

## **Another child, another missed chance?**

**By TERRI LANGFORD Copyright 2009 Houston Chronicle**

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Melissa Phillip Chronicle

The mobile home is gone, and so is little Amber Maccurdy, who spent a short but torturous life at 3135 Conrad Lane in the Western Pines Mobile Home Community in Katy.

All that marks Amber Maccurdy's short 66 days on earth is a vacant space for the mobile home where the 2-month-old baby once lived and later died an excruciating death.

By the time paramedics arrived on April 9 to her grandmother's Katy mobile home, the infant had a large gaping abscess on the right side of her chest, the result of a brutal, untreated staph infection. Autopsy results would later find she had broken ribs and a fractured arm, compromising her immune system even more.

Amber's parents — Hobert Maccurdy and Melissa Menkes — along with maternal grandmother Linda Menkes, have been charged, accused of failing to seek medical attention leading to Amber's death. They didn't seek medical care, her mother told authorities, because she was afraid Texas Child Protective Services would take Amber and her two brothers away from them.

After all, CPS investigators had been called to the mobile home a total of four times since 2003, including one time nearly a month before Amber died.

But not once were Amber or her brothers taken from the home, despite several warning signs.

Not in 2003, when her oldest brother, then 3, wandered away from the home and was found with a soiled diaper standing on a median in the middle of a four-lane road.

Not in 2006, when a caseworker was called to the home after it was reported the same boy exhibited signs of poor physical hygiene and his mother could not be located.

Not in 2007, when another of Amber's brothers, then 1 month old, had a fracture to his right arm.

And definitely not in March, when a caseworker came to check a report that Amber's oldest brother, now 9, had been hit with an open fist. All the children were fine, the caseworker reported back to her superiors, according to CPS officials. The caseworker noted she saw no "marks or bruises" on Amber.

But the caseworker never examined Amber. The mother refused to let the caseworker see her closely, a fact confirmed by Patrick Crimmins, CPS spokesman in Austin.

"The mother only allowed the caseworker to examine Amber while holding her, so the worker saw the child's face, arms and legs," Crimmins said. "To the worker, Amber did not appear to be in any distress and did not appear to be injured or harmed in any way."

### **'We ... are human'**

He had no immediate answer as to why the caseworker seemed to violate policy by allowing the mother to prevent her from examining the child. "If an examination cannot be conducted because the parent, caretaker, or child objects ... The caseworker discusses with a supervisor or (CPS) attorney any questions or concerns about: the need to obtain a court order; and the authority to take photographs under these circumstances," the agency's policy reads.

"What I will tell you is that the job of a CPS investigator is one of the toughest imaginable. What those workers are required to do, and trained to do, is described as "risk assessment," but what it really entails is the ability to predict human behavior. We are imperfect at that because we, ourselves, are human," Crimmins said.

Luci Davidson, attorney for Melissa Menkes, would say only that she will "zealously represent my client and present the evidence as we see the evidence should be presented. I don't have any comment on what CPS says to the press."

Menkes, who wrote the court, denied she had anything to do with her daughter's death.

"I'm not guilty of hurting my child," Melissa Menkes said in a letter she dictated on May 31 while in the Harris County Jail and sent to State District Judge Jim Wallace. "If I would have know (sic) she was sick I would have taken her to the doctor right away."

### **Another tragedy**

Amber's death came just two months before another child known to CPS died after caseworkers may have failed to look at the sum of the factors pointing to trouble.

Four-year-old Emma Thompson of Spring died June 27 in an emergency room with 80 bruises covering her body, a skull fracture and signs of sexual abuse.

A few weeks before her death, CPS was notified the little girl tested positive for genital herpes, but the caseworker decided against removing her because no other possible signs of sexual abuse could be found.

Both Emma's mother and the mother's boyfriend have been charged in the injuries that caused her death: severe abdominal trauma.

“It's unfortunate, any way you look at it,” said Robert R. Scott, attorney for Hobert Maccurdy, Amber's father. “He's not guilty of this.”

An internal review is under way in Amber's case, Crimmins said, in response to questions from the Houston Chronicle about it.

“The Legislature has been more than generous with CPS in terms of resources, including money, employees and innovative tools such as special investigators,” Crimmins said. “CPS will continue to make the best possible use of those resources while constantly seeking to improve its own performance.”

*[terri.langford@chron.com](mailto:terri.langford@chron.com)*