

I DON'T WANT TO MISS YOU  
By Bernice Olivas

“But I don’t want to miss my Mommy,” My son Gareth says. He just turned eight this year. His eyes are wide and his mini Mohawk has begun to grow out. He looked like such a big boy when he got the Mohawk, he doesn’t look like a big boy anymore. He looks like a baby. He is crying and grasping my fingers. “No Idaho, please. Want mommy.”

“I’m sorry baby, but we are all done with Nebraska. It is time to go home to Idaho. I wish I could go with you but I have to stay here. Mommy will see you in June. Mommy loves you so much.”

“But it doesn’t make any sense!” He is angry now and I can’t breathe because if I breathe I’ll cry, and I can’t cry. I can’t cry. “No baby, it doesn’t.” I hold him tight one last time and then his father takes him from me. Our eyes meet and he reaches out to me with this other hand, we brush fingertips but do not hold on. We can’t hold on now, not if we’re going to do this thing,

They leave. I still don’t cry, not when they pull out of the drive, not when I can’t see them anymore, not as I tick off the miles in my head. I clean and pack and make plans and in my head I am keeping time. They are an hour away, three hours, and then six hours. It is February 18<sup>th</sup>, coincidentally the day before I turn 32, and I am keeping time in my head until my children cross the state line. Once they are out of Nebraska I can feel safe. When they are somewhere in Wyoming I sit on the bathroom floor, lights off, and in a time honored tradition of women and mothers everywhere I shove a towel into my face and wail. I let it catch the tears and the keening noise I am making, because even alone I cannot unlearn that this kind pain should remain hidden.

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What I don't tell my sons and what they must never know is this

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You are not safe in Nebraska my beautiful, autistic boys. Your autism baffles teachers, disturbs neighbors—your autism is too noisy, too messy, and often too naked. The way you flap and spin, the way you react to too much or too little sensory stimulus and your unrestrained, unexpected laughter are read as “unacceptable behaviors” here. Our CPS case manager does not speak body. She cannot hear I love you in a gentle head-butt, or decipher what you really mean when you repeat back commercials or movie scripts. She doesn't understand and she thinks that your “behavior” is an indication of my neglect or abuse. She thinks that because I don't make you wear socks with your shoes, not even on snow days, that I am neglecting you. She will not hear me when I try to explain that socks makes you itch and ache and fret and want to be free of the weight on your skin. All she sees is you misbehaving, getting undressed, not speaking when spoken to. That, my beautiful son, is not OKAY here. You are not okay here. So I must send you somewhere safe. Somewhere you will be okay.

It is so not-okay that total strangers accused us of neglect when they saw you get undressed at the park and when they see you undressed on our balcony. It's so not-okay, that people at your school accuse us of neglect for not forcing you to wear socks even though they have witnessed the way socks make you scream, scream, scream and make you tear them off or scabble madly at your shoes until you hyperventilate and curl into a baby ball and keen. It is so not-okay that our case manager, even though she herself has admitted that there is no evidence that we are bad parents, bad people, has said, “You need to take our help because if these behaviors do not stop your kids will end up in the system.”

And what she meant, my sons, is that I need to allow them to send an analyst to our home and your school to observe you, to find the problems with you, and then create a program to “fix you”. The state wants to teach you to comply. They will give you a treat (a reinforcer) when you are good and physically walk you through the motions of obedience when you say no. Your right to say “NO” will be trained out of you. It does not occur to them how naked and vulnerable a person is without their “NO”. Wars have been fought for the right to say “NO”. But I am supposed to give yours away, let them train it out of you for the sake of my convenience, for the sake of “good days” at school, and so that complete strangers are not made uncomfortable by your “strangeness”. NO! No! No! You are both wonderful just the way you are. But if we do not comply “voluntarily”, if I refuse their help we will be relabeled as “at risk” and I will no longer have the right to refuse their help. The threat is clear, what she meant was, if we didn’t comply she would take you away from us.

