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## Futures “At-Risk”:

# *Kids Walking a Thin Line Between Protection and Prison*

By Cecilia Kline

**TEGUCIGALPA**—Kids who enter the Honduran child welfare system have slim prospects of leaving better off than when they arrived. On paper, the system complies with international conventions on children’s rights. In reality, kids don’t get the assistance they need to become stable adults. The system’s failure results in kids shifting between centers meant to protect them and centers meant to punish them, neither providing the support necessary to help them successfully become independent. In the end, society pays the high price of thousands of kids trapped in the system, driven to crime or an early death.

Erick is one of many examples of the child welfare system failing to provide the protection and stability it is meant to deliver. Today, at 29, Erick is one of few “grandfathers” of the street. He got separated from his grandmother on a trip to the city when he was 4-years old and never found his way back home. Over the past 25 years he has passed through almost every center in Tegucigalpa that works with at-risk kids and is still living in an unstable situation. He never managed to settle in a center permanently and now suffers from the long-term effects of drug abuse and exposure to violence on the street. Many people in the system would say that Erick was hopeless and he had failed the organizations, but the stories I present will show that in fact it is the system that fails the kids.

Erick’s case illustrates the large number of organizations and activities targeting the at-risk population, and their failure to impart lasting stability. Erick currently goes between staying at a pseudo-uncle’s house, an NGO—Casa Domingo—and the street. He spends the night at Casa Domingo, the safest environment available

to him, about once a week because he knows he needs help making his appointments early the next day. After one night when Erick slept there, I shared a ride downtown with him and Ana, the director of Casa Domingo, who is one of my roommates. It was payday for Erick. He had managed to hold a construction assistant’s job for the last month, painting and plastering. This was a huge accomplishment considering he had no permanent living situation and more than an occasional drug relapse.

Erick’s freckles and infectious smile give him a childlike appearance that softens his scarred face. Ana urged him to remove the ridiculously large pearl earring in his left ear so that people would take him seriously. Despite a shower that morning, he had dried glue crusted on his earlobe, either from a bottle of glue that he had inhaled in previous days or from a fight with someone else inhaling glue on the street. It was not easy for someone like Erick to hide the effects of street life.

Ana and Erick discussed when he would come by to deposit the money from his paycheck. Casa Domingo encourages boys to save by depositing a percentage of their earnings in their own account. Erick ran down a list of activities he had for the day. After picking up his pay, he was going to the zoo with Casa Asti, an NGO that runs a street-kid school program. He was going to another event with Prodim, another NGO that had invited him to participate in a children’s rights presentation. He also had to stop by his (adoptive) uncle’s house. Ana frowned because Erick wasn’t offering any opportunity to drop off his pay. The longer Erick held on to the money, the greater the chance he would spend it—on food, clothes or drugs.

It could also be stolen, considering where he was going. Even at 29, Erick was having trouble managing the basics of his life.

Instinctively, people absolve society of responsibility toward someone Erick's age. But Erick was a youth at-risk, full of hope once. Casa Domingo is one of the only organizations that remain hopeful and helpful to youth who haven't managed to land independently on their feet by their eighteenth birthday. The need for an organization like Casa Domingo to help older kids is evidence of the child welfare system's failure to offer sustainable solutions to kids. Whether the unique approach of Casa Domingo is sufficient to address Erick's needs in a sustainable way is yet to be determined.

That night Ana reflected, "By thirty they either get out of the street-life, or they are killed."

"And what's going to happen to Erick?" I asked Ana.

She didn't say anything.

"Is he out of the street?"

"No... He'll probably be killed."

The many young people who have already suffered this fate are the ultimate tragic outcome of the child welfare system. I wanted to find an explanation for these failures. I discovered the reason did not lie with inadequate legislation.

