DISORDER IN THE COURT



In Juvenile Court, expect delays. Lots of them. For many, the court is plagued by inefficiency and bureaucracy, making cases drag on longer than they should as the lives of the county's most vulnerable children hang in the balance.

KENWYN CARANNA Staff reporter

REENSBORO — Courtroom 2D attracts sparse attention at the Guilford County Courthouse. But the matters weighed there involve society's most vulnerable children.

These are kids who may have been abused. Or neglected. Or whose guardians simply cannot provide for them. Situations where social workers with the Guilford County Department of Social Services have gotten involved.

And how well that courtroom –

commonly known as DSS Court — functions has come into question. Officially known as Juvenile Court, children in this courtroom have not committed a crime, though they sometimes are crime victims.

Like other courtrooms, delays are common. Unlike other courtrooms, these delays directly affect the ability of these children to recover from significant disruptions in their lives.

Where will they live? What medical services should they receive? Who will take care of them?

According to a report released

in May by Casey Family Programs, a foundation that examines child welfare systems, children need consistency, predictability and attachment to a caring adult to thrive. And the longer children are in foster care, the more likely they are to be moved to different homes, the report found.

"The trauma that accompanies placement changes puts children at risk for negative outcomes such as aggression, delinquency and depression," the study said.

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Nationally, the average number of moves a foster child makes be tween homes is about once every eight months

In Guilford County, the number is nearly triple that – just shy of once every three months, the N.C. Department of Health and Human Services found.

"We've got families that have had kids three and four years, and they still are stuck in the system of they still are stuck in the system of Guilford County's courts and the DSS," said Gaile Osborne, execu-tive director of the Foster Family Alliance, a nonprofit organization. "A kid shouldn't be caught up in the system for years on top of years."

Tragedy exposes problems

The workings of Guilford Coun-ty's DSS Court wouldn't have come ty's DSS Court wouldn't have come under scrutiny if not for a seemingly unrelated event — a December 2022 house fire that claimed the lives of three children. Four-year-old Antonio Little Jr. and his 1-year-old twin brothers, Aerious and A'nyis, died after the blaze swent through the Crimelow

Aerious and A'nyis, died after the blaze swept through the Grimsley Street house on Dec. 12. Authorites said their mother, Brandi Sturdivant, left the children alone that morning.

The 29-year-old faces three felony counts of negligent child abuse inflicting serious bodily injury in connection with the fire.

Court records show that nine complaints had been filed with Child Protective Services – a di-vision of DSS – against Sturdivant since 2016.

A Nov. 17 complaint, filed less

than a month before the fatal fire, remained open. That complaint alleged that Sturdivant was leaving the children unsupervised at home

the children unsupervised at home. Another complaint that was closed by DSS involved a Septem-ber 2022 incident where one of the twins was found with fresh and dried feces on his body and matted in his hair. The boy had a swollen and injured penis caused by severe diaper rash, according to the arrest Child Protective Services also

Child Protective Services also opened an investigation into this incident and created a "temporary safety plan" in which the three boys and two of Sturdivant's older children were removed from the home and placed with a relative. How ever, the children were returned

ever, the children were returned to Sturdivant just eight days later, court records show.

It's unclear what action took place in DSS Court regarding the children's return. That's because cases considered by the court are confidential under state law to protect the privacy of children.

But the fact that the fatal fire courted within the New 12 coursed within the New 12 course of white the proper of white the proper of the proper of the New 2 coursed within the New 12 course of the New 2 coursed within the New 12 course of the New 2 coursed within the New 12 course of the New 2 coursed within the New 12 course of the New 2 coursed within the New 12 course of the New 2 coursed within the New 12 course of the New 2 coursed within the New 12 course of the New 2 course of the New

occurred while the Nov. 17 case sessment remained open drew the attention of the N.C. Department of Health and Human Services.

State intervention

On Jan. 3, Mirna Gereige, a re-gional child welfare consultant with the state, reviewed the open Sturdivant case and found sev Sturdivant case and found several instances where state law and/or policy was not followed by DSS. Among other things, Gereige determined that the county agency did not thoroughly assess the children's safety and did not properly follow up on the case.

But the state's concerns did not could there with the state's concerns did not could be compared to the case.

end there

In April, a state social services team reviewed 29 Child Protective Services assessment cases and 10 permanency planning cases. Permanency planning is the process of assessing and preparing a child for long-term care, whether it be with family, foster care or institutions family, foster care or institutions.
Permanency is required under the federal Adoption and Safe Families Act of 1997, which was passed to promote the adoption of children who were languishing in the juvenile welfare system.

In a May 16 letter to the county,

In a May 16 letter to the county, the state directed the county to come up with a "corrective action plan" to address deficiencies within the department.