It is also not okay that we are poor and that your father is the stay at home parent. Our case manager keeps calling your daddy “unemployed” and says to me that he is the problem. He is too aggressive, too over protective, his attitude is too negative. Daddy calls her out for talking down to you. Daddy steps between you and her when she ignores your boundaries. Daddy scares her. She says he needs to go back to work. If he does the state will pay for daycare. When I push back, ask her to consider the fact that she might be overstepping some lines, she says that “everything happens for a reason” we should be more open to learning from her and the situation. She is in her early twenties, we are her second or third case and by her own admission she’s “never worked with an autistic family” and “doesn’t know anything about autism” but she assures us that she’ll “Google” it. In Nebraska your life is in the hands of a person who has spent less than three hours in your company, who has no training in autism. In Nebraska, the case

managers, the anonymous callers, the school social workers are all considered the experts and the parents are treated like the enemy if we don't comply.

So if I don't let you go, right now, with no explanation, without saying goodbye to your friends and your teachers I could lose you. I could lose you to a system that sees you as a broken unit to be fixed or replaced, a system with a vile history of taking children out of their homes and losing them, as if they were mittens, or pen caps, or old receipts, or rubber bands.

I can't tell you any of this because I cannot stomach the thought that you might hear, *your fault, this is your fault*. I know I will answer to this later when you are almost-men and you call me to account for my mistakes, as all children do. I hope you understand. I hope you don't see my sending you away as cowardice. I hope you don't see my staying behind to finish my PhD as abandonment. I hope you understand why all I can say is, "I don't want to miss Gareth and Osiris either, but we are all done with Nebraska, it's time to go home to Idaho."

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At some point after they are gone I fall asleep in the couch, clutching their comforter. The next day I go school. I am a Doctoral student at UNL, a member of the English department. I teach college students and work in the writing center. I hold a Master's degree. According to the 2012 U.S. census just over 10.3% of the population holds a comparable degree. Only 4.1% percent of Latinos hold the same degree. Those numbers get smaller as my gender and Native heritage are taken into account. I am first in my family, on either side, to obtain a college degree, the first to obtain the Masters, the first to be accepted into a doctoral program. My Master's Thesis was on the subject of Autism. One of the guiding Professors in my research was an expert in the area of Severe Disabilities and Autism Spectrum Disorders at the Barkley Memorial Center, University of Nebraska. My education does not protect my children. A case manager in

Nebraska is required to hold a B.A but not required to specialize in social work, family services, or education. No one I interact with in child protection services specializes in Severe Disabilities or Autism Spectrum Disorders or special education. That day I teach, I run office hours, and I smile. I come home to an empty house and wonder again how all of this happened, and why.

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On January 31st 2012 the Journal Star prints a story called “Child welfare inspector general lists concerns” that tells folks that the new child welfare inspector general is worried about the way Nebraska does child protection services. One specific concern she voices is about voluntary cases, the Star reports, “There are concerns about whether parents understand that cases in which no court is involved are voluntary, understand their rights and the expectations of them, and whether there is appropriate oversight without infringing on their rights.” Later in February an Omaha paper runs another expose like story about Nebraska’s child protection cases. I didn’t read either article, missed them completely, and can’t even find the second article but I know it exists because over the next few weeks every time I tell my story someone says. “Wow, I just read about that in the paper.”

I didn’t read either of the articles because I was living that story. Mine is one of the families who have been broken up by an unorganized, dysfunctional system. We are one of those “voluntary” families who the child welfare inspector general is so very worried about. And she should be worried because the system as it is now, breaks up families. Social workers who are supposed to be advocating for the child and the family have become the monsters in the closet; bad training, bad policies, and messed up work conditions have created monsters that damage the very children they want to help. Part of the problem is that in 2009 Nebraska privatized child protection services, placing the state’s most vulnerable citizens in the hands of a private

company. That failed and even though new legislation has passed to move child protection services back into the control of the state, the shift is clumsy. Shifting control back to the state will not on its own, combat a system that refuses to acknowledge that it is failing to address the heart of the problem. The problem is the unnecessary removal of children from their homes, this breaks up families, and at the same time overburden the system and diminishes resources.

