

# ‘We are just destroying these kids’: The foster children growing up inside detention centers

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Though he’s never been convicted of a crime, Geard Mitchell spent part of his childhood in a juvenile detention center, at times sleeping on cement floors under harsh fluorescent lights left on through the night during lockdowns.

He attended high school by clicking through online courses and had “no one to talk to but the walls” because of restrictions on phone calls. He attended group therapy with teens accused of rape, when what he really needed was grief therapy to process his mother’s death.

Daily life became so torturous that Geard scratched up his face to look like a methamphetamine addict, hoping that “they would transfer me to somewhere more normal, like rehab.”

“I knew it was wrong to lie,” said Geard, 17, sitting in a courthouse in this town of shuttered coal fields and boarded-up shops. “But I was locked up with kids who were rapists and murderers. One kid even beat up a judge like it was nothing. That’s just not me.”

Geard’s only crime was being a foster child in an era when a surging number of biological parents are falling into the grips of drug addiction and child welfare systems are struggling with a shortage of foster parents. In hasty attempts to address the problem, case workers and courts have been funneling children into crowded emergency shelters, hotels, out-of-state institutions and youth prisons — cold, isolating and often dangerous facilities not built to house innocent children for years.

“We are just destroying these kids. They’re warehoused into emergency shelters, out-of-state institutions and juvenile detention centers, which can cause lifelong emotional trauma — their childhoods spent segregated from the outside world,” said Marcia Lowry, executive director of A Better Childhood (ABC), a nonprofit child advocacy organization.

The nonprofit has filed lawsuits against 10 states alleging that agencies tasked with caring for children instead “infringe upon the rights of . . . foster children, jeopardizing their most basic needs.” The most recent lawsuit was filed against [West Virginia in the fall](#).

West Virginia has one of the highest rates of children living in congregate care — such as group homes, detention centers and residential treatment facilities — with 71 percent of foster children aged 12 to 17 in such institutions, [according to the lawsuit](#).

Because foster care is a decentralized system, nationwide figures are hard to come by. As of 2013, about 56,000 foster children were living in congregate care, or about 14 percent of the foster child population, according to a report by the federal Children’s Bureau. Many states have experienced significant increases in the years since.

Compared with foster children living with families, those housed in congregate care settings are more likely to drop out of high school, commit crimes and develop mental health problems, according to research by the Annie E. Casey Foundation, a philanthropic organization focused on children’s issues.

Growing up in institutions was seen as so harmful to a child’s development that the United States’s orphanages were largely shut down after World War II. What formed in their place is today’s foster care system, which emphasizes integrating children into family life, backed by mental health services and public schools.

But foster care systems are now so overloaded that institutionalizing children is becoming more common, and access to critical services — such as counseling, caseworkers and education — is limited, Lowry said.

In a recent letter to the Washington state legislature, the secretary of the state’s Department of Children, Youth and Families, Ross Hunter, wrote that the shortage of foster parents trained to handle children with trauma and behavioral needs has led to more than 2,000 instances of foster children staying overnight in hotels and, in a few cases, in social worker offices in 2019.

The use of expensive one-night placements comes “at extraordinary cost and detriment to the child,” Hunter wrote. In an interview, he said the state is “frantically trying to solve this problem” by obtaining more funding and training for foster parents.

The use of juvenile detention centers varies among states. In some cases, such as Geard’s, foster children have been integrated with criminally convicted youths, subject to some of the same rules and living conditions. In others, as in Oregon, foster children are housed in separate wings, sometimes refurbished to more closely resemble dormitory living.

Since settling a 2016 lawsuit, Oregon has reduced the practice of housing children in offices and hotels. But as many as 10 foster children are still housed in

hotels each night, said Lisa Morawski, communications director for the state's Department of Human Services. Others have been assigned to live in refurbished juvenile detention centers and, in one case, a former police station that was renovated with new flooring, paint and decor.

Those facilities house "residential treatment programs" for children identified as having intensive psychiatric or behavioral issues, said Jake Sunderland, a spokesperson for the Oregon Department of Human Services.

Oregon state Sen. Sara Gelsler (D), who chairs the Senate Committee on Human Services, said the state has made progress in recent months by improving the facilities and significantly reducing the number of foster children in refurbished detention centers. But she's still concerned about sending foster children to out-of-state institutions.

"When foster kids walk through a door that says 'jail,' it tells them they've done something wrong and even criminal — that they are at fault for their own trauma and abuse," Gelsler said. "Environment and setting matter. It tells kids who they are and what the system believes about them."

Runaways have become a growing problem as foster children flee such institutions and turn up months later in trouble with the police or facing jail time. Last year, there were 791 reported runaway incidents in West Virginia's foster care system, which has a population of about 6,800 children. Jeremiah Samples, the deputy secretary of the state Department of Health and Human Resources (DHHR), called the number "gut-wrenching."

The state is on track to eclipse that number this year, he said.

DHHR officials said they cannot comment on the experiences detailed in the lawsuit because of privacy laws, but agency leaders said they're making efforts to address the foster care crisis. West Virginia's foster care population has increased 67 percent since 2013, according to state data.

Agency Secretary Bill Crouch said the West Virginia legislature "made child welfare a priority" by passing a bill in March that allows the agency to contract with private, managed care organization Aetna Better Health of West Virginia. Aetna plans to tailor mental health programs for foster children and help provide biological families with support before their children end up in the system.

He added that the state is working to hire more social workers and increase pay, to put more resources into recruiting foster parents, and to reduce reliance on institutions.

## A changed child

On his first day at a West Virginia detention center, Arther Yoho witnessed a staffer slam an older child's head into a sink during a fight, according to his foster care records. The next morning, he woke up to a younger child screaming, as another youth whacked his head with a bar of soap in a pillowcase, a hazing method called locksocking.