**The Child and Adolescent Code of 1990** (*El Código de la Niñez y la Adolescencia*) defines as "at-risk" any child under 18 who:

1. Finds themselves in an abandoned state or in danger;
2. Doesn't receive sufficient care to satisfy their basic needs;
3. Their inheritance is threatened by those who administer it;
4. Doesn't have a legal representative;
5. Is the object of abuse or corruption;
6. Finds themselves in a special situation that threatens their rights or their integrity;
7. Is addicted to substances that create dependence or is exposed to the possibility of becoming addicted.

According to the Code, the Honduran government is legally obligated to meet the basic needs and protection of kids with any one of these issues. The national child welfare agency, IHNFA (*Instituto Hondureño de la Niñez y la Familia*) is responsible for implementing this protection. Erick met every one of these categories throughout his childhood and still has a bleak future. The fact that he also

passed through most of the state and private protection homes growing up may actually provide insight into why he is still bouncing from one organization to another.

Visiting the different state and private centers I was amazed at how quickly the kids transfer from one shelter to another. Even when visiting a center for the first time I would inevitably run into a child I met at another center a few weeks earlier. Sometimes kids are sent from one center to another. Other times they escape one center and go seek shelter at another center. Or they leave to go back to their family only to relapse or get kicked out, back to the street where they are picked up by police and sent to a new shelter.

To be sure, the Code provides a potentially much better family-based alternative that I have not yet mentioned. This comes as an afterthought here because only after two years of living in Honduras did I find out that *familias solidarias* existed, the equivalent of a foster-care system. Despite operating for over ten years this alternative is still in its infancy, underdeveloped and underutilized. The potential families are so few and the bureaucracy entailed in fostering a child so dense that I never witnessed a single case of a child being referred to a substitute family. According to the latest published IHNFA data from 2005, there were 123 total foster families in the country. The manager of statistical information told me that only 52 children were placed with substitute families in Tegucigalpa. Hundreds fill the centers in the city, and even more occupy the street.

Adoption, the most stable solution, is also possible, but even less probable than placement with foster families. In 2008 IHNFA reported a total of 30 adoptions. Eleven were national and 29 were international adoptions.<sup>1</sup> One explanation for the low numbers is the rigorous qualifications required and even more tedious procedures for finalizing an adoption. Until the adoption and foster care options improve, the child welfare system will continue to rely overwhelmingly on temporary centers and fail to place kids where they belong, with families.

Even authorization to operate a private children's shelter requires sorting through endless red tape. Authorization comes through IHNFA and is immensely complicated. Ana compared getting approval to shelter kids in Casa Domingo to childbirth and declared it more painful. IHNFA rejected Casa Domingo the first time because the inspector found boys' sneakers under rather than next to beds, the kitchen window lacked curtains and the bathroom trashcan had no lid.

Honduras is known for its model policies and laws. It has signed and reformed its laws to comply with almost all existing international conventions and treaties related to child protection. Unfortunately, policies are not put into

1 No one at the adoption or statistical departments of IHNFA could explain to me the 10 child discrepancy in reports.



*The entrance to El Carmen, the boy's juvenile detention center in San Pedro.*

practice. Screening and paperwork in child protection procedures is part of these policies. IHNFA's website boasts fancy flowcharts and has many formats for documenting intake, treatment and referrals. In reality, statistics are inconsistent, job positions are vacant and kids remain unstable.

With adoptions and substitute families failing to meet the demand of at-risk kids, the majority of children in the welfare system remain at public shelters, known as protection centers. Statistics show that the protection centers are failing and rely on detention centers to mask their failure as a delinquency problem. While IHNFA administers the detention centers, delinquency cases are officially part of the penal system. According to September 2005 data, the last published available, IHNFA processed 8,373 at-risk kids on the protection side and 6,514 youth on the delinquency side. Considering the protection side deals with kids from 0-18 and delinquency only from 12-18, the relative number of kids on the delinquency side is astonishingly high.

On any given day, the penal system works with only a few less kids than the protection system. Based on my visits to the state protection centers in May of this year, the total population of children was 353. Adding 52 children in foster families and six adoptions bring the total to 411 kids processed under state protection. During the same month, 366 cases were active in the juvenile justice system. 241 kids were in detention. Twenty-three girls in Sagrado Corazon, 211 boys split among Renaciendo (84),

Jalteva (23), and El Carmen (104). The court system followed 125 more with alternative sentences such as probation and community service.