Richard Wexler, executive director of the National Coalition for Child Protection, was speaking directly to this problem when he accused Nebraska of a ‘take the child and run mentality.’ He issued a scathing in report calling out Nebraska for “removing children from their homes at more than twice the national rate: 7.5 per 1,000 children in 2010, compared to the national average of 3.4 removals (4).” So the inspector should be worried, she should be horrified, and she should look very, very, closely at every case where a child has been removed from the home. And there are a lot of them, because:

Nebraska doesn’t just take away children at a rate above the national average, it takes children at the second highest rate in America. When child poverty is factored in a rate more than Triple the national average and more than quadruple the rate in states widely-regarded as, relatively speaking, national models. If you don’t factor in poverty and just compare entries to the total child population, Nebraska still is second worst in the nation(5).

When I read this I am deeply grateful that I am able to remove my children from Nebraska, and my heart breaks for the families who couldn’t.

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In the following month I will coordinate two moves, one across the country, and one across town. My husband will drive the 1200 miles between Idaho and Nebraska three times to

make this work. We sink over 2,000 into our poor old Durango and even that isn't enough. It blows a hose in Sydney, Nebraska on one trip, and again in Snowville Utah, on another. At one point the heat dies and my husband calls me from a truck stop. He is in tears from the pain in his hand, the one still healing from surgery. He is sure he has frostbite but refuses to get care because we can't afford it. I make him get a room and warm up. I sell or pawn everything I own of value. The overall cost is near 10,000 dollars. It wipes out every penny I have in saving and leaves me unsure about how I will survive in the summer when I stop drawing a paycheck. I declare bankruptcy because in order to move I must break a brand new lease and adding that new debt to the medical bills for my uninsured, diabetic husband's surgery and hospital stay over the summer, leaves me gasping for breath. I fall farther and farther in my classes and in my teaching as I try to do all the things I need to do to get my kids settled in Boise, I make phone call after phone call, I pack, I clean.

I know they will be safe in Idaho because I've worked with the system there. In Nebraska's the system seems to view parents as the enemy, Wexler says, "The mentality at DHHS was summed up by a former caseworker who says that during her initial training she was told:—Parents don't know their rights, and you should take advantage of that by walking all over them (4)." And it sums up my experience with the three social workers and two case managers I worked with. My husband and I were treated, at best as an adversary, and at worst as an enemy. Even the kind people I worked with gave me little or no information. They didn't try to inform me of my rights and when I went online to find out they all seemed upset that I had the information. I was lied to, manipulated and "walked on."

In contrast, in Idaho, I worked with a service coordinator who worked with a company outside of the system itself. Her job was to coordinate and advocate for my kids. She helped us

navigate the system in search of vital help for our boys, helped us work with the school and kept meticulous records of our interactions with both the school and the state. We were a team and having her on my team wasn't accidental because one of the very first things a parent is told in Idaho, when they turn to the state for help, is that service coordinators are available to help. Unfortunately this is changing as Idaho cuts funding for such programs. In Idaho my children went to a developmental pre-school, and received therapy, like speech therapy, occupational therapy, and behavioral therapy. My husband and I were treated with respect and as experts in our children's care by the people we worked with.

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After my kids are safe the case manager wants to know why I didn't tell her about the move. She wants me to give her my parents address so she can call child protection services in Idaho and find out if they want to pursue the case, never mind that this was never a "case," instead it was supposed to be a voluntary program that would help my family by finding services that we needed. We refuse to give her the information and she sends cops to my home and my work place. I tell them that she will need to get a court order if she wants that information. I let the police officer listen in to a conversation with my children on speaker phone.

"Hi Gareth," I say.

"Hi Mommy."

"How are you?"

"Okay."

