

Baby Sosa Case

Barbara Buckley: PURE EVIL

"Family Friendly" Assemblywoman will crush any child in her path

Political Ambition Trumps Interests of Foster Child

By GLENN CAMPBELL

Assemblywoman Barbara Buckley is the Number One enemy of child welfare in Nevada.

We know it sounds absurd. This is like calling J. Edgar Hoover a Communist. No cowboy wears a whiter hat than Buckley. It is hard to open the newspaper without reading her public rhetoric supporting the families of our state.

"It is our responsibility to protect the children in our community," Buckley said in a recent news article about child deaths. "I am beyond frustration. We should insist information be provided immediately."

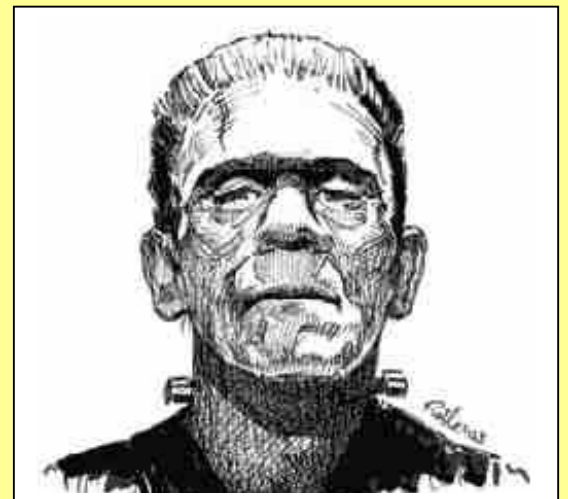
As the Assembly Majority Leader in the state capital, she is probably the most powerful figure in creating the laws that guide the Family Court. As the executive director of the Children's Attorney Project in Las Vegas, she defends the interests of abused and neglected children in the child welfare system.

In the newspaper, she is seen as tough and brave and is often "infuriated" by injustices imposed upon families by social service agencies. Abused children need a friend like Barbara working for them on the front lines, don't they?

But she is not their friend. Children beware! Buckley is an ambitious politician who has discovered a powerful marketing strategy: Talk loudly to the press about child welfare, pass "family friendly" legislation, and you'll get reelected.

But if any real children get in your way, crush 'em!

Buckley is not the savior she seems to be. Scratch n' sniff, and you'll find



NOTE: This is an artist's conception of Barbara Buckley. In real life, there are no knobs on her neck, and the scar on her forehead has nearly healed. Once you get to know her, she is really quite sweet – not at all the monster she seems to be.

something less savory below the surface. Her family legislation tends to be shallow and ill-conceived, creating new problems in a simplistic

effort to solve the old. Her Children's Attorney Project is floundering for lack of any coherent philosophy or competent management – working against children as often as for them. (See articles on our website.) Her relationship with the court and Family Services is extraordinarily poor, so she has little understanding of the system she is writing laws for and assigning attorneys to.

But she's got ambition up the wazoo. She acknowledges an interest in running for governor or attorney general in 2010, and she never misses an opportunity to be seen and heard on family issues.

No doubt about it, Buckley is a skilled and wily politician. She's got the "juice" to get what she wants—from the press, from the Assembly and from the state Supreme Court. What she lacks, however, is any emotional grasp of the needs of children.

Real children only get in her way, and she'll sacrifice any of them in pursuit of personal power. Two-year-old Natalie Sosa is one of her victims.

Keeping Siblings Together

Understanding Buckley takes some patience. You need to peel away the layers and separate what she says from what she does. Sometimes a sheep is really a wolf in drag; you just need to find the zipper.

Let's start in Carson City then move back to Las Vegas and Natalie. Here is the law that started the current Buckley nightmare...

When siblings come into the foster care system due to their parents' drug abuse, they are often split up, usually because there is no foster home prepared to take all of them. This is regarded as a bad for the children, who may be as traumatized by the separation from their siblings as from the original abuse.

