Department of Human Services

Articles in Today's Clips
Tuesday, February 28, 2006

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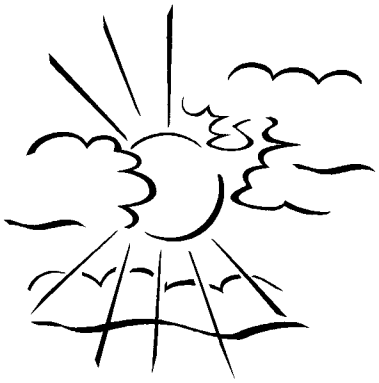
Prepared by the DHS Office of Communications (517) 373-7394



*Important story at this spot

TOPIC	PAGE
Child Abuse/Neglect/Protection	2-4
Juvenile Justice	5-7
Health Care	8-9
Vulnerable Adults	10-18
Heating Assistance	19
Food Assistance	20
Housing	21
Child Custody	22-26

Letters to the Editor

Lansing State Journal

February 28, 2006

Peel adoption label

In response to the various articles in the LSJ regarding the horrific Ricky Holland case:

On several occasions, the LSJ has mentioned Ricky as being the "adopted" son of Tim and Lisa Holland. He was their son, plain and simple, whether by adoption or by birth, and what they may have done to their little boy is incomprehensible.

I am the parent of a child by means of adoption, and one by birth. I do not label my daughter as an "adopted child" or my son as the "birth child." They are both my children, and they are loved the same.

Ricky should not have been labeled either. He was a person, a beautiful little boy who deserved so much better in life than dying - possibly at the hand of his own parents.

Amy Bailey Chapko
DeWitt

Hearing set for man accused of sexual assault

Tuesday, February 28, 2006

By Scott Hagen
shagen@citpat.com -- 768-4929

A man arrested in Tennessee for sexually assaulting a 5-year-old girl in Blackman Township is scheduled to have a hearing Wednesday to determine when he will be returned to Michigan.
Timothy P. Watson, 46, is awaiting extradition to Jackson County to face a charge of first-degree criminal sexual conduct and one count of failing to register as a sex offender.
Watson has not given Tennessee authorities a clear answer on whether he will waive extradition. If he does waive it, he could be returned to Michigan soon, said Tom Finco, director of Blackman Township Department of Public Safety.
"He won't give them a yes or no, so they're going to bring him in front of a judge and get an official answer from him," Finco said. "If he doesn't waive extradition, it's a fairly lengthy process."
That process would include the Jackson County Prosecutor's office petitioning Gov. Jennifer Granholm's office to request extradition from the governor of Tennessee.
But Finco remains confident Watson will eventually be returned to Michigan to face the charges. "It's been my experience that I've never seen a state that's been denied extradition," he said.
Watson moved in with the girl and her mother in December after he was released from prison. He served eight years for sexually assaulting a 9-year-old girl in Berrien County. He told the mother he had been in prison for having sex with a 16-year-old.
However, after the mother of the victim learned from a family member that the assault involved a 9-year-old, she questioned her daughter about Watson's behavior and learned the girl may have been sexually assaulted.
Police in Blackman Township started investigating Watson after he left for Tennessee on Feb. 20.
The victim told police that Watson forced intercourse on her and assaulted her in other ways when her mother was not home.
Watson was arrested Thursday in Tennessee when he showed up to register as a sex offender in Carroll County.

The right thing

GISD took responsibility, proper course in bus incident

FLINT

THE FLINT JOURNAL FIRST EDITION
Tuesday, February 28, 2006

It's appalling that a severely mentally impaired teenager was left harnessed in his seat on a Genesee Intermediate School District bus for seven hours before being discovered cold, hungry, thirsty and soiled.

If there can be a bright spot in this incident - beyond the fact that the young man appears to be OK, of course - it is the GISD's decisive and honest response.

No excuses were made. That's a good thing since none would be valid or help reassure the parents of the other nearly 2,700 kids who ride those buses. About 1,150 of them have special needs.

Instead, the GISD fired the driver and aide for failing to follow the district's policy to ensure that buses are empty before they are parked and left.

"This is the first time this has ever happened, and we're extremely disappointed," said Jerry Johnson, GISD executive director of communications and development. "It's a very serious error. (The employees) did not do what they were required to do, and that was inexcusable. " We've obviously let the student and parents down, and we hope we can regain their confidence. We've definitely taken steps to make sure it never happens again."

To that end, the district implemented a new rule requiring drivers to document that they have checked all seats for students. The swift firing of those who did not follow the district's other policy should help improve compliance on the new one.

On the whole, bus drivers are efficient and dependable. They often work under trying circumstances to get students to and from school safely each day. When something like this happens, it is a shock to all.

The GISD gets high marks for taking responsibility and seeking solutions rather than trying to avoid blame.

Girl who dunked classmate takes plea

Teen admits wrongdoing, could be sentenced as juvenile or adult

PUBLISHED: February 28, 2006

By Jameson Cook
Macomb Daily Staff Writer

A 14-year-old girl admitted wrongdoing Monday and could be sentenced as a juvenile or an adult for pulling a classmate underwater in a school pool in Warren.

Courtney Angelica Hood pleaded guilty in Macomb Circuit Court to assault with attempt to do great bodily harm less than murder for dunking and trying to keep Gyna Hewitt under water at the Fitzgerald High School pool last Oct. 27.

"I dunked Gyna Hewitt in the deep end of the pool," Hood told Judge Edward Servitto. "I should've known she could've been seriously injured by my actions. She did nothing to me to cause me to do this."

Hood was originally charged with attempted murder and assault, and two female school mates -- Destiny Heather Corcoran, 16, and Felicia Gilliam, 14 -- were accused of encouraging Hood to commit the act. But conspiracy charges against Corcoran and Gilliam were dismissed by 37th District Court Judge John Chmura in January.

In a plea agreement, Hood pleaded guilty to the assault charge, which carries a maximum penalty of 10 years in prison, and the judge will dismiss the attempted-murder offense, which carries a maximum penalty of life in prison.

Judge Servitto will decide at the April 12 sentencing whether to sentence Hood as an adult, juvenile or both in a blended sentence. Servitto said he will rely heavily on a report from the state Department of Human Services.

In the juvenile system, Hood could serve a term in juvenile detention then be released to her parents and serve probation. She likely would receive more therapy in the juvenile system than if sentenced as an adult. The longest time she could serve as a juvenile is until age 19, but she likely would be released much earlier than that.

Hood's attorney, Richard Nelson, could not be reached for comment Monday.

The victim, Gyna Hewitt, 14, and her mother, Pamela, agreed with Monday's outcome.

"Seriously, all I want her to do is for her to get some help," Gyna Hewitt said after the hearing outside the courtroom.

The plea agreement will also avoid a trial, Pamela Hewitt said.

Macomb County Eric Smith said supporting Hood's potential sentencing as a juvenile -- but with adult penalties if she falters, along with her accepting responsibility for her actions -- falls in line with his office's zero-tolerance for juvenile crime. He said the original attempted murder charge demonstrated to Hood and her classmates the magnitude of consequences for certain actions.