Originally I assumed there would be more protection shelters for at-risk kids than juvenile prisons, thinking the demand was greater for helping kids in need of protection than punishing kids accused of crimes. To my dismay, I discovered the same number of juvenile detention centers as at-risk shelters in Honduras. The state operates four protection centers, two in San Pedro and two in Tegucigalpa. Alongside this are four detention centers: two in Tamara, about 30 minutes outside Tegucigalpa, one in Cedros, about two hours outside Tegucigalpa and one in San Pedro.

In May I tagged along with the juvenile public defenders who were visiting clients at El Carmen, the detention center in San Pedro. A newspaper had reported that El Carmen only had two guards, which allowed increased escapes last year and only landed the kids in more problems. I expected the prison would be another example of unsanitary conditions, punishment cells and unsupervised kids like Renaciendo (see CK-1).

El Carmen's remote location made it easy for kids to lose touch with family. The only bus that families could take to visit the boys left them on a dirt road over a mile away from the center. Once inside, the structure was intimidating, with high walls providing the only security as no police or guards were visible. I saw the evidence sup-



porting the newspaper article adding up already. I could only imagine the kids' living conditions.

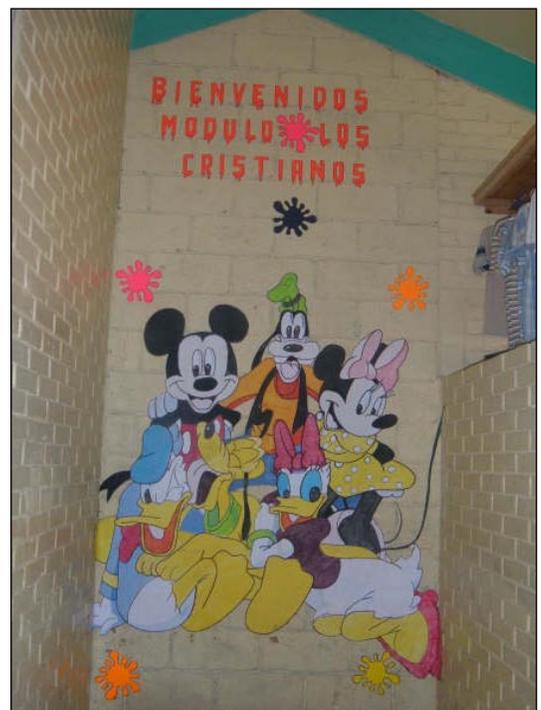
What we discovered inside and talking to the boys was a complete surprise. The boys were divided among seven different units. Inside, each unit was completely open with four concrete beds and thick mattresses furnishing each separate sleeping area. All the boys' belongings, from clothes to CDs, were organized neatly on the built-in shelves (unheard of at Renaciendo given the high propensity for thefts). The walls were freshly painted and instead of gang graffiti, the only artwork was brightly colored Disney characters. Despite our visit being unannounced, the halls were swept and the bathrooms smelled like bleach, versus the intense urine smell in some cells at Renaciendo.

Every boy I asked about activities there talked about his studies. Twenty-four of the 104 boys had scholarships to receive correspondence secondary classes. The education

coordinator diligently pursued all the other boys to attend primary school classes given by teachers at the center.

El Carmen was like a scrubbed and polished version of the other centers I visited. This center operates on a smaller budget and with fewer personnel, yet attends more boys than Renaciendo. The conditions and opportunities to study were better than those at the protection centers in Tegucigalpa. This discovery left me with the uncomfortable notion that these kids were better off in this prison than in a protection center. Of course, the inherent disadvantages of being in the penal system, such as acquiring a criminal record, being labeled delinquent and being exposed to violence outweigh that possibility. The point remains that the protection centers lacked the conditions and opportunities provided at El Carmen.