The issue was addressed by Assembly Bill 42 in 2005, aggressively supported by Buckley, which creates a legal presumption that siblings should be placed together in foster care. In the committee hearing, Buckley was eloquent as usual:

"It's hard to imagine coming into the foster care system, to have a police officer come to your house to take you away from your family, or to be placed in Child Haven... and losing everything you know—your mother, your father, your home and your school. Research has found that the

best thing to do for these children is to keep them with the brothers and sisters they know. Nothing can be more traumatic than losing your home, your parents, and then to lose your bother or your sister."

It was a well-meaning bill, generally well-received. Unfortunately, it had the unintended effect of making it harder for DFS to place siblings in foster care and adoption, since few families are available to take large sibling groups. Instead, these groups languish in Child Haven, which is badly overcrowded already, even when foster families are available to take some of them.

The foster care system was overburdened to begin with, and the sibling placement law only made conditions worse.

Such unintended side-effects are common in the law. Good intentions, when expressed in statute, often lead to bad effects, occasionally worse than the original ailment. Sometimes, we need to go back and fine-tune the law, and other times we discover that we should have left well enough alone.

Buckley, however, is unable to grasp the concept that "her" law could have caused any problems. *Las Vegas Sun*, 12/10/05:

Assemblywoman Barbara Buckley, D-Las Vegas, who supported the bill, does not believe that the law is responsible for children languishing at the county's temporary shelter.

"It's kind of offensive to say the law is at fault," Buckley said. "It is the county's job to recruit homes willing to take large groups."

This attitude is typical of Buckley: "We'll make the laws, you deal with them." This is not an adult philosophy. It says that the legislature can make any idealistic law it wants without any regard for how it is going to be implemented or who is going to pay for it. If the county didn't have enough foster parents before the law, where are the new ones for sibling groups supposed to come from?

Nevada statutes, created by Buckley and her colleagues, do nothing to support the recruitment of foster parents. In fact, they tend to push them away, because foster parents have no rights under the law. They can't even ask to visit the children who they have raised for years. Under Nevada law, foster parents are often as

abused and neglected as the children in their care, so it is not surprising that the county has difficulty recruiting them.

Buckley even drives away foster parents on her own, personally abusing them in an effort to improve her own political standing. To wit...

The Sosa Case

This is a story of almost incomprehensible child cruelty for political gain. Before exploring Buckley's role, we need to understand the background of the case.

Natalie Sosa became a ward of the state only a few days after her birth. The birth mother was a prostitute and an unreformed drug addict with an extensive prior history of child neglect. Having tested positive for drugs at birth, Natalie was taken immediately into custody, and a search began for an appropriate placement.

This was December 2003, a year and a half before the sibling placement law was passed. Nonetheless, the state made an honest effort to place her with her siblings.

Natalie's grandmother (the mother of the prostitute) had taken custody of her five older siblings, but she said she couldn't handle an infant. She was working a low-wage job and her husband had recently left her, so she didn't even know how she would support the five children she had. The agency agreed that the placement was not in the "best interests of the child" – which is usually the overriding concern.

The family was, and still is, a chaotic one, with Natalie's birth mother and other relatives drifting in and out of the scene. Little has been publicly released about the family, but prostitution and drug offenses are clearly not an anomaly.

Natalie was placed with a stable middle class couple with the intention of adoption. The situation seemed clear: The birth mother, usually in jail or on drugs, was not cooperating with the state and would not be regaining the child, and the only viable family placement, the grandmother, was overburden by the five other children and ambivalent at best about the sixth. Clearly, this was a child who should be placed for quick adoption, and the agency proceeded accordingly.

The grandmother and siblings were given ample opportunity to visit Natalie and were actively encouraged to do so, but they rarely did. During the first 27 months

of her life, Natalie saw her grandmother for approximately eight (8) one-hour visits. That is eight hours *for her entire life*, most of them at the initiative of the foster mother, not the grandmother. The grandmother had the foster mother's phone number and could have arranged visits at any time but didn't.

Natalie's birth siblings were present at only about three (3) of those visits, or about three hours total. **THAT WAS THE ENTIRE EXTENT OF THE SIBLING BOND.**

When Natalie was 7 months old, the grandmother petitioned the court for guardianship of the child. To the foster parents, this was a strange event because the grandmother had shown virtually no interest in the child prior to the petition.