The state noted that it had received several complaints regarding permanency planning, including concerns that cases were "not achieving timely permanence and

ing concerns that cases were "not achieving timely permanence and that foster parents were not supported in their efforts to provide for the children in their home."

The letter also noted something else: County DSS leaders had reached out to the state for assistance in addressing "ongoing tension with Guilford County court

tension with Guilford County court partners."

However, the letter did not spec-

However, the letter did not spec-ify what those concerns were. DSS Director Sharon Barlow has not commented to reporters since the letter became public. Her boss, Assistant County Manager Victor Isler, also won't directly answer what targing critical between the what tension existed between the county and court, instead referring

EDITOR'S NOTE: What happened during the reporting of this story

While reporting for this story, While reporting for this story, Kenwyn Caranna went to Court-room 2D in the Guilford County Courthouse on Friday, July 28, to observe juvenile court for the bet-ter part of the day. The court-room was only closed for one particular hearing, during which Caranna left the court-

which Caranna left the court-room with those not involved in the hearing. Otherwise, lawyers, social workers, parents, children guardians and others from multiple and the social workers and the social workers and the social workers are social workers. tiple cases were present and ob-serving testimony in open court proceedings.

Toward the end of the day, Ca

ranna was questioned about who she was and what she was doing, sale was and what she was doing, to which she responded truthfully, saying that she was observing how the court operated but that she was not reporting on a particular juvenile case.

The judge, Ashley Watling-ton-Simms, informed Caranna that she was likely going to put Caranna under an after-the-fact gag order. aranna asked to contact counseled was told she could not. After

■ READ: To see the gag order issued by
District Court Judge
Ashley Watlington-Ashley Wattington-Simms against reporter Kenwyn Caranna, point your smartphone camera at the QR code, then tap the link. NEWSVU

briefly leaving the courtroom, the judge informed Caranna that she was under a gag order and invited others to make inquiry of her without the benefit of counsel. Inquiries revealed that Caranna had taken notes during the day, and the judge ordered the bailiff to seize Caranna's notes, remove them from her note book and place them under seal.

A paper copy of the gag orde

was not entered in the record until five days after Caranna was nut on oral notice. The gag order purports to restrain Caranna and the News & Record from engaging in "any further communications about these juvenile cases with any other third-

to ongoing efforts to strengthen that partnership. William "Bill" Davis, who serves as a DSS Court judge, also did not

have any answers.
"I don't know where the state

"I don't know where the state came to that conclusion or what they based it on," he said. "I will say that anytime you have a courtroom process, there's always some degree of conflict that's inherent in ... a court process. But on the whole, we try to make our work as collab-crative and cooperative as a we can orative and cooperative as we can while making sure that everybody's rights are still upheld."

Fear of retaliation

People who have cases before the DSS Court are reluctant to talk publicly, fearing that their criticism will result in retaliation either from DSS or the court. They worry that speaking out about concerns will

speaking out about concerns will lead to problems gaining or maintaining custody of children and/or their ability to adopt them. One foster parent, who lives outside of Guilford County and participates in hearings through video conferencing, said her case has been delayed on four occasions.

"We're taking time to sit on We "We're taking time to sit on We-bEx to be in court so that we can follow the case and be available," she explained. "And then around three or four o'clock, they'll say, 'Oh, well. We're not gonna get to basically the rest of these 15 to 20 cases' and they resting you differ. cases,' and they assign you a different court date

"The court continuously books "The court continuously books anywhere between 18 and 26 cases a day, and they can actually prob-ably handle about six to eight," said the woman, who hopes to adopt the three siblings she's fostered since July 2022.

The youngest child doesn't re member her birth mother, the woman said, and she worries that

woman said, and she worries that reunification would be harmful. "I just feel like it would be so traumatizing for her because we're essentially all she knows. ... Her daycare and her teachers and her routine would just be completely uprooted," the woman said.

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In another case, a grandmother
claims that DSS said she could
not speak with her grandchildren
— who were taken away from her
daughter — until a court hearing
was held. She said DSS placed the
children with strangers — despite
having maternal and paternal grandparents who were willing to care for them. "After sitting in a courtroom all

"After sitting in a courtroom all morning, we weren't even given an opportunity to speak," she said, "just another court date a month later. It's not fair to them and it's not fair to us when we have been extended all of the said for the said of the said for the sa actively involved all of their life?

actively involved all of their life."
One mother whose children were taken away said her court-ordered visitation falls at the same time she's required to take a domestic violence class. And while she's trying to do everything required to get her kids back, the mother said she keeps running into modellocks and keeps running into roadblocks and feels like she's shut down during

court hearings.
"I'm at a loss. I don't know what to do anymore because I just keep doing what they want, what they want, what they want," she said. "They've destroyed my life."