At-risk kids in Tegucigalpa are taken to the public shelters Casita Kennedy and Casita 21. Casita Kennedy is the protection center run by IHNFA for girls from in-



(above) A neatly organized room at El Carmen. (right) The boys serving sentences stay in the "Christians Unit."



*(left) The entrance to IHNFA's at-risk children's shelter, Casita Kennedy, housing approximately 80 children. (above) The unit that houses adolescent girls in Casita Kennedy. When I visited 33 girls were locked down in this unit.*

fancy to 18 and for boys up to 12 years old. Unlike private NGOs, IHNFA is legally obligated to provide protection to every child falling under the “at-risk” definition. If they reject a child they could incur legal action by human rights advocates. Even so, I have witnessed them trying to prevent certain “problematic” kids’ entry on more than one occasion.

This year, one case of misfit girls proved too problematic for the protection center, so the authorities sought relief within the penal system. In the 45 minutes it took to transfer the girls in two police paddy wagons from the protection center to the detention center, they graduated from “at-risk” to “delinquent.”

Sagrado Corazón, the female juvenile detention center doubled its population in May when Casita Kennedy transferred ten girls for burning mattresses in their unit. These incidents, while appearing to be delinquent acts, are really the result of poor supervision and few activities. Educators require better training and often lack the will to adequately care for the kids. As a consequence, the kids spend long hours bored and in closed quarters. In this context, a kid’s natural adolescent rowdiness turns into desperation and pranks become criminal acts.

Casita Kennedy’s director is demanding that each girl pay 4,000 Lempiras (U.S.\$200) for the damage done. Since all the kids at Casita Kennedy meet the legal criteria for being at-risk—abandoned, orphaned, and abused just to name a few of their circumstances—this begged the question of how the state expected the girls to pay for the damage. The director insisted that the girls committed a criminal act therefore they had to pay. Now the girls are paying the price for their adolescence and a system’s failure to protect their needs with their freedom.

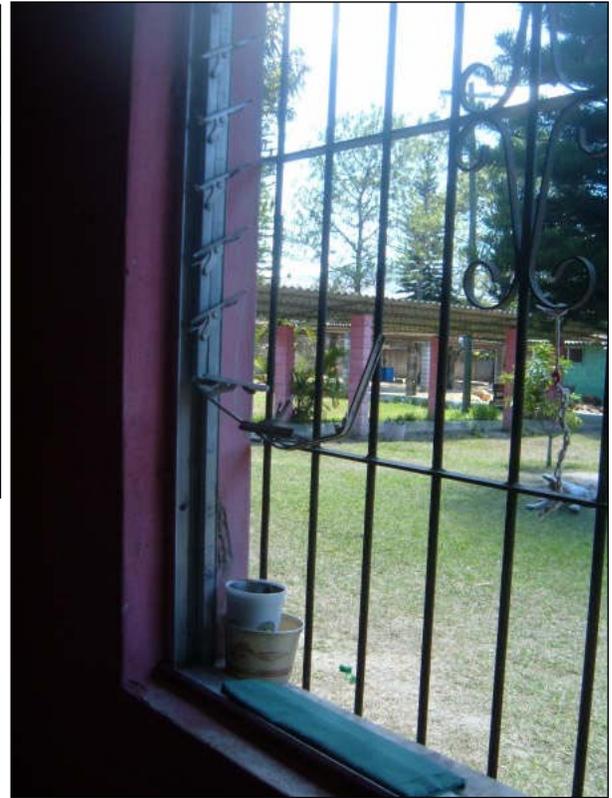
A similar example took place in 2008. Five girls were transferred from Casita Kennedy to Sagrado Corazón for shoving an educator. Starting at 13 years old and about

four-and-a-half-feet tall, the protection system secured these girls their new “delinquent” status. They were each sentenced to a year in detention. Completing their sentence, two were sent to NGOs, and one was reintegrated back with her family. The last two were sent right back to Casita Kennedy, perpetuating a dysfunctional cycle of protection and punishment.

