

DISORDER IN THE COURT



LEE ENTERPRISES
ILLUSTRATION

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

GREENSBORO — 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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Court

From AI

Nationally, the average number of moves a foster child makes between 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 Guilford County’s courts and the DSS,” said Gaile Osborne, executive 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 County’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 swept through the Girmsley Street house on Dec. 12. Authorities 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 division 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.

Another complaint that was closed by DSS involved a September 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 warrant.

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

State intervention

On Jan. 3, Mirna Gereige, a regional child welfare consultant with the state, reviewed the open 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 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. 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, 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 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 partners.”

However, the letter did not specify what those concerns were. DSS Director Sharon Barlow was not commented to reporters since the letter became public. Her boss, Assistant County Manager Victor Isler, also won’t directly answer 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, Kenwyn Caranna went to Courtroom 2D in the Guilford County Courthouse on Friday, July 28, to observe juvenile court for the better part of the day.

The courtroom was only closed for one particular hearing, during which Caranna left the courtroom with those not involved in the hearing. Otherwise, lawyers, social workers, parents, children, guardians and others from multiple cases were present and observing testimony in open court proceedings.

Toward the end of the day, Caranna was questioned about who she 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 Watlington-Simms, informed Caranna that she was likely going to put Caranna under an after-the-fact gag order. Caranna asked to contact counsel and was told she could not. After

 **READ:** To see the gag order issued by District Court Judge Ashley Watlington-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 notebook and place them under seal.

A paper copy of the gag order was not entered in the record until five days after Caranna was put 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 party.”

cases heard in Greensboro three days a week and in High Point two days a week.

Davis said when a child is 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 than one session, Davis explained, because the DSS investigation may still be ongoing or one of the parents hasn’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 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 convincing evidence.’”

The case then goes into “disposition,” where the placement of the child is determined, the status of case planning and services offered to parents is established, and whether a family can be reunited is considered.

Except in the most “egregious and serious cases,” Davis said reunification is usually the goal.

It’s the next phase — permanency planning — that appears to be the most problematic, according to complaints made to the News & Record.

That’s when cases periodically come back for court review.

This allows the judge to hear or see evidence regarding how the 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 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.

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.

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 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 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. “We simply don’t have the court time we need,” said Moore, add-



KENWYN CARANNA, NEWS & RECORD

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ing that it 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 includes the addition of one District Court judge in Guilford County, which currently has 14. It’s unclear 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 also contributes 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 filing of a petition (for non-secure custody) they automatically get a court-appointed attorney.”

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 during 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 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 lawyer or the parent or the 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.

“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 feel like no one cares about these kids. They shouldn’t be sitting 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-appointed attorney. That’s because each might have a separate attorney involved, and coordinating their 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 Family Alliance’s Osborne said unlike other counties, Guilford’s DSS requires foster families to get a judge to sign off on “travel letters” 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 mountains or whatever,” Osborne said. “The foster parents are being stopped by a policy that’s not even the state standard. 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 pandemic and that the letters also pro-

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 travel less 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 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.”

What lies ahead

While that tragic fire last December illuminated a troubled network that’s supposed to protect 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.

NCDHHS also plays a part by providing technical 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 of child welfare services and outcomes 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 caseworkers 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 2018.

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

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 expand placement options for children with persistent mental health illness.

Ultimately, officials say the best solution is to head problems off before they become cases of abuse or neglect.

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 serious the stakes are in these cases,” Davis said. “The children who are affected 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.”