

Grand jury report critical of CPS

By MARTHA MENDOZA
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SANTA CRUZ — The death of a homeless baby last year was a "terrible and preventable" thing, but there is not enough evidence to prosecute the mother, the District Attorney's Office said Wednesday.

"It's frustrating," said Assistant District Attorney Kate Canlis. "There was a clearly a flaw in the process somewhere that wouldn't be solved by criminal prosecution."

The District Attorney's decision was announced in conjunction with the release of a county grand jury report that strongly criticized the way the Santa Cruz County Child Protective Services agency handled the case.

An earlier state department of Child Welfare Services investigation found that CPS handled the case appropriately, keeping in touch with the mother and

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medical providers. CPS officials said Wednesday they were standing by the state exoneration, and questioned the the grand jury's recommendations.

Baby "Cricket" Rubin died Sept. 29, 1993, in his mother's bed at a residential motel in Santa Cruz. He was one month old. Dr. Richard Mason, the county's forensic pathologist, said the baby died of pulmonary hemorrhage — his lungs filled with blood. Mason said malnutrition, prematurity and the baby's failure to

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Growing pains hamper CHC, report says

By ROBIN MUSITELLI
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SANTA CRUZ — Problems encountered by the Santa Cruz Community Housing Corp. in recent projects are a direct result of poor management of finance and construction, according to a report by the Santa Cruz County grand jury.

But an investigation into the finances of the Community

Housing Corp. and Santa Cruz found no evidence that money was misappropriated or that administrative costs were too high, the grand jurors concluded.

Grand jurors investigated a complaint that the city, which subsidizes CHC low-income housing projects and administrative costs, and the CHC have a financially conspiratorial relationship.

The jurors found no merit to that allegation, but said that, like many new organizations, the CHC has experienced growing pains.

"Closer supervision by the CHC and quicker action could have saved considerable time and money," the grand jury found.

Jurors recommended that San-

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thrive contributed to the death.

Three weeks before the infant died, doctors and nurses at Dominican Hospital had warned social workers at Child Protective Services to not release him to his mother, Lynn Marie Rubin. The infant and his mother had been brought to the hospital by two concerned women who found them in a park on the west side of Santa Cruz.

At the hospital, nurses and doctors said Rubin was refusing to keep her baby warm, and that she refused to give him nutritional supplements or vitamin K. Investigators say that once she and the baby were released from the hospital, Rubin violated conditions set by her social worker — she didn't attend parenting classes, she missed scheduled doctor's appointments and she didn't follow prescribed medical treatment.

The vitamin K became a crucial issue after the baby died, because that nutrient helps prevent pulmonary hemorrhages. But Canlis said Wednesday that doctors had strongly suggested, but never ordered, Rubin to give her baby vitamin K. Also, a nationally recognized expert on infant lung problems said a vitamin K shot could not have guaranteed the baby's survival, although it would have increased his chances.

"When it came down to proveable facts, we just didn't have it," said Canlis.

In addition, CPS workers testified that Rubin was taking good care of the baby, and that Dominican Hospital staff were critical of Rubin because she didn't trust Western medicine.

A county grand jury report re-

leased Wednesday says it is unclear whether the baby's death was preventable, but it is obvious the baby wasn't given the best chance to survive. The grand jury recommends changes at Child Protective Services to make sure this doesn't happen again, including:

- Teaching hospital staff when they can kick people out who are interfering with a patient's treatment;

- Increasing the amount of contact social workers have with babies if they are in fragile health; and,

- Setting clear guidelines for when social workers must defer to medical professionals.

Gail Groves, a spokeswoman for CPS, says the agency has already implemented some of the recommendations to improve communication between social workers and hospital staff.

However, in a press release, CPS administrators say the grand jury recommendation — that a child's health and welfare should take precedence over efforts to keep the child and mother together — may contradict state child welfare laws.

"It may be that the thrust of the grand jury's sentiment is inconsistent with state laws and regulations, said the release.

Superior Court Judge Bill Kelsay, the county's juvenile court judge, said the issue is "far more complex than black and white."

Kelsay said that under state child welfare laws, CPS indeed has an obligation to acknowledge rights of the parents.