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Investigators: Starved to Death in State Care

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Johnny's mother tried to get help for her disabled child. Instead, a Michigan agency took him away, collected thousands of dollars to feed him each month... And then he starved to death.

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(WXYZ) - For several months, the Action News Investigators dug deep into Michigan's tragically-flawed foster care system. During our investigation, we uncovered the heartbreaking story of a 10-year-old boy who starved to death while a facility banked cash to care for him.

We began telling Johnny's story over the last two days here on WXYZ.com. In that time, the response has been overwhelming and your comments confirm that Michigan's children need a better foster care system.

Johnny's mother, Elena Andron, dedicated her life to caring for her wheelchair-bound son. All she wanted was a little help.

The state's answer was to put him in a foster care facility. One year later, Johnny starved to death.

"He was a big part of my life. He was my life," Andron told Action News Investigator Heather Catallo.

The state is quick to take kids from parents and put them in foster care, especially poor parents. The state makes it very hard to get them back. Experts say the state has a financial incentive to keep kids away from their families.

Johnny, who was nine at the time, could not walk, talk or feed himself. He had cerebral palsy and epilepsy.

"He was a lot of work, like any single mother, it was kind of hard,"

says Andron.

Things got even tougher when she lost her factory job.

She turned to the Michigan Department of Human Services, a decision she will regret for the rest of her life.

The foster care facility where the state sent Johnny failed to feed him enough food. Andron says she watched her son waste away as she begged for help.

"I just wanted to carry him out of there, just pick him up and take him, and just take him home," she says.

If only it was that simple.

Bill Mitchell knows how difficult it can be to get your kids out the state's hands. He had to fight all the way to the Michigan State Supreme Court to get his three boys back.

"They're my kids. I'm not going to give up on my kids," says Mitchell.

Why did Mitchell and Andron have to fight so hard to try to get their children back? Some say it's because the state gets a lot of cash for foster kids.

"Termination of parent rights is very high in Michigan," says Warner. "But it's also very high nationwide and it happened because of some laws that were passed by the federal government and encouraged states to

terminate parental rights more often than they used to and promise to send them money if they would terminate rights and have the children adopted.”

According to the state’s own figures, the federal government gave Michigan about \$110 million last year for foster care. That’s compared to the \$26 million in programs that help parents keep their kids. Foster facilities also have an incentive to keep kids away from their parents. In Andron’s case, the foster home got about \$12,000 a month from the state for Johnny.

“You’re getting paid, you’re getting a lot of money,” says attorney Arnold Reed, who represents Andron in a lawsuit against the foster care facility and several other state-contracted groups.

Reed says the foster facility profited big time off of Johnny.

“There is no shortage of money, plus you’re getting a stipend, you’re getting a clothes stipend and you’re getting a stipend for food,” says Reed.

But not enough of that food made it to Johnny.

“He started deteriorating so quick I could not believe my eyes,” says Andron. “He had gotten so weak to where he was just shaking constantly.”

She agreed to make her son a temporary ward of the state. She was supposed to bring him home after a year - once she got back on track financially. But she says the state didn’t tell her that she would be put on a central registry for parents who abuse and neglect their kids. To get Johnny back she would have to fight to get off of the registry by attending parenting classes and meeting other requirements—something that Andron says was nearly impossible to do with a new job.

“They wanted me to go through some evaluations, which I did,” says Andron.

When she complained about Johnny losing weight, she says the state turned on her.

“They didn’t care. None of my complaints mattered,” says Andron.

The Department of Human Services did not like Andron’s complaints or her efforts to get her son back. They took her to court and asked that she not be allowed to see Johnny.

Andron says the first time she met her court-appointed lawyer was that day in court. She says the lawyer didn’t put up much of a fight. The judge sided with the state. The next time Andron heard about Johnny he was dead.

“I entrusted people with my son and I thought they were good people. They were licensed,” says Andron.

Johnny weighed 120 pounds when he went into foster care, she says. An autopsy report shows he was only 48 pounds when he died of malnutrition.

“I just cannot believe that someone can have that kind of a heart, to starve a child like that,” says Andron.

Bill Mitchell also fought the state. His boys were living with their mom when his children were taken. Mitchell tried to get the boys, but the state asked the court to terminate his parental rights too, primarily because of his finances.

“I have the right to choose where I want to work,” says Mitchell, who is an engineer and works at Walmart. The state held this against him. DHS also didn’t like that he couldn’t keep up the mortgage on the family home after the boys’ mom walked out.

“She was responsible for \$300 of the thing and it was too much for me to maintain, you know, all by myself,” Mitchell says.

The state also said Mitchell didn’t try hard enough to get his kids back. But he says he changed his shift to work nights to make state scheduled visits with his sons and parenting classes.

“It wouldn’t have mattered what I said or what I did, they had already determined their course and now we were just going through the motions,” says Mitchell, who didn’t even get a court appointed lawyer until nine months and three hearings into the case.

The lower court sided with the state and terminated bill’s rights but he appealed and three long years later the Michigan Supreme Court sided with him.

“You shouldn’t have to go to this point,” says Mitchell.

The ruling says Mitchell's finances should never have been held against him. Mitchell is set to get his kids back. But he says it's all taken a toll.

"Birthdays, first time they discover something, first time they make a new friend, things that will never be returned to me," he says.

"He's one of the most outstanding parents ever to have been run through a termination preceding, and if it can happen to him, it can happen to anybody," says attorney Elizabeth Warner.

"We're spending a ton of money for putting these kids in foster care," says Vivek Sankaran, an assistant professor at the Child Advocacy Law Clinic at the University of Michigan Law School. "But for these children we are irreparably scaring them by damaging the bonds that they form with their families."

Sankaran says only about nine percent of the 16,000 kids in foster care were sexually or physically abused. The majority were taken from their parents because of poverty-related neglect.

"Removal is too often thought of as the first option for protecting children and child welfare rather than working with families, engaging with them, providing them services in the home," says Sankaran.

His organization, the [Detroit Center for Family Advocacy](#), helps parents on the front end—getting them the services they need so their kids are not taken. He says so far they have had 100 percent success.

"We need to create a culture where parents are willing to say, 'I need help, help me, I need to become a better parent, here is what I need,'" says Sankaran.

That is exactly what Andron tried to do, but with heartbreaking results.

"I gave them my healthy child and to get him back in a casket. I feel like he'd still be a live today if he was home with me," says Andron.

State officials would not speak on camera. But they told Action News that their top priority is to return kids to their birth parents. The state also says the number of kids in foster care is down by about 3,000 and fewer parents had their rights terminated last year.

As for the foster home that housed Johnny, the state shut it down.

We are working on an additional story for Friday night, on Action News at 11 p.m., about what some people go through as they try to adopt relatives who are in the Michigan foster care system.

Please keep your comments coming below. As we continue to work on these foster care stories, they are very helpful.

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