The petition was filed by Clark County Legal Services, Buckley's organization. The petition was denied by both the agency and the court, in part because Natalie was already established in her new home and because the grandmother had shown little prior interest. Clark County Legal Services took no further action at the time.

DFS proceeded with Termination of Parental Rights and toward the adoption of Natalie by her foster parents.

Send in the Clowns

In June 2005, at about the time the sibling placement law was passed, Clark County Legal Services appealed the matter to the Supreme Court.

The timing was suspicious, especially since the grandmother had continued to show no independent interest in visiting the child in the intervening year. The few visits that took place were arranged at the initiative of the foster mother, and on at least two occasions, the grandmother didn't even show up.

We wonder: Did the grandmother feel so strongly about her grandchild that she pushed Clark County Legal to pursue the petition, or did Clark County proceed on its own with little reference to their client? It makes a difference, morally, to know where the main motivation was coming from.

Buckley had been successful in passing the sibling placement law, but getting a law on the books is only part of the story. To give the law "teeth" she also had to test it on a real case. Rather than seek an accommodation between the parties, we

believe that Buckley kept the case alive for purposes of appeal.

We can't know exactly what was happening between attorney and client, but an unsophisticated litigant like the grandmother is easy to manipulate by lawyers with a political agenda. All they have to do is contact her and say, "Don't you feel hurt and outraged that the state has stolen your granddaughter?" Once prompted and continually reminded of the affront, who wouldn't be hurt and outraged?

It is easy to keep a wound open if that's what the lawyers want to do.

There is a special motivation here for Buckley. She isn't just the Assembly Majority Leader. She also runs a non-profit law firm, Clark County Legal Services. CCLS helps the poor, of course, but it is also an engine of Buckley's political career and her "family friendly" public persona. In 1999, Buckley established the Children's Attorney Project (CAP), under the umbrella of CCLS, to supply independent child advocate attorneys for abused and neglected children.

It has languished ever since. Buckley may be brilliant at obtaining funding and building coalitions but appears inept at day-to-day management. To run the CAP program, she assigned attorney Steve Hiltz, who couldn't be more clueless about both the law and the emotional needs of children. (See "Steve Hiltz: Jerk" on our website. Fair and balanced, of course.)

The CAP program sounds noble: to give children in the foster care system their own attorney to represent their wishes. Their rudimentary website ("Under Construction" for years) says: "These attorneys serve as the child's voice before the court and community allowing the children to take an active role (and responsibility) in their own destiny."

In practice, however, these attorneys have very little power under Nevada law and nothing much to do in court, because Nevada law is mainly concerned with the "best interests" of the child, not his wishes. The CAP attorneys go to court and make a lot of noise, but it isn't clear where they get their opinions, and rarely does their noise change anything.

The sibling placement law gives them more clout because now they have something to do: go into court and demand

that siblings be placed together. Lead attorney Hiltz did exactly this in Natalie's case 18 months after she was placed. Natalie, Hiltz said, must be "reunited" with her siblings.

Clearly Natalie has no bond with her birth siblings – which was the reason for the sibling placement law, was it not? (See Buckley's testimony before the committee, above.) What's important to a child's health is her *emotional* bonds, not her genetic ones.

But Buckley and Hiltz don't get it. To them, the law is the law, even if Buckley herself created it. The best interests of the child are none of their concern.

Natalie's only emotional bond for the 2-1/2 years of her short life has been with her foster family. Her foster parents are the only Mom and Dad she has ever known – arguably a more important bond than siblings – and their daughter Cristina is Natalie's only true emotional sister, even if she doesn't share Natalie's genes. These bonds, however, mean nothing to Buckley, because they interfere with the political agenda of her organization.

The District Court denied the resubmitted petition, and Buckley appealed to the Nevada Supreme Court – which was probably the intent all along. By "proving" the sibling law at the Supreme Court level, Buckley would gain future leverage over both DFS and the court.

Wise politician that she is, she didn't go it alone but built a coalition to support the case, including the Nevada Trial Lawyers, the Boyd School of Law and the Culinary Union, all eager to sign on to a child-friendly cause. We reckon, however, that none of these groups actually investigated the case themselves.

