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Attention Deficit

Kristen Turner was supposed to have a better, safer life while in CPS custody, so how did the 14-year-old end up in the hospital?

By Margaret Downing

Published: Thursday, October 16, 2003

The girl in the film is pretty and funny. She has long, dark curly hair and a great smile. She giggles and kids around. Her family is with her and it's clear she likes being the center of attention. She's in a white gown in a hospital bed, so we know everything isn't totally great, but still it takes a moment of adjustment, just a pause or two, when this nice little home movie detours into a horror film.

"I was walking slow, and I guess she didn't want me to walk slow...She told all the people to go to the room and shut the door. That's when she put my leg behind my head and pushed me down the stairs."

That's what 14-year-old Kristen Turner tells the camera from her room at Texas Children's Hospital. She says an employee at the Child and Adolescent Development Center on Southmore got mad at her for dawdling, pulled one leg up behind her head and then shoved her downstairs. Children's Protective Services, which has had charge of Kristen's care and placements for the past five years, says there is absolutely no proof of that.

Instead they say it was a game of hide-and-seek that got out of hand between Kristen and another girl at the center that led to Kristen's being hurt.

Kristen is believed to be mildly mentally retarded. In her first accounting she talked only of the game gone awry, according to CPS spokesman Geoff Wool. By the time CPS got around to investigating the incident, the employee had been dismissed and was never interviewed. There were no witnesses to corroborate Kristen's story.


Not that it would matter if there had been. Alicia Courtney, a licensing investigator with the Texas Department of Public and Regulatory Services, was responsible for investigating the incident. She testified in a Chambers



Kristen Turner carries some lasting reminders of her injuries and the treatment that immediately followed.

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County court hearing last Friday that she interviewed Kristen but did not go to the child and adolescent center or talk with any of its personnel.

The Houston police department conducted an investigation, which also consisted of interviewing the 14-year-old patient.

However Kristen was injured, the result was the same. According to Kristen's family and friends, the girl lay relatively unattended for days at the center. According to CPS, she was taken to see a doctor at the Medi-Clinic on Hillcroft, a minor emergency clinic, on three separate occasions starting March 18 -- which happens to be her birthday. Doctors there could find nothing wrong. She was officially just fine.

Until April 1, that is. That's when Kristen, who was still in pain, was taken to Texas Children's, where doctors said she had a broken leg and a bone infection that will probably stay with her for life because she wasn't treated with antibiotics earlier.

They put her in a body cast and in traction. Kristen Turner would not leave the hospital for another six months.

Elain Philpott is Kristen's mother. She lives in Liberty and hadn't seen Kristen for about a year and a half before she walked into the hospital room on April 1 to find her daughter immobilized. She has two other children, both boys, one older and one younger than Kristen.

Kristen has always been the one who needed extra help.

From the start, Philpott says, she knew something was wrong. As a baby, Kristen didn't make eye contact, rolled over late, didn't walk. In pre-K, she wouldn't get in the circle with the other kids. For two years, she wrote in mirror images.

The elementary school she went to in Chambers County didn't know what to do with Kristen. She acted out. A doctor told Philpott her daughter needed to be in a closed classroom, one-on-one with a teacher, Philpott says, and that wasn't about to happen at that school. When she went to school she could hear Kristen's teacher whispering to the school nurse. Kristen had to have learned that behavior at home, they said, overlooking her brothers who weren't behavioral problems, Philpott says.

When Kristen was nine years old, CPS took custody.

Philpott, who is not affluent, says she relinquished her rights, figuring the state could get her daughter the help she needed. CPS's Wool says no, it wasn't quite that way.

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"In May 1998, we had allegations that [Kristen] had been beaten and abused," Wool says. CPS rejected Philpott's explanation, namely that her three children had suffered bruises and abrasions from sliding down a hill on cardboard.

Wool says CPS presented its case to the judge, who signed an order placing Kristen in the care of the state. "Dad's rights were terminated. Mom has the possessory conservator," says Wool. "We're consulting with her regarding the treatment and whenever there's a change in placement. She has a voice." But CPS makes all the final decisions.

Or as Philpott puts it: "I'm allowed to have an opinion about my daughter, but I'm not allowed to take her to doctors and get second opinions."

With Dad long gone, why can't Philpott have her daughter back? "In the eyes of the court," Wool says, "Mom is a danger as well." Philpott angers at this. "Why -- are they saying I didn't protect them? I did what I was supposed to do. I took their father to court. The state of Texas let him go. If you've got a problem with it, take it up with the state of Texas."

The exact details of Kristen's life in state care are a mystery of bits and pieces, sometimes fuzzy memories and misplaced paperwork. The overriding impression is one of chaotic starts and stops -- the nice therapist who disappeared, the hard words from a caseworker that set them back, the family that was very involved and then lost contact. Sometimes Kristen would be placed relatively close to her mother, brothers and new stepfather. Other times she'd be a three-and-a-half-hour drive away. Philpott says they didn't always know where she was and sometimes CPS didn't, either.

