads across the state.

Director James Payne, a former Marion County juvenile court judge for 20 years, has led the

overhaul over the last few years, hiring and training 800 new case managers, instituting more consistent policies and creating more systems to review cases. He points to these changes as bringing Indiana's policies more into line with those of other states.

But he has also led some sweeping changes that others who work in the system point to as serious missteps that are often failing children:

- The 800 phone hot line used to report suspicions of abuse or neglect now rings in a central call center in Indianapolis rather than a local office.

Using a streamlined set of questions, more calls are "screened out": In the year the centralized call center has been in effect, the "screen-out" rate — calls determined to not merit further investigation — has risen from 16 percent to 39 percent statewide (calls from September through November 2011, the latest figure available).

Both Elkhart and St. Joseph county juvenile courts report that during 2011, the first year the centralized call center was fully functional, the number of cases of alleged abused or neglected children in those courtrooms dropped dramatically.

- DCS has further emphasized its long-standing philosophy of trying to keep children at home whenever possible, citing the risk of greater emotional damage in removing children from their parents if it is not necessary.

But critics of "Safely Home-Families First," as the policy is called, say the DCS emphasis on leaving kids in a potentially abusive or neglectful home is dangerous — and a way of saving state money by not paying for the more expensive treatment they might need.

- The state has also taken control of the money for child services and streamlined what it spends across the state, negotiating contracts with agencies and residential treatment facilities and refiguring its pay rates for foster and adoptive parents.

Others in the system point to dire consequences in what has substantially lowered access to programs for children; tied the hands of juvenile judges, who can order only DCS-approved treatment programs unless they find other sources of money for them; and resulted in the scaling back and even shutting down of some group homes and residential treatment facilities.

Director Payne, who returned more than \$103 million of unspent dollars to state coffers last summer at the end of the last fiscal year, says in response to a current state Senate bill calling for the establishment of a DCS evaluation committee, "The data is pretty clear. We have more children with fewer dollars and better results; that typically would not indicate you need more oversight."

But reflecting the growing frustration with state changes, Bruce Greenberg, CEO of the Family and Children's Center in St. Joseph and Elkhart counties, wrote an angry group e-mail Nov. 21 in response to an announcement that the region had been lauded for performance.

"We have children dying in our region and we are awarded with recognition of system improvement. Really?" he wrote. "The timing of this award is hard to accept given the recent tragic death of 10-year-old Tramelle Sturgis.

"How many more kids will die before we all take a deep look at what is going on with child welfare services in Indiana and reverse the draconian cuts in funding and see how those cuts

are negatively affecting the safety net of child welfare?”

### **How did it happen?**

Tramelle’s death and the resulting publicity of more than three years of abuse discovered in the Sturgis family has raised the same sense of incredulity among those who work with children in Michiana.

State and federal laws dictate that nearly all of the workings of the Department of Child Services — the umbrella agency of Child Protective Services — is confidential. The only exception to that is in cases of a child’s fatality or “near fatality,” when a judge can approve the release of a censored version of CPS records to the public.

After the Sturgis case surfaced, CPS and South Bend police confirmed they had each visited the Sturgis home on one occasion, finding nothing actionable.

The Sturgis records released describe one detailed report — the source of child abuse reports are always confidential under state law — and some case manager notes, but they leave many unanswered questions.

That case was closed in June after officials determined the home was safe and the children were well-cared for, according to the investigatory documents.

“Children did not have visible marks or bruises that appeared to be from inappropriate discipline,” the case manager wrote. “All children appeared well-nurtured and comfortable with the caregivers.”

Those caregivers — Terry Sturgis and Dellia Castile — have been charged in connection with the death of Tramelle and other instances of child abuse.

The person who reported the abuse in May described with a great deal of detail that the children were being beaten regularly with two-by-fours, that their home had no gas or heat, and that one child had once been beaten so badly he missed school because his face was bruised and his eyes were swollen shut, according to the documents.

The caller said one of the children might have been bleeding internally “and the child said ‘You’re killing me’ during the beating today,” according to the report.

One family case manager documented her attempts to investigate at the house three times over three days after the report was made on May 27. Another case manager later followed up, reporting that he visited the Sturgis home unannounced on West Washington Street as well as at the children’s schools.

That case manager is 26 years old and began his work with CPS in July 2010, records show.

The worker spoke with Castile, Sturgis and the children, the records say, and he determined the abuse allegations were unsubstantiated. He said the children had no visible injuries.

“During the interview, children did not disclose receiving inappropriate discipline by the caregivers,” the documents read. “Children stated being comfortable with the caregivers.”

## A lost history

The situation observed by CPS in the spring sharply contrasts with the one authorities described as they investigated Tramelles's death.

Tramelles, who was found unresponsive by police Nov. 4 inside the home, had suffered **broken bones**, widespread bruising and welt marks, according to court documents.

As it turned out, other, earlier reports had already been purged from the CPS database because they had been ruled "unsubstantiated." If a report is checked out and deemed to lack enough evidence, it is ruled unsubstantiated; if a case is ruled to have enough merit to be investigated further, it is "substantiated."

Current Indiana law requires that unsubstantiated reports be kept for only 120 days.

St. Joseph County Prosecutor Michael Dvorak was so frustrated by the lack of older records in the Sturgis case that he urged state Sen. **John Broden**, D-South Bend, to amend the law in the current General Assembly session. Senate Bill 286 would, among other things relating to DCS issues, amend that storage requirement to at least three years.

In a Jan. 9 letter to Broden, Dvorak wrote, "The school these children had attended made calls to DCS. A caseworker visited the home and the school. The caseworker closed her report as 'unsubstantiated' after interviewing the children in the presence of the father.

"After 120 days, per DCS policy, those records were destroyed. Fortunately, the school maintained records," Dvorak continued in his letter. "Had the school not kept records there would be no way of knowing what, if any, investigation had ever been undertaken by DCS. ... A statute should be enacted to assure citizens there is oversight of DCS. While I am confident there are other examples of the need to make sure DCS records are accessible, I can imagine no example more compelling than the beating death of this child and the serious bodily injury to his brothers."

Since the 800 hot line has been centralized in Indianapolis, Payne said in an interview, the calls are recorded.

The Tribune has requested copies of what recordings might exist regarding the Sturgis case, citing state law that allows the release of records in a child fatality, but DCS denied the request. A hearing on the matter is set for Thursday in St. Joseph Probate Court.

Asked about the Sturgis case, which he noted is still under review, Payne said, "It strikes me that this family was very secretive, and it was an all-encompassing secrecy."

Payne said the tendency when something goes wrong with a child is to blame a government agency without reflecting on the actions of the larger community.

"The real question is, ultimately: What is it that causes a human being to do that to another human being, a defenseless human being?" Payne asked. "What is it that causes that?"