Buckley or her colleagues also contacted the press. What is the sense in Buckley crusading for family rights if she can't get credit for it in the public eye? They received some stunningly uncritical coverage from columnist Jane Ann Morrison at the *Review-Journal*.

Since DFS and the court couldn't comment on the case, Morrison's articles were based solely on information from Buckley. Morrison vividly described Natalie's life with her foster parents but never actually talked with them. She also played the race card: "If Lopez were a white Mormon or white Catholic grand-

mother in the same economic circumstances, would anyone be saying six grandchildren is too many?"

The clear implication was that the grandmother was being unfairly treated because she was Hispanic. What Morrison failed to mention, probably because Buckley never told her and she never bothered to investigate, is that the foster parents were also Hispanic.

During this time, the grandmother, who speaks little English, seemed unaware of the court actions that were being taken on her behalf. (Her comments to the foster parents indicated that she didn't even know that the matter had been appealed to the Supreme Court.) Her two lawyers spoke no Spanish, so one wonders about the quality of their attorney-client relationship. The only other parties who did speak Spanish, the foster parents, found the grandmother largely indifferent to her granddaughter.

Of course, having a non-English-speaker for a client is very convenient for the lawyers, because they can do all the talking for her without her interference.

The grandmother herself rarely appeared at the court hearings leading up to the hearing by the Supreme Court – although Buckley has paraded her around recently, since the kitchen started getting hot. It is strange for a grandmother who passionately wants custody of her granddaughter to take so little interest in the process.

Mere mortals can take a year or more to be heard before the Supremes, but Buckley, perhaps through her political connections, got a hearing in three months. Buckley herself argued the case before the Supreme Court... and won!

In an opinion released about a month ago, the Supreme Court found that the grandmother had not been properly "involved in and notified of the placement before [the court] granted custody of the child to the State". The District Court's decision to deny guardianship to the grandmother was struck down, although it is unclear at this point exactly what that means.

The other parties, of course, would dispute the Supreme Court's findings. It is hard to involve someone in a process if they don't seem to care about the child and

take no initiative on their own.

There were several factual errors in the Supreme Court's opinion. It noted, for example, that "Maria [the grandmother] visited the child regularly and also brought the child's siblings for visits." This is true only if eight visits by the grandmother and three visits by the siblings over the course of the child's entire life can be considered "regularly."

So now the tragedy must unfold of removing the child from a loving home and turning her over to indifferent relatives in a distressed family. It would seem appropriate, we think, to have Barbara herself supervise this process and visit the family at regular intervals to see how things are going. Since she so loves publicity, maybe she should take the newspapers and TV stations along as well.

What It Means

With only slight modification, we can paraphrase Buckley herself in her testimony for Assembly Bill 42:

"It's hard to imagine losing everything you know—your mother, your father, your sister and your home. Research has found that the best thing to do for these children is to keep them with the people they know. Nothing can be more traumatic than losing your loving parents and being forced to live with people you hardly know who have shown you no prior affection."

Of course, that's not what she's going to testify now, because it is no longer expedient. Now it's time for spin control. *Las Vegas City Life*, 4/20/06:

Barbara Buckley, who argued Sosa's appeal before the Supreme Court, said "there are a lot of victims in this case." But, she said, the court made the right decision.

"What went horribly wrong in this case is the foster care system decided to give the child away to foster parents because of unfounded conjecture that a family of six was too big to keep together for a grandmother," said Buckley, executive director of Clark County Legal Services. "It's horrible that it took almost two and a half years to reverse it."

Buckley, a member of the state Assembly since 1995, has sponsored several bills related to the foster care system.

Yes, there are a lot of victims: the child, the foster parents, the grandmother, the siblings, DFS, the court, and in some ways, all of the children and foster parents in the system.

All of them victimized by Barbara Buckley.

—GC



NOTE: See our website for related info:

- News articles
- Profiles of Buckley and Hiltz.
- Earlier flyer: "Send in the Clowns."
- Daily commentary.
- Comments on other Family Court cases and issues.

www.FamilyCourtChronicles.com

Now with hundreds of items on the Family Court... and growing! We bring you social responsibility, tastefully flavored with a hint of sarcasm (just a tad).