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## **A Child-Suicide in Foster Care**

**By Cheryl Romo**  
Daily Journal Staff Writer

LOS ANGELES - The garden at the house on Stockwell Street overflows with collard greens, lacy baby tears and pink flowers; inside the five-bedroom home, the family room's walls are covered with photographs of two generations of African-American foster children cared for by Mercenia Tucker, a retired aerospace worker who, at 78, uses a cane but paints her toenails emerald green.

Appearances of tranquility, however, can be deceptive.

Last year, on the morning of Feb. 10, tragedy struck inside the Compton home - and nothing has been quite right since.

Four days before Valentine's Day 2001, 9-year-old Kerry Brooks, a precocious kid with an impish smile, apparently hung himself with a shoelace inside a closet in his bedroom. In so doing, Kerry became what is said to be the youngest child suicide in the history of Los Angeles County, according to county officials.

The day before he died, Kerry reportedly told a younger foster sister that he was planning to kill himself. She didn't believe him - and professionals who knew Kerry well said they didn't see it coming.

A case in point was Victor Ross, program manager for Compton System of Care where Kerry, a special education student, attended school.

"[Kerry was] the last person in our program that my staff and I think would commit suicide. He was our highest functioning student both academically and behaviorally," Ross said.

Ross' letter was among 459 pages of Los Angeles Juvenile Court documents examined by the Daily Journal following the child's suicide. In re: Kerry Brooks AKA Kcerry Cardenas, JCK24829 (L.A. Juv. Ct., Sept. 1996).

"Kerry went on a field trip with the class the day before his death and was described as energetic and happy," Ross wrote a few days after Kerry's death. "This child never appeared depressed. He was in our program because he would become enraged at times and he fought with other children. Depression was never an issue."

The court documents also contained conflicting reports of Kerry's disposition.

In May 1998, a social worker reported that Kerry was a "healthy [and] handsome and friendly little boy who loves to play on his scooter and go rollerblading. He is a sweet child who needs a lot of love and attention."

That same month, a different social worker reported that Kerry said he'd never met his social worker and wanted to go to "court and kill everyone."

Even with the benefit of hindsight, Kerry's death remains a mystery.

The Los Angeles Department of Children and Family Services assigned blame to the foster mother 15 months after Kerry's death. On May 9, 2002, the department sent Tucker a letter informing her that her foster home - in operation since 1978 - had been placed on "endangerment 'do not use' status" because she left a child with a "history of depression" alone with an unauthorized baby sitter.

"As a result of our investigation, we have substantiated [l]ack of [s]upervision and [s]evere [n]eglect. You have acknowledged that you were not home at the time of the foster child's death and that you left him in the care of the 17-year-old. However, neither licensing nor DCFS approved the 17-year-old as a temporary baby sitter."

Tucker was heartbroken by the accusation.

"They said I didn't do right for Kerry," she said. Tucker also denied the department's allegations.

The social worker told Tucker she could leave Kerry in the care of Marcus, the older child, for brief periods, Tucker said. The day of Kerry's death, Tucker had expected to be gone only an hour.

The department also claimed that Tucker failed to give Kerry the full dosage of a psychotropic medication he had recently been prescribed. After Kerry's death, DCFS investigators counted the pills in his prescription bottles and claimed there were too many. "What they conveniently 'forgot' was that when the medication was first prescribed, Kerry was receiving half the dose," Tucker said.

Mercenia Tucker, a widow, raised six children of her own before becoming a state-licensed foster care provider. When she met Kerry shortly after he entered the child protective system in September 1996, she was smitten. She considered him street-smart and adorable.

"He walked in and said, 'Well, hello there Ms. Tucker,' and gave me a high five. From the day we met, we hit it off. I had a bond with him," she said. "When he first came, he couldn't sleep. He had nightmares."