All these girls who were under state protection for being at-risk now have a rap-sheet. Somehow, in the process of being cared for as at-risk kids they turned into delinquents. The shelter not only failed to protect the girls from exposure to risks and becoming delinquents, it fostered their transfer into the penal system. Instead of reasonably managing the girl’s disobedience and rebelliousness, their natural behavior was used as a cause to send them to prison. There is no doubt, sending a kid to prison is the easy way out and tempting for a director who has her hands full. But it is wrong and leads to a vicious cycle that re-victimizes kids and continues to cost society money and safety.

Boys are also shifted irresponsibly between the protection and penal systems. Simplistically speaking, one expects the protection system to provide more care and comfort than the penal system, considering the punitive purpose of detention. I discovered few differences between the two. In fact, El Carmen provided better conditions and opportunities than the protection center.

Casita 21 is IHNFA’s protection center for boys 12 years and older. Melvin, who I first met at Renaciendo, was transferred from the juvenile detention center to Casita 21 last year. After greeting me with a handshake, he would always rest his head on my shoulder, innocently expressing his need for affection. His pouty bottom lip and buckteeth gave him endearing but slurred speech. He claimed to be 14 but since he had no birth certificate, or known family members, there was no way to confirm his age. The prison psychiatrist determined he was mentally



*(top,left) Kennedy room. I was denied permission to take pictures of the rooms, but was able to sneak a picture of the inside of the girl's rooms through a broken window. (left) Sagrado closet. A girl neatly arranges her belongings in the girl's juvenile detention center. Most girls have private rooms, with the exception of two pairs of sisters there who share a room. (above) Sagrado window. View from one of the girl's rooms in Sagrado Corazón.*

retarded and unfit for trial. Accused of stealing of two chickens, the other boys at the detention center branded him with the nickname "chicken."

I attempted unsuccessfully to find Melvin a private shelter. The centers that worked with disabled kids said he was not disabled enough to qualify while all other centers rejected him because of his disability. The public shelter was his only option.

After five months waiting in detention for transfer orders to arrive, Melvin was finally relocated to Casita 21. I visited him a month after the transfer. When Melvin saw me he began to cry. When I asked what was wrong, he responded, "Here I am, still in prison." Since the facility itself was physically smaller he felt more closed in than at the prison.

Scars on his face and neck revealed he was suffering similar torment at Casita 21 as he had at Renaciendo. Not only did the other boys hit him, once an educator struck him with a wooden pole as punishment for playing marbles. The educator was removed from Renaciendo after being charged with abuse. IHNFA's remedy was to transfer the educator to Casita 21 (only a few weeks be-

fore Melvin's transfer). The court ordered Melvin's release from detention because of his vulnerability due to his mental condition. Sadly he is equally subject to abuse in the protection center and is still waiting to be placed in a permanent living situation.

The girls' experiences transferring to the detention center and boys transferring back to the protection center confirm that the state simply does not have the means to properly care for kids. Remarkably, a few kids do manage to navigate the system and land on their feet, as Finlander illustrates. While his story illustrates the instability of kids even in private centers, he also represents the resilience of some kids who endure repeated system failures.

Like Melvin, Finlander was also transferred from Renaciendo to Casita 21. He has been under state care since he was a baby. According to IHNFA intake papers a woman dropped him off at Casita Kennedy claiming that he had been abandoned. Later investigation revealed that the woman was his mother. She stopped by to see him once more and then disappeared. Finlander's only recollection of her is from what the social worker told him.

Finlander grew up in various centers until a private

orphanage admitted him. During his childhood, the orphanage diagnosed him with a learning disability and removed him from school classes. "He can't learn," the social worker told me. (I suspect he is merely dyslexic.) Since then, he spent most of his time in the fields at the orphanage doing agricultural labor.