"Are you safe?"

"Yes."

"Are you having breakfast?"



“Tortillas and butter, mmm, deeelicious!!!”

“Are you happy, my love?”

“Oh yes! But I miss my mommy.”

The police officer doesn't look me in the face as he asks my mother if it is okay for the boys to be with her and if there is enough to eat and is everyone safe.

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Wait. Back-up

See, these are the reasons this happened.

1. In Nebraska “State law requires any citizen to report suspected child abuse and neglect to law enforcement such as the police, sheriff’s office or State patrol, to a Health and Human Services office, or to the Child Abuse Hotline at 1-800-652-1999. All reports made to authorities are confidential (DHHS News Release 2011).” The problem with this is that the anonymous caller is often treated as expert and credible and the family as the problem. No effort has been made to educate the public about the differences between poverty and neglect or special needs and misbehavior.

The first time I realize that perfect strangers are judging my husband and I as parents happens in the grocery store. Logan is tickling Osiris’s neck and a stranger calls the cops and reports a “large dark man, strangling a little boy.” The police check my son for bruises in the parking lot and smile when Osiris demands more “more tickles.” Then later that summer my son undresses at the park while my husband is talking to me on the phone and a woman calls the police and says that a “scary man” was taking dirty pictures of a small boy at a park. There were cops for

that too. Then Osiris got away from Daddy in the rain for a few minutes and someone called child protection services because they saw an “unaccompanied” child. They did not see daddy less than thirty feet away. Then there was a call because my son was naked on our balcony, this time the report is that “man was playing with a naked little girl” and then someone calls because my son wasn’t wearing socks on a snowy day, and another because his clothes seem ill fitting and his jacked isn’t zipped. The result of these calls was a visit from CPS. Child protective services inform us that there were allegations of physical neglect against us. We were treated as guilty until proven innocent.

2. Nebraska’s child protection services lacks stability:

The Nebraska Foster Care Review Board said that in the first six months of 2011, 21 percent of the children in the state’s care had four or more case managers. In a survey of biological parents, 60 percent reported they had had between two and four caseworkers, and 9 percent said they had between five and 10 caseworkers (Hanlon). This results in a lack of accountability on the part of both individual case managers and on CPS as a whole. I’ve worked with five or six individuals, was never given consistent information, and none of whom seemed to know anything about the work done by the person before them.

After the first call they search my home, try to speak to my kids at school without my permission, and ask me a series of invasive questions. Was I ever abused as a child, was I ever raped, was I taking drugs or drinking too much. Was my husband hurting me? They ask personal questions. Did I belong to a church community? Did I work, where did I work? Was I married, like really married, not just living together? Did I have a good relationship with my family, my parents? What was my race/ethnicity? Did I practice any “cultural practices” of my race? Was I

Native American? Was I affiliated with any tribe? Most of these questions were just different ways of asking “what are you?”

I answer every question, show them around my house and cooperate. Later I learn from one of the social workers that all those questions have a numerical value and they add up. The higher the number, the higher the likelihood that the children will be considered at risk and every call, no matter how silly or unfounded, adds to that number. So after the first call the case was simply closed as unfounded, as was the second, but with the third we were assigned a case worker and asked to voluntarily accept the help of case manager. We accepted but the case manager was unable to find any services that would help our family. We make just a bit too much money to get food stamps or housing and Nebraska lacks any real protocols or services for autistic children, so she closed the case. Once again the allegations were unfounded.

3. In Nebraska there is a very broad definition of “neglect” which creates a situation where poverty or difference or disability can be construed as neglect without proof or evidence:

Of all the children in foster care in Nebraska in 2010, 19 percent were there because of allegations of physical abuse—from excessive corporal punishment to torture, Wexler said. Seven percent were in care because of sexual abuse.

But 58 percent were in care because of what was categorized as “neglect.”