Kerry had been abandoned by his parents, lived at MacLaren Children's Center and was rejected by a previous foster mother because he threw a temper tantrum after she told him to take a nap. Though it would have changed nothing, Tucker said she was not informed until shortly before Kerry's death that he had been diagnosed by a court-appointed psychiatrist as suffering from post-traumatic stress disorder.

Tucker, whose husband died in 1988, was soon calling Kerry "the little man of the house." They watched television together, and the boy checked all the doors in the house each night to make sure they were locked.

"He was a sweet child, but he had his moods," the foster mother said. "He got an allowance for taking out the trash and working in the yard. He was an all-around kid. He was an usher in church and sang in the choir. He was on the drill team, and he won awards. I miss all that."

Kerry's final day at the house on Stockwell Street began in the simplest of ways.

Dressed in a nightshirt, Kerry got up early that Saturday morning to cook a surprise scrambled-egg breakfast for the woman he called "Mom." Although the fourth grader was supposed to go with Tucker and his 8-year-old foster sister to a friend's funeral that morning, he wanted to stay home with his teen-age foster brother, Marcus.

After softening Tucker up with the scrambled eggs, Kerry promised to clean his room and do his chores while the old woman was gone.

"I said, 'Kerry, you don't want to go?'" she said. "And he said, 'No, I don't.'"

When Tucker walked out the front door, Kerry gave her a kiss and told her he loved her.

"When I left, he was fine and as happy as he could be," she recalled. "He loved me very much, and I loved him very much. ... I was the only one that had his confidence."

Soon after, one of Marcus' friends arrived. The boys watched television and listened to music. Then Marcus reminded Kerry that he'd promised to clean his room.

The 9-year-old, still clad in his nightshirt, marched off to his bedroom and closed the door.

What happened next is inexplicable.

The 81-pound boy allegedly took an 18-inch white shoelace out of his tennis shoe, created a noose, and then tied the shoelace to the wooden rod running the length of a white, child-size portable closet. At 4-foot, 6-inches, Kerry was taller than the closet rod. So, he leaned his head into the small closet to get the shoelace around his neck before dropping knees-first into the closet, police and coroner's investigators concluded.

Around 11:30 a.m., Marcus went in to check on Kerry. When he opened the door, he saw Kerry's feet. According to police reports, the older boy cut the shoelace with a butter knife, lifted Kerry down, and called 911 and Tucker's adult son, who lived nearby. Paramedics arrived minutes later to find the 9-year-old barely alive.

Kerry was rushed to Martin Luther King-Drew Medical Center where he was pronounced dead a little after noon. Meanwhile, Tucker, who said her car had been blocked in by the funeral procession, arrived home at noon.

"I came home and saw all these police cars and I said, 'What in the world are they doing?' I saw Marc standing by a car. They said Kerry tried to kill himself and they wouldn't let me go to the hospital - and they wouldn't let me in the house," she recalled.

Today, another child uses the portable white closet, that still is in the same room on Stockwell Street.

When asked about Kerry earlier this year, Department of Children and Family Services Director Anita Bock said that whatever was troubling the boy happened during the first four years of his life, not during the nearly five years he spent in foster care. When Kerry entered the system, Bock said, he was diagnosed as suffering from post-traumatic stress disorder.

"He'd had a traumatic life. There was substance abuse in the home. He'd witnessed his mother being beaten," Bock said. "We saw a child who was struggling, always, with anger and pain."

Kerry Brooks was born Kcerry Kashif Di-Shiek Cardenas at St. Mary Medical Center in Long Beach on March 16, 1991. His parents were Luis Fernando Cardenas, an 18-year-old native of Columbia, and Mikko Shauni Brooks, a 15-year-old who grew up in Long Beach.

Kerry never knew his father, whose whereabouts remain unknown.

For the last three years, Mikko Brooks, in trouble with the law much of her adult life, has been incarcerated in a federal prison in Northern California. She was convicted in 1999 of possessing 24 pounds of marijuana with intent to distribute across state lines. At the time she was arrested, Brooks said her infant daughter (Kerry's younger sister), was with her. That child was placed in foster care, she said, and has since been adopted. Brooks is scheduled for release from prison next year.