Above all there was the relentless turnover of those assigned the task of looking out for Kristen's interests. In the last two years alone Kristen has had three caseworkers, the latest assigned on August 22. Each would have to come up to speed on Kristen's case again; each would have to establish a new relationship with her mother.

Immediately upon her arrival at CPS, Kristen was sent to Devereux, a nonprofit mental health facility in League City. Then she went to Buckner Children's Residential Treatment Center in Beaumont in October 1998. From there she went to a therapeutic foster home where, Philpott says, they were going to adopt her daughter out. But Kristen was hospitalized

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with suicidal and homicidal tendencies and when she was released the foster home didn't want her anymore, Philpott says. Kristen went back to Buckner, where the family would call her every night and visit on weekends to try to keep her spirits up so she'd behave better and qualify for a weekend pass, Philpott says.

In March 1999, she was placed in Sinclair in Woodville, about two hours away from their home, and that summer Philpott and her family started going to therapy, something Philpott says she had been asking for without success. She says the judge finally ordered it. Philpott says she went to therapy with Kristen for about 14 months in Woodville. According to Wool, CPS has no record of Philpott ever attending any such sessions.

The boys began attending the sessions as well, Philpott says. That went all right, until they went to the CPS office in Liberty, where Philpott says a therapist talked to the boys separately and asked them all kinds of sexual questions. "They were just devastated," she says and she refused to take them back. Then she and Kristen started up again for a while.

One therapist talked to her about the hyperbaric therapy available at the University of Texas Medical Branch in Galveston. Philpott doesn't accept the mental retardation diagnosis. She thinks her daughter suffered a brain injury at birth and could be helped by the hyperbaric treatment used for patients with closed-head injuries. But that therapist went away, too. Wool says CPS has no record of that treatment ever being discussed.

When Kristen was moved to Jamie's House in Houston, Philpott asked if the boys could visit their sister one Sunday a month. Not outside of a therapy session, she was told, and since the boys were in school and therapy was during the week, that wasn't going to happen. There were placements along the way in foster care in Vidor and Houston and maybe Baytown, Philpott says.

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The boys didn't see their sister for years. Philpott got sick and "kind of lost touch" with her daughter until Kristen landed in the hospital. It was that stay that mobilized Philpott to try to take on once again a larger part in her daughter's life.

When Philpott first walked in her daughter's room she was shocked. She asked the caseworker, "Is that a feeding tube?" The caseworker told her no, but Philpott traced the tube from her nose to the machine. "And I said, 'This is a feeding tube. When did this happen and why?' "

According to Philpott, the caseworker told her: "Well, they're so picky about hospital forms, they asked me to sign something or other and I don't know what it was. I guess that's what it was, but I didn't know what it was."

"And I said, my God, these are the people making decisions in my daughter's life?" Philpott says.

When Kristen was moved over to Texas Children's, her eyeglasses went over to her and were almost immediately lost. No attempt was made to replace them until right before her release -- after repeated requests from her mother -- when it was discovered by an optometrist that she had 20-20 vision. The happy ending here begs the question of why she had been diagnosed as needing glasses before, and why no one thought it was important enough to be sure she got replacements for all those months if she supposedly needed them.

Philpott was similarly concerned about the state of her daughter's teeth, which some of the medical staff brought to her attention. "Her teeth are rotting out of her head," Philpott says. Wool says Kristen's regular dental treatment was interrupted by her stay in the hospital and it was impossible to get a dentist to her. By the end of her stay, however, they'd found a way to get a dental hygienist in for a cleaning.

Kristen now has osteomyelitis, her mother says. This is an infection in the bone. Recent trauma may predispose the bone to infection and if the condition becomes chronic, bone tissue may die. She will always be extra-vulnerable to infection, her mother says.

A teacher showed up in April and May and taught Kristen, remarking that she couldn't even do simple addition or multiplication. Kristen didn't see another teacher until mid-September -- after questions were raised about why she wasn't being educated -- a month after other children had started

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school.

In her PPT (Permanency Planning Therapy) meeting with the caseworker and a mediator on September 25, Philpott was outraged when the caseworker talked about seeing Kristen being loud and disruptive at the hospital and went on to state that Kristen defecated and wiped feces over medical equipment and her own face. "The nurses get busy and they don't get there fast enough," Philpott says. "She was immobilized. One time she was in a wheelchair, another in bed. She was uncomfortable and needed to get that stuff out."

Joanna Wright, president and founder of Hope4KidZ, Inc., an Austin-based advocacy group for children in state foster care, has been working on Philpott's behalf for the last five years and thinks she deserves a chance to have her daughter back. She doesn't believe the investigation by either CPS or the police department was thorough and doesn't understand why no one ever talked to the dismissed child-care worker. Instead, she says, police interviewed a mentally retarded child and concluded their investigation.