"We want to send the message that we're tough on juvenile criminals but fair as well," Smith said. "If she screws up (while in detention or on probation) she could still be sentenced as an adult. If she is able to become a productive member of society, we would count that as a victory."

Pamela Hewitt said while she is pleased with the potential outcome, she was disappointed that Hood didn't admit that she tried to seriously injure her daughter.

"She's still saying it was a dunk; that was no dunk," Pamela Hewitt said.

The incident occurred during a gym-class swimming test in nearly 12 feet of water.

Testimony at the preliminary examination indicated there was no prior agreement between Hood and the two girls. Hood allegedly told Corcoran and Gilliam that she was going to drown Hewitt.
The assault stemmed from disagreement over a boy whom Hewitt was dating. She said she is no longer dating the boy.

Teen Accused Of Assault In School Pool Makes Plea

14-Year-Old Allegedly Tries To Drown Classmate

POSTED: 10:10 am EST February 28, 2006

MOUNT CLEMENS, Mich. -- A teenager charged with attempted murder after allegedly trying to drown a classmate in a high school pool has pleaded guilty to a lesser charge.
Courtney Angelica Hood, 14, had been charged with attempted murder and assault with intent to do great bodily harm. She pleaded guilty to the latter charge Monday in Macomb County Circuit Court.
The charges stem from an October 2005 attack at Warren Fitzgerald High School.
Gyna Hewitt testified earlier that Hood pulled her to the bottom of the pool and held her down by her foot. She said she kicked her way free before friends pulled her to safety.

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Seniors clear air on Rx plan confusion

By Catherine Kavanaugh

Daily Tribune Staff Writer

PUBLISHED: February 26, 2006

MADISON HEIGHTS — Melva Karliss, a retired accountant, read about her 40-plus prescription plan options being offered in Michigan and crunched the numbers to find the one that made financial sense.

She and her husband, George, enrolled in Medicare Prescription Blue/Option 2 through Blue Cross/Blue Shield of Michigan. Their doctor gave them 90-day prescriptions to save even more money on co-pays and the Huntington Woods couple filled them at CVS.

On Feb. 1, however, the Karlisses got a letter from Blue Cross notifying them that CVS isn't in their plan. Melva hoped the matter could be resolved by switching pharmacies.

"So I called Blue Cross for the 14,000th time and I was told there is a pharmacy list but it's not ready," Karliss told U.S. Rep. Sander Levin, D-12th District, at a town hall meeting Friday at the Madison/Solberg Tower.

"I was told maybe try Walgreens then I was told Meijer, which is six miles from my home," Karliss said.

The Karlisses are among thousands of senior citizens encountering problems with the prescription coverage offered to Medicare beneficiaries this year. Many seniors contend they are being overcharged and even denied coverage while others complain the enrollment process is intimidating.

Of the estimated 21 million Medicare beneficiaries who did not have drug coverage prior to Jan. 1, only 3.6 million have signed up for a plan. That's about 17 percent of the target population.

Levin said he conducted his own phone survey recently and got a response from more than 4,300 people in his district. Almost 60 percent said they need prescription drug coverage but don't feel they have the information to pick one, 30 percent said they signed up for a plan and filled their prescription with no problem, and 11 percent said they are having problems getting their prescriptions filled or have been charged the wrong amount.

The deadline to enroll without a penalty is May 15. After that, beneficiaries will pay a premium penalty of 1 percent per month, which means the longer someone waits the higher the penalty.

Levin told the crowd of 40 in Madison Heights that he has co-sponsored legislation to give seniors more time to choose a plan and enroll, and to give people an opportunity to change plans ifnecessary.

"We don't want seniors to lose out because of the complexity of the process," he said.

Levin also said the process could have been simplified by having Medicare cover prescription drugs like it does doctor visits and hospital stays. Instead, he said a separate private insurance program was set up by the Republican-held Congress.

"After 15 minutes of voting, that plan was losing — and they held the vote open for the longest in the history of Congress," Levin said. "I believe it was three hours. Some deals were made, and after three hours there was a difference of one vote. Then someone switched from 'no' to 'yes' to get it passed."

In addition to the enrollment deadlines, Levin sees other "structural difficulties" with the program, including:

n Beneficiaries and their doctors have to appeal denials of prescriptions to the private insurer and not Medicare.

n Insurance companies can change which drugs are covered and the co-pays anytime during the year but beneficiaries can't change plans until the end of the year.

n At the end of the first year, plans can drop out of the program or change benefits, premiums and covered drugs, forcing beneficiaries to search out another plan that meets their needs.

n Most plans have coverage gaps.

The Karlisses added another gripe to the list. After their frustrating letter from Blue Cross, they got one from the Social Security Administration telling them $70 would be taken out of each their next checks.

"That's because Blue Cross insists on being paid in advance," Mrs. Karliss said. "My husband and I will still eat with that $140 out of our checks next month, but surely there must be people around who will find that a problem."

Attorney general charges eight people in Medicaid patient's death

2/27/2006, 5:58 p.m. ET

The Associated Press

LANSING, Mich. (AP) — Eight former employees of a Big Rapids nursing home have been charged with 18 felony counts related to the death of a 50-year-old woman who died because her oxygen tank wasn't changed, Attorney General Mike Cox said Monday.

Sarah Comer, of Big Rapids, died Jan. 16, 2005, at Metron Nursing Facility a day after being transferred there from Spectrum Health Butterworth Campus in Grand Rapids.

Cox said in a news release that he has filed charges in district court in Mecosta County against five registered nurses, the nursing home's medical director, the former administrator and a certified nursing assistant.

In a statement Monday, Metron said the company has fired two of the nurses and that the other six no longer work for the company. The company runs nine nursing homes in Michigan.

"The health, safety and security of our residents is of the utmost importance to our management and staff. We will continue to provide quality restorative and long-term health care to our residents, while respecting their dignity and privacy at all times," the company said.

The charges filed against the eight workers include involuntary manslaughter, accessory after the fact as a result of a cover-up, falsification of medical records, tampering with evidence and five misdemeanor charges, including failure to report the incident to the Michigan Department of Community Health.

Cox said Comer was transferred for rehabilitation to the nursing facility. She had been weaned from a ventilator to oxygen just 48 hours before the transfer and was "extremely oxygen-dependent," he said.

The attorney general said that, instead of being put in a room where the staff was experienced in caring for sicker patients and where oxygen usage records were kept, Comer was put in a room where no such records were kept.

The staff was not given special instructions to monitor Comer's oxygen levels or track from 11 p.m. to 7 a.m. how much oxygen was left in the oxygen tank. Cox said that, because the tank was never changed, it ran out of oxygen before 6:45 a.m. The facility's records show Comer was found dead at 8:50 a.m.

"Early morning reports to nursing staff that the resident was experiencing dizziness were ignored," Cox said in the statement. "This tragic death simply shouldn't have occurred."