Through an exchange of letters with a Daily Journal reporter, Brooks - who insisted her son be called by his birth name, Kcerry Cardenas - shared details about her life and how she has felt since learning of her son's death.

Kcerry was my best friend. I've never done anything intentionally to hurt him. I hurt every day, and this is something I have to live with. I pray that this doesn't happen to anyone else while their child is in the system," Brooks wrote.

Like Kerry, the young mother said she too grew up as "a child of the system." Brooks believes her life was, and continues to be, dysfunctional. Although she's hoping to have a successful future when she gets out of prison, she acknowledged having to tie up a lot of "loose ends in my past" before that can happen.

When prison officials told her of Kerry's death, Brooks said she was unable to show her pain.

"I was brought up to show little emotion. When you're hurting, people tend to use your pain against you," she wrote. "I've been having a lot of bad dreams lately pertaining to Kcerry. This might sound crazy, but he always gets murdered in my dreams."

Brooks said that no one may ever know what really happened with Kerry, but she is still thankful that Tucker loved and cared for her son. "Kcerry knew how to touch anyone's heart that he came across," she said.

Records from the Department of Children and Family Service indicate that Mikko Brooks had been accused of child abuse before Kerry entered foster care.

The mother denied having ever abused her son and, according to court documents, none of these allegations were substantiated.

Brooks said that when Kerry was 4, she needed some time to get on her feet following the crib death of an infant daughter. She left Kerry in the care of a female cousin.

Two months later, when the cousin attempted to enroll the boy in kindergarten but didn't have proper documentation, Kerry was picked up and placed in foster care at MacLaren Hall on Sept. 20, 1996.

At the time, Kerry was 5-years old.

"I know I could have dragged Kcerry out of Mrs. Tucker's home. I just wasn't stable, and I felt he was in a stable environment. I was coming for him, please believe that. A lot of Kcerry's emotional problems came from his being so close [to me]. We [did] everything together. He always told me to never leave him and I did. I have to live with that for the rest of my life. I've never physically abused [any] of my children. I guess I've done the ultimate: abandonment," Brooks wrote.

Kerry last heard from his mother on Oct. 15, 1997, when she called him at Tucker's house after being released from Los Angeles County jail, where she was being held for an alleged assault. All Kerry ever wanted, Tucker said, was to see his mother and the rest of his biological family.

Not long after his mother called, a mental health professional diagnosed Kerry as suffering from attention deficit disorder and oppositional defiant disorder.

By the next February, Kerry had been declared a "special needs minor." Brooks' parental rights were terminated that month, and her whereabouts were listed as unknown. Los Angeles Juvenile Court Referee Guillermina Byrne noted that the mother did not provide the necessities of life for her son and failed to participate in court-ordered programs that included counseling, drug testing and parenting classes.

"Kerry has been acting up again since his mother Mikko called," a social worker noted in a court report dated Feb. 26, 1998. "Kerry broke down and cried."

Though Tucker said nearly everyone who met Kerry "fell in love," a part of him remained elusive. "No matter what would happen, he would go back to those first four years," she said. "He was always tying something around his wrist, waist and neck - and I would have to take these things off. He was putting things in his mouth and I had to take them out. One time he put a ring in his mouth at church and he was gagging."

"I'm the unfit parent and that's all people is gonna see when it comes to me. I know I'm at fault and that's something I have to live with," Brooks wrote.

By August 1998, Kerry was in second grade and receiving counseling. He was considered available for adoption. Members of Mikko Brooks' extended family said they wanted to adopt Kerry, according to court documents.

But Kerry now thought of Tucker as his mother and her family as his family. But Tucker wasn't prepared to adopt the boy. At that time, Tucker was trying to adopt Marcus, who had been with her since he was found abandoned in his stroller at a shopping center when he was 2.

Tucker also hoped, according to court documents, that one of Kerry's parents would come for him.