The process By its very nature, DSS Court is

By its very nature, DSS Court is different from other courts. The goal is not to punish people but rather to facilitate the healing of broken families or the severance of abusive or neglectful conditions. In Guilford County, four District Court judges rotate weekly to hear DSS_cases. The indicial load is split

DSS cases. The judicial load is split between two courthouses, with cases heard in Greensboro three days a week and in High Point two days a week. Dayis said when a child is brought

Davis said when a chiaris brought into the custody of DSS, that case must be reviewed in court within seven days. Called a "non-secure hearing," it allows parents to dispute the child's removal and arrange for court-ordered visitation, Davis said.

Such hearings can involve more Such hearings can involve more

than one session, Davis explained, because the DSS investigation may still be ongoing or one of the p ents hasn't been located to ap

ents nash t been located to appear in court.

Then comes a process referred to as "adjudication," where the county has to prove the grounds for removing a child or children, and parents are given the opportunity to present their own evidence.

"It's an elevated standard

"It's an elevated standard of proof," Davis said, "It's not all the way to proof beyond a reasonable doubt. It's a standard of proof called 'clear, cogent and convincrailed 'clear, cogent and convinc-ng evidence!"

The case then goes into "dis-position," where the placement of

the child is determined, the status the child is determined, the status of case planning and services of-fered to parents is established, and whether a family can be reunited is considered.

Except in the most "egregious and serious cases," Davis said re-unification is usually the goal.

It's the next phase — perma-

perma-It's the next phase nency planning – that appears to be the most problematic, according to complaints made to the News & Record.

ecord.
That's when cases periodically ome back for court review.
This allows the judge to hear or the court review is a second of the property of the court of th

evidence regarding how the child is doing and if the parents child is doing and if the parents are making progress on their case plan. That might mean completing parenting classes or undergoing treatment for drug addiction.

This phase also allows for adjustments to the permanency plan, such as going forward with adoption or reunification.

Birth and foster parents told the

tion or reunification.

Birth and foster parents told the
News & Record that hearings to
review a child's permanency plan
often are rescheduled multiple
times — something the state mandates DSS to rectify in its corrective
action plan. dates DSS to action plan.

The delays

The delays
Davis agreed that delays are a
problem. "The reality is that we just
have days when we are not able to
address all the cases that we wish
we could," he said.
Daily court dockets range from
five to 25 cases — depending on how
long certain cases are expected to
last. Davis said.

long certain cases are expected to last, Davis said.

He noted a particular day recently when there was an unusually high number of non-secure custody hearings.

"That's the earliest stage of the proceeding and it's designated as a high priority because it is this review of whether or not the child should remain in denartment's should remain in department's custody, pending further hearings?"
Davis said. "Other cases that were further along ... in the process just had to be moved off to a later court date.

"Now that does not stop the

parent from making progress. It does not stop the department from does not stop the department from working with them. But it means the level of court involvement and review is delayed."

Brett Moore, who serves as a court-appointed attorney for parents and a backup guardian ad litem attorney for children, said the delays are frustrating for everyone.

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"We simply don't have the court
time we need," said Moore, add-



The workings of Guilford County's DSS Court wouldn't have come under scrutiny if not for a December house fire that claimed the lives of three children.

ing that it's prompted at least one ing that it's prompted at least one judge to require attorneys to work through their lunch break to move cases along. "In 2010, we had the same number of judges and the same number of days (for cases to be heard) as we do now."

The proposed state budget in-

be heard) as we do now."

The proposed state budget includes the addition of one District Court judge in Guilford County, which currently has 14. It's uncle if that indicial seat could be used to

if that judicial seat could be used to help alleviate the problem. And while Davis agreed that there are not enough DSS judges, he said a lack of courtroom space and the number of attorneys available to represent parents a able to represent parents also con-tributes to slowing the wheels of justice. "We've been trying to find ways to recruit more people to do that work?" he said. "Parents have a constitutional right to be able to parent their children," Davis said. "Upon the filling of a petition (for non-secure

filing of a petition (for non-secure custody) they automatically get a court-appointed attorney."

That's different from criminal

That's different from criminal cases, where public defenders are appointed only when the defendant can't afford an attorney.

Davis also said the court is still recovering from the shutdowns desired the control of the shutdowns desired the shutdowns.

during the pandemic

ouring the pandemic.

"From my standpoint, what
we've got is a lot of people who are
working really hard to make this
work as well as it possibly can,"
Davis said. "It's always going to run
up against some form of real world
obstacles."

'No one cares'

The woman fostering the three siblings said confusion is common

siblings said confusion is common during court hearings.