Yoho, then 13, was told he would only have to stay at the detention center for a month. But he spent more than two years at the facility with 27 juvenile convicts, records show. He ran away with other residents several times, past the gates and into the nearby woods.

"I got real bad anger issues from living there," said Yoho, now 19 and aged out of the foster system. He shrugged and stared at the ground.

“I also know how to earn respect when I need to,” he said.

The stocky blond loves “football, basketball, any sport” and enjoys reading mythology novels. His pale cheeks flush pink when he admits to being a fan of the “girly” vampire romance series Twilight.

But after years surviving in juvenile detention, he couldn’t adjust to family life when he was finally placed with foster parents Rich Minnis and Clare Chesnavage.

“Clare and Rich would get frustrated with me because I would ask to stand up, ask to use the bathroom, ask to eat, ask to do everything, because that’s the way it was in the detention center,” Yoho said.

He also would overreact to suggestions — like how to improve his basketball game — by fighting perceived insults at home and at school.

By the time Yoho became a part of their family, Minnis said, “he was done with people.” In an attempt to improve his ability to develop relationships, the couple drove Yoho to daily therapy sessions and enrolled him in team sports and DJ lessons, an activity in which he showed interest.

But ultimately, Yoho pulled a pocket knife on Chesnavage during a fight about cleaning his room and was removed from their home after three years — his longest of 18 placements. His struggle to find a permanent home has continued with his recent eviction from a house in Fairmont, W.Va., a town that he calls “Methmont” because of a spate of drug busts.

Karen Betler, Yoho’s court-appointed special advocate since he entered the system at 7 years old, said she repeatedly asked the court to remove Yoho from the institutions and the detention center. But she was told there were no foster families available to take him at those times.

“He was not criminally minded. He was such a smart kid,” said Betler, who hosted Yoho at her home during Christmas for years. “Institutional life just made him tough.”

Some advocates have put their hope in a sweeping federal reform known as the Family First Prevention Services Act, which aims to keep children with their biological families.

The act will offer at-home parenting classes, mental health care and, in some cases, substance abuse treatment, with affordable child care at rehab centers.

Pushed by foster care alumni, the act also aims to restrict federal spending for group homes and other congregate care facilities that house six or more children. It requires a judge’s approval to keep a child in an institution for longer stays.

States are scheduled to implement the group-home changes by October 2021, though they can request extensions in certain circumstances.

Critics worry that Family First will be slow and complicated to fully implement. It also might drain funds from a system that is already drowning, they say.

“But just because it’s going to be hard and take a long time, that doesn’t mean we don’t do it,” said David Sanders, executive vice president of systems improvement for Casey Family Programs, a nonprofit child-protection reform group.

“I believe it’s the obligation for a state government to make sure that children are in settings where they can thrive. That is not detention centers or group homes, and we all recognize that,” Sanders said. “Adoption, reunification or family settings is what states have to move towards.”

## A new chapter

Geard's most lasting memories of his mother are coloring while sitting in her lap at their Staten Island home. She died of an overdose when he was 8 years old, and his father was unable to care for him, according to the ABC lawsuit.

He was sent to his paternal uncle's home in West Virginia, where the lawsuit alleges he endured two years of physical abuse — teachers reported that his hands were too wounded to write — before the state took custody of him, according to state records.

While his younger sisters were quickly adopted, Geard cycled through emergency shelters, group homes and a juvenile detention facility.

At age 11, he was placed in a temporary shelter used to handle the overflow of foster children, where he says he was ridiculed daily by older teenage boys.

At one point, he devised a noose from his belt and attempted to “leave this planet.” A staff member found him, which Geard believes was “my mother watching over me from heaven.”

He attempted to take his life again a year later.

With no foster families available, Geard landed at the Donald R. Kuhn Juvenile Center — a facility with barbed wire — in 2018, according to the lawsuit.

Geard's maternal uncle, Jesus Rosario, said he tried to adopt him for the last five years, but case workers rarely called him back. It took more than two years of calls to get the required home study, he said.

“When my sister died, it was like he just disappeared into this system,” said Rosario, who lives in Ohio. “And it took me years to track down how to find him.”

Geard's luck recently changed, just months before his 18th birthday.

As Geard stood with his hands clasped behind his back, his posture military stiff, at a county courthouse hearing about his next placement, Judge William S. Thompson said, “We have some good news, for once.”

Thompson decided to release Geard from the system early into the custody of Rosario, whose home study was finally approved.

“You've got a chance now. I want you to take it,” Thompson said.

Breaking his often stoic demeanor, Geard wiped away tears, smiling softly. He thanked the judge and his state-appointed attorney, Scott Briscoe, who served as guardian ad litem to three foster care children in the ABC lawsuit, “for being my champion.”

Briscoe had called him weekly for years, noticing he was a hard worker and talented artist. Now, Geard hopes to train to be a tattoo artist. After his hearing, he showed drawings from his portfolio, particularly one of his favorites of an angel cradling a young child, which represents his mother and himself.

The drawings are in black-and-white, “because coloring reminds me of her too much,” he said.

As they prepared to drive to Ohio, Rosario set up a video chat with his family to welcome Geard. His wife and two young children — ages 8 months and 3 years old — smiled and waved at Geard.

“It’s a new chapter for me,” he said, as the tiny town of drug rehab centers, pawnshops and billboards seeking new foster parents faded in his rearview.

“It’s my story. I can’t change it,” he added, saying he’s glad to be a part of the lawsuit. “But I don’t want other foster kids to go through this too. I want to help stop them from spending their childhoods locked up.”