"I wanted to give them a chance," she said.

Meanwhile, Tucker was willing to become Kerry's legal guardian.

To facilitate that, Juvenile Court Judge Byrne declared Kerry "not adoptable." Guardianship was granted to Tucker on Aug. 27, 1998. The action was taken against the recommendation of the Department of Children and Family Services, which contended the boy was too mentally fragile for Tucker to handle. The court terminated its jurisdiction, but the department continued to supervise and monitor Kerry's care.

Things did not improve. In third grade, Kerry was expelled from Caldwell Elementary School for threatening teachers with a pair of scissors.

"I said, 'Why did you do that?'" Tucker recalled. "He said they took something from him. Anything would set him off."

Eventually Kerry was sent to Compton System of Care, a school for special-needs kids where he could go to school and receive outpatient therapy. By all accounts, he was doing well, though he became depressed when another child in the Tucker home was reunited with his mother.

Then, barely two months before he died, Kerry began taking a psychotropic medication that had been prescribed by Todd Bollinger, a psychiatrist. The doctor had been recommended by Kerry's DCFS social worker, according to Tucker.

The psychotropic medication Kerry took was called Wellbutrin. It is commonly used to treat depression and, sometimes, attention deficit disorder. It's also given to smokers to help them curb their habit. While one of the side effects listed for Wellbutrin is suicidal ideation, it is unclear whether Kerry was affected.

After Kerry's death, according to court documents, Bollinger told DCFS investigators that he prescribed the drug for the boy because he was "exhibiting symptoms of irritability, oppositional defiant disorder and ADHD." The psychiatrist also said he couldn't rule out "depressive disorder."

At 78, Tucker said that she can live with not being able to take in any new foster children. But, she does want back her good reputation.

"I just wish I could keep the name of my house clear," she said.

Tucker finds it ironic that the child welfare system seems to be blaming her for Kerry's death when the system paid scant attention to the boy's needs when he was alive.

"You're just lost in the system," she said.

Kerry's Department of Children and Family Services social worker last visited and spoke to him "in private" April 27, 2000, according to court documents, nearly a year before he died. However, the social worker noted in court documents that she called Tucker once a month to ask how the boy was doing.

Kerry's funeral was held at the Ajalon Temple of Truth Baptist Church he regularly attended in Los Angeles. Members of Mikko Brooks' family attended the services. But his mother said authorities at the prison would not let her attend. The child is buried in an unmarked grave at Angeles Abbey Memorial Park in Compton.

Tucker said the county paid for the mortuary but waited nearly a year before reimbursing her for Kerry's burial costs. "I paid it out of my pocket," she said.

The old woman's biggest regret is that they didn't send her enough money to buy a headstone for the little man of the house on Stockwell Street.

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## **Despite Law, Paper Maze Slows Access to Dependency Records**

**By Cheryl Romo**

Daily Journal Staff Writer

LOS ANGELES - Twelve days after being informed of Kerry Brooks' death by a confidential source, the Daily Journal petitioned the Los Angeles Juvenile Court for access to his dependency court file. Initially, court officials said the file was lost. After five months, however, it was discovered and then-President Judge Terry Friedman granted access to the file.

The Daily Journal was allowed to view part of Kerry's records. What was held back is not known or disclosed to those seeking access, but in this case is believed to include psychiatric and medical records.

To paint a more complete picture of Kerry's life, the Daily Journal contacted those who had cared for him.

Two court-appointed attorneys who initially handled Kerry's dependency court case said they couldn't remember Kerry or his mother. Nathan Hoffman, who represented Kerry's mother, said he handles "hundreds of cases" and didn't recall the family.

Jo Franklin of Dependency Court Legal Services represented Kerry. She said she met her client just once and hadn't been his attorney for years.

The child's autopsy report was released eight months after his death. It indicated that Kerry was in good physical health, although he was reported to have a history of emotional problems. Although originally investigated by law enforcement as a homicide, the coroner concluded the cause of death was suicide by hanging.