"It's the most disorganized mess you've ever seen in your life," the woman said. "Sometimes the case will get called and then they can't find the people. So they'll put court on recess for 15, 30 minutes trying to find the beauting that the same than t find the lawyer or the parent or the aunt with a social worker or whoever

aunt with a social worker or whoever instead of just skipping the case." And while she understands that some cases take priority because they are emergency situations, she still wants her case to be heard ... at some point.

some point.
"We've been continued multiple
times," she said regarding a hearing
to change the children's plan from
reunification to adoption. "You
can't tell me that between February and September that there's not
a time that we can have an hour to
be heard for a possible plan change.
"You feal like no one greas shout

"You feel like no one cares about

"You feel like no one cares about these kids. They shouldn't be sit-ting in foster care for upwards of two, three years." Getting cases heard in a timely manner is further complicated when there are different guardians and/or multiple children involved, contended Moore, the court-ancontended Moore, the court-appointed attorney. That's because each might have a separate attor-ney involved, and coordinating their schedules to appear in court

minutes, and coordinating heir schedules to appear in court can take time.

"Some of these cases can legitimately have eight or nine attorneys," he said. "The amount of money being spent in that room is outrageous. The amount of money every minute and the amount of minutes that we do waste because of inefficiency is very frustrating to everyone."

Adding to the court's congestion, the Foster Exemple.

everyone:
Adding to the court's conges-tion, the Foster Family Alliance's
Osborne said unlike other coun-ties, Guilford's DSS requires foster families to get a judge to sign off on "travel letters" in order for children "travelletters" in order for children to go on a family vacation or even a trip overnight to Charlotte for, say, a Panthers game.
"(Foster families) want to include these kids. They want to be able to give them a chance to go to the beach or the propulation or what."

beach or the mountains or what-ever," Osborne said. "The foster parents are being stopped by a pol-icy that's not even the state stanicy that's not even the state stan-dard. And there is no explanation to foster parents other than 'This is the way we're going to do it.'' County spokeswoman Julie Smith said DSS followed a more

stringent practice during the pan-demic and that the letters also pro-

tect foster parents if they need to

tect foster parents if they need to show proof of guardianship. Currently, she said, the county's policy mirrors that of the state: "A travel letter is not required for travelless than 72 hours within the United States unless a judge orders it or it is required in the family's safety plan — both of which are driven by a specific circumstance," she said. "It is our expectation that foster parents notify the child's team whenever they travel out of town."

Osborne, however, stood fast

town."

Osborne, however, stood fast
that the county is not following
state guidance.
"A foster parent reported," she
said, "that during the month of
August she was told any overnight, no matter the amount of
time – in-state included – had to
be approved." be approved."

What lies ahead

While that tragic fire last De-cember illuminated a troubled network that's supposed to pro-tect Guilford County's children,

tect Guilford County's children, it's not clear how it might be fixed. Isler, the assistant county manager, said officials are "doing some deep dives around root cause analysis" of the problems. According to Davis, ongoing quarterly meetings with the various parties involved in the system may help resolve some issues. But potential failings don't just lie with the court or the county DSS, which until recently had a 35% vacancy rate among its child welfare assessment team. ssment team. NCDHHS also plays a part by

rochinio assistance and guidance to county social workers. This assistance was not provided in a "timely" manner, according to the corrective action plan for DSS. A spokeswoman for NCDHHS said this was caused by a "workforce shortage," while noting that the assistance was meant to be supplemental to the county's training. Also, a highly criticized computer program called NC FAST is partly to blame. Guilford is the largest of 25 counties piloting the program, which was supposed to standardize data collection and reporting child welfare services and outcomes providing technical assistance and

child welfare services and outcomes statewide.

statewide.

But the system has its glitches.

Smith, the Guilford County
spokeswoman, said the program
"does present a challenge when
working with non-NCFAST counties because data is captured differently, which requires our caseworksers to wark in and out of the system ers to work in and out of the system

on those shared cases."

It's unclear when or if the program will be expanded statewide.
That was supposed to happen in

The governor and General Assembly also share some responsibility since court operations are dependent on how much funding the state allocates.

Guilford County Commissioner Guilford County Commissioner Carly Cooke, who serves as a liaison to the county's Health and Human Services Board, said the county has included more than \$5.2 million in additional funding for child and adult welfare staff in the past year. That includes \$1.5 million to help That includes \$1.5 million to help expand placement options for chil dren with persistent mental health

Ultimately, officials say the best solution is to head problems off be-fore they become cases of abuse or

To help address this, the county is launching a new early intervention team this fall. That team will provide preventive services to families who rise to the attention of DSS but do not meet the legal threshold for an assessment.

"Everybody knows how seriou

the stakes are in these cases," Davis said. "The children who are affected are sort of caught between all the are sort of caught between all the different things that are going on in their lives, and every single decision that gets made has to be made with an eye towards the impact that it has on those children.

"And that's the thing I think that's most important to keep in mind: Everybody cares very deeply about that."