Medical examiner investigators looked into the incident but were not informed the tank had run out of oxygen, Cox said. They thought Comer had suffered a heart attack.

"No autopsy was performed and the death certificate was instead sent to the resident's former physician for signature with the cause of death incorrectly listed as myocardial infarction due to natural causes," Cox said.

He also said that administrators for Metron of Big Rapids, assisted by staff, falsified medical records to cover up the death and left out any reference to the oxygen tank running out when they made a written report to the state Department of Community Health.

One of the charges also relates to the facility's failure to report that Dorothy Pearl Johnson, of McBain, a 64-year-old oxygen-dependant resident at the nursing facility, died the same day as Comer at 9 a.m. The cause of death was listed as chronic obstructive pulmonary disease.

The nurses fired by Metron are Kathleen Rose Johnson, 57, a dayshift supervisor from Big Rapids charged with involuntary manslaughter and tampering with evidence, among other charges, and director of nursing Christine Marie Mondrella, 42, of Paris, who was on maternity leave when Comer died but was called back to work after the death. She's charged with failure to report abuse of a patient.

Others charged are:

_Cheryl Lynn Williams, 41, the midnight-shift charge-nurse supervisor, who also is charged with involuntary manslaughter, among other charges. She's currently living in Palmetto, Fla.

_Tracey Marie Moore, 31, of Luther, who was a direct caregiver and is charged with involuntary manslaughter, among other charges.

_Sharon Elaine Mumah, 39, of Morley, who was the corporate nurse consultant for Metron and interim director of nursing. Among other charges, she's accused of failing to report patient abuse.

_Laura Lynn Ferrara, 41, of Kalamazoo, who was the corporate clinical director for Metron based in Grand Rapids and is accused of helping withhold information from state health officials.

_Rudy Casimer Ochs, 49, of Hart, a medical doctor who was the medical director of Metron of Big Rapids and Mecosta County's deputy medical director. Cox said Ochs did not disclose to investigators that the oxygen tank ran out of oxygen or order an autopsy.

_Robert Earl Koch Jr., 49, who was the nursing home administrator. Now living in Columbia, S.C., Koch intentionally concealed that the tank ran out of oxygen and failed to inform the state about the circumstances of Comer's death or that Johnson had died on the same day, according to Cox.

Metron also runs nursing homes in Allegan, Belding, Bloomingdale, Cedar Springs, Forest Hills, Greenville, Kalamazoo and Lamont. Metron of Big Rapids said it has cooperated fully with the attorney general's office in the investigation and will continue to do so.

On the Net:

Michigan Attorney General's office: http://www.michigan.gov/ag

Metron Integrated Health Systems: http://www.metronhealth.com/

Metron nursing home death called a cover up

Carin Windom
WZZM13/com
Created: 2/27/2006 12:00:14 PM
Updated: 2/28/2006 7:49:22 AM

Grand Rapids - Attorney General Mike Cox says seven nursing home employees and the assistant medical examiner of Mecosta County covered up the death of a patient who died in their care.

Attorney General Mike Cox announced felony charges today involving Metron, a Grand Rapids-based health care facility. All of the charges involve the death of a patient at the company's Big Rapids center.

Eight people were charged with 18 felony charges, for the death of a patient on January 16, 2005. Sarah Comer, 50, from Big Rapids was on oxygen because of a kidney problem. The attorney general's investigation shows the tank ran out of oxygen, and they believe she died of asphyxiation. The attorney general's office says the director of the facility is also assistant medical examiner of the county, and as a result, no autopsy was performed. The attorney general's office accuses the facility of covering up and tampering with evidence.

Another charge involves Metron's failure to report that a 54-year-old woman, also on oxygen, died the same day. In that case, there was also no autopsy performed. Metron has elderly care facilities throughout West Michigan.

WZZM 13 looked into Metron's previous inspections at the Big Rapids facility. We found 32 health deficiencies reported for the period from October 2004 to December 2005. The state average for health deficiencies is nine. The national average is eight. Health deficiencies include violations that could potentially put patients in harm.

Metron issued a statement saying they have fully cooperated with the investigation and, "The health, safety and security of our residents is of the utmost importance to our management and staff. We will continue to provide quality restorative and long-term health care to our residents, while respecting their dignity and privacy at all times."

Cox filed the complaints in the 77th Judicial District Court in Mecosta County against the following:

Kathleen Rose Johnson, RN, day-shift supervisor, 57, of Big Rapids is charged with: Involuntary Manslaughter; Vulnerable Adult Abuse-2nd Degree; Intentionally Placing False Information on a Medical Chart; Accessory After the Fact to a Felony; Tampering with Evidence in a Criminal Case; Tampering with Evidence.

Cheryl Lynn Williams, RN, midnight-shift charge-nurse supervisor 41, currently of Palmetto, Florida is charged with: Involuntary Manslaughter; Vulnerable Adult Abuse-2nd Degree; Intentionally Placing False Information on a Medical Chart; Accessory After the Fact to a Felony.

Tracey Marie Moore, C.N.A., 31, of Luther. Ms. Moore was a direct care giver and is charged with: Involuntary Manslaughter; Vulnerable Adult Abuse-2nd Degree; Accessory After the Fact to a Felony.

Sharon Elaine Mumah, R.N., 39, of Morley, was the Corporate Nurse Consultant for Metron and Interim Director of Nursing (D.O.N.). Ms. Mumah was responsible for admitting, room assignment and special care instructions for floor personnel on the day in question. Ms. Mumah is charged with: Vulnerable Adult Abuse-2nd Degree; Accessory After the Fact to a Felony; Failure to Report Abuse of a Patient.

Christine Marie Mondrella, R.N., 42, of Paris, was the facility D.O.N., but was on maternity leave on the day in question. Mondrella was called back to work following the incident and is charged with: Failure to Report Abuse of a Patient.

Laura Lynn Ferrara, R.N., 41, of Kalamazoo, was the Corporate Clinical Director for Metron based in Grand Rapids. Ms. Ferrara was called to the facility and participated in meetings which resulted in withholding pertinent information from D.C.H. Ms. Ferrara is charged with: Accessory After the Fact to a Felony

Rudy Casimer Ochs, M.D., 49, of Hart, was the medical director of Metron of Big Rapids and Deputy Medical Examiner for Mecosta County. Dr. Ochs did not disclose the oxygen depletion to investigators or order an autopsy. Dr. Ochs is charged with: Accessory After the Fact to a Felony; Willful Neglect of Duty as a Public Officer.

Robert Earl Koch, Jr., 49, currently of Columbia, S.C., was the Nursing Home Administrator (N.H.A.) at Metron of Big Rapids. Koch was aware of the fact that the oxygen tank ran out and the victim died. Koch intentionally concealed the information and failed to report the incident or the circumstances of death to D.C.H. Koch is further charged with failing to inform D.C.H. about the second oxygen related death which occurred within hours following the new resident's death. Koch is charged with: Accessory After the Fact to a Felony; 2 counts of Failure to Report Abuse of a Patient.