The 17-month search for an explanation why a 9-year-old child killed himself in Los Angeles County illustrates the difficulties faced by child advocates in a system wracked with secrecy.

Three years ago, the state Legislature enacted the Lance Helms Sunshine Act to shed light on the plight of youths in the dependency system. Named in the memory of a Los Angeles County toddler who was murdered by his father, the legislation was introduced by state Senator Richard Polanco, D-L.A.

The Lance Helms Sunshine Act was designed to give greater access to information when a child in the system dies. The law was revised in 2001 and came about because of concerns about a lack of candor, specifically on the part of Los Angeles County officials, in the wake of a plethora of foster care deaths in the late 1990s.

Recently, some child advocates have begun to question whether the Lance Helms Sunshine Act is working as intended.

Virginia G. Weisz, directing attorney for children's rights at Public Counsel, said all of a child's records ought to be open, whether the child died or was injured.

"I'm not a fence-sitter on that one," Weisz said. "And if the child died, I don't think you need anyone's permission to see the file. With the court's permission, you definitely need to have a little sunshine in there."

Children's tort attorney Linda Wallace Pate said child deaths must be viewed as a warning that something is drastically wrong and that the situation cannot be remedied without access to information.

"If information is being withheld behind a shield of confidentiality, this is insane. Obviously, the Helms Act is not working," Pate said. "The legislative intent was to provide some transparency regarding the issue of children who died in foster care so that we can prevent and end this tragedy. It's barbaric when children die in foster care and we can't proceed to prevent it if we don't have the information."

However, Anne Fragasso, who heads one of three Dependency Court Legal Services firms representing children at the Juvenile Court, said that because of the potential for harm to siblings of the dead child, she doesn't feel confidential information about child deaths "should be spread about" in public.

"We can't control the information after it's out there," she said. "We want to see what people are looking at and why."

Fragasso also feels attorneys who represented the deceased child may have a continuing responsibility to protect their client's confidentiality.

"My guess would be that we still have a responsibility," she said. "There's nothing in the law that says confidentiality evaporates when a child dies."

In addition to petitioning the Juvenile Court for access to Kerry Brooks' file, the Daily Journal since December has filed eight petitions with the Los Angeles Juvenile Court seeking access to information about children who were murdered or committed suicide. The children all had dependency court cases, and some were under the supervision of the Los Angeles Department of Children and Family Services, according to sources with knowledge of the various situations. In each situation, the Daily Journal asked that the Juvenile Court's decisions on the Sunshine Act petitions be expedited.

To date, the court has permitted no access, and seven of the petitions are pending.

The only case for which a response has been received involved Christopher, an 11-year-old boy who committed suicide with a gun in his home May 23, 2001. In re: Christopher W., DCS Case No. 9532468.

In response to the Daily Journal's petition for information about Christopher, Deputy County Counsel Richard D. Bloom, the attorney for the Department of Children and Family Services, sent a letter, dated Jan. 22, 2002, to the court.

Bloom stated his office had "no objection to the inspection of the juvenile case file" for Christopher, but requested that "privileged or confidential information contained within the juvenile case file not be disseminated."

On Feb. 26, Juvenile Court Presiding Judge Michael Nash denied the Daily Journal's petition without explanation. The court then denied access to its minute order in an April 5 letter, saying "there is no authority that requires the Court to provide its reason for the denial of a WIC 827 petition."

Terry Francke, general counsel of the California First Amendment Coalition, said that while a juvenile court presiding judge can restrict access to confidential files, he can do so only on "particular findings."

The law itself states that access rights are statutory and that the presiding judge "may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical, or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition."

In May, Nash issued a clarification order stating the dead boy's court records would not be released "because the child was not a dependent of the Court."

The order also explained that the presiding judge had made a determination that release of the requested records would be "detrimental to the physical or emotional well-being of another child who is directly connected to the child that is the subject of the petition."