“What is “neglect?” Wexler asked. “In Nebraska, it’s the failure of the parent to provide for the basic needs or provide a safe and sanitary living environment for the child. A definition that broad can include some extremely serious maltreatment — such as, say, deliberately starving a child, or locking him in a closet all day.

“But it also is a perfect definition of poverty,” Wexler said. “And the confusion of poverty with neglect is the single biggest problem in American child welfare.”

“Either Nebraska is a cesspool of depravity, with more than triple the child abuse of the nation as a whole, or Nebraska is tearing apart a whole lot of families needlessly,” Wexler said (Hanlon.)”

The call that brings us to this place, this moment where I am splitting my family up, comes from the school. The allegation, neglect: no socks on a snow day, a jacket with a busted zipper, jeans that are a little too big. The initial intake report, because of previous calls, recommends that we comply with voluntary case management. Our case worker is young, inexperienced and aggressive. She finds my boy's "behaviors" as she calls them, problematic. In a few days the concerns about inadequate clothing have evaporated and we are meeting with the school and discussing ways to address my sons' "behavioral problems." We watch as the people advocating for us, all of the members of the special needs team and my children's classroom teachers, are removed from the discussion until our case worker is only talking to the school social worker and the para-professional we suspect made the call in the first place. The case manager tells me at one point "the school reports that there has been no progress since they moved here." I give her IEP reports that say different and they are disregarded. When I ask her how we went from talking about socks to talking about IEP's, she tells me that it's her job to figure out what the family needs and then provide it. I ask what happened if we don't want her help and she tells me that refusing to comply with voluntary case management can be seen as an indicator of risk and my family could be listed as "at-risk" which would involve the courts. She tells us that our best solution is to accept Intensive Family Preservation services. The website for OMNI, the company we are referred to reads,

OMNI, (proves *sic.*) Intensive Family Preservation (IFP) services in several areas of Nebraska. IFP is a 15-week team approach service that provides therapeutic and skill-building interventions within the home. Families referred may have severe mental health issues, abuse & neglect issues, or youth with serious emotional and behavioral disturbances...

Intensive Family Preservation therapists meet with the family in its environment which may include home, school, day care, and community. . .

An Intensive Family Preservation team consists of an LMHP (Licensed Mental Health Practitioner) or PLMHP (Provisional Licensed Mental Health Practitioner) and a Skill Builder with a Bachelor's degree. . .

I keep asking how we went from lack of socks and broken zippers to this. How it is that my husband and I, who have, collectively between us, more education, more hours of experience, and more understanding of my children's autism, than anyone we've worked with, are expected to quietly allows stranger to reconfigure our lives. No one will answer me. Finally, at Chuck E. Cheese it comes to a head and my husband tells the case manager that we don't need her help. We don't need someone to come in and tell us how to raise our kids. Her response is to threaten us. "You need to take our help or your kids will end up in the system." I considered Nebraska's shameful history in child protection and then I got my kids across state line as fast as possible.

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I talked to my oldest son today. He said. "All done Idaho. Gareth in Nebraska. Gareth with Mommy."

"No, baby, all done Nebraska. Mommy misses you so much.

"I don't want to miss my mommy. I want to come home."

"I know, baby, I know. But you can't and mommy needs to stay here and finish school. I'll see you soon, my love."

He gets mad because he doesn't understand. "Okay, bye-bye mommy."

"Bye-bye, baby. I love you." I don't really understand either and I'm guessing that all the families suffering broken hearts from this broken system don't understand either. We are all

looking for answers. I do know that when child protective care is brought to task for its failing the same story is always told. The story of the child missed the one who fell through the cracks, the one left to survive a terrible situation. That story should be told but there is a flip side to that story. It's my story. It's the story of families disrupted on "evidence" based on calls made by strangers, short visits by untrained case managers, and systemic bias against the poor, people of color, and the different. Most of the time this story ends with kids being removed from their homes and it always ends with pain. Both of these stories must be heard and considered if Nebraska is ever going to answer any of the questions the people, people like me, are asking about child protection services

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