Child and Adolescent Development, Inc., or CAD I (pronounced "caddy"), was incorporated in 1985 and has been licensed by the state since 1986. It is in good standing with the state, although the licensing division's Courtney testified that her agency has had other complaints about CAD I. It has a capacity of 40 students, is coeducational and takes kids aged ten through 17 with chemical abuse, emotional and behavioral problems. Students are sent there by the courts, the Texas Youth Commission or the Mental Health and Mental Retardation Authority of Harris County. In this case, CPS sent Kristen there.

It is run by Beryl Grady (her husband, Ulysses, owns the property and is president of CAD I), who did not return phone calls from the *Press*.

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A look at Houston police records for the past year shows police paying a number of calls to the Southmore address, mostly for runaway and missing juvenile complaints, with the occasional knife, assault and burglary thrown in. It seems some fighting is going on as well: May 2 there was a disturbance with an ex-tenant, April 29 a disturbance with a female employee, March 18 a disturbance with a juvenile, and March 2 a disturbance with a 17-year-old resident.

Estella Olguin, another CPS spokesperson, says the state's division of licensing would not have found any negligence by the Child and Adolescent Center in Kristen's case "because three medical professionals were saying she does not have a broken leg. You can't cite the facility for not getting her proper medical care if in fact they did."

Kristen's case now lies in a black-and-white-tiled Chambers County courtroom in Anahuac, where regular hearings are held on her status. Visiting Judge Mary Craft of Brazoria County questioned the lawyers from the bench last week about the investigation, saying, "This may or may not be something we need to investigate further." She also asked about whether a malpractice suit was being pursued and told CPS she thought that agency should take the lead on it.

Richard Baker, Philpott's court-appointed attorney, has urged his client not to talk to the media, saying they needed to go quietly so he could get her the right to see the medical records of her daughter, among other things, Philpott says. Yet Craft ruled from the bench that as possessory conservator, Philpott already has those rights, whether specifically drawn up in the original court order or not. In fact, CPS agreed that Philpott has the right to X-rays and other medical records, so what Baker has been working at is a little unclear. Baker did not return phone calls from the *Houston Press*.

Because of what her attorney has told her, Philpott is scared that if she challenges CPS in any way, there will be retaliation and thus she won't get to see her daughter and may lose any chance to regain custody. At the same time, she says, "I don't want her to be just another statistic that they sweep under the rug."

On October 2, Kristen finally left Texas Children's and was moved to Health Bridge Children's Hospital on Woodland Park Drive in Houston for physical rehabilitation and assessment. She is in a wheelchair and still on anti-psychotic medicine. Philpott says she wishes Kristen were closer to

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their home. But Wool says they had to consider where Kristen would get the help she needs and they thought the 44-bed children's specialty hospital was the best option available. And Philpott hadn't discussed reunification until the last PPT hearing in late September, before Kristen's release from the hospital but after plans had been set in place for where she would go next.

The month before Kristen's 17th birthday, Kristen will be tested and if it's determined that it's needed, a referral will be made to Adult Protective Services, which might apply for guardianship, considered a drastic step, Wool says. Or there might be a state school placement or extended foster care till the age of 20, he says. Or she'll be out on her own.

Elain Philpott wants her daughter tested -- while off her meds -- to find out if she really is mentally retarded, mentally ill or just the product of a bad and disjointed education. She wants Kristen weaned off all the drugs she's been on before she takes any tests. She wants to know if they've ever done a brain scan. She adds that the psychotropic drugs, which she says were first given to Kristen at Devereux, have given her daughter a permanent case of the shakes.

In her last PPT hearing, Philpott says, the CPS caseworker told her Kristen would be institutionalized for the rest of her life. "They said Kristen would never be able to hold down a job.

"I so desperately want to gain back my rights," Philpott says. "If I could just get the right help for her. I want to be a mother to her again."

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Physical problems have been laid atop her mental ones, and whether her mother could deal with them right now is questionable. At times she says she wants her back right away; at other times she wants her at a good facility until they can be reunited.

Wool says Philpott does have a chance of regaining her daughter. "There's some family therapy that has to occur. We're always interested if we can determine the risk factors are diminished."

And Heather Pohl, a veteran caseworker and the latest one in Kristen's life, told the court that plans right now were for long-term foster care and training for independent living and concurrently, a reunification with family members.

Philpott wants to know where all the money has gone that was supposed to go for taking care of Kristen. She knows foster care homes and institutions get vouchers for clothing and are covered for medical visits.

She remembers the day a few years back when she went to visit Kristen with her mom. Kristen had on hard patent leather shoes that "were three sizes too small. They were deforming her feet," Philpott says. She ran out and immediately bought Kristen a new pair of shoes -- an instant fix.

It's going to be harder to make all the other fixes that need to be made for Kristen. The doctors and nurses at Texas Children's were vigilant, always bringing up questions about the girl, her past and present, Philpott says. They paid attention.

Now she's back at another CPS-ordered facility. Will Kristen just become invisible again? Bounce around a few more places, go through another handful of overworked caseworkers? Out of sight and out of mind -- her continued problems certainly beyond our collective attention span.

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