At 16, he and five other boys were sent to juvenile detention after stealing \$500 from the administration office. Two of the boys were reintegrated into their families, and the other three were accepted back at the orphanage after two months of pretrial detention. As a matter of setting a precedent against stealing, the social worker told me that they could not take all the boys back. So Finlander, who had been tagged as the leader of the group, was left to set the precedent.

Legally, a minor can only be detained for two months pretrial. Due to judge's vacations and case backlogs, Finlander's wait extended to seven months. He busied himself in detention by sweeping and mopping, stating that he didn't enjoy childish things like playing soccer. At trial, the judge considered Finlander's seven months awaiting trial sufficient punishment and ruled he was free to go. So where was he supposed to go?

While numerous organizations target at-risk youth, they are each characterized by a number of profile requirements, eligibility criteria and age limits. Some of the exclusive orphanages in the country are successful with kids going on to college and reintegrating into society. However, gaining entrance to these predominantly foreign-run orphanages is difficult. First, they require the paperwork for approval by IHNFA. Most restrict entrance to kids under 12 years old. They claim that the adaptation and re-education phase has passed for older kids, especially if they have spent time on the street or in detention, where they were "contaminated" by negative influences.

Since no preparations had been made for Finlander's release, I contacted another orphanage, which agreed to interview him. Finlander waited anxiously, asking every day when they would come. After a month, the director and social worker of the orphanage finally arrived and I



*(above) Casita 21. Tegucigalpa's shelter for at-risk boys over 12 years old. At the time of my visit in May there were 41 boys living here. (below) Melvin showed me where he sleeps. Ironically, both Melvin and Finlander preferred the juvenile detention center conditions.*



was able to sit in on the interview.

Finlander's response to one question in particular impressed me. The social worker asked him, "What do you expect from us?" Finlander answered, straightforward, that he did not understand the question. The social worker tried again, explaining that they had asked a lot of questions about him but wanted to know if there were things that he wanted from them. "Good advice, education," he said bluntly. He paused a moment, thinking further into the question. "Love." With the most serious and sincere



*Finlander, in front and beaming a smile, receives a visit from detention center staff at Casa Alianza.*

face he expounded, "That's the reason I haven't been able to do well in my studies, because I never had anyone who supported me or loved me." The three of us sat in silence reflecting on his candor and our guilt for exposing the most basic and vulnerable need of this 16-year-old.

During the next month we negotiated a one-day pass for Finlander to visit the orphanage campus as the second phase of the interview process. Because he was being illegally detained at Renaciendo, the court had to approve his re-entry after the interview, since he had no other place to go. Finlander beamed after seeing the campus as it reminded him of the other orphanage where he grew up. Every week thereafter he anxiously awaited an answer, excited about the possibility of leaving the detention center. After another month, he got his answer.

Denied. He had been rejected by the board of directors. I called the orphanage's social worker to find out what happened and why they had teased him with the prospects of a future there only to reject him. Over the phone she noticeably stumbled over her words and apologetically explained that there had been some recent thefts at the orphanage and they did not want to take the risk given Finlander's past, especially after he spent so long under the negative influences of detention. The social worker at the detention center and I finagled an explanation to Finlander that they could not accommodate another boy his age. (Even though the orphanage cares for over 430 kids).

Finlander asked for one favor, to call and thank the orphanage social worker for giving him a chance.

When the news that he was not accepted at the new orphanage reached IHNFA's main office he was transferred to Casita 21, about the same time as Melvin. His question to me when I visited was why they had sent them there? He said it was very ugly and that he felt imprisoned. He had grown accustomed to the detention center and felt more confined within the shelter's smaller facilities.

A few weeks later Finlander was transferred, once again, but this time to Casa Alianza. He enrolled in school and is learning to read and write. When he is not studying he spends most of the day in the kitchen helping the cooks who he refers to as mother. I have even caught him eyeing an occasional soccer game.

Every child requires a basic sense of security, love, and opportunity. Failing to meet these needs creates unnecessary child suffering at a large cost to society. Not only is improving the protection system in Honduras the moral thing to do, it is a practical solution to the social costs of delinquency. □

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