Web Editor: Brian Nemitz, 6pm Producer

State: Nursing home death led to 'cover-up'

Tuesday, February 28, 2006

By Nate Reens
MUSKEGON CHRONICLE NEWS SERVICE

The state attorney general said Monday eight workers of a Big Rapids nursing home, including a Hart doctor who was the facility's medical director and a deputy county medical examiner, tried to cover up a death of a 50-year-old woman who died because her oxygen tank wasn't changed.
When patient Sarah Comer died, eight nursing home workers "went into cover-up mode," state Attorney General Mike Cox said Monday at a news conference announcing 18 felony counts against the former workers at Metron of Big Rapids.
One of those being charged is Dr. Rudy Ochs of Hart, the nursing home's director who also served as the Mecosta County deputy medical examiner. It was that role which Cox alleges helped those involved evade immediate detection.
Cox said it was on Ochs' recommendation that no autopsy be performed on Comer, who was oxygen-dependent and died only 16 hours after being admitted to the care center for rehabilitation of kidney and diabetes complications. Ochs, who runs a family practice with the county's contracted medical examiner, Dr. Paul Wagner, in Hart, is deputized as a secondary investigator.
"It's a clear conflict of interest," Cox said. "(Ochs) used his relationship as deputy medical examiner to influence what was done after death."
Officials at Metron, headquartered in Cascade Township, said they have cooperated with the investigation.
"The health, safety and security of our residents is of the utmost importance to our management and staff," a statement released by the company said. "We will continue to provide quality restorative and long-term health care to our residents."
In all, the center's former administrator, interim director of nursing, nurses, a nursing assistant and Ochs are charged. The 18 felony and five misdemeanor allegations include involuntary manslaughter, falsifying medical records, tampering with evidence and failing to report patient abuse.
Beside Ochs, those being charged are: Kathleen Rose Johnson, 57, of Big Rapids, a nurse and day-shift supervisor; Cheryl Lynn Williams, 41, currently of Florida, a nurse and midnight-shift supervisor; Tracey Marie Moore, 31, of Luther, a nursing assistant; Sharon Elaine Mumah, 39, of Morley, interim director of nursing; Christine Marie Mondrella, 42, of Paris, the director of nursing; Laura Lynn Ferrara, 41, of Kalamazoo, a nurse and corporate clinical director for Metron in Grand Rapids; and Robert Koch, Jr., 49, of South Carolina, the nursing home administrator.
None of the suspects returned repeated calls seeking comment. Seven of the eight are to be arraigned Friday in Mecosta County District Court, the attorney general's office said.
Mecosta Administrator Paul Bullock said Wagner offered to talk to county commissioners about Ochs' role in the allegations. Ochs remains with the county, Bullock said, declining further comment.

Comer's death initially was investigated by state health officials, who could not prove wrongdoing by her caregivers.

But Cox said he can, based on the strength of information obtained with legal tools not available to health department investigators. The attorney general's health care unit used search warrants and subpoenas -- court orders that require a person to appear and be questioned under oath -- to ferret out the circumstances of Comer's death.

Doctored medical charts initially pushed suspicion aside, Cox said.

"There was tampering (with records) after the death to make it appear she was properly attended to," Cox said. "No one should check their security or their dignity at the door. A number of staff members didn't do their job, both in primary care and in supervision.

"This is a horrible case that need not have happened."

Nursing home death prompted 'cover-up mode'

Tuesday, February 28, 2006

By Nate Reens
The Grand Rapids Press

BIG RAPIDS -- The third oxygen tank never came. Eight hours later, Sarah Comer was dead, allegedly spurring workers at a Big Rapids nursing home into overdrive to come up with a story.
"They immediately went into cover-up mode," state Attorney General Mike Cox said Monday at a press conference announcing charges against the eight former workers at Metron of Big Rapids.
"One person interviewed said: 'What happens at Metron, stays at Metron.'"
The accusations stemming from Comer's Jan. 16, 2005, death, which authorities said was caused by asphyxiation when workers failed to replace the 50-year-old's oxygen tank, reach from entry-level workers to the facility's administrator and medical director.
The director doubled as the Mecosta County deputy medical examiner, a role Cox alleges helped those involved evade immediate detection. An anonymous tip led to a review of Comer's death, once labeled a heart attack.
Cox said it was on Dr. Rudy Ochs' recommendation that no autopsy be performed on Comer, who was oxygen-dependent and died only 16 hours after being admitted to the care center for rehabilitation of kidney and diabetes complications.
Ochs, who runs a family practice with the county's contracted medical examiner, Dr. Paul Wagner, in Hart, is deputized as a secondary investigator.
"It's a clear conflict of interest," Cox said. "(Ochs) used his relationship as a deputy medical examiner to influence what was done after death."
Officials at Metron, headquartered in Cascade Township, said they have cooperated with the investigation.
"The health, safety and security of our residents is of the utmost importance to our management and staff," a statement released by the company said. "We will continue to provide quality restorative and long-term health care to our residents."
In all, the center's former administrator, interim director of nursing, nurses, a nursing assistant and Ochs are charged. The 18 felony and five misdemeanor allegations include involuntary manslaughter, falsifying medical records, tampering with evidence and failing to report patient abuse.
None of the suspects returned repeated calls seeking comment. Seven of the eight are to be arraigned Friday in Mecosta County District Court, the attorney general's office said.
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"There was tampering (with records) after the death to make it appear she was properly attended to," Cox said. "No one should check their security or their dignity at the door. A number of staff members didn't do their job, both in primary care and in supervision.

"This is a horrible case that need not have happened."

There were a litany of problems with Comer's care, Cox said. She entered the nursing home Jan. 15 using a bottle of oxygen. It was replaced with a second bottle but, when that ran out, it allegedly was not replaced.

Cox cited Comer's unheeded complaints of dizziness and her placement in a wing where no oxygen records were kept. There was a bed available in an area with caregivers more familiar with oxygen procedures, he said.

"For the life of me, I don't understand that at all," Cox said.

T.J. Bucholz, spokesman for the state health department, said allegations of a cover-up could reopen his agency's probe and allow sanctions on the licenses of all eight alleged participants. Each remains licensed and without formal complaints, but two have moved out of state.

"There was not enough information available to us for formal complaints," Bucholz said. "We were not able to substantiate anything. If there was a cover-up and people lied, that changes things."

Cox's investigators also looked into the death of a second woman at the same facility. Dorothy Johnson, 64, died within hours of Comer. Johnson also was a patient on oxygen and complained of shortness of breath. Investigators found no illegal acts beyond misdemeanor allegations, Cox said.

Widow's money lost on stock gamble
Insurance agent faces federal fraud charges

Tuesday, February 28, 2006

BY AMALIE NASH
Ann Arbor News Staff Reporter

Federal prosecutors charge an insurance agent bilked a local woman out of $450,000 - benefits she received after her husband's death that were supposed to fund her retirement.
Instead of placing the money in traditional investments that they agreed upon, officials said, the agent gambled on a risky stock margin investment account and quickly lost it all.
The insurance agent, 57-year-old Daniel Corrigan, was federally charged last week with mail fraud, accused of making false statements and scheming to defraud the woman out of her money.
He has ties to both Washington and Nevada and is expected to turn himself in to authorities.
Loretta Allen of Pittsfield Township said she and her late husband, Robert, met Corrigan in Washington, and he became their insurance agent. Robert Allen was on a business trip as an inspector for the Federal Aviation Administration when his body was discovered in his hotel room in Arlington, Texas, in March 2000. He was bound and gagged and had suffocated; the case was never solved.
After Allen's death, Corrigan called and offered to help Loretta Allen settle the estate. Corrigan even came to Michigan and attended church services with Loretta Allen - both are Mormons.
"I had a real hard time when he passed away, and (Corrigan) offered to help me," Loretta Allen said Monday. "I trusted him."
According to federal documents, Corrigan convinced Allen to invest $450,000 with a company called Regency Asset Management Ltd. in the Cayman Islands and told her he was an independent agent for that company. She would be paid 7 percent interest on the investment over five years, but if the investments proved more lucrative, she would receive a higher return.
Allen said Corrigan set up a computer program that allowed her to see where the investments were going, but within several months, he stopped consulting with her - and she had no idea where the cash was going.
FBI Senior Agent Greg Stejskal said it appears Corrigan lost all of the money within a matter of months.
"He made a lot of misrepresentations," Stejskal said. "She believed this was a safe investment. He was basically a gambler, but instead of casinos, it was the market."
Allen said Corrigan didn't admit something was wrong until three years later, when he told her Regency Asset Management must have closed because he couldn't reach anyone at their offices.
Federal authorities later determined Corrigan set up Regency Asset Management Ltd. himself.
Allen said she never would have invested had she known that was the case.
Allen later went to the FBI, but she said her motivation at that point wasn't to get her cash back because Corrigan didn't appear to have many assets.
"I wanted to stop him from doing this to anyone else," Allen said.
Stejskal said authorities are investigating whether anyone else may have been scammed. The public defender who represents Corrigan did not return calls seeking comment Monday.

Amalie Nash can be reached at anash@annarbornews.com or
734-994-6832.

Walk for Warmth helps needy pay heating costs

By Ryan Lewis
Allegan News Staff Writer

Wednesday, February 22, 2006 10:12 AM EST

With heating costs high and temperatures low, the annual Allegan County Walk for Warmth is needed more than ever.

"There is as great need," said Jamie Tubergen, program director at the Allegan County Resource Development Committee Inc., the event's sponsor. "Heating costs have skyrocketed this year. Deliverable fuel prices have basically doubled. It can cost as much as $300 per month for some people to fill their tanks.

The walk generates funds that the ACRDC uses to help individuals with heat-related emergencies.

"Our programs can only withstand so much," Tubergen said.

Allegan County's Walk for Warmth will be Saturday, Feb. 25. Registration begins at 9:30 a.m. at the ACRDC office, 323 Water St. in Allegan, and the walk itself begins at 10 a.m. Snacks are provided afterward.

Participants may gather donations or collect pledges and have a volunteer walk for them. Tubergen said that this year's donations will be doubled because funds are then matched dollar-for-dollar by money from the Michigan Community Action Agency Association.

The walkers will be walking from the ACRDC office, to Hubbard Street, to M-89 to Trowbridge and then back to the office.

Tubergen said she hopes to raise a lot of money this year due to the great need.

"We'll be designating the money primarily for seniors and families with children," she said. "I'd like to raise $3,000, and then that would get doubled with (the agency's) matching funds."

She said individuals, groups and businesses are encouraged to participate.

For more information, call (269) 673-5472, ext. 269.

February 28, 2006

Food program gets grant from Kellogg

FROM RECORD EAGLE STAFF REPORTS

TRAVERSE CITY - A local program that provides fresh produce to area food pantries received a $49,340 grant from the W.K. Kellogg Foundation.
The Battle Creek-based foundation awarded the Fresh Food Partnership the grant to pay operation and development costs.
Partnership officials said the grant will cover most of the program costs so donations received by local residents can be used to buy food from local farmers for local pantries, shelters and meal programs.

Joining forces to aid low-income homeowners

The Kalamazoo Gazette

Saturday, February 28, 2006

In October, a number of Kalamazoo city commissioners met with residents of the city's North Side neighborhood and talked about housing.

Those homeowners told them about how much they loved their homes, but how the expense of maintaining them, painting them, insulating them, was greater than many low-income families could handle.

At one time, the city of Kalamazoo had a program to help low-income homeowners with home rehabilitation projects to keep neighborhoods from descending into blight and decay.

But repeated budget cuts at the federal, state and federal levels have forced the city to halt the program.

Fortunately, a group of citizens -- commissioners, business-owners, church-members and others -- say they intend to step up to the plate and find out where the needs are and attempt to help.

Kalamazoo Mayor Hannah McKinney and Commissioner Mary Balkema put their heads together and came up with Recycling for Warmth, a project that unites volunteers with willing businesses and contractors to insulate homes of low-income families.

The plan is this: Kalamazoo residents and businesses recycle their newspapers, bringing them to a special trailer owned by Applegate Insulation and located at the Miller Road Transfer Station.

Volunteer groups could organize paper drives. Businesses and other large organizations that accumulate large amounts of newspapers could save them up and bring them in.

The recycled newspapers go to Applegate Insulation, which has said it will shred and fireproof the recycled newspapers and turn it into insulation.

The Greater Kalamazoo Home Builders Association will find contractors who will volunteer to install the insulation in homes identified by North Side neighborhood officials.

Members of Calvary Bible Church have joined in the endeavor and already offered their time and talent to help install new windows for a low-income family.

McKinney and Balkema are hoping to recruit more churches, businesses and volunteers to donate newspapers, cash and personpower to help rehabilitate homes of low-income families.

Recycling for Warmth is at its embryonic stage. It will need greater participation and organization to truly change the face of the city's low-income neighborhoods.

But this is exactly the kind of effort that should be applauded and supported.

By recruiting volunteers and businesses to direct some of their energies toward assisting low-income homeowners, McKinney and Balkema are searching for new ways to do the job that cash-strapped city government used to do, but can't anymore.

We hope Recycling for Warmth develops into a sustainable organization that can make a difference in the lives of local families -- and in the health of the city's neighborhoods.

Joint Custody Could improve state's Child Support Efforts

Detroit News Letters
February 28, 2006

E ver since the switch to a "no-fault" divorce system made kids' chances of being raised by both parents a 50-50 proposition, child support collection has been a major growth industry for state and local government.

One thousand seven hundred employees now work full-time in Friend of the Court offices as referees, counselors, clerks, and support staff in all 83 Michigan counties. In addition, many employees of the criminal justice system devote a major portion of their workday to this last vestige of debtor's prison.

So it is no surprise that there was consternation in Lansing over a federal plan that cut nearly a quarter billion dollars in Michigan subsidies for child-support enforcement. But one state legislator, Rep. Leslie Mortimer, R-Horton, has introduced a bill that could reduce the need for devoting so many resources to child support enforcement.

It would simply amend the Child Custody Act of 1970 to create a presumption that parents who divorce maintain joint custody of their minor children. Both would retain the legal right to authorize medical treatment, have access to school records and so forth. Both would have physical custody of their child(ren) for alternating and substantially equal periods of time.

Although the current standard for determining custody includes consideration of a dozen criteria, putatively based on "the best interests of the child," nearly all custody decisions turn on a few, unwritten suppositions:

Children's sense of stability and security is enhanced by having as little disruption of their routine as possible, especially in continuity of residence.

The noncustodial parent can effectively contribute to a child's upbringing during "visitation" -- generally alternating weekends, holidays and vacations.

Children generally have greater need of ongoing access to their mother's nurturance and their father's earning capacity.

Temporary custody of children must be granted while the divorce action is pending.

When divorce proceedings have finally concluded, return to supposition No. 1 and the vicious circle is complete.

Although the court rules are nominally gender-neutral, in effect a wife/mother can always get a divorce -- citing no specific grounds -- and almost always take the husband/father's children, home and half of all other property acquired during the marriage.

Then the courts force him to subsidize the breakup of his family by ordering him to hand over a huge portion of his income to his ex until the last of his children has reached legal age. He is, incidentally, not entitled to any accounting of what becomes of the money.

Apologists for the status quo are quick to label those who object as "deadbeat dads" trying to evade their responsibilities. In point of fact, fathers are rarely given the option of assuming them.

And that is what Mortimer's "Equal Parenting" bill would change.

The legislation makes provision for rebutting the presumption of joint custody -- if a parent is either "unfit, unwilling or unable," or moves residence so far away as to preclude maintaining established school schedules. But in the overwhelming majority of cases, it will simply give defendants back some control over their own fate.

The reform merely empowers both parties and so avoids the poisonous resentment -- and, too often, open hostility -- that makes child support collection so problematic that the federal government is subsidizing it.

Tim O'Brien is executive director of the Small Government Alliance, an independent political action committee based in Allen Park. E-mail letters to letters@detnews.com.

Parental Rights

A Law's Fallout: Women in Prison Fight for Custody

It Encourages Adoption Of Many Foster Kids; Mothers Lose Contact

Judge: 'Too Much History'

By Laurie P. Cohen

CHEEKTOWAGA, N.Y.—In January 2004, Tamika Davis was leaving a department store in a mall with her son, when security officers nabbed her for stealing men's jeans and shirts.

Her children, an 11-year-old boy and a 7-year-old girl, were eventually sent to foster care. Last summer, while Ms. Davis was completing her jail term, child-welfare authorities moved to end her parental rights, so the children could be available for adoption.

Tamika Davis

Now free, Ms. Davis, 29, is fighting the move. In November, she admitted to a Buffalo family court judge that she neglected her children. Still, she wants to retain custody of them. "I'm numb," she says. "I fear I'll never see my kids again."

Under a 1997 federal law, states must move to end the rights of parents whose children have been in foster care for 15 of the past 22 months. The law, known as the Adoption and Safe Families Act, was intended to keep abused or neglected children from languishing in foster care while their biological parents, often drug-addicted, tried to kick their habits.

Since then, the population of women in prison has exploded—to more than 104,800 from 79,624—and now the law is raising difficult questions about what is best for children whose parents are incarcerated. Some say children need to stay connected to their parents during that traumatic time. Others contend the women have demonstrated that they are negligent and unfit and it is better if the state can find the children a permanent new home. Once their rights are terminated, the law forbids parents to see their children, or even know where they are.

Prison sentences for many women are longer than the 15-month period the law dictates, meaning they automatically risk losing their children. Inmates often can't attend hearings on whether their parental rights should be terminated. In some cases they aren't even informed about those hearings, which may be held hundreds or thousands of miles away.

The Act also created a financial incentive to encourage adoption. States receive an "adoption bonus" of $4,000 to $8,000 in federal money for every foster-care adoption above the previous year. More than $192 million in adoption incentives have been awarded to states since fiscal 1998, when the first bonuses were issued.

The rate of incarceration of women has increased faster than that of men in recent years. The increase has been fueled by state laws mandating minimum drug sentences and on the federal side by restrictions on granting leniency to single mothers.

The 15-month time frame for terminating parental rights is too stringent, some say, imposing a standard that is impossible for many women in prison to meet. Even after women are released from prison, most can't immediately set up a home stable enough for children.

The Act creates a situation that is "a violation of the fundamental rights of parents and children to have relationships with one another," says Tamar Kraft-Stolar, director of the Correctional Association of New York's Women in Prison Project. The nonprofit group will release a report soon calling for changes in a New York law with requirements similar to the federal act. The report argues that the government should make exceptions to the 15-month rule for inmates with children in foster care. It recommends that child-welfare agencies help maintain relationships between children and their incarcerated parents.

About three-fourths of the women in state and federal prison today have children under 18. There are nearly 30,000 children in foster care because their parents are in jail or prison. Cases involving parental-rights termination of incarcerated parents more than doubled from 1997 to 2002, according to a study of 2,500 cases by Philip Genty, a Columbia University School of Law professor, conducted for a report by the Child Welfare League of America.

Authors of the law say it is intended to work in the best interest of children, not their parents. Cassie Bevan, a senior policy adviser to the House majority leader and an architect of the Adoption and Safe Families Act, says, "We looked at prison sentences, but we weren't that sympathetic." Richard Gelles, another ASFA architect and dean of University of Pennsylvania's School of Social Policy & Practice, says, "the fact that the criminal justice system locks women up for too long can't be a reason why children's development is held hostage."

The Law's Intent

The intent of the law is to sever parental rights so that children can be placed in stable, adoptive homes. But for some children, especially older ones or those with special needs, that may never happen. In those cases, the children remain in foster care, but have no contact or information about their parents.

Some European countries allow incarcerated women to keep their children with them, says Eurochips, a Paris group working on behalf of children with imprisoned parents. In Spain, Portugal, Ireland and Italy, children can stay with parents in prison until the age of 3. In Germany, children may stay until they are 6. Termination of parental rights is rare in most of these countries.

On the eve of her daughter's June 1999 birth, Detra Welch was indicted in an Illinois state court in Chicago for possessing crack with intent to sell. Ms. Welch was a long-time abuser, she says, and her baby, Gwynne, was born addicted, according to court filings. Ms. Welch spent just two days with the child in the hospital before returning to prison. It was her third prison term in seven years.

Gwynne was placed with a foster family trained to deal with problems she might face, according to court records. Her foster mother has a master's degree in early-childhood education. The family wanted to adopt Gwynne. Ms. Welch, a high-school drop-out at the time of her release, wanted to keep the child.

The baby made Ms. Welch view prison differently this time, she says. She attended a drug-rehabilitation program in prison. "I really wanted my baby, and I wasted so much time in my life," says the 37-year-old Ms. Welch, who says she began using crack at 16.

Her late father was an alcoholic, she says, and three of her sisters are drug addicts. Ms. Welch says she sees her 20-year-old son, who was raised by his grandmother, infrequently. He was recently released from prison, after serving time for possession of crack cocaine. "He'll listen to me eventually," she says.

When she was released from prison in 2002, Ms. Welch signed up for an outpatient substance-abuse program at Chicago's Haymarket Center, a nonprofit facility. After completing the program, Haymarket hired her full-time to work with addicted mothers, a job she holds today. "Detra is one of the best employees I've ever had," says Mary Jane Miller, clinical director of women's services at Hay-

market. "She's dependable, loyal and an incredible communicator."

In 2002, Ms. Welch had several visits with Gwynne, supervised by county social workers. She says the child bonded with her, often crawling into her lap and stroking her face.

The last visit was in December 2002. Five months later, her parental rights were terminated by a judge who ruled that her repeated incarcerations made her unfit to parent Gwynne.

Appealing the Ruling

Ms. Welch appealed the ruling, arguing she now was in a position to give her daughter the life that she herself never had. While noting Ms. Welch had made "substantial progress toward correcting her life as she sought to regain custody of her child," an appellate court panel ruled in 2004 that her prison terms "prevented her from discharging her parental responsibilities." The judges said, "Sometimes there is just too much history."

In May 2005, Illinois's highest court upheld the termination. "Were it not for the fact that a halfway house put her on its payroll as a detox specialist, it is difficult to see how she could even support herself financially," the court said.

"I was shocked," says Ms. Welch, who calls the resolution "double jeopardy" because she was punished twice. The courts "went on my past—but that's my past." Ms. Welch completed a high-school equivalency degree in 2004 and now is studying for a college degree.

Today, she doesn't know where her daughter is, or the names of her adoptive parents. Many family-court records relating to minors aren't public.

"I'm all right and I have to accept it," Ms. Welch says. "God got me here for a reason."

Incarcerated mothers often aren't even informed of efforts to terminate their rights to their children, according to a soon-to-be-released report by the Correctional Association of New York, an independent group that monitors women's prisons. The report says correctional facilities frequently fail to follow "basic steps" to bring inmates to termination hearings.

Jacqueline Smith spent more than nine years in a federal prison in Connecticut for possessing crack cocaine with intent to sell. She says the first time she learned she might lose her parental rights was when her daughter, Tracey, then 9, confided to her during a visit that she was going to be adopted. "Adoption?' Where'd you get that from? Nobody said nothing to me about this," Ms. Smith recalls telling her.

When she asked to attend hearings where the termination of her parental rights would be discussed, Ms. Smith says prison authorities turned her down. Federal prisons aren't required to transport inmates to state court proceedings.

Rachel Chapa, a spokeswoman for the women's federal prison at Danbury, Conn., where Ms. Smith did her time, says the Bureau of Prisons' practice is to allow inmates to participate in civil family court matters by telephone, or even video phone. These types of calls aren't monitored, she adds, as other calls are.

Ms. Smith had a court-appointed lawyer whom she says she spoke with by phone a few times. "My lawyer told me to give it up," Ms. Smith says. She refused, writing letters to the judge and corresponding with the daughter she rarely saw.

Meanwhile, her daughter was shuttled around, living in eight different foster homes in seven years. Except for her final placement, which lasted two years, "everyone else was in it for the money," says Tracey, now 17.

Both mother and daughter protested the idea of Tracey being adopted. Tracey says she made her feelings clear to social workers, who take youngsters' views into consideration, especially those over 12 years old. The goal for Tracey was eventually changed to reunification with her mother, who got out of prison in 2004. The two now live in an apartment in Brooklyn. Ms. Smith works as a manager at an Applebee's restaurant and Tracey is in high school.

"She made mistakes in her life," Tracey says of her mother. "But I still knew I wanted her to be my mom and that I didn't want to be adopted."

To keep their children out of foster care, incarcerated women often try to place them with family or friends, but that doesn't always work out. After her arrest in Minnesota in 2003 for possessing and intending to sell methamphetamines, Katrina Thielen Schultz lost custody of Mercedes Entemann, now 7, and Chance, 4. Mrs. Schultz's sister agreed to take the children, but was disqualified by child-welfare authorities because of a driving-while-intoxicated offense committed by her husband in 1999. A felony conviction often disqualifies an adult caring for an inmate's child.

Instead, Mercedes and Chance were turned over to a foster family. Parental-rights termination proceedings began in 2004. Incarcerated in a federal prison in Alderson, W.Va., Mrs. Schultz was unable to attend the termination hearings, which were in Minnesota. Many women believe they could do a better job defending themselves than the court-appointed lawyers they rarely meet.

Mrs. Schultz's efforts to keep the children turned in her favor, but because of a fluke: last year, a court heard evidence that her daughter was mistreated in foster care, according to her and her lawyer. The records in that case are sealed. Mrs. Schultz's mother-in-law, who isn't the biological grandmother of the children and didn't know them well, agreed to take them in. Last August, Mrs. Schultz saw Mercedes and Chance, who had just come out of foster care, for the first time in more than two years. "I will never take my children for granted again," she says.

The children were relieved, but confused. "Thank you, God, for the house we live in and the food we eat—and that we have our family back," Mercedes prayed at lunch one day, a week after she arrived at her new home in Gloucester, Va.

'Mommy Laura, Mommy Trina'

Yet Mercedes says she won't forget her foster mother, who she calls "Mommy Laura," to distinguish her from "Mommy Trina." Though she says her foster father made her "clean toilets with a toothbrush" when he was mad, she says she still misses the family.

For some incarcerated mothers, the question they struggle with is whether they ought to have their children. Kimberly Webster says she was "the lousiest mom" and worries about how good a parent she will be if she can regain custody of her son, Anthony, 8.

There were days, she says, when she was so high on drugs that she didn't bother to change her baby's diaper. Ms. Webster, 29, lost custody of her son in May 2003. He went to foster care, but in 2004, went to live with her ailing mother.

She finished a jail sentence in the "Women in Transition" facility, a prerelease program for substance abusers in Salisbury, Mass., this month.

"I don't know what to expect when I leave here," says Ms. Webster, who hopes to be reunited with her son. She knows the risks of falling back into substance abuse, for she once was off drugs for four years and then relapsed, she says. "I don't want to fail him again."

Lawyers who assist women in their uphill battles worry, too. Mary Beth Feindt helped her client, Latasha Brown, win parole and more time to fight termination proceedings. Ms. Brown, 27, pleaded guilty to second-degree manslaughter after killing her partner with a kitchen knife. In prison for 23 months, she rarely saw her two children, now 7 and 3, who are in foster care. She learned to read and write so she could write to them. Proud of her newly ac-

quired literacy, she says she plans to "take my children to the library and read to them."

Ms. Feindt, her attorney, says she hopes Ms. Brown will get the long-term therapy, parenting assistance and other services she will need. "I do wonder how I would live with myself if I get the kids back and something goes wrong," Ms. Feindt says.

After being released from prison, many women go back to the same communities, without a job or a place to live. "It is unreasonable to expect these women to resume parenting and make good choices," says Marilyn Montenegro, a Los Angeles social worker who counsels women in prison and believes they should be given more time to put their lives back together after getting out. The "rigid timelines" set for moving to cut off parental rights after children are in foster care for 15 months "aren't realistic," she says.

Ms. Davis, the woman arrested for stealing jeans and shirts at the Cheektowaga, N.Y., mall, recalls that when she was 7, her mother would steal minks as she looked on. "I was the only kid I knew who went to school wearing a mink stole," she says. While she was serving her most recent sentence, her mother, who gave birth to her at 15, was also in prison, she says.

Ms. Davis's arrest at the mall wasn't her first. An arrest in 2000 on assault charges forced her to find care for her children while she served 18 months in state prison. Leaving them with fathers wasn't an option: her son's dad was serving a 100-year prison term for murder, while her daughter's father died of gunshot wounds. Ms. Davis left her son, Ramon, and daughter, Destiny, with an aunt while she did her time.

During her most recent time in jail, her children ended up in foster care. After they had been there for more than 15 months, the state, as required, moved to terminate Ms. Davis's parental rights.

While in jail, Ms. Davis took the parenting classes required for reunification with her children. She also attended Alcoholics Anonymous and drug-rehabilitation sessions, even though she says she doesn't have an addiction problem. Every Thursday, social workers brought her children for visits.

In March, her son, then 10, wrote her a letter:

Mom

You have to get your self strate. I cannot wait until you get out of jail so we can start all over again. You will get a job and we can have a good life. You know I love you badly just try to be right in jail so you can have us back. I love you mom.

"The kids tell me they really want us to be together again," Ms. Davis said in August, days before her release from the Erie County Correctional Facility. She planned to find work and save money for an apartment and furniture. One day, she told her children, she would go to school to be a hairdresser.

It was an ambitious dream for Ms. Davis, a high-school drop-out who says she has held only one job, a stint at a supermarket before her children were born. Instead she says she made her living as her mother had: supplementing welfare benefits by being a "booster," stealing goods and selling them on the street. "I'd make $350 to $500 a day," she says. "It paid the bills and gave me Chanel pocketbooks."

After her release from jail in August, Ms. Davis moved in with an aunt, who asked her for money. Unable to pay, she went to stay with a cousin.

On Sept. 8, Ms. Davis had her first postincarceration hearing on ending her parental rights. When the hearing began, she wasn't there. An hour and 20 minutes after her scheduled court appearance, she walked in.

'I Don't Understand'

The lawyers and social workers had gone; the judge had moved on to other matters. "I didn't have money for the bus, and I had to walk in the rain," Ms. Davis explained, wondering why no one waited for her. "I don't understand how I got into this mess."

A week earlier, she says she sought work as a dietary aide in a nursing home. She arrived two hours late for the interview, she says, and when she tried to reschedule, she was told the job was filled.

On Sept. 26, Ms. Davis went back to the Cheektowaga Mall. This time, police say, she stole a Coach purse, a gold bracelet and earrings, shoes, a jacket, jeans and belt and child's jacket and hat. Ms. Davis agreed to enter a drug program in lieu of a jail sentence.

After Ms. Davis missed two weekly visits with her children, her son worried that his mother "might be dead," according to a report given to Ms. Davis's lawyer in October by social workers. "These kids really care about her," says David Blackley, her lawyer.

Child-welfare workers recommended Ms. Davis agree to a conditional surrender of her parental rights. This would enable her children to be freed for adoption, but would still give her occasional visits with them. Ms. Davis rejected this because she doesn't want her children to be adopted.

Last month, she returned to court, trying to keep her children. One of children's social workers said Ms. Davis had made a "remarkable turnaround," because she now is showing up on time for visits with her children and has found a place to live, a $250-a-month apartment paid for directly by welfare. She remains unemployed.

Child-welfare workers said Ms. Davis's children were struggling but still attached to her. She was required to show receipts for the Christmas presents she gave them, to prove she had purchased them.

Her case will be considered again in July. By then, Ms. Davis must have a "suitable income," the judge said. "You have six months to get your act together," said Erie County Family Court Judge Patricia Maxwell. "You've got to decide whether you can be a mother."

Ms. Davis has already made that decision. She says she recently learned she is pregnant.

U.S. Custody Law Is the Exception

By Laurie P. Cohen

The U.S. is the only nation that routinely moves to terminate the parental rights of incarcerated parents whose children are in foster care, according to international family-law specialists.

In most countries, children stay with relatives if their parents are imprisoned or in homes run by governments or nonprofit groups. In poor countries, they may even end up living on the street. Most governments also don't move to end the rights of incarcerated parents.

In Europe, young children often go to prison with their parents, according to Eurochips, a Paris organization that tracks issues related to imprisoned parents. In Germany, children may stay with their mothers until age 6. In Ireland, Italy, Portugal and Spain, children may stay until they are 3, while in Greece and Luxembourg, they may stay until they are 2.

In some of these countries, there is a nursery within women's prisons. Mothers must stay inside, but arrangements may be made for children to be taken out for visits to family or playgrounds.

"In France, it would be strictly impossible to take away parental authority from an imprisoned mother with a long sentence," says Alain Boregba, cofounder of Eurochips. Even when a judge rules that a parent is "deficient" or the child is cared for by the government, the parent retains rights.

In the United Kingdom, incarceration is never a ground for removing parental rights, says Kate Philbrick, who sits on a government children's panel in Scotland. In Britain, she says, imprisoned mothers make daily phone calls to their children. "A lot of moms in prison are ringing up and saying 'Have you got your lunch?' " she says. "They can manage to be good parents from prison."

A life sentence in Italy means certain loss of parental rights. A sentence of five years or more carries the suspension of parental authority. However, Italian law does offer the possibility of home arrest for mothers with children under age 10 who are first-time offenders, according to Eurochips.

In some European countries, there are socialized support systems for helping incarcerated parents get back on their feet after release. Everyone is eligible for housing and health care, even convicted felons. There were 21,709 women detainees in the then-15 European Union countries in 2000, according to Eurochips, less than a quarter of the 91,612 women imprisoned in the U.S. that year.

One reason the U.S. is more aggressive in terminating parental rights may be that states take an active role in child welfare cases, says Richard Gelles, Dean of the University of Pennsylvania's School of Social Policy & Practice. The U.S. is "one of the only countries that even has mandatory child-abuse reporting," he says. In most countries, he says, child abuse or neglect is handled privately and statistics aren't kept.

Detra Welch *outside her Chicago home. Her parental rights were terminated and her daughter was adopted.*

Mercedes Entemann *at her new home in Gloucester, Va.*

Tamika Davis *may lose her children, Ramon and Destiny.*

Tracey Smith *(left) now lives with her mother Jacqueline in Brooklyn